



City of Sweet Home

Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

In the matter of the) Property Line Adjustment
Property Line Adjustment) File No. PLA23-05
request by Cordle Construction LLC)

NOTICE OF ADMINISTRATIVE DECISION ON A PROPERTY LINE ADJUSTMENT APPLICATION

FINDINGS OF FACT

SUMMARY

1. The applicant has requested a property line adjustment between two lots. The proposal includes an adjustment of the common property line between these two properties resulting in a net change of approximately .52 acres (22,651 square foot) from Proposed Parcel II (Tax Lot 3500) to Proposed Parcel I (Tax Lot 2800). Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939 square feet) to approximately 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet).
2. Proposed Parcel I has access from 43rd Avenue and Coulter Lane. Proposed Parcel II shall have access via a road system proposed with Subdivision Application SD23-01, applied for simultaneously. There are City water and sewer services in 43rd Avenue, Coulter Lane, and 46th Avenue. There are three storm water channels abutting and one running north to south on Proposed Parcel I. There are two storm water channels abutting and four running north to south on Proposed Parcel II.
3. Based on a review of the FEMA FIRM Maps; Panel 41043C0918G, dated September 29, 2010, the subject property is not in the 100-year floodplain. The subject property does show wetlands/waterways on the property depicted on the Sweet Home Local Wetlands Inventory Map: SSR-2, SSR-3, SSR-3A, SSR-3C, SSR3-D, SSR-3E, and SSR-3H.

Per the Department of State Lands (DSL) Wetland Land Use Notice Response on December 28, 2023: This project has a concurred wetland delineation (WD2023-0092). This delineation identified extensive wetlands onsite. A permit and associated mitigation are required.

4. Public Notice and Comments: Public Notices were distributed in accordance with Chapter 17.122.010(D).
5. The City Community and Economic Development Director deliberated on this matter and passed a motion to approve the application on January 29, 2024. Final approval of SD23-01 is contingent on the approval of Application PLA23-05. Application SD23-01 will be decided upon by a Planning Commission public hearing on February 1, 2024. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.

APPEAL PROCEDURE

Pursuant to Chapter 17.122.010 (H-K), All appeals of Type I land use decisions of the Planning Commission may be appealed to the City Council. The appeal shall be submitted within 12 days of the date the decision is mailed. If the Planning Commission decision on a Type I decision is appealed, City staff shall schedule a hearing before the City Council. The City Council shall conduct the hearing consistent with procedures set forth in Chapter 17.132. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the Planning Commission decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 17.126.01. Within 7 days of the final City Council decision, the applicant and those who attended the hearing or requested notice shall be mailed written notice of the City Council decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval. All appeals heard by the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures. The fee for appeal of this decision would be \$610.00.

CHARACTERISTICS OF PROPERTY

1. Location: The subject properties are located east of 43rd Avenue, north and east of Coulter Lane, the southernmost end of 45th Avenue, and the southernmost end of 46th Avenue.
2. Zoning and Plan Designation: The subject property is zoned Residential Low Density (R-1) Zone. The 2022 Comprehensive Plan land use classification for the subject property is Residential Low Density. The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities. (SHMC 17.10.010).
3. Site Description: After the adjustment, Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939 square feet) to 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet). Proposed Parcel 1 and Parcel II are vacant lots with wetlands and storm drainage channels throughout.

CONFORMANCE WITH APPLICABLE CRITERIA

The applicant's request for a property line adjustment was reviewed by the City Community and Economic Development Director based on the applicable criteria in the Staff Report below.

CONCLUSION:

The Community and Economic Development Director finds that the criteria presented in the staff report have been met.

Conditions of Approval:

1. The final configuration of proposed Parcel I and Parcel II shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal includes an adjustment of the common property line between these two properties resulting in a net change of approximately .52 acres (22,651 square foot) from Proposed Parcel II (Tax Lot 3500) to Proposed Parcel I (Tax Lot 2800). Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939

square feet) to 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet).

2. The adjusted property line shall be situated so that all buildings and structures comply with the Standards of the R-1 Zone. See SHMC 17.10.060.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
 - A. The names of the parties;
 - B. The description of the adjusted line;
 - C. References to original recorded documents; and
 - D. Signatures of all parties with proper acknowledgment.
4. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.
5. If the property line adjustment involves partition parcels or subdivision lots, a replat may be required. Please contact the Linn County Surveyor's Office at (541) 967-3857 for more information on platting and replating requirements.

