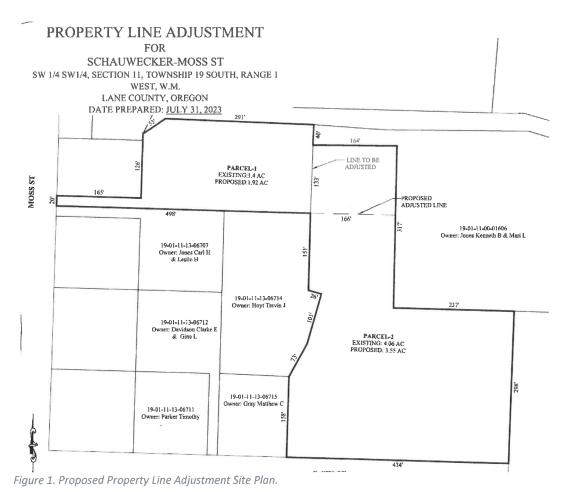
# Staff Report & Decision Property Line Adjustment Application Assessor's Map 19-01-11-33, Tax Lots 06706 & 06704 LU 2023-01

Staff Report Date: September 8th, 2023 Mailed Notice Sent: August 17, 2023 Notice Posted: August 30, 2023

1. Proposal. The City Administrator is being asked to review and render a decision on a property line adjustment for properties located at Assessor's Map 19-01-11-33, Tax Lots 06706 and 06704. Tax lot 06706 is owned by Christopher and Megan Moerdyk-Schauwecker. Tax Lot 06704 is owned by Michael and Ellen Karotko. The Schauwecker property is described as "Parcel 1" and the Karotko property as "Parcel 2." See Figure 1 below.



Parcel 1 will have its size enlarged by approximately 0.52-acres and Parcel 2 will be reduced by approximately 0.51-acres. The common property line to be adjusted is the rear property line of Parcel and will move south to the new northern terminus of the property line of Parcel 2.

- 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 August 15, 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, there are two discrete parcels to begin with and following adjustment of one common property line, two discrete parcels will remain. No new unit of land is being created as a result of the property line adjustment. This criterion is met.

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

<u>FINDING</u>: As seen on the applicant's property line adjustment site plan, Parcel 1 and Parcel 2 both have established legal access onto a right-of-way. Parcel 1 takes its legal access from Moss Street. Parcel 2 takes its legal access from East 6th Street. Following property line adjustment, both parcels will retain their legal access and existing access will not change. This criterion is 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:** Parcel 2 is the unit of land being reduced in size as a result of the property line adjustment. Following adjustment Parcel 2 will be 3.55 acres, which is greater than the minimum lot size. The property line adjustment will not create a non-conforming lot or non-conforming development. Criterion met.

(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.

<u>FINDING:</u> 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.

<u>CONDITION OF APPROVAL #1</u>: 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.

#### Attachments <u>5.</u>

Attachment A: Applicant's application Attachment B: Notice materials

#### Decision **6.**

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

Mudle
Jeremy Caudle or authorized representative
Date: 9/12/2023
Decision mailing date:

## **Attachment A**

# **Land Use Permit Application**

	X_Lot Line Adjustment	Partition	Subdivision	
Conditional Use			Text Amendment	
Annexation	Vacation	Other, specify		
incomplete, the appli	ication will not be considered ag out this application, please	complete for further pr		
List all Assessor's M	lap and Tax Lot numbers of	the property included	in the request.	
Map# <u>19-01-11-33</u>		Lot # <u>6706</u>		
Map# <u>19-01-11-33</u>		Lot # 6704		
Map#		Lot #		
Street Address (if ap	oplicable): <u>698 N Moss St., I</u>	_owell, OR 97452		
Area of Request (sq	uare feet/acres): approxima	ately .51 Acres		
Existing Zoning: R-	1			
Existing Use of the F	Property: Residential			
Proposed Use of the	e Property Residential			
Pre-application Conf	ference Held: No	Yes X If	so, Date <u>07/31/2023</u>	
Submittal Requirem	ents:			
1. Copy of c	deed showing ownership or	ourchase contract with	property legal description.	
all plans2	/Tentative Plan with, as a m 11X17 or smaller; 12 copies for required information)		nformation. Submit one copy of n 11x17. (See attached	
informati	3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.			
4. Other sul	bmittals required by the City	$\gamma$ or provided by the ap	plicant. Please List.	
a. <u>Land Part</u>	ition Plat No. 92-P0290	b. <u>Lakeway Sub</u>	odivision - Replat of Parcel 1 of LPPN92-P029	
	e Property Line Adjustment		perty Line Adjustment	
(1999-CSF e	No. 36095)	(2005-CSF) f	No. 39260)	
5. Filing Fee	e: Amount Due:			

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 and Applicant - Parcel 1				
Name (print): Christopher F Schauwecker & Megan J Moerdyk-Schauwecker	Phone: See Applicant's Representative			
Address: 698 N. Moss Street				
City/State/Zip: Lowell, OR 97452	A			
Signature: My	Muself Solumber			
*APPLICANT, If Different and Owner - Parcel 2				
Name (print): Michael L & Ellen M Karotko	Phone: See Applicant's Representative			
Company/Organization:				
Address: 3180 S. Barnside Way				
City/State/Zip: Boise, ID 83716				
Signature:				
E-mail (if applicable): See Applicant's Representative				
APPLICANTS REPRESENTATIVE, if applicable				
Name (print): <u>Jed Truett, AICP</u> Phone: <u>(541) 302-9830</u>				
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.	oplication Number			
Date Submitted: Received by:	Fee Receipt #			
Date Application Complete: Reviewed by:				
Date of Hearing: Date of Decision F	ate of Notice of Decision			

# APPLICATION SITE PLAN REQUIREMENTS CHECKLIST Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30". 1' = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

	The names of the owner(s) and applicant, if different.
	The property address or geographic location and the Assessor Map number and Tax Lot number.
	The date, scale and northpoint.
	A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
	Lot dimensions.
	The location, size, height and uses for all existing and proposed buildings.
N/A	Yards, open space and landscaping.
N/A	Walls and fences: location, height and materials.
N/A	Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
	Access: pedestrian, vehicular, service, points of ingress and egress.
N/A	Signs: location, size, height and means of illumination.
N/A	Loading: location, dimension, number of spaces, internal circulation.
N/A	Lighting: location and general nature, hooding devices.
N/A	Street dedication and improvements.
	Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.

N/A The number of people that will occupy the site including family members, employees or customers. N/A The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc. N/A Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts. N/A Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy. Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council. All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application

shall be conditional upon evidence being submitted to the City indicating that the

✓ Such other data as may be necessary to permit the deciding authority to make the

