



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: December 1, 2022

FILE NO.: LLA-22-04

REQUEST: Property Line Adjustment at 1296 12th St. and 1225 13th St.

PLANNER: John Floyd, Associate Planner

DSW Planning Manager

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GENERAL INFORMATION

OWNERS/ APPLICANT:

Jody Carson
1296 12th Street
West Linn, OR 97068

Clement Walsh & Laura Scott
1225 13th Street
West Linn, OR 97068

SITE LOCATION:

1296 12th Street

1225 13th Street

TAX LOT:

31E028BD02800 & 2900

31E028BD02801

PROPOSED LOT SIZE: 13,654 Sq. Ft. (proposed)

20,501 Sq. Ft. (Proposed)

COMP PLAN DESIGNATION:

Low Density Residential

Low Density Residential

ZONING:

R-10 with Historic District Overlay

R-10 with Historic District Overlay

APPROVAL CRITERIA:

Community Development Code (CDC):

- Chapter 11: Single-family residential detached
- Chapter 85: Land Division

120-DAY RULE:

The application became complete on November 22, 2022. The 120-day period therefore ends on March 22, 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 10,459 square feet from the Carson property to the Walsh/Scott 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 to approximately 13,654 square feet in size.

Parcel 2 (Walsh/Scott), was created in its current form through a minor partition in 1994, approved by the City under MIP-94-04 and recorded with Clackamas County as Plat PP1994-94. The proposal would enlarge this parcel from 10,005 square feet to approximately 20,501 square feet.

Adjustment with a third parcel (1919 4th Ave, Tax Lot 31E02BD02700) is also proposed on the map in the application, but was approved separately under LLA-22-03. 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-22-04), 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

December 1, 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 1st Day of December, 2022.

Therefore, the 14-day appeal period ends at 4 p.m. on December 15, 2022.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
LLA-22-04

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 parcels 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 parcels will exceed the minimum lot size of 10,000 square feet, as required in the R-10 zone. Specifically, the Carson parcel will be reduced to approximately 13,654 square feet, and the Walsh/Scott parcel increased to 20,501 square feet. 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. Specifically, the Carson parcel will decrease to 141.85 linear feet, and the Walsh/Scott parcel will remain unchanged at 92.63 linear feet. The standard is met.

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

Staff Finding 4: After the adjustment, both parcels will have lot widths well in excess of 50 feet. The Carson property will be reduced to approximately 142 feet, and the Walsh/Scott property will remain unchanged at approximately 93 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 the existing Carson property is located within the Willamette Historic District. The proposed realignment will not change the front yard or street-sideyard setbacks for either property. The proposed adjustment would result in the Carson parcel having a rear setback of approximately 41 feet (20 feet required), and a sideyard setback of approximately 61 feet (5 feet required). The adjusted Walsh/Scott property would have a new rear setback of approximately 230 feet (20 feet required), and a sideyard of 12.8 feet (7.5 feet required). 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 and FAR for Parcels 1 and 2 is expected to be substantially below the 0.35 and 0.45 maximum allowed in the R-10 zone. As adjusted the Carson property would have a lot coverage of approximately 0.10 and an FAR of 0.11. As adjusted the Walsh/Scott parcel would have a lot coverage of approximately 0.13 and an FAR of 0.11. 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 parcels in conformance with minimum dimensional standards affected by the adjustment. 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.)

