

Staff Report & Decision
Property Line Adjustment Application
Assessor's Map 19-01-14-22-06700
Site Address 152 N. Cannon St. 120 N. Cannon St. Spaces 1-3
LU 2023-02
Staff Report Date: September 21st, 2023
Mailed Notice Sent: September 6, 2023
Notice Posted: September 2, 2023

1. Proposal. The City Administrator is being asked to review and render a decision on a property line adjustment for a property located properties located at Assessor's Map 19-01-14-22-06700. The property is owned by Brogan Weybright Sep Ira 6215 FBO. The property contains several mobile-home residences with the addresses of 152 N. Cannon Street, 120 N. Cannon Street, Spaces 1-3. See Figure 1 below.

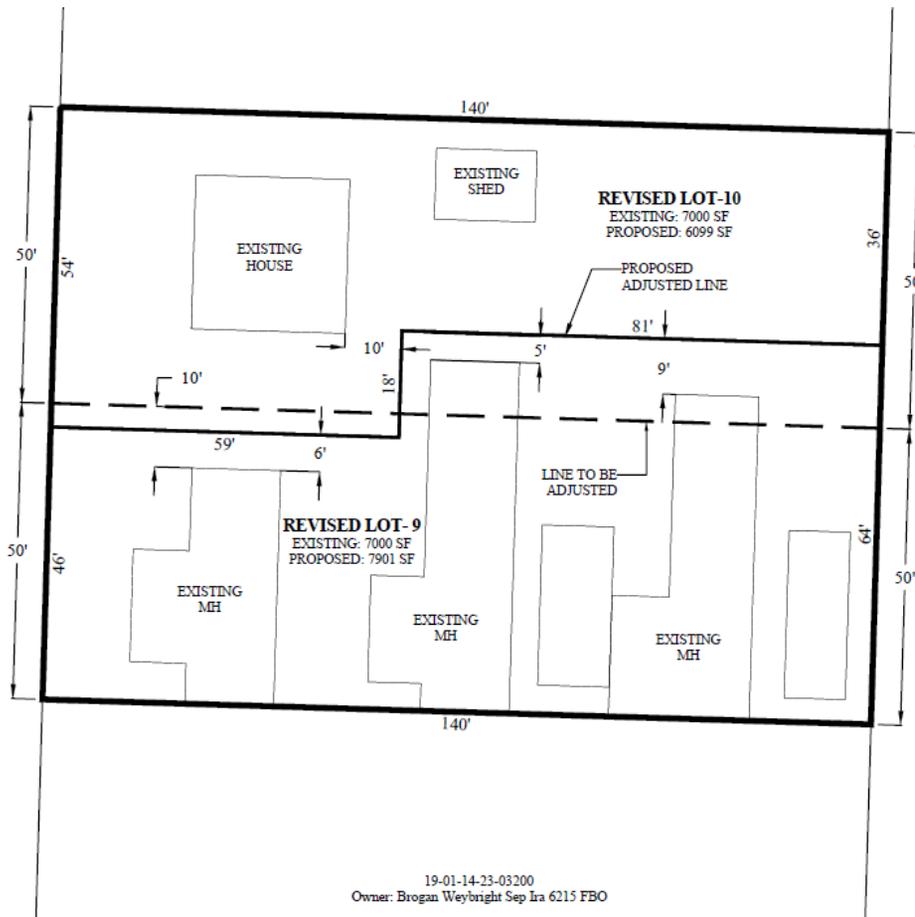


Figure 1. Proposed Property Line Adjustment Site Plan.

The properties are both platted on the Plat of Lowell as Lot 9 of Block 6 and Lot 10, respectively. Lot 9 is the southern lot and Lot 10 is the northern lot. The common property line to be adjusted is the property line separating Lot 9 and Lot 10. The proposal is to shift the common property line

northerly effectively increasing Lot 10 and decreasing Lot 9. The property line is being adjusted so that it no longer bisects the existing mobile homes on Lot 9 and is a solution to address the legally existing non-conformity with respect to setbacks from property line to the mobile homes.

