



---

CITY OF  
**West Linn**

**PLANNING MANAGER DECISION**

DATE: October 17, 2022

FILE NO.: LLA-22-03

REQUEST: Property Line Adjustment (LLA) between 1296 12<sup>th</sup> Street and 18190 4<sup>th</sup> Ave

PLANNER: John Floyd, Associate Planner

---

*DSW*

Planning Manager

---

**TABLE OF CONTENTS**

GENERAL INFORMATION .....	2
PROJECT BACKGROUND .....	3
DECISION .....	4
ADDENDUM .....	5
EXHIBITS	
PD – 1 APPLICANT SUBMITTAL .....	9
PD – 2 TAX MAP .....	13
PD – 3 COMPLETENESS LETTER .....	15

## GENERAL INFORMATION

<b>OWNERS:</b>	Jody Carson 1296 12 <sup>th</sup> Street West Linn OR 97068	Nick & Whitney Harvick 1819 4 <sup>th</sup> Avenue West Linn OR 97068
<b>APPLICANT:</b>	Jody Carson 1296 12 <sup>th</sup> Street West Linn OR 97068	
<b>SITE LOCATION:</b>	1296 12 <sup>th</sup> Street and 1819 4 <sup>th</sup> Avenue	
<b>TAX LOT:</b>	31E028BD02800 & 2900	31E028BD02700
<b>PROPOSED LOT SIZE:</b>	13,567 Sq. Ft. (proposed)	20,388 Sq. Ft. (Proposed)
<b>COMP PLAN DESIGNATION:</b>	Low Density Residential	Low Density Residential
<b>ZONING:</b>	R-10	R-10
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC): <ul style="list-style-type: none"><li>• Chapter 11: Single-family residential detached</li><li>• Chapter 85: Land Division</li></ul>	
<b>120-DAY RULE:</b>	The application became complete on September 14, 2022. The 120-day period therefore ends on January 12, 2023.	

## PROJECT BACKGROUND

The applicant proposes to adjust the shared boundaries between two legal lots within the Willamette Neighborhood, resulting in the transfer of approximately 5,901 square feet from the Carson property to the Harvick property, as shown on the proposed map in PD-1. The affected properties are currently developed with single-family homes and zoned Residential, R-10.

Parcel 1 (Carson), gained its current form in 1994 through lot line adjustment LLA-94-09, recorded with Clackamas County as survey PS-26011. The legacy of the 1994 lot line adjustment can be seen in the two tax lots assigned to this single lot, with 2900 forming the original boundaries and 2800 encompassing the expanded area. The two lots were not combined by Clackamas County due to the way the deeds were recorded. The application proposes to reduce this parcel from 30,000 square feet to approximately 24,099 square feet in size.

Parcel 2 (Harvick), was created in its current form through a lot line adjustment in 1991, recorded with Clackamas County as survey PS-24534. The proposal would enlarge this parcel from approximately 14,487 square feet to 20,388 square feet.

Adjustment with a third parcel (1225 13th Street, Tax Lot 31E02BD02801) is also proposed on the map in the application, but is being processed separately under LLA-22-04. The applicant's intention is to record the two lot line adjustments simultaneously. City staff and the applicant's surveyor have confirmed the appropriateness of this action with the Clackamas County Surveyor.

All requirements of CDC Chapter 85.210 are met. No additional lots will be created, no easements are expected to be adversely impacted, and the reconfiguration of the properties will meet all dimensional requirements of the R-10 zone.

## DECISION

The Planning Manager (designee) approves this application (LLA-22-03), 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:

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 partition plat) showing the survey of the adjusted line between Proposed Parcel 1 and Parcel 2 shall substantially conform to the documents provided in Exhibit PD-1.



---

John Floyd, Associate Planner

October 17, 2022

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 17<sup>nd</sup> day of October, 2022.

