

STAFF REPORT
CITY OF LAKE OSWEGO
PLANNING DIVISION

APPLICANTS/OWNERS:

Sheryl & Scott Davies
Helen Morando

FILE NO:

LU 09-0018

TAX LOT REFERENCE:

Tax Lots 3300 and 3400 of Tax Map 21E 9CC

STAFF:

Jessica Numanoglu

LOCATION:

2062 and 2002 Cedar Court

DATE OF REPORT:

July 2, 2009

COMP. PLAN DESCRIPTION:

R-10

120-DAY DECISION DATE

N/A

ZONING DESIGNATION:

R-10

NEIGHBORHOOD ASSOCIATION:

Palisades

I. APPLICANTS' REQUEST

The applicants are requesting approval of a lot line adjustment between Tax Lot 3300 and 3400. The lot line adjustment would decrease the size of Tax Lot 3300 from 17,091 square feet to 16,701 square feet and would increase the size of Tax Lot 3400 from 16,172 square feet to 16,562 square feet (Exhibit E2).

II. DECISION

Approval with conditions. The complete list of conditions is provided on pages 4-5 of this report.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Community Development Code [LOC Chapter 50]:

LOC 50.08.005 - 50.08.055	R-10 Zone Description
LOC 50.22.035	Special Street Setbacks
LOC 50.40.005 - 50.40.030	Drainage Standard for Minor Development
LOC 50.55.005 - 50.55.025	Parking
LOC 50.58.005 - 50.58.035	On-Site Circulation – Driveways and Fire Access Roads
LOC 50.77.005	Application for Development
LOC 50.77.007	Burden of Proof
LOC 50.79.015	Review Criteria for Ministerial Developments
LOC 50.79.040	Conditions of Approval
LCC 50.80.005	Review of Ministerial Development Applications
LOC 50.87.005 - 50.87.025	Compliance with Approved Permit

IV. FINDINGS

A. Background/Existing Conditions:

1. The subject site consists of 2062 Cedar Court (Tax Lot 3300) and 2002 Cedar Court (Tax Lot 3400). Tax Lot 3300 is 17,091 square feet and Tax Lot 3400 is 16,172 square feet (Exhibit E1).
2. Both lots are zoned R-10 and are developed with a single-family dwellings (Exhibit E2). Surrounding properties are also zoned R-10 and are developed with single-family dwellings, with the exception of the lots to the south, which are zoned R-7.5.

V. PUBLIC NOTICE OF APPLICATION AND APPLICANT'S BURDEN OF PROOF

A. Neighborhood Meeting:

No neighborhood meeting was required by LOC 50.77.025.

B. Public Notice to Surrounding Area:

A ministerial decision is made by staff without notice or opportunity for appeal to the Development Review Commission or City Council [LOC 50.79.010(3); 50.80.005; 50.86.005(1)].

C. Burden of Proof:

Per LOC 50.77.007, the applicant for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicants have provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

VI. LOC 50.79.010 – MINISTERIAL DEVELOPMENT

A. Classification of Application

LOC 50.79.010(2)(d) defines lot line adjustments that do not increase the allowable density on the site to be a ministerial development. Neither of the subject lots will be large enough to divide as a result of the lot line adjustment; therefore, the application is appropriately being processed as a ministerial development.

B. Criteria for Review of Application

Per LOC 50.79.015, for any ministerial development application to be approved it shall first be established that the proposal complies with:

1. **The requirements of the zone in which it is located;**

R-10 Zone Description [LOC 50.08.005 – 50.08.055]

Both of the subject lots are zoned R-10 Residential. The proposed lot line adjustment would shift the common property line between the two lots resulting in a decrease of 390 square feet to the size of Tax Lot 3300 and an increase in the size of Tax Lot 3400 by 390 square feet (Exhibit E2).

There are existing one-story single-family dwellings on both lots that are proposed to remain and a shed straddling the existing common lot line that will be removed (Exhibit E2). As a condition of approval, the applicants will be required to remove the shed or move it to a conforming location prior to recording the lot line adjustment.

