



PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: July 29, 2020

FILE NO.: LLA-20-03

REQUEST: Property Line Adjustment (LLA) between two legal lots at 2528 Lancaster Street.

PLANNER: Chris Myers, Associate Planner

DSW Planning Manager

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GENERAL INFORMATION

OWNER/

APPLICANT: Frank Hartner
14590 SE Megan Way
Clackamas, OR. 97015

SITE LOCATION: 2528 Lancaster Street 2528 Lancaster Street
Lot 2, Block 13, Windsor Plat Lot 1, Block 13, Windsor Plat

SITE SIZE CURRENT: 5001 sq. ft. 5001 sq. ft.

SITE SIZE PROPOSED: 5001 sq. ft. 5001 sq. ft.

LEGAL

DESCRIPTION: 21E36AB06400 21E36AB06401
Lot 2, Block 13, Windsor Plat Lot 1, Block 13, Windsor Plat

COMP PLAN

DESIGNATION: Medium Density Residential Medium Density Residential

ZONING: R-5 R-5

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 13 Single-family residential detached and attached/duplex, R-5; Chapter 85 Land Division.

120-DAY RULE: The application became complete on July 16, 2020. The 120-day period therefore ends on November 13, 2020.

PROJECT BACKGROUND

The applicant proposes to adjust the shared property line between the existing lots of record (Lots 1 and 2, Block 13, Windsor Plat) located at 2528 Lancaster Street.

Lot 2 contains an existing single-family detached home. The existing home is not in conformity with applicable zoning code as it crosses the current shared property line between the two parcels. Lot 1 is an undeveloped corner lot. The proposed lot line adjustment will allow for the current structure to be solely within the bounds of Lot 2, thus enabling the property owner to develop or sell Lot 1 at some point in the future. This lot line adjustment will be a square footage exchange wherein both properties remain the same size but the shared property line is adjusted.

No additional lots are being created by the lot line adjustment. The adjustment meets the standards of the land division chapter and the dimensional standards and other provisions of the underlying R-5 zone.

	Before Adjustment	After Adjustment
2528 Lancaster Street (Lot 2, Block 13, Windsor Plat)	5001	5001
2528 Lancaster Street (Lot 1, Block 13, Windsor Plat)	5001	5001

DECISION

The Planning Manager (designee) approves this application (LLA-20-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference; 2) supplementary staff findings included in the Addendum; and, 3) by the conditions of approval below:

Conditions of Approval

1. The applicant shall file, with the county clerk, conveyances conforming the approved property line adjustment as surveyed in accordance with ORS 92.060(7) and any documents required by the county surveyor (such as an overplat).
2. The final property line adjustment map (or if applicable plat) showing the survey of the adjusted line(s) shall conform to the submittal dated May 19, 2020, with the addition of an eight-foot public utility easement shown along the Lancaster and Norfolk Street frontages.

Chris Myers

Chris Myers, Associate Planner

July 29, 2020

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 29th day of July 2020.

Therefore, the 14-day appeal period ends at 5 p.m., on August 12, 2020.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
LLA-20-03

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

I. Chapter 13 Single-Family Residential Detached and Attached/Duplex, R-5

13.030 Permitted Uses

1. Single-family detached residential unit.

(...)

Staff Finding 1: Adjusted Lot 2 contains an existing, detached single-family home. Adjusted Lot 1 is vacant with the opportunity for one detached or duplex home to be constructed. The criteria are met.

13.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

A. The minimum lot size shall be:

- 1. For a single-family detached unit, 5000 square feet.*
- 2. For each attached single-family unit, 4500 square feet. No yard shall be required between units.*

Staff Finding 2: Adjusted Lot 2 will remain 5000 square feet with a single-family detached structure and Adjusted Lot 1 will remain 5000 square feet and is currently vacant. The criteria are met.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

Staff Finding 3: Adjusted Lot 2 will have a front lot line width, along Lancaster Street, of 54.34 feet. Adjusted Lot 1 will have a front lot line width, along Lancaster Street, of 45.70. The criteria are met.