Therefore, the 14-day appeal period ends at 4 p.m. on October 31, 2022.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**LLA-22-03**

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

*I. Chapter 11 Single-Family Residential Detached R-10*

*11.030 Permitted Uses*

*1. Single-family detached residential unit.*

*(...)*

**Staff Finding 1: The applicant proposal consists of two tracts with a single-family home on each. The adjustment does not change the use of the property. This standard is met.**

*11.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions*

*1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*

**Staff Finding 2: After the adjustment, both tracts will exceed the minimum lot size. This standard is 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: After the adjustment, both proposed parcels will substantially exceed the minimum front lot line requirement of 35 feet. The standard is met.**

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

**Staff Finding 4: After the adjustment, both lots will have lot widths well in excess of 50 feet. This standard is 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: Both of the proposed parcels have an existing single-family home and are located within the Willamette Historic District. Both will substantially exceed the minimum side and rear yard setbacks of 7.5 feet and 20 feet respectively. This standard is 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: No change in building height, access way widths, or sidewall provisions will occur. Based upon the survey provided, lot coverage for Parcel 1 is expected to be about 7% after the adjustment, and Parcel 2 about 11% after the adjustment. No data was provided for FAR, but it can be reasonably expected to be significantly under 0.45. Therefore, as adjusted both parcels are expected to be in compliance with these standards.**

## *II. 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 applicant proposes to adjust the shared boundary between Parcels 1 and 2 as described in PD-1. No additional lots are proposed to be created. The criteria is 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: As previously detailed in Staff Findings 1 through 6, the proposed adjustment will result in two tracts in conformance with minimum dimensional standards affected by the adjustment, and remove existing nonconformities on Tract 1. The criteria is 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.)

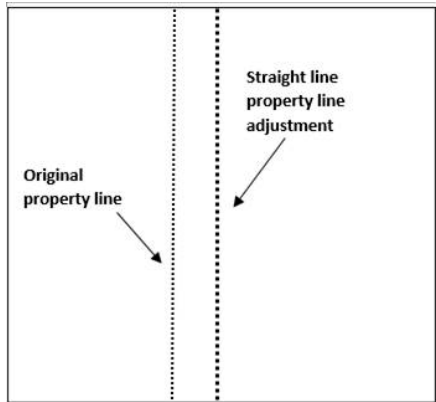


Figure 1

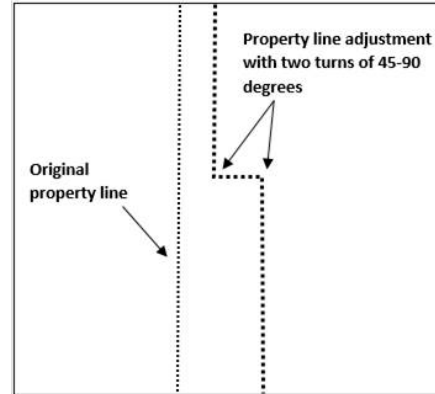


Figure 2

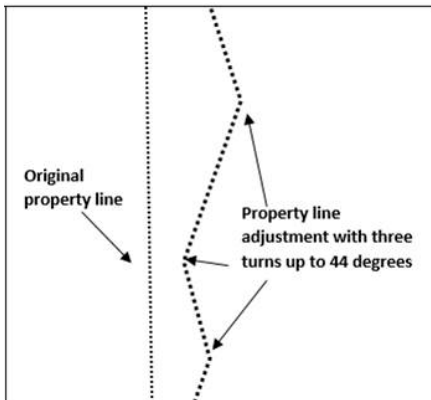


Figure 3

**Staff Finding 9:** The proposal adjusts the common property line through the use of a straight angle, perpendicular to the front lot line. The proposed location of the new property boundary will align with an existing rear property line to the south, rationalizing the parcel boundaries within this block. This criteria is met.