2. Approval Criteria. Lowell Land Development Code Section 9.211 provides the decision criteria required for approval of a property line adjustment. Per the Lowell Land Development Code, a property line adjustment is a Type II land use review process. A Type II land use review requires notice but no public hearing. A Type II land use application is reviewed by the City Administrator for decision.

3. Staff review of applicable criteria for property line adjustment

Section 9.210 Property Line Adjustment Requirements.

All property line adjustment and lot consolidation requests shall contain the following information:

(a) The property to be adjusted shall comply with ORS 92 for Property Line Adjustments.

(b) A map clearly and legibly drawn to scale with the scale indicated.

(c) The title "Property Line Adjustment" for, or "Lot Consolidation for, " the date, and northpoint.

(d) Name and address of the record owner(s) of the property to be adjusted.

(e) Assessor Map and Tax Lot numbers and approximate acreage or square feet of each property prior to and after adjustment.

(f) The location and boundary dimensions and other information to accurately locate the adjusted property line.

(g) Existing conditions for land within the properties to be adjusted:

(1) The locations, names, and widths of existing streets.

(2) The locations, width and purpose of existing easements.

(3) The approximate location of buildings, public and private utilities, drainage ways, and other significant features that would affect development of the adjusted properties.

FINDING: Following submittal of the property line adjustment application materials, staff reviewed the materials for conformance with the submittal requirements of Section 9.210. Following a review of the application materials, the application was determined to be "complete" for processing. Staff issued a letter of completeness on September 1, 2023.

Section 9.211 Decision Criteria. *A property line adjustment may be approved upon compliance with the submittal requirements specified above and the following findings:*

(a) Property Line Adjustment.

(1) The adjustment will not create an additional unit of land.

FINDING: As seen on the applicant's property line adjustment site plan, the property line adjustment involves Lot 9 and Lot 10 of the Plat of Lowell. The eastern half of the common boundary line will shift slightly northward to no longer bisects the existing mobile homes on Lot 9. Following adjustment, the same number of Lots will remain, therefore there is no additional unit of land created. Criterion met.

(2) The adjustment will not create a land-locked parcel.

FINDING: As seen on the applicant's property line adjustment site plan, Lot 9 and Lot 10 both have legal access onto N. Cannon Street. Lot 9 and Lot 10 are not land-locked, nor will they be following adjustment. Criterion met.

(3) The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code, and will not create a non-conforming lot or non-conforming development.

FINDING: Presently the common property line between Lot 9 and Lot 10 runs straight -east to west and bisects two existing mobile homes. The present property line location, in conjunction with the existing mobile homes, creates a non-conformity with respect to setbacks (structures setback a minimum distance from the property line). The proposal will adjust the common property line in a way that it no longer bisects the existing mobile homes (refer to Figure 1 for map). Secondly, staff must consider the new setbacks created as a result of the adjustment. In the Downtown Residential Attached (DRA) zone, the side and rear yard setback is 5-feet. As seen on the tentative property line adjustment plat, all setbacks are met but for the southern portions of the mobile homes which are legally pre-existing non-conformities. The key takeaway is that the property line adjustment does not increase the degree of non-conformity.

(4) The adjustment shall comply with any previous Conditions of Approval attached to the properties to be adjusted.

FINDING: To staff's knowledge the properties to be adjusted do not contain any previous Conditions of Approval the properties must satisfy as a condition of property line adjustment approval.

(5) The adjustment shall comply with all state and county recording requirements.

FINDING: The property line adjustment final plat shall comply with all state and county recording requirements. The applicant shall furnish the City of Lowell with a final, recorded copy of the property line adjustment plat as soon as is practicable after recording.

CONDITION OF APPROVAL #1: The final property line adjustment survey shall conform to ORS 92, and all state and county recording requirements. The applicant shall furnish the City of Lowell with a final, recorded copy of the property line adjustment plat as soon as is practicable after recording.

4. Recommendation

Staff recommends the City Administrator **APPROVE as conditioned**, a property line adjustment as indicated on the preliminary plat.