3. The average minimum lot width shall be 50 feet.

Staff Finding 4: Adjusted Lot 2 will have an average lot width of 50 ft. Adjusted Lot 1 will have an average lot width of approximately 50 feet. The criteria are met.

5. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
- b. For an interior side yard, seven and one-half feet.
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

Staff Finding 5: Adjusted Lot 2 contains an existing, non-conforming single-family home. The proposed property line adjustment will not increase the non-conformity. Adjusted Lot 1 is currently vacant and undeveloped, setbacks will be checked for compliance during the building permit application process. The criteria are met.

6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
7. The maximum lot coverage shall be 35 percent.
8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.
9. The maximum floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.
10. The sidewall provisions of Chapter 43 CDC shall apply.

Staff Finding 6: Adjusted Lot 2 contains an existing single-family detached home with no proposed adjustments to current lot coverage or FAR. No changes are proposed to the current access, building height or sidewalls. Adjusted Lot 1 is currently vacant and building height, lot coverage, floor-area-ratio, and sidewall provisions will be checked for compliance during the building permit application process. The criteria are met.

III. Chapter 85 General Provisions

85.210 Property Line Adjustments – Approval Standards

- A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:
 1. An additional lot or parcel shall not be created by the line adjustment.

Staff Finding 7: The proposal adjusts the common property line between two existing lots of record. No additional lots are proposed to be created. The criteria are met.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.

Staff Finding 8: Adjusted Lot 2 will remain at 5001 square feet. Adjusted Lot 1 will also remain at 5001 square feet. Both lots are located in the R-5 zone, which requires 5000 square foot minimum lot size. The property line adjustment does not enlarge, increase, or extend the non-conformity of Adjusted Lot 2. The criteria are met.

3. *Property line adjustments shall be either:*

- a. *A straight line (see Figure 1 example);*
- b. *A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or*
- c. *A maximum of three turns less than 45 degrees (see Figure 3 example).*

(The following figures are only intended as examples.)

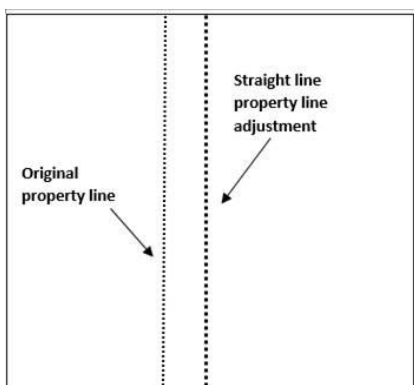


Figure 1.

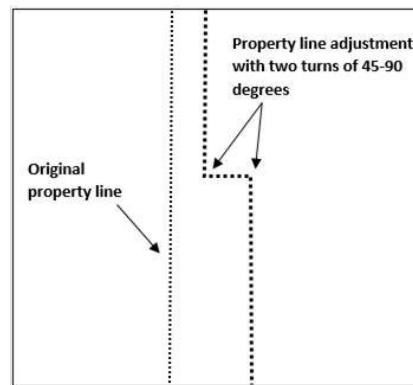


Figure 2.

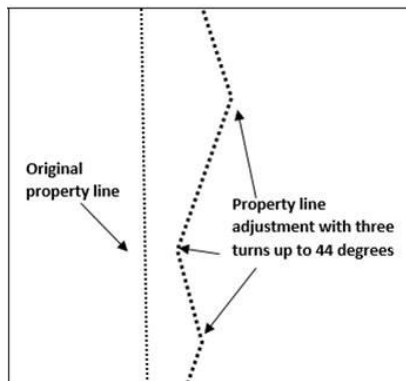


Figure 3.

Staff Finding 9: The proposal adjusts the common property line between two existing lots of record with two turns of 45-90 degrees (see Figure 2). The criteria are met.

4. *The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.*

Staff Finding 10: Adjusted Lot 2 contains an existing single-family home that meets site development regulations and Adjusted Lot 1 is currently vacant. Applicable site development regulations will be checked in the building permit process. The criteria are met.

5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant.

Staff Finding 11: The proposal does not adversely affect any existing easements or utilities. The applicant will record new eight-foot public utility easements along the frontages of Lancaster and Norfolk Streets per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).