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

**Staff Finding 10:** As discussed in staff findings 5 and 6, both of the adjusted tracts will continue to meet site development regulations. The criteria is 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 public easements or utilities. This criteria does not apply.**

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

**Staff Finding 12: As detailed in the staff findings above, the proposal meets the standards for a property line adjustment and does not require a variance. The criteria is 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 (see Exhibit PD-1) for the 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 Floyd	PROJECT No.(s) LLA-22-03	PRE-APPLICATION No. n/a
NON-REFUNDABLE FEE(S) \$1,000	REFUNDABLE DEPOSIT(S)	TOTAL \$1,000

RECEIVED  
 LSCHRODER, 8/15/2022, 3:08:13 PM

**Type of Review (Please check all that apply):**

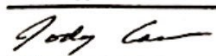
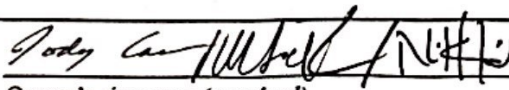
- |                                       |   |   |
|---------------------------------------|---|---|
| Annexation (ANX)                      | Historic Review   | Subdivision (SUB)                               |
| Appeal and Review (AP)                | Legislative Plan or Change                                    | Temporary Uses                                  |
| Conditional Use (CUP)                 | <input checked="" type="checkbox"/> 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.

<b>Site Location/Address:</b> 1296 12 <sup>TH</sup> STREET WEST LINN, OR	Assessor's Map No.:
	Tax Lot(s): TL 31E02BD 2900 & TL 31E02BD 02700
	Total Land Area:
<b>Brief Description of Proposal:</b> MOVE LOT LINE 43.14 FEET DECREASING PARCEL 1 -TL 31E02BD 2900 (SEE SURVEY) AND INCREASING PARCEL 2- TL 31E02BD 02700	
<b>Applicant Name:</b> JODY CARSON <b>Address:</b> 1296 12TH STREET <b>City State Zip:</b> WEST LINN OR 97068	<b>Phone:</b> 503 6570523 <b>Email:</b> jodycarson@comcast.net
<b>Owner Name (required):</b> JODY CARSON / NICK & WHITNEY HARVICK <b>Address:</b> 1296 12 <sup>TH</sup> STREET / 1819 4 <sup>TH</sup> AVE <b>City State Zip:</b> WEST LINN OR 97068	<b>Phone:</b> 503657-0523 & 503-269-4924 <b>Email:</b> jodycarson@comcast.net nickharvick@gmail.com
<b>Consultant Name:</b> <b>Address:</b> <b>City State Zip:</b>	<b>Phone:</b> <b>Email:</b>

- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
- The owner/applicant or their representative should be present at all public hearings.
- A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

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.

	8/4/2022		8/4/2022
Applicant's signature	Date	Owner's signature (required)	Date

This application is for a lot line adjustment to the property line between 1296<sup>th</sup> Street and 1819 4<sup>th</sup> Ave and has been negotiated between the two property owners. The intent is to increase 1819 4<sup>th</sup> Ave to 20,388 square feet and decrease 1296<sup>th</sup> Street by 5,901 square feet by moving the property line between the two properties 42.15 feet to the west. See attached survey.

## 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 property line adjustment.

The intent of the lot line adjustment is to increase the size of the lot at 1819 4<sup>th</sup> Street and decrease the size of the lot of 1296 12<sup>th</sup> Street.

This criteria is 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.

The both properties will be larger than the required 10,000 square feet in R-10 zone after the lot line adjustment. Neither lot is non-conforming.

This criteria is met.

3. Property line adjustments shall be either:

The lot line adjustment is a straight line.

This criteria is met.

- 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).

**PROPOSED PARTITION PLAT**









FOR: JODY CARSON

BEING PART OF PARCEL 1, PARTITION PLAT 1994-94, AND  
PART OF TRACT 31, "WILLAMETTE & TUALATIN TRACTS"  
IN THE NW 1/4 SEC. 2,  
T.3S., R.1E., W.M.  
CITY OF WEST LINN,  
CLACKAMAS COUNTY, OREGON  
JULY 14, 2022