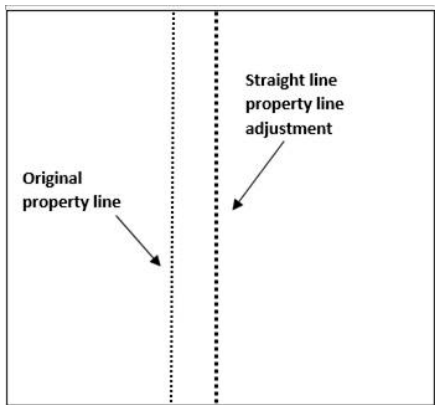


Figure 1

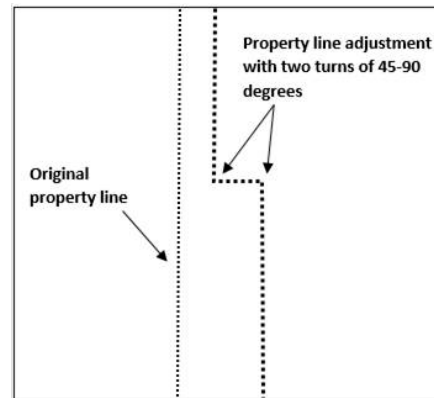


Figure 2

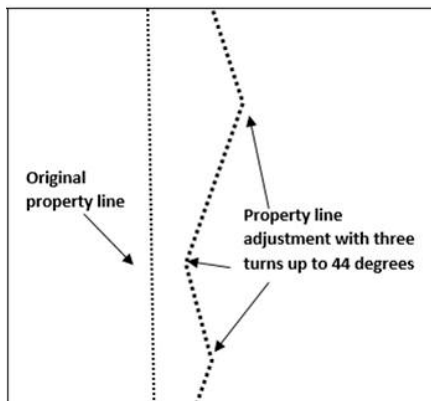


Figure 3

Staff Finding 9: The proposal adjusts two irregular shaped lots that are largely triangular in shape due to the northeast-southwest alignment of Tualatin Avenue to the south. The relocated lot line would include one turn of less than 45 degrees and one turn greater than 90 degrees. The alignment is proposed to maintain an access flag to 4th Avenue, which is a lower classification street and the preferred access point for new development on the reconfigured lot. As this standard is silent on the matter of turns between 90 and 180 degrees, and the angle is necessary to ensure compliance with access standards, staff finds the proposal to be not in conflict with this standard and therefore 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 parcels 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 J. Floyd	PROJECT NO(S): LLA-22-04	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S) \$800 + \$200	REFUNDABLE DEPOSIT(S)	TOTAL \$1,000

Type of Review (Please check all that apply):

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

**1296 12TH STREET / 1225 13TH STREET
WEST LINN, OR**

Assessor's Map No.:

Tax Lot(s): **TL 31E02BD 2900 & TL
31E02BD 02801**

Total Land Area:

Brief Description of Proposal: MOVE LOT LINE DECREASING -TL 31E02BD 2900 (SEE SURVEY) AND INCREASING - TL 31E02BD 02801

Applicant Name: **JODY CARSON , CLEMENT WALSH/LAURA SCOTT**
(please print)

Phone: **503-657-0523/503-726-6760**

Address: **1296 12TH STREET/1819 4TH AVE**

Email: **jodycarson@comcast.net**

City State Zip: **WEST LINN OR 97068**

Owner Name (required): **JODY CARSON/ CLEMENT WALSH & LAURA SCOTT**
(please print)

Phone: **503-657-0523 & 503-269-4924**

Address: **1296 12TH STREET / 1819 4TH AVE**

Email: **jodycarson@comcast.net
clement@clementwalsh.com**

City State Zip: **WEST LINN OR 97068**

Consultant Name:
(please print)

Phone:

Address:

Email:

City State Zip:

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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. 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.

Clement Makhlawa Jus

Jody Cas
Applicant's signature

10/1/2022
Date

Jody Cas
Owner's signature (**required**)

10/1/2022
Date

DEVELOPMENT REVIEW APPLICATION FOR A LOT LINE ADJUSTMENT
1296 12th Street West Linn OR 97068
Tax Lot 31E02BD 02900 and Tax Lot 31E02BD 02801
Jody Carson, Clement Walsh/Laura Scott Applicants
jodycarson@comcast.net

This application is for a lot line adjustment to Tax Lot 31E02BD 02900 and Tax Lot 31E02BD 02801 at 1296th Street and 1225 13th Street as negotiated by the applicants. An email from TVF&R regarding access to the property is included at the end of the narrative as requested by West Linn Planning Staff.