5. Attachments

Attachment A: Applicant's application

Attachment B: Notice materials

6. Decision

The City Administrator of Lowell hereby approves the property line adjustment subject to the findings and conditions contained herein.

Jeremy Caudle or authorized representative

Date: _____

Decision mailing date: _____

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): Brogan Weybright Sep Ira 6215 FBO Phone: See Representative
Address: 34025 Witcher Ext Rd
City/State/Zip: Cottage Grove, OR 97424
Signature: _____

APPLICANT, If Different

Name (print): _____ Phone: _____
Company/Organization: _____
Address: _____
City/State/Zip: _____
Signature: _____
E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): Jed Truett, AICP, Principal Phone: (541) 302-9830
Company/Organization: Metro Planning, Inc.
Address: 846 A Street
City/State/Zip: Springfield, OR 97477
E-mail (if applicable): jed@metroplanning.com

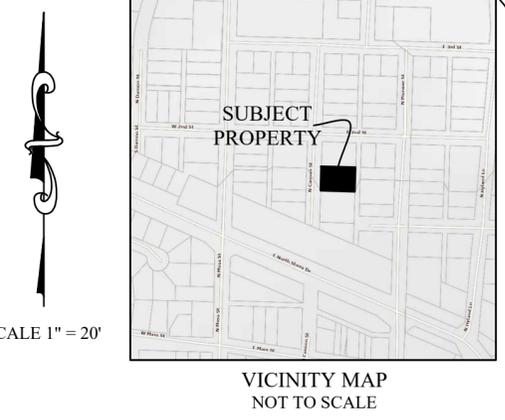
For City Use. Application Number _____
Date Submitted: _____ Received by: _____ Fee Receipt # _____
Date Application Complete: _____ Reviewed by: _____
Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

PROPERTY LINE ADJUSTMENT B/W LOTS 9 & 10 OF BLOCK 6 OF
PLAT OF LOWELL

FOR
WEYBRIGHT- N CANNON ST

NW 1/4 NW1/4, SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.
LANE COUNTY, OREGON

DATE PREPARED: AUGUST 31, 2023



SCALE 1" = 20'