TAX MAP 3S1E02BD

**NOTES**  
UTILITIES WERE LOCATED BY BOTH FIELD SURVEY AND CITY  
GIS MAP.

**LEGEND**

-  UTILITY POLE
-  POWER BOX
-  CLEANOUT
-  OVERHEAD UTILITY LINE
-  UNDERGROUND WATER LINE
-  FENCE LINE AS NOTED
-  DECIDUOUS TREE
-  EVERGREEN TREE

**Proposed land  
area to be  
transferred under  
LLA-22-03**

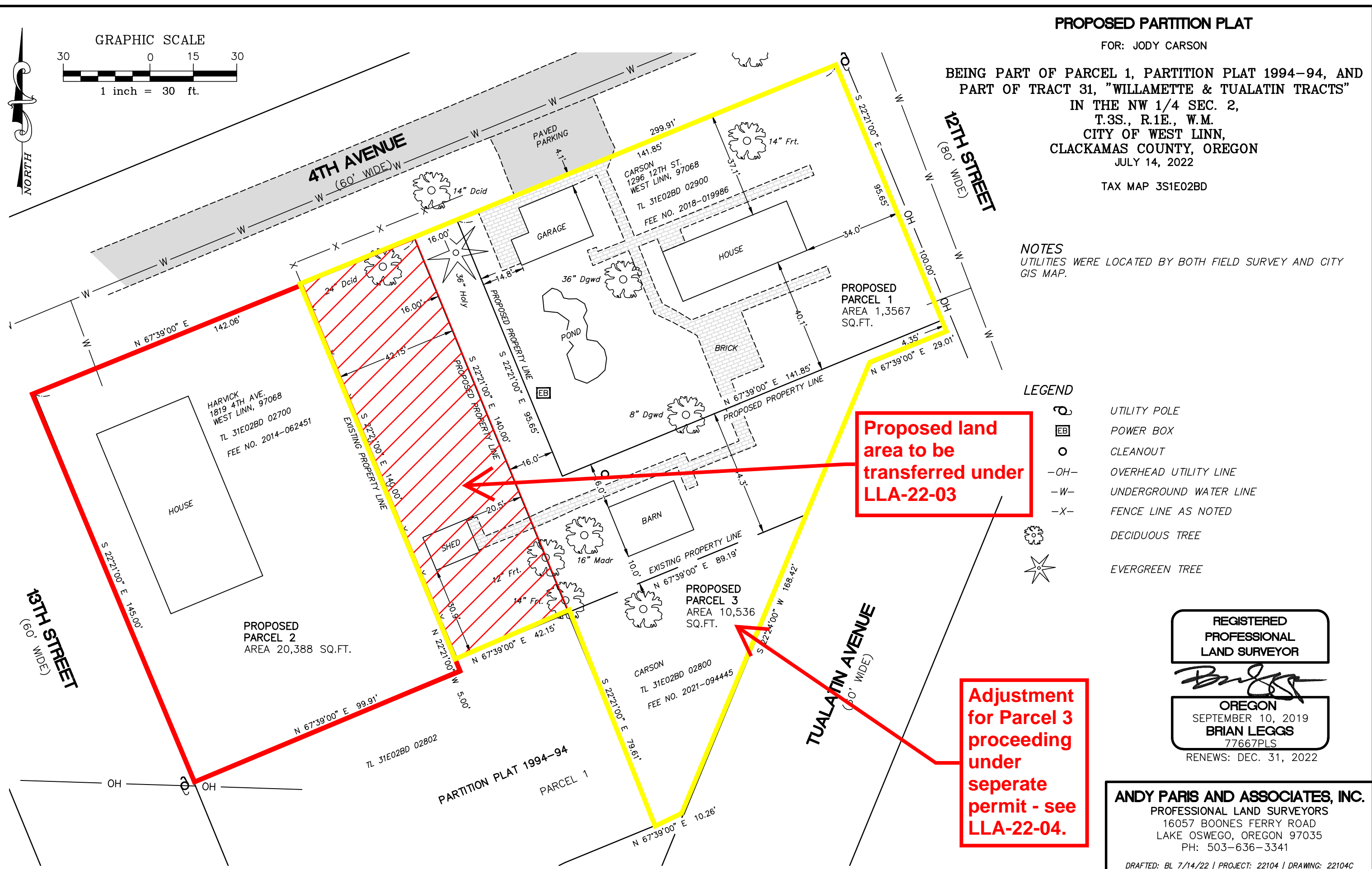
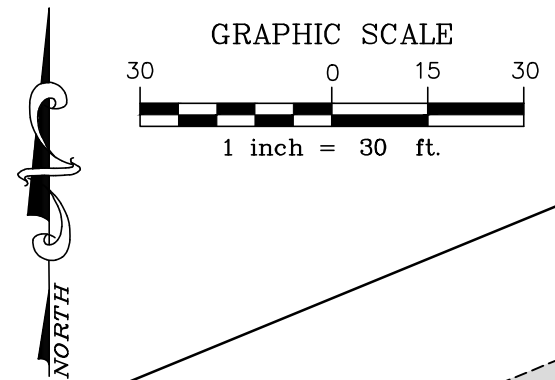
**Adjustment  
for Parcel 3  
proceeding  
under  
seperate  
permit - see  
LLA-22-04.**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