The current lot dimensional standards and setback, lot coverage, floor area ratio (FAR) requirements for structures in the R-10 zone are listed in the matrix, below, as well as an analysis of compliance with these standards on each lot for the proposed lot line adjustment. The setbacks noted for both lots are actual setbacks based on the location of existing dwellings.

Current R-10 Standards and Analysis of Compliance [LOC 50.08.005 – 50.08.055]				
Standards	Minimum Requirements		Tax Lot 3300 (after adjustment)	Tax Lot 3400 (after adjustment)
Lot Area	10,000 s.f.		16,701 s.f.	16,562 s.f.
Lot Depth	100 feet		~141 feet	~179 feet
Lot Width	65 feet		~181 feet (NW)	~106 feet (N) ~ 83 feet (S)
Requirements for Primary Structure				
Front Yard Setback	25 feet		~40 feet	~30 feet
Side Yard Setbacks	<i>Portions of Structure ≤ 18 feet in height</i>	<i>Portions of Structure > 18 feet in height</i>	21 feet (east)	15.97 feet (west) 5 feet (east)*
	10 feet	15 feet		
Street Side Yard	20 feet		16 feet (south)*	N/A
Rear Yard	30 feet		N/A**	N/A**
Lot Coverage	35% for primary structure ≤ 22' 25% for a primary structure > 22'		14.4% (primary structure is ≤ 22')	20.4%***
FAR	Lots ≥ 16,000 < 17,000 s.f. 0.34:1		~0.11:1	~0.15:1

*Existing non-conforming – the proposed lot line adjustment has no impact on the existing non-conformity.

**Tax Lot 3300 is a triangular corner lot and Tax Lot 3400 is a through lot. Per LOC 50.02.005 (“Lot Line, Rear”), triangular lots and through lots do not have rear yards.

***Includes covered front and rear porches and hot tub structure that are not illustrated on the survey (see Building Division files 02-2129 and 03-1481).

As illustrated in the table above and on Exhibit E2, both lots would comply with the lot dimensional standards and the setback, lot coverage, and FAR requirements of the zone after the lot line adjustment.

The dwelling design standards are also applicable to the existing dwellings on each lot; however, because the dwellings exist and the orientation of the lots is not being changed by the lot line adjustment (i.e. the front, side and rear yards will be oriented the same), it is not necessary to review each dwelling for compliance with these standards, since any standard that did not comply would be legally non-conforming. This standard is met.

Special Street Setback [LOC 50.22.035]

South Shore Boulevard has a 40-foot special street setback measured from the centerline of the existing right-of-way. The special street setback matches the existing right-of-way of South Shore Boulevard along the site’s frontage; therefore, no additional setback is required on either lot. This standard is met.

2. The Development Standards applicable to minor developments;

The following discussion analyzes the applicable development standards.

Drainage Standard for Minor Development - [LOC 50.40.005-50.40.035]

This standard requires that drainage alterations, including new development, not adversely affect neighboring properties. The proposal does not include any development activities that will increase or alter the existing drainage patterns. This standard is not applicable.

Off-Street Parking, Loading and Bicycle Access – [LOC 50.55.005-50.55.020]

This standard requires that each single-family dwelling provide one off-street parking space that may include a garage or carport. The dwellings on each lot have an attached 2-car garage to satisfy this standard (Exhibit E2).

On-Site Circulation - Driveways and Fire Access Roads - [LOC 50.58.005-50.58.035]

This standard requires that driveways be located on the site, or if located off-site, in an easement [LOC 50.58.015(7)]. As illustrated on Exhibit E2, the driveways on each lot are not affected by the lot line adjustment. This standard is met.

3. Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

There are no conditions of approval of prior City development permits affecting the subject property.

VII. CONCLUSION

Based upon the information provided by the applicants and the findings presented in this report, staff concludes that LU 09-0018 complies with all of the applicable criteria and standards or can be made to comply through the imposition of conditions.