Staff Finding 12: The proposal meets all standards for a property line adjustment and does not require a variance. Please see Staff Findings 7 to 11. The criteria are met.

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to property line adjustments.

Staff Finding 13: The applicant understands the process and right to appeal the decision. The provisions of CDC section 85.070 "ADMINISTRATION AND APPROVAL PROCESS" are satisfied by this application and by the applicant's provided proof of ownership (see Exhibit PD-1) for the two lots of record subject to the proposal. The application is being processed in agreement with the provisions of CDC Chapter 99. The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT <i>CAROL MYERS</i>	PROJECT NO(S) <i>LLA-20-03</i>
NON-REFUNDABLE FEE(S) <i>\$1000</i>	REFUNDABLE DEPOSIT(S) TOTAL <i>\$1000</i>

Type of Review (Please check all that apply):

- | | | |
|---------------------------------------|--|---|
| Annexation (ANN) | Historic Review | Subdivision (SUB) |
| Appeal and Review (AP) * | Legislative Plan or Change | Temporary Uses * |
| Conditional Use (CUP) | Lot Line Adjustment (LLA) */** | Time Extension * |
| Design Review (DR) | Minor Partition (MIP) (Preliminary Plat or Plan) | Variance (VAR) |
| Easement Vacation | Non-Conforming Lots, Uses & Structures | Water Resource Area Protection/Single Lot (WAP) |
| Extraterritorial Ext. of Utilities | Planned Unit Development (PUD) | Water Resource Area Protection/Wetland (WAP) |
| Final Plat or Plan (FP) | Pre-Application Conference (PA) */** | Willamette & Tualatin River Greenway (WRG) |
| Flood Management Area | Street Vacation | Zone Change |
| Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>2578 CANCASTER WEST LINN 97068</i>	Assessor's Map No.: <i>21E36AB</i>
	Tax Lot(s): <i>6400</i>
	Total Land Area: <i>10,002</i>

Brief Description of Proposal:

LOT LINE ADJUSTMENT



Applicant Name: <i>FRANK HARTNER</i>	Phone: <i>503-505-0269</i>
Address: <i>14590 SE MEGAN WAY</i>	Email:
City State Zip: <i>CLACKAMAS ORE 97015</i>	<i>FRANK.HARTNER@CANCASTER.ORE.USA</i>
Owner Name (required): <i>SHATTUCK PROPERTIES II</i>	Phone:
Address: <i>14590 SE MEGAN WAY</i>	Email:
City State Zip: <i>CLACKAMAS ORE - 97015</i>	
Consultant Name: <i>STEVE BUCKLES</i>	Phone: <i>503-408-1507</i>
Address: <i>18730 SE STARK ST.</i>	Email: <i>WWW.REPPEO SURVEYING.COM</i>
City State Zip: <i>PORTLAND ORE 97233</i>	

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

	6-19-2020		6-19-2020
Applicant's signature	Date	Owner's signature (required)	Date

2528 Lancaster lot line application

Per Community Development Code [Chapter 85.210](#)

1. An additional lot or parcel shall not be created by the property line adjustment.
No additional lots have been created as a result of this lot line adjustment application. Two lots of record are pre-existing.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure. **The size of either lot is unaffected. The adjustment transfers equal square footage from one lot to the other maintaining a minimum of 5000 sf per lot.**

3. Property line adjustments shall be either:
 - c. A maximum of three turns less than 45 degrees (see Figure 3 example).

New lot line follow guideline C. See proposed line as prepared by surveyor.

4. The property line adjustment shall not create a lot or parcel that violates applicable site development regulations. **Parcels are in compliance.**

5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant. **Proposed lot line adjustment will not affect any existing easements or utilities.**

With the above criteria Items 6 and 7 of CDC Chapter 85.210 are assumed not applicable.