19-01-14-22-06900
Owner: East Valley Church

19-01-14-22-06800
Owner: Ned R Smith Trust

19-01-14-22-06500
Owner: DeMoss Tanner David
& Angelique Lee

19-01-14-22-06700
Owner: East Valley Church

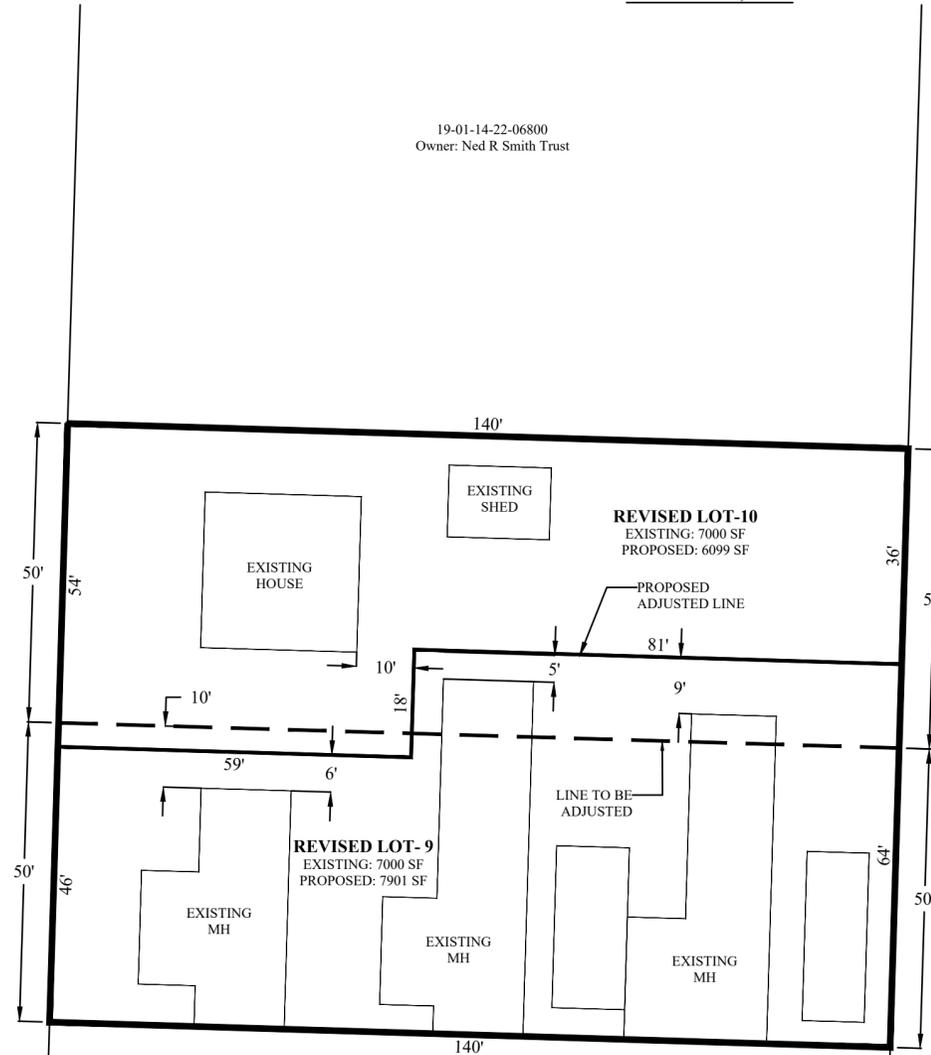
19-01-14-22-08300
Owner: Maher Ryan S & Madelynn V

19-01-14-22-03800
Owner: Rhinevault Samuel & Tasya Marie

19-01-14-23-09900
Owner: Cross Raymond W & Phyllis S

19-01-14-23-03200
Owner: Brogan Weybright Sep Ira 6215 FBO

N CANNON ST



SITE ADDRESS:
120 N ST SPACE 1, SPACE 2 & SPACE 3
152 N CANNON ST
LOWELL, OR 97452-9719

OWNER:
BROGAN WEYBRIGHT SEP IRA 6215 FBO
34025 WITCHER EXTENSION RD
COTTAGE GROVE, OR 97424

APPLICANT:
BROGAN WEYBRIGHT SEP IRA 6215 FBO
34025 WITCHER EXTENSION RD
COTTAGE GROVE, OR 97424

AGENT:
METRO PLANNING, INC
846 A STREET
SPRINGFIELD, OREGON 97477
PH: 541-302-9830

ZONING:
DRA
(DOWNTOWN RESIDENTIAL ATTACHED)

Map compiled from record data, Lane County GIS
Shapefiles, Aerial photos, and Dogami Lidar data. Survey
field data was not gathered, and this map is not a survey.



METRO PLANNING, INC
846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 23-053

Revised By: GTX

ASSESSORS MAP: 19-01-14-22 TAX LOT: 06700



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

PROPERTY LINE ADJUSTMENT – WEYBRIGHT–N CANNON ST

WRITTEN NARRATIVE

| | |
|---|---|
| Submission No. | 2 |
| Document Date: | August 31, 2023 |
| Applicant's Request: | Property Line Adjustment |
| Property Owner/ Applicant: | Brogan Weybright Sep Ira 6215 FBO 34025 Witcher Ext Rd Cottage Grove, OR 97424 |
| Surveyor: | North Star Surveying, Inc 720 NW 4th Street Corvallis, OR 97330 |
| Planner: | Metro Planning, Inc. Jed Truett, AICP/ Principal 846 A Street Springfield, OR 97477 (541) 302-9830 |
| Subject Property/ Site Address: | Assessor's Map/Tax Lot: 19-01-14-22-06700 152 N. Cannon St/ 120 N Cannon St – Spaces 1,2,3 |
| Property Sizes: | .32 acres total – Lot 9 of Block 6 of Plat of Lowell = 7,000sf Lot 10 of Block 6 of Plat of Lowell = 7,000 sf |
| City Zoning/ Metro Plan Designation: | DRA – Downtown Residential Attached/ M – Multiple-Family Residential |