VIII. ACTION TAKEN

Approval of LU 09-0018, subject to the following conditions:

A. Prior to Approval of the Final Lot Line Adjustment Plan, the Applicants/Owners Shall:

1. Provide evidence that the shed that straddles the common property line between Tax Lots 3300 and 3400 has been removed from the site or moved to a conforming location on one of the lots to the satisfaction of staff.
2. Submit a final plan and legal descriptions (metes and bounds), to be specified on legal instruments for title transfer for recording with Clackamas County Clerk's Office to City staff for review and signature of approval **within one year of the date of this decision**. Both documents shall be prepared as depicted in Exhibit E2, and shall reference this land use application -- City of Lake Oswego Community Development Department, File No. LU 09-0018. Upon written application, prior to expiration of the one-year period, the City Manager shall, in writing, grant a one-year extension. Additional extensions may be requested in writing and must be submitted to the City Manager for review of the project for conformance with current law, development standards and compatibility with development that may have occurred in the surrounding area. The extension may be

granted or denied and if granted, may be conditioned to require modification to bring the project into compliance with then current law and compatibility with surrounding development.

3. Tax Lots 3300 and 3400 shall be labeled as Tracts 1 and 2, respectively, on the final lot line adjustment plan. The existing property line shall be symbolized by a dashed line and the adjusted property line shall be symbolized by a solid line.
4. Submit a preliminary title report showing whether or not the properties are free and clear of liens and encumbrances.

B. Following Approval of the Final Plan, the Applicants/Owners Shall:

1. Register the approved and signed final plan and legal descriptions with the Clackamas County Surveyor's office **within 30 days of receiving the signature of authorization by the City.**
2. Record the lot line adjustment deed or agreement with the final lot line adjustment plan with the Clackamas County Clerk's office **within 30 days of registering the approved and signed final plan and legal descriptions**, as required in Condition B(1) above.

C. Within 30 Days of Recording of the Final Plan, the Applicants/Owners Shall:

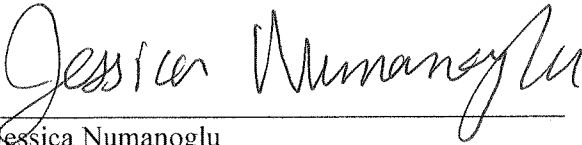
1. Submit a final title report or lot book report to demonstrate that:
 - a. The lot line adjustment was validly recorded.
 - b. Upon filing of this plan, the lots are free of any prior liens or encumbrances or the liens or encumbrances have been amended to reflect the new lot boundaries.

Failure to comply with the requirement of this condition will render this approval void.

Note:

1. Development plans review, permit approval, and inspections by the City of Lake Oswego Development Review Section are limited to compliance with the Lake Oswego Community Development Code, and other applicable codes and regulations. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, e.g., Americans with Disabilities Act, Endangered Species Act. City staff may advise the applicants of issues regarding state and federal laws that the City staff member believes would be helpful to the applicants, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

Prepared by:



Jessica Numanoglu
Associate Planner

7-2-09

Date

Reviewed by:



Evan Boone
Deputy City Attorney

7-2-09

Date

Approved by:



S. Hamid Pishyaie
Assistant Planning Director

7/2/09

Date

EXHIBITS

- A. [No current exhibits; reserved for hearing use]
- B. [No current exhibits; reserved for hearing use]
- C. [No current exhibits; reserved for hearing use]
- D. [No current exhibits; reserved for hearing use]