ORDER

Based on the Findings and Conclusions above, the Community and Economic Development Director, approved with conditions, the property line adjustment request for the Deborah Jensen property at 1591 and 1589 41st Avenue, Map 28CD, Tax Lot 4500.

DECISION DATE: February 1, 2024

MAILING DATE: February 5, 2024

APPEAL DEADLINE: February 17, 2024

Blair Larsen, CEDD Director

Date

The decision made by the Planner is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline (12 days from the date of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113).

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report is available for inspection at no cost and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 367-8113

For Information Only

SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

REQUEST: The applicant has requested a property line adjustment between two lots. The proposal includes an adjustment of the common property line between these two properties resulting in a net change of approximately .52 acres (22,651 square foot) from Proposed Parcel II (Tax Lot 3500) to Proposed Parcel I (Tax Lot 2800). Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939 square feet) to 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet). The subject properties are identified on the Linn County Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020 (A-B)]. Proposed Parcels I and II are in the Residential Low Density (R-1) Zone.

Applications PLA23-05 and SD23-01 are being filed simultaneously.

APPLICANT: Cordle Construction LLC
OWNER (PARCEL I): Cordle Construction LLC
OWNER (PARCEL II): Cordle Construction LLC
FILE NUMBER: PLA23-05
PROPERTY LOCATION: **Parcel I (Lot 2800):** Identified on the Linn County Assessor's Map as 13S01E33D Tax Lot 02800.
Parcel II (Lot 3502): Identified on the Linn County Assessor's Map as 13S01E33D Tax Lot 03502.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 17.10, 17.92.010 through 17.92
STAFF CONTACT: Angela Clegg. Phone: (541) 818-8029
Email: aclegg@sweethomeor.gov

PROJECT AND PROPERTY DESCRIPTION

Zoning and Comprehensive Plan Designations:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	Low Density Residential
Property North	Residential Low Density (R-1)	Low Density Residential
Property East	Linn County	Linn County
Property South	Linn County	Linn County
Property West	Residential Low Density (R-1)	Low Density Residential

Property Information:

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G and 41043C0918G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.

Wetlands: The subject property does show wetlands/waterways on the property depicted on the Sweet Home Local Wetlands Inventory Map: SSR-2, SSR-3, SSR-3A, SSR-3C, SSR3-D, SSR-3E, and SSR-3H.

Per the Department of State Lands (DSL) Wetland Land Use Notice Response on December 28, 2023: This project has a concurred wetland delineation (WD2023-0092). This delineation identified extensive wetlands onsite. A permit and associated mitigation are required.

- Access:** Proposed Parcel I has access from 43rd Avenue and Coulter Lane. Proposed Parcel II shall have access via a road system proposed with Subdivision Application SD23-01, applied for simultaneously.
- Sidewalks:** There are no existing sidewalks along 43rd Avenue and Coulter Lane..
- Services:** There are City water and sewer services in 43rd Avenue, Coulter Lane, and 46th Avenue. There are three storm water channels abutting and one running north to south on Proposed Parcel I. There are two storm water channels abutting and four running north to south on Proposed Parcel II.
- Street:** After the adjustment Proposed Parcel I shall abut approximately 900 feet of 43rd Avenue and approximately 900 feet of Coulter Lane. 45th Avenue, 46th Avenue and Coulter Lane dead end at Proposed Parcel II.

Notice and Timelines

Application Received:	December 12, 2023
Application Deemed Complete:	December 20, 2023
120-Day Processing Deadlines:	April 18, 2024

I. COMMENTS RECEIVED

- CEDD Engineering:** No comments as of the issuance of this staff report.
- Blake Patterson
Public Works Division:** Public Works has no comments at this time.
- Ray Grundy
Building Division:** Building has no comments or concerns at this time.
- Sweet Home Fire District:** No comments as of the issuance of this staff report.
- Public Comments:** No comments as of the issuance of this staff report.

II. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a property line adjustment is subject to the review criteria listed in Sweet Home Municipal Code Section 17.92. SHMC Section 17.122.010(A) *Decision authority*. Applications subject to a Type I review shall be reviewed and decided by the City Manager or designee. Staff Findings of Fact and analysis are as follows.

17.92.050: DECISION CRITERIA

Approval of a property line adjustment shall require compliance with the following criteria:

- A. A property line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.**

Applicants Comments: See Attachment C, Part III, Page 2.