Background

This proposal requests an adjustment of the common lot line which transects the two legal lots that underly, or comprise, Assessor's Map & Tax Lot 19-01-14-22-06700 ("subject property"). For assessment and taxation purposes, Tax Lot 6700 is the consolidation of two legally established lots, Lot 9 and Lot 10 of Block 6 of the 1910 Plat of Lowell subdivision plat, into one taxable lot that is currently under common ownership. It is located inside the City of Lowell city limits and zoned DRA – Downtown Residential Attached with a Metro Plan Designation of Multiple Family Residential. The minimum lot size allowed in the City of Lowell's DRA zone is 6,000 square feet.

The subject property is .32-acres, with each legal lot of Tax Lot 6700 dimensioned at 7,000 square feet and in compliance with zone standards of 6,000sf minimum lot size. There are currently three manufactured dwellings on the south half of Tax Lot 6700, Lot 9 of Block 6 of the Plat of Lowell (hereafter referred to as "Revised Lot 9"). The north half (hereafter referred to as "Revised Lot 10") contains one single-unit dwelling and a detached shed. All buildings are proposed to remain.

The current configuration of the legal lots finds the transecting line running through the north end of two of the existing manufactured dwellings. The lot line adjustment proposed with this application is intended to correct the configuration and effectively ensure that the entirety of the three manufactured dwellings can exist on their own legally established lot and the single-unit dwelling and accessory building can exist on its own legally established lot, without conflation. This proposal adjusts Revised Lot 9 to 7,901 square feet and Revised Lot 10 to 6,099 square feet, maintaining compliance with the minimum lot size requirements of Lowell's DRA zone.

For City staff review, this written narrative demonstrates the proposal's conformity with the compliance standards included in the City of Lowell Land Development Code ("Code") Section 9.210 – Property Line Adjustment Requirements, Code Section 9.211 – Decision Criteria, and ORS 92. Lowell Land Development Code Sections and ORS sections are indicated below in bold and/ or italic typeface; applicant responses follow in plain typeface.

SECTION 9.210 – PROPERTY LINE ADJUSTMENT REQUIREMENTS

All property line adjustment and lot consolidation requests shall contain the following information:

(a) The property to be adjusted shall comply with ORS 92 for Property Line Adjustments.

Response: The subject property complies with all Property Line Adjustment standards and criteria included within ORS 92, specifically ORS 92.010 to 92.192. Compliance is demonstrated, as appropriate, herein this narrative as well as on the accompanying site plans and supporting documentation submitted with the application.

Please see the attached recorded plat document evidencing lawful creation of two legal lots located within the boundaries of the subject property, in adherence with ORS 92.010-92.192 – Plat of Lowell (1910).

Please see the attached site plans (3) – Existing Conditions; Property Line Adjustment.

(b) A map clearly and legibly drawn to scale with the scale indicated.

Response: The accompanying site plans are professionally drafted on 11" x 17" paper at a scale of 1":100'.

(c) The title "Property Line Adjustment" for, or "Lot Consolidation for,," the date, and north point.

Response: The proposal is titled "Property Line Adjustment Between Lots 9 & 10 OF Block 6 of Plat of Lowell for Weybright – N Cannon St" and includes the date prepared and north point. See attached site plan – Property Line Adjustment.

(d) Name and address of the record owner(s) of the property to be adjusted.

Response: Name and address of the property owner is provided on the application form, the attached site plans, as well as the cover sheet of this narrative. Supporting documentation is provided – please see the attached Deed and RLID reports for the subject property.

(e) Assessor Map and Tax Lot numbers and approximate acreage or square feet of each property prior to and after adjustment.

Response: The proposal is summarized below in bold and illustrated on the accompanying Property Line Adjustment site plan.