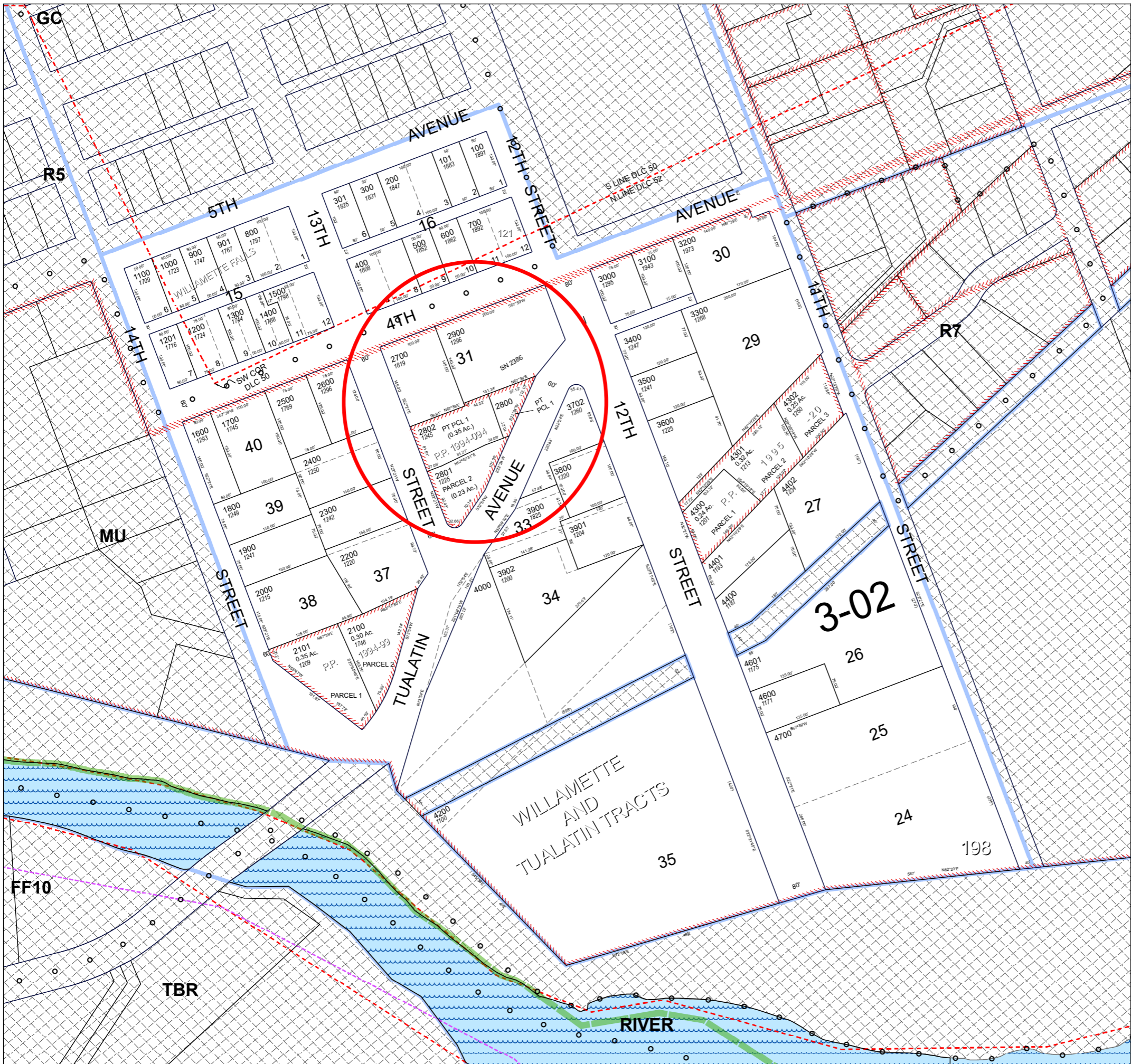
*Brian Leggs*  
OREGON  
SEPTEMBER 10, 2019  
BRIAN LEGGS  
77667PLS  
RENEW: DEC. 31, 2022