Staff Findings: There are currently two properties subject to this adjustment. Proposed Parcel I has frontage along 43rd Avenue and Coulter Lane. Proposed Parcel II has access from 46th Avenue and shall have access via a road system proposed with Subdivision Application SD23-01, applied for simultaneously. Based on the applicant's plot plan, the property line adjustment won't create a new lot or a land locked parcel.

Based on the above findings, staff find that the application complies with these criteria.

- B. Following the adjustment, all lots or parcels must comply with the area and dimension standards of the applicable zone. For existing non-conforming lots or parcels, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.**

Applicant Comments: See Attachment C, Part III, Page 2.

Staff Findings: The proposed property is in the Residential Low Density (R-1) Zone. Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939 square feet) to 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet). The resulting property line adjustment complies with the dimensional standards of the zone.

Based on the above findings, staff find that the application complies with these criteria.

- C. If there are existing structures on the lots or parcels, the boundary adjustment shall not reduce required setbacks or place a boundary beneath a structure.**

Applicant Comments: See Attachment C, Part III, Page 2.

Staff Findings: There are no existing structures on the parcels.

17.10.060 Dimensional Standards

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone:**

1. Minimum Lot Area & Width

- a. **Single Family Dwelling, Manufactured Home: 7,000 square feet.**
- b. **Duplex: 7,000 square feet.**
- c. **Other Uses: Sufficient to meet setbacks and development requirements.**
- d. **Minimum Width at Building Line: 70 feet.**

2. Minimum Setbacks

- a. **Front Yard: 15 feet.**
- b. **Garage, Carport: 20 feet to entrance.**
- c. **Side Yard (Interior): 5-feet minimum each side, 12-feet both sides combined.**
- d. **Side Yard (Street): 15 feet.**
- e. **Rear Yard: 15 feet.**

3. Maximum Structure Height

- a. **Primary Building: 30 feet.**
 - b. **Accessory Building: 20 feet (Roof Apex).**
4. **Maximum Lot Coverage: 40%**

Staff Findings: The property line adjustment complies with the minimum lot area and width, does not encroach into the minimum setbacks, and does not exceed the minimum lot coverage requirements. There are no existing structures, and no development has been proposed with this application.

Based on the above findings, staff find that the application complies with these criteria.

17.10.070 Development Standards:

- A. **Off-street parking: All single-family homes and duplexes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44.**
- B. **Signs. Signs shall conform to the standards contained in Chapter 17.50.**
- C. **Fencing. Fences shall conform to provisions contained in Chapter 17.52.**
- D. **Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.**
- E. **Yards and lots. Yards and lots shall conform to provisions contained in Chapter 17.56.**
- F. **Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).**

Staff Findings: No development has been proposed with this application.

17.92.060 Implementation

After a property line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

- A. **A legal description of the adjusted lots is recorded with the Linn County Clerk.**
- B. **If required by ORS Chapter 92, or the County Surveyor, a final map and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final map is submitted to The City for signatures and approval as outlined in Chapter 17.98.**

III. CONCLUSIONS

Based on the Review Criteria above, for a property line adjustment, the application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section II), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. The final configuration of proposed Parcel I and Parcel II shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal includes an adjustment of the common property line between these two properties resulting in a net change of approximately .52 acres (22,651 square foot) from Proposed Parcel II (Tax Lot 3500) to Proposed Parcel I (Tax Lot 2800). Proposed Parcel I shall increase in size from approximately 19.466 acres (847,939 square feet) to 19.99 acres (870,764 square feet). Proposed Parcel II shall decrease in size from approximately 21.57 acres (939,589 square feet) to approximately 21.05 acres (916,938 square feet).

2. The adjusted property line shall be situated so that all buildings and structures comply with the Standards of the R-1 Zone. See SHMC 17.10.060.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
 - A. The names of the parties;
 - B. The description of the adjusted line;
 - C. References to original recorded documents; and
 - D. Signatures of all parties with proper acknowledgment.
4. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.
5. If the property line adjustment involves partition parcels or subdivision lots, a replat may be required. Please contact the Linn County Surveyor's Office at (541) 967-3857 for more information on platting and replating requirements.

IV. ATTACHMENTS

- A. Subject Property Map
- B. Proposed Site Map
- C. Application Narrative
- D. Application

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street through Friday, excluding holidays.