Revised Lot 9

BEFORE: 7,000 sf

AFTER: 7,901 sf

Revised Lot 10

BEFORE: 7,000 sf

AFTER: 6,099 sf

(f) The location and boundary dimensions and other information to accurately locate the adjusted property line.

Response: All dimensions necessary for accurately locating the existing and proposed property line are clearly illustrated on the attached Property Line Adjustment site plan.

(g) Existing conditions for land within the properties to be adjusted:

(1) The locations, names, and widths of existing streets.

Response: The subject property is located on N Cannon Street and is indicated on the attached site plans.

(2) The location, width, and purpose of existing or proposed easements.

Response: No easements are proposed.

(3) The approximate location of buildings, public and private utilities, drainage ways, and other significant features that would affect development of the adjusted properties.

Response: There is no new development proposed with this Property Line Adjustment application. Existing development will remain.

SECTION 9.211 DECISION CRITERIA

A Property Line Adjustment or Lot Consolidation may be approved based upon compliance with the submittal requirements specified above and the following findings:

(a) Property Line Adjustment.

(1) The adjustment will not create an additional unit of land.

Response: The proposal involves adjusting the common boundary line *between* two legally created units of land; it is not intended to, nor will it, create an additional unit of land. The proposal is in compliance with this criterion.

(2) The adjustment will not create a land-locked parcel.

Response: The proposal will not create a land-locked parcel. The proposal is in compliance with this criterion.

(3) The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code and will not create a non-conforming lot or nonconforming development.

Response: The subject property is located in the City of Lowell's DRA zone where the minimum lot size permitted is 6,000 square feet. Both legal lots are over 6,000 sf and compliant with zoning standards for lot size before and after the property line adjustment. This proposal adjusts Revised Lot 9 to 7,901 square feet and Revised Lot 10 to 6,099 square feet, maintaining compliance with the minimum lot size requirements of Lowell's DRA zone.

The existing unit of land that is reduced in size is by the proposed lot line adjustment is Revised Lot 10. In compliance with this criterion, the proposed Property Line Adjustment will not create a non-conforming lot or development for Revised Lot 10.

However, the current lot configuration finds the transecting legal lot line running underneath the north ends of two of the existing manufactured dwellings established on Lot 9, making the dwellings non-conforming to setback requirements. The proposed line adjustment is intended to remedy this non-conforming development by adjusting the line out from underneath the buildings' footprints, making the existing development on Revised Lot 9 compliant. This will effectively ensure that the entirety of the three manufactured dwellings can exist on their own legally established lot and the single-unit dwelling and accessory building can exist on its own legally established lot, without conflation. The proposal is in compliance with this criterion.

(4) The adjustment shall comply with any previous Conditions of Approval attached to the properties to be adjusted.

Response: The proposed Property Line Adjustment is not conditioned by any previous approvals for the subject property.

(5) The adjustment shall comply with all state and county recording requirements.

Response: Upon final approval the Property Line Adjustment will be recorded in compliance with all state and county requirements.

AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS
859 Willamette Street. Suite 500
Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on **September 6, 2023**, a notice of a public hearing for a PROPERTY LINE ADJUSTMENT at Map and Tax Lot 19-01-14-22 TL 6700 to the addresses contained herein.

City File # LU 2023-02. Weybright PLA.



Signature



Print Name

CITY OF LOWELL
NOTICE OF PENDING LAND
USE ACTION
Mailing Date: September 6, 2023
LU 2023-02

Notice is hereby given for a pending property line adjustment land use action for the properties located on Map and Tax Lot 19-01-14-22 TL 6700. A public hearing not required but the public is welcome to submit written comments during the 14-day written comment period. The 14-day written comment period ends at close of day on September 19, 2023.

The City Administrator will not issue a decision until after the close of the 14-day written comment period. **Please return written comments by close of day on September 20, 2023.**

Requested Action: Property line adjustment.