**ANDY PARIS AND ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS  
16057 BOONES FERRY ROAD  
LAKE OSWEGO, OREGON 97035  
PH: 503-636-3341

DRAFTED: BL 7/14/22 | PROJECT: 22104 | DRAWING: 22104C



## PD-2 TAX MAP

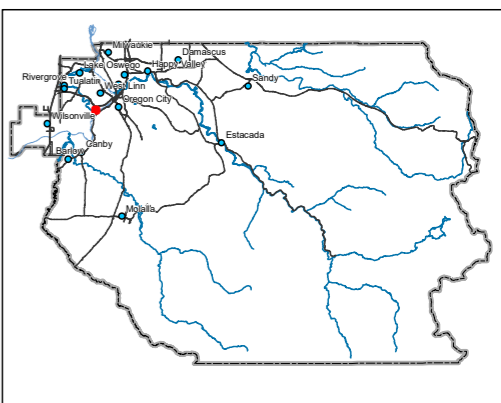


3 1 E 02BD  
 WEST LINN  
 S.E. 1/4 N.W. 1/4 SEC. 2 T. 3S. R. 1E. W.M.  
 CLACKAMAS COUNTY  
 1" = 100'

D. L. C.  
 MARSHALL PERRIN NO. 50  
 AMBROSE FIELDS NO. 52

Cancelled Taxlots  
 4100  
 4500  
 3701  
 3700  
 2803

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
 PURPOSES ONLY



9/14/2021

3 1 E 02BD  
 WEST LINN

## **PD-3 COMPLETENESS LETTER**



CITY OF  
**West Linn**

September 14, 2022

Jody Carson  
1296 12<sup>th</sup> Street  
West Linn, OR 97068

SUBJECT: LLA-22-03 application for a Lot Line Adjustment at 1296 12<sup>th</sup> St. and 1819 13<sup>th</sup> St.

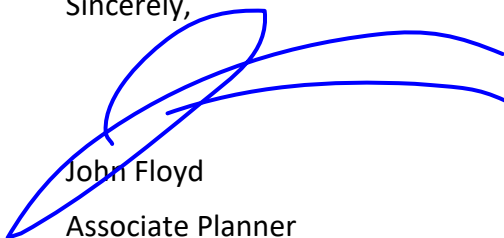
Dear Jody:

The city accepted this application for review on August 15, 2022. The Planning and Engineering Departments find this application to be **complete**. The city has 120 days to exhaust all local review; that period ends January 12, 2023.

Please be aware that 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 Manager to render a decision on your proposal.

Please contact me at 503-742-6058, or by email at [jfloyd@westlinnoregon.gov](mailto:jfloyd@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above the printed name and title.

John Floyd  
Associate Planner