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 tax lot 31E02BD 02801 and decrease the size of tax lot 31E0BD 02900.

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.

Tax lot 31E0BD 02900 will be larger than the required 10,000 square feet in R-10 after the lot line adjustment. Tax lot 31E02BD 02801 will be greater than 10,000 square feet including the flagpole. The enlarged lot will meet the R-10 zone requirement.

This criteria is met.

3. Property line adjustments shall be either:

The lot line adjustment has one approximately 90 degree turn and one slight bend – see attached survey.

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).

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

The lot line adjust does not create a lot that violates applicable site development regulations.

This 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.

Easements will not be needed as owner is moving the sewer onto Tax Lot 31E02BD 02900.

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

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

RESPONSE FROM TVF&R

On 07/26/2022 2:59 PM Darby, Ty M. <ty.darby@tvfr.com> wrote:

Hi Jody,

Per our conversation, Tualatin Valley Fire & Rescue has no comments or any conditions of approval for this lot line adjustment. Future structural development of the new lot may trigger a review by the Fire District.

Please let me know if you have any questions.

Thank you,

Ty

Ty Darby | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1409

www.tvfr.com

From: Jody Carson <jodycarson@comcast.net>

Sent: Tuesday, July 26, 2022 2:06 PM

To: Darby, Ty M. <Ty.Darby@tvfr.com>

Subject: Fwd: Survey

*****The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe*****

Good afternoon Ty - thanks for talking with me today. I have attached the survey which shows the new lot that is being created with the lot line adjustment- it is proposed parcel 2. There is an existing barn on the lot and the lot will be accessed by a flagpole driveway from 4th Ave. The address of my house is 1296 12th Street, West Linn and is parcel 1 on the survey. I have marked where the existing fire hydrant is on the map, it is on the corner of Tualatin Ave and 12th St. The person who is purchasing the lot has no current plans for developing the property and no current plan for developing the barn into a living space.

Let me know if you have any questions -

Take care, Jody Carson

1296 12th St.