E. GRAPHIC/PLANS

- E1. Tax Map
- E2. Survey/Site Plan

F. WRITTEN MATERIALS

- F1. Applicants' Narrative

G. LETTERS:

None

Date of Application Submittal: May 8, 2009

Date Application Determined to be Complete: N/A

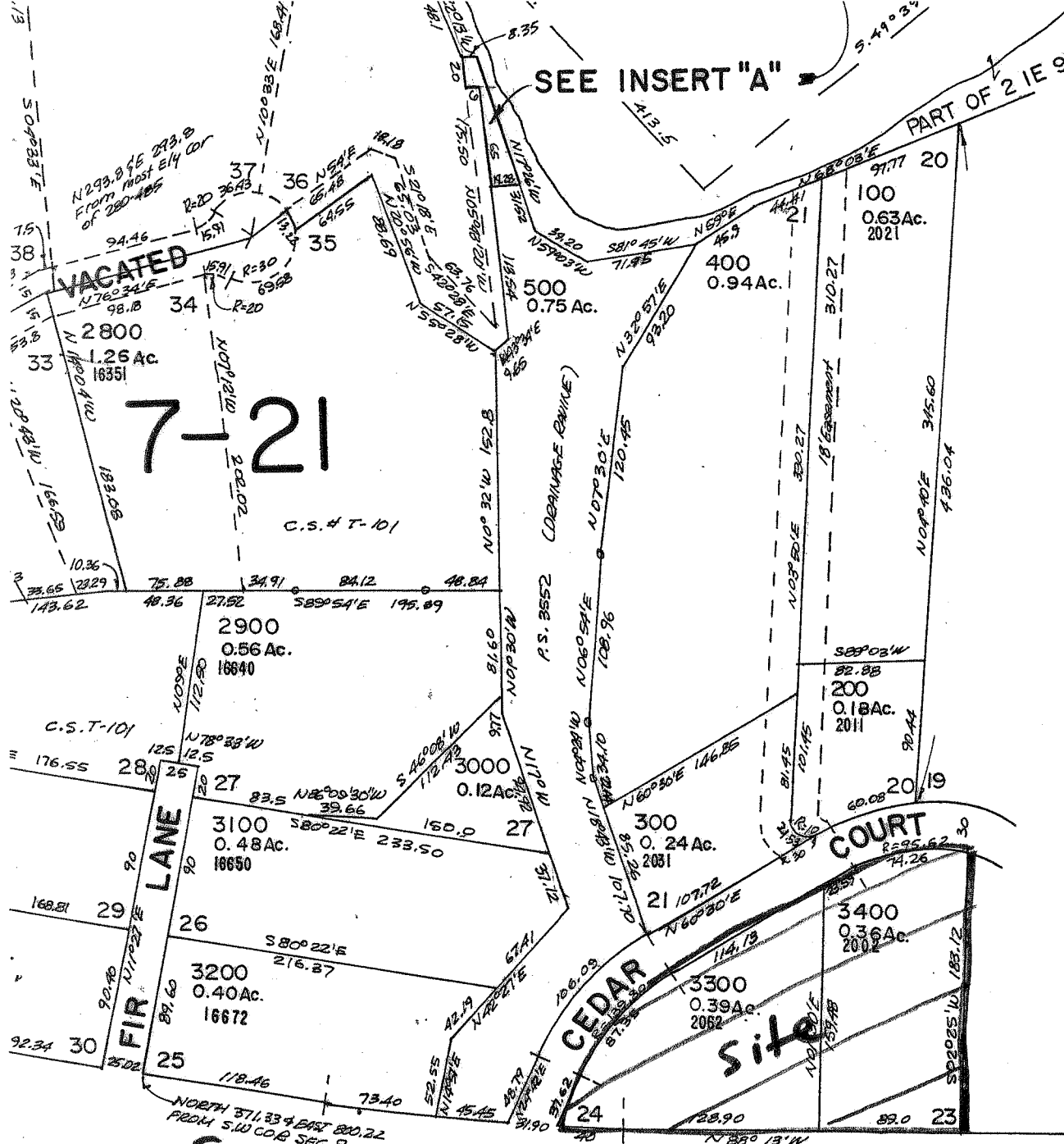
State Mandated 120-Day Rule: N/A

SEE INSERT "A"