Owner/Applicant: Brogan Weybright Sep Ira 6215 FBO
Applicant's Representative: Katie Keidel and Jed Truett, Metro Planning
Property Location: 120 North Cannon Street
Assessor Map: 19-01-14-22
Tax Lot: 6700
Existing Area: 0.32 acres
Existing Zone: DRA, Downtown Residential Attached

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Property line adjustments are governed by Section 9.209 of the Lowell Land Use Development Code.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall or can be made available by email request.

A staff report with findings approving or denying the property line adjustment will be drafted.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. An appeal of a Type II decision may be appealed to the Lowell Planning Commission in accordance with Section 9.206(b)(I).

For additional information please contact the City Administrator or Henry Hearley, at the contact information below.

Henry Hearley
Associate Planner
hhearley@lcog.org
541-682-3089

Jeremy Caudle
City Administrator
jcaudle@ci.lowell.or.us
541-937-2157



Parry Raymond E & Barbara A
263 E 2nd St
Lowell, OR 97452

Starner Daniel E
PO Box 291
Lowell, OR 97452

Lybarger Chad R
PO Box 483
Lowell, OR 97452

Robinson Jean M Walters
PO Box 345
Lowell, OR 97452

Wilson Daniel D & Marilee D
83393 Watership Way
Pleasant Hill, OR 97455

Watson Shawn Alan
PO Box 271
Lowell, OR 97452

Kohanes Terry & Nancy
PO Box 401
Lowell, OR 97452

Kelley David Scott
PO Box 244
Lowell, OR 97452

Ballenger Michael Ray
PO Box 113
Lowell, OR 97452

Pelroy Carrie A
PO Box 26
Lowell, OR 97452

Bailey Kenneth
75 E 2nd St
Lowell, OR 97452

Lowell Grange #745
PO Box 47
Lowell, OR 97452

DeMoss Tanner David & Angelique Lee
501 67th Pl
Springfield, OR 97458

Harris Nicholas & Renee
PO Box 547
Lowell, OR 97452

Brogan Weybright Sep Ira 6215 FBO
34025 Witcher Extension Rd
Cottage Grove, OR 97424

Ned R Smith Trust
1155 Tamarack St
Junction City, OR 97488

East Valley Church
PO Box 327
Lowell, OR 97452

Wells Clifford R & Thelma A
PO Box 85
Lowell, OR 97452

Bonney Lauren Elise
164 N Moss St
Lowell, OR 97452

Ballweg Eric J & Boni L
PO Box 534
Lowell, OR 97452

Maher Ryan S & Madelynn V
177 N Pioneer St
Lowell, OR 97452

Rhinevault Samuel & Tasya Marie
PO Box 147
Lowell, OR 97452

Allen Randolph A & Judy E
PO Box 70491
Springfield, OR 97458

Wells Brian K
PO Box 41
Lowell, OR 97452

Nichols John B
PO Box 74/ 81 N Pioneer St
Lowell, OR 97452

Valencia Jerry L & Julie E
11 N Alder St
Lowell, OR 97452

Cross Raymond W & Phyllis S
PO Box 121
Lowell, OR 97452

Sinnett Amber
PO Box 461
Lowell, OR 97452

Smith Danny L
PO Box 124
Lowell, OR 97452

Weltch Timothy J
PO Box 308
Lowell, OR 97452

Lash Wesley Thomas
2052 S 8th St
Cottage Grove, OR 97424

City of Lowell
PO Box 490
Lowell, OR 97452

AFFIDAVIT OF POSTING

I, Katie Keidel, Associate Planner with Metro Planning Inc, hereby certify as the applicant's representative that on September 2, 2023 a notice for a public hearing for a PROPERTY LINE ADJUSTMENT within the City of Lowell known as LU 2023-02, at Assessor's Map & Tax Lot 19-01-14-22-06700, was posted on the subject property.

Katie Keidel
Katie Keidel
Metro Planning, Inc.

9/8/2023
Date

STATE OF OREGON)
) SS
COUNTY OF LANE)

On this 02 day of September, 2023, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within named, Katie Keidel, Associate Planner for Metro Planning, Inc., who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Sandra Hentze
Notary Public for Oregon