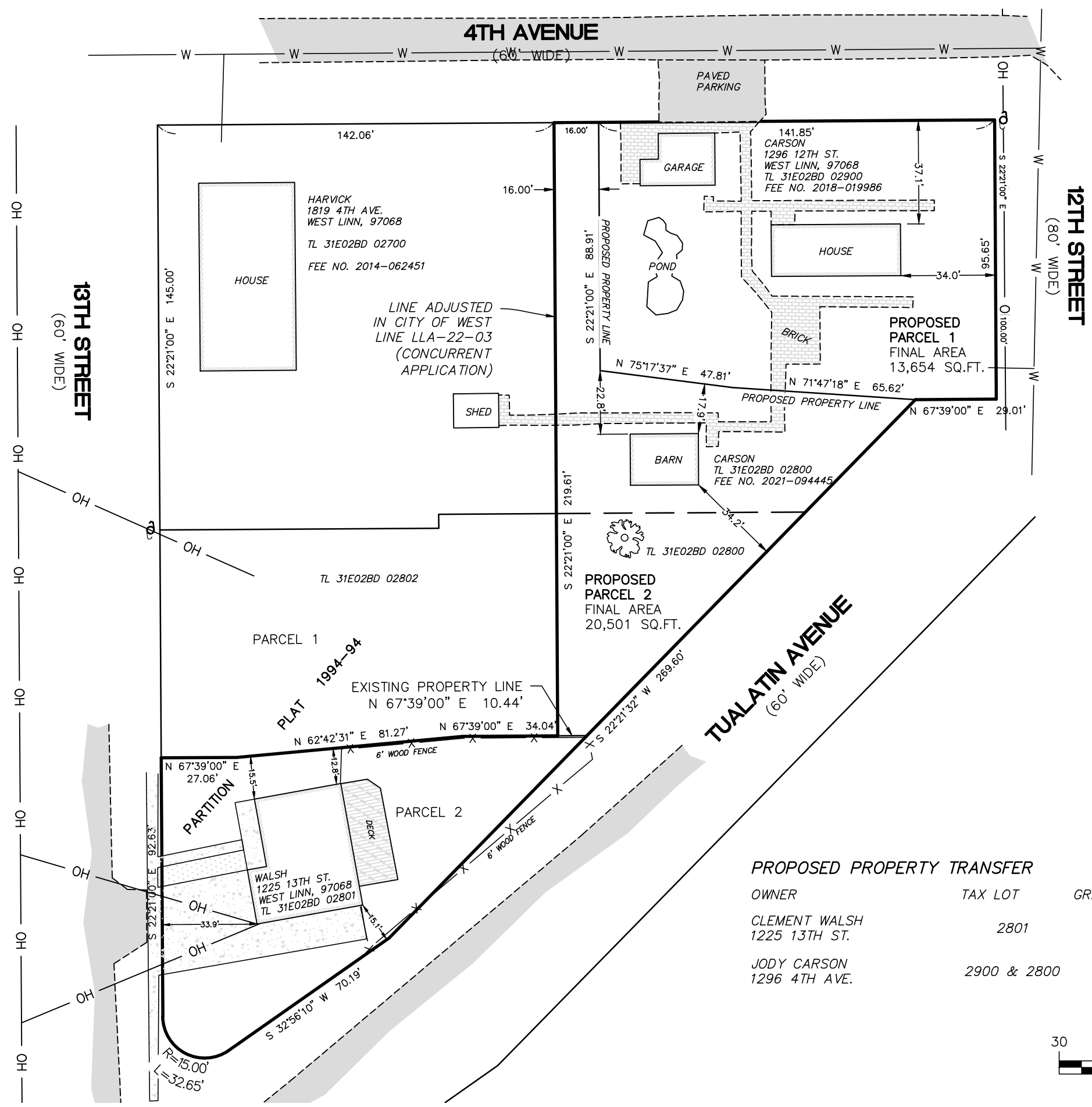
West Linn, OR



PROPOSED PROPERTY LINE ADJUSTMENT

FOR: JODY CARSON AND CLEMENT WALSH

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 NOVEMBER 2, 2022 TAX MAP 3S1E02BD



NOTES

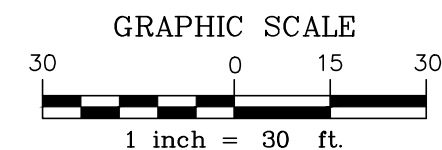
UTILITIES WERE LOCATED BY BOTH FIELD SURVEY AND CITY GIS MAP.

LEGEND

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

PROPOSED PROPERTY TRANSFER

OWNER	TAX LOT	GRANTOR	GRANTEE
CLEMENT WALSH 1225 13TH ST.	2801		10,459
JODY CARSON 1296 4TH AVE.	2900 & 2800	10,459	



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
SEPTEMBER 10, 2019
BRIAN LEGGS
77667PLS
RENEWS: 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 11/2/22 | PROJECT: 22104 | DRAWING: 22104PLA2

PD-2 TAX MAP

This map was prepared for
assessment purpose only.

CANCELLED TL'S
4100
4500
3701
3700
2803



SEE MAP 3 IE 2BC

SEE MAP 3 IE 2AC

SEE MAP 3 IE 2

GREENWAY
SEE MAP 4-4

PD-3 COMPLETENESS LETTER



CITY OF
West Linn

November 22, 2022

Jody Carson
1296 12th Street
West Linn, OR 97068

Clement Walsh & Laura Scott
1225 13th St.
West Linn, OR 97068

SUBJECT: LLA-22-4 application for a Lot Line Adjustment at 1296 12th St. and 1225 13th St.

Dear Jody:

The city accepted your revised application for review on November 4, 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 March 22, 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 if you have any questions or comments.

Sincerely,

John Floyd
Associate Planner