PART OF 2 IE 9 400

7-21

SEE MAP 2 IE 9CD



South C.R. 1680 Shore Blvd

16700

6BB

18



EXHIBIT E-1
LU 09-0018

2 IE 9CC
LAKE OSWEGO
BOOK 9

PRELIMINARY
PROPERTY LINE ADJUSTMENT SURVEY

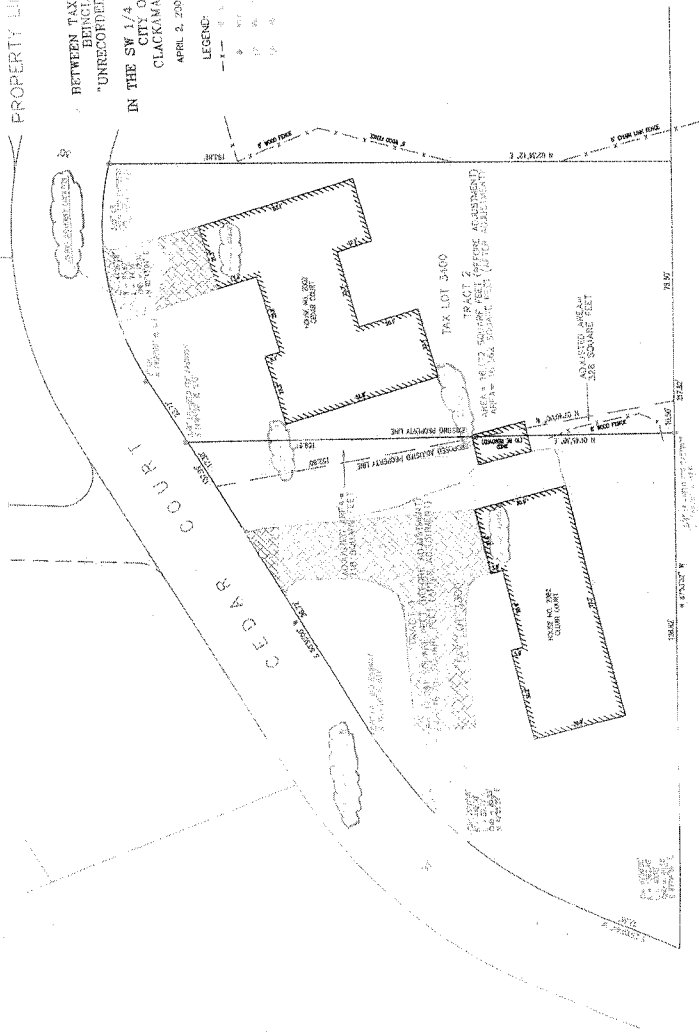
BETWEEN TAX LOTS 3890 AND 3400
BEING LOTS 23 AND 24
"UNRECORDED PLAT OF PARADES"
IN THE SW 1/4 SEC. 9, T.6S. R.1E., W.M.
CITY OF LAKE OSWEGO,
CLATSOP COUNTY, OREGON

APRIL 2, 2009

JAP 15 14 08CC

LEGEND:

- 1. UNRECORDED PLAT OF PARADES
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SOUTH SHORE BOULEVARD
(COUNTY ROAD NO. 1880)

SEMPY PARTS AND ASSOCIATES, INC.
1000 N. W. 10th St.
Vancouver, WA 98660
SHEET 1 OF 1

EXHIBIT E-2
LU 09-0018

June 12, 2008

City Of Lake Oswego
Jessica Numanogla
RE: LU 09-0018

RECEIVED

JUN 19 2009

CITY OF LAKE OSWEGO
Community Development Dept.

Thank you for your letter regarding our lot line adjustment, it was detailed, thoughtful and very helpful. Please consider the following supplemental information, referenced from your June 9, 2009 letter.

1. Dimensions have been added from the existing 2002 residence to the proposed west property line. Please refer to the attached site plan the revisions are shown clouded.

2.
 - b. Each residence has a two car garage. Existing Garage locations have been added to the drawing and clouded for your reference.

 - c. Existing drainage systems would not be affected by the proposed adjustment.

 - d. Diagrammatic locations of the existing driveways have been added to the plan shown hatched on the revised drawing.

Again, thank you for your assistance and careful consideration of the property line adjustment.

Sincerely,

Sheryl

EXHIBIT F-1
LU 09-0018