PROPOSED PROPERTY LINE ADJUSTMENT EXISTING CONDITIONS SURVEY

LOTS 1 AND 2, BLOCK 13, WINDSOR, SITUATED IN
THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP
2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CITY OF WESTLINN, CLACKAMAS COUNTY, OREGON
FOR: FRANK HARTNER

AREA TABLE:
LOT 1 BEFORE ADJUSTMENT 5,001 SF
AFTER ADJUSTMENT 5,001 SF
EXCHANGE TRACT 205 SF

LOT 2 BEFORE ADJUSTMENT 5,001 SF
AFTER ADJUSTMENT 5,001 SF
EXCHANGE TRACT 205 SF

NOTES

- BOUNDARY AND BASIS OF BEARINGS FOR THIS SURVEY ARE FROM FOUND MONUMENTS OF RECORD AND THE PLAT OF SURVEY, CLACKAMAS COUNTY PLAT RECORDS.
- THERE ARE NO ELEVATIONS OR TREES SHOWN ON THIS MAP.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. ALL UNDERGROUND UTILITY LINES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
- THIS MAP AND SURVEY IT IS BASED ON ARE REPRESENTATIVE OF THE CONDITIONS FOUND ON THE GROUND ON MAY 13, 2020, THE DATE THE FIELD WORK WAS COMPLETED.
- THERE ARE NO RECORD EASEMENTS, IF ANY, SHOWN ON THIS MAP. THE DEED OF THE SUBJECT PROPERTY DOES NOT DISCLOSE ANY RECORD EASEMENTS IN EXHIBIT A.
- ZONING OF THE SUBJECT PROPERTY IS R5, RESIDENTIAL 5,000.
- THE OWNERSHIP OF THE 6' HIGH WOOD FENCE ALONG THE WEST AND SOUTH LINES OF LOT 2 WAS NOT DETERMINED.
- THE RAIN GUTTER DOWNSPOUTS DRAIN INTO AN UNDERGROUND STORM SYSTEM WITH THE DIRECTION AND OUTFALL NOT DETERMINED.
- THE LOCATION OF THE SANITARY SERVICE LATERAL TO THE EXISTING HOUSE COULD NOT BE DETERMINED.

LEGEND

- = MONUMENT FOUND AS NOTED.
- BL = CONCRETE FOUNDATION LINE
- C.C.D.R. = CLACKAMAS COUNTY DEED RECORDS
- DOC NO. = DEED DOCUMENT NUMBER (XXXX-XXXX)
- EP = EDGE OF ROAD PAVEMENT
- FH = FIRE HYDRANT
- GM = GAS METER
- G = GAS LINE
- IP = IRON PIPE
- IR = IRON ROD
- NPL = NEW PROPOSED PROPERTY LINE
- OU = ORIGIN UNKNOWN
- OPL = OLD PROPERTY LINE
- P = PLAT OF WINDSOR
- PL = PROPERTY LINE
- R1 = SN 16157
- R2 = SN 24272
- R3 = SN 9415
- R/W LINE = ROAD RIGHT OF WAY LINE
- SF = SQUARE FEET
- T = UNDERGROUND TELEPHONE LINE
- TR = TELEPHONE RISER
- UP = UTILITY POLE
- WM = WATER METER
- WF = WOOD FENCE
- WV = WATER VALVE
- () = RECORD INFORMATION
- SN = SURVEY RECORD NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steve Buckles
OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

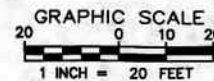
RENEWAL DATE: 12/31/21

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

Plaza 125, Building G
12730 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
www.reppetosurveying.com

DATE: MAY 19, 2020 FILE: H20019.DWG

DRAWN BY: RL JOB NO. 20019



PD-2 COMPLETENESS LETTER



CITY OF
West Linn

July 16, 2020

Frank Hartner
14590 SE Megan Way
Clackamas, OR. 97015

SUBJECT: LLA-20-03 application to adjust property lines at 2528 Lancaster Street and the adjacent property to the east.

Dear Mr. Hartner:

You submitted this application on June 25, 2020. The Planning and Engineering Departments found all required information was submitted. The application has been deemed **complete**. The City now has 120 days to exhaust all local review. That period ends on November 13, 2020.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted. It signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

The Planning Manager's decision is pending. No notice is required per CDC 99.080 (E). Any appeals of the Planning Manager's decision will be heard by the City Council.

Please contact me at 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Chris Myers

Chris Myers
Associate Planner