

STAFF REPORT
CITY OF LAKE OSWEGO

PLANNING DIVISION

PROPERTY OWNER:

Craig Family, LLC

FILE NO:

LU 14-0057

APPLICANT:

Silver Oak Custom Homes

STAFF:

Evan Fransted

TAX LOT REFERENCE:

Tax Lots 5100 and 5101 of Tax Map 2S1E 10DC

DATE OF REPORT:

November 17, 2014

LOCATION:

1002 and 1004 Cedar Street

NEIGHBORHOOD ASSOCIATION:

Hallinan

COMP. PLAN DESCRIPTION:

R-7.5

ZONING DESIGNATION:

R-7.5

I. APPLICANT'S REQUEST

The applicant is requesting approval of a lot line adjustment that would move the property line between Tax Lots 5100 and 5101 to an east-west orientation and transfer approximately 232 square feet from Tax Lot 5100 to Tax Lot 5101 (Exhibit E-3).

II. DECISION

Approval of LU 14-0057, with conditions. The conditions of approval are listed on pages 3-4 of this report.

III. APPLICABLE REGULATIONS

City of Lake Oswego Community Development Code (LOC Chapter 50):

LOC 50.03.002

Use Table (Low Density Residential R-7.5 Zone)

LOC 50.04.001

Dimensional Table (Low Density Residential R-7.5 Zone)

LOC 50.07.003.1.b

Burden of Proof

LOC 50.07.003.13

Ministerial Development Decisions

IV. **FINDINGS**

A. **Background/Existing Conditions:**

1. The subject site is located in the R-7.5 zone.
2. The site has frontage on two streets: Cedar Street to the north and Bickner Street to the west. Cedar and Bickner streets are classified as local streets. Bickner Street is substandard as its width is approximately 13 feet.
3. There is no sanitary sewer service located in Bickner Street along the frontage of this site. There is sanitary sewer service along Cedar Street. Sanitary sewer service laterals on each lot shall connect directly to the public sewer main without crossing adjacent properties. The preliminary lot line adjustment plan (Exhibit E-3) shows that Tax Lot 5100 will have frontage on Bickner Street and Cedar Street. The reason for the 10-foot wide extension to Cedar Street is to provide a direct sanitary sewer service to Tax Lot 5100 from that street.
4. Tax Lot 5100 consists of platted Parcel 1 of Partition Plat 1997-59 (SD 8-94). Tax Lot 5101 is Parcel 2 of the same partition (Exhibit E-1). Both parcels are vacant (Exhibit E-2).
5. The purpose of this lot line adjustment is to change the orientation of the lots in order to better comply with building setbacks than the current configuration allows (Exhibit E-3). The applicant intends to construct a single-family dwelling on each lot.

V. **PUBLIC NOTICE OF APPLICATION AND APPLICANTS' BURDEN OF PROOF**

A. **Neighborhood Meeting:**

There is no neighborhood meeting required for a ministerial application.

B. **Public Notice to Surrounding Area:**

Ministerial decisions are made without notice or the opportunity for appeal [LOC 50.07.003.13.c].

C. **Burden of Proof:**

Per LOC 50.07.003.1.b, 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 applicant has provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end of this report.

VI. **LOC 50.07.003.13 - MINISTERIAL DEVELOPMENT**

A. **Classification of Application**

The lot line adjustment is classified as ministerial development because the allowable density of the site does not increase [LOC 50.07.003.13.a.ii.4].

B. Criteria for Review of Application

Per LOC 50.07.003.13.e.ii, the ministerial application shall be approved if the proposal complies with:

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

The site is zoned R-7.5 (low-density residential). The table, below, illustrates the dimensional requirements applicable to the proposed lot line adjustment:

R-7.5 ZONE STANDARDS AND ANALYSIS OF COMPLIANCE					
	Requirement	Tax Lot 5100 before adjustment	Tax Lot 5100 after adjustment	Tax Lot 5101 before adjustment	Tax Lot 5101 after adjustment
Minimum Lot Area	7,500 sf	7,732 sf	7,500 sf	7,725 sf	7,957 sf
Minimum Lot Width (at front setback line)	50 feet	50 feet	66.31 feet	50 feet	94 feet

As illustrated in Exhibit E-3 and the above table, the proposed lot line adjustment will conform to the R-7.5 zone lot dimensional requirements. Compliance with requirements such as setbacks, lot coverage, floor area, and building design are not applicable because the site is vacant. Future development on the lots will be required to comply with all applicable standards of the R-7.5 zone and other provisions of the Community Development Code. Compliance will be assured at the time of building permit review and inspection on each lot. The lot line adjustment plan shows that the building setbacks for a new single-family dwelling can be met for each lot (E-3).

2. The Development Standards applicable to ministerial developments;

The development standards listed in LOC 50.07.003.13.e.ii do not apply to this application because no physical development is proposed. The lot line adjustment does not impact drainage patterns, hillsides, on-site circulation, building design, or parking. (The application for demolition permit is reviewed by the Building Division pursuant to the Building Code.) Compliance with the requirements for parking, weak foundation soils, and drainage will be reviewed at the time of building permit application on each lot, subject to the standards for ministerial development in LOC 50.07.003.13.e.ii.

VII. CONCLUSION

Based upon the materials submitted by the applicant and findings presented in this report, staff concludes that LU 14-0057 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 14-0057, subject to the following conditions:

A. **Prior to Approval of the Final Lot Line Adjustment Plan, the Applicant/Owner Shall:**

1. Submit a final plan and legal descriptions (metes and bounds), to be specified on legal instruments for title transfer for recording with the Clackamas County Clerk's Office to City staff for review and signature of approval within one year of the date of this decision. **The deadline to submit the final plan and legal descriptions to City staff is November 17, 2015.** Both documents shall be prepared as depicted in Exhibit E-3, and shall reference this land use application -- City of Lake Oswego Planning and Building Services Department Case File LU 14-0057. 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.

B. **Following Approval of the Final Plan, the Applicant/Owner 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 90 Days of Recording of the Final Plan, the Applicant/Owner Shall:**

1. Submit a title report or lot book report to demonstrate that 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 Planning and Building Services Department are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, i.e., 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:



Evan Fransted
Associate Planner

11/17/14
Date

Reviewed by:



Evan Boone
Assistant City Attorney

11/17/14
Date

Approved by:



S. Hamid Pishvaie
Assistant Planning Director

11/17/2014
Date

EXHIBITS

A-D. Reserved

E. Graphics/Plans

- E-1 Tax Map
- E-2 Existing Features Plan
- E-3 Lot Line Adjustment Plan

F. Written Materials

- F-1 Applicant's Narrative

Date of Application Submittal: September 29, 2014

Date Application Determined to be Complete: October 23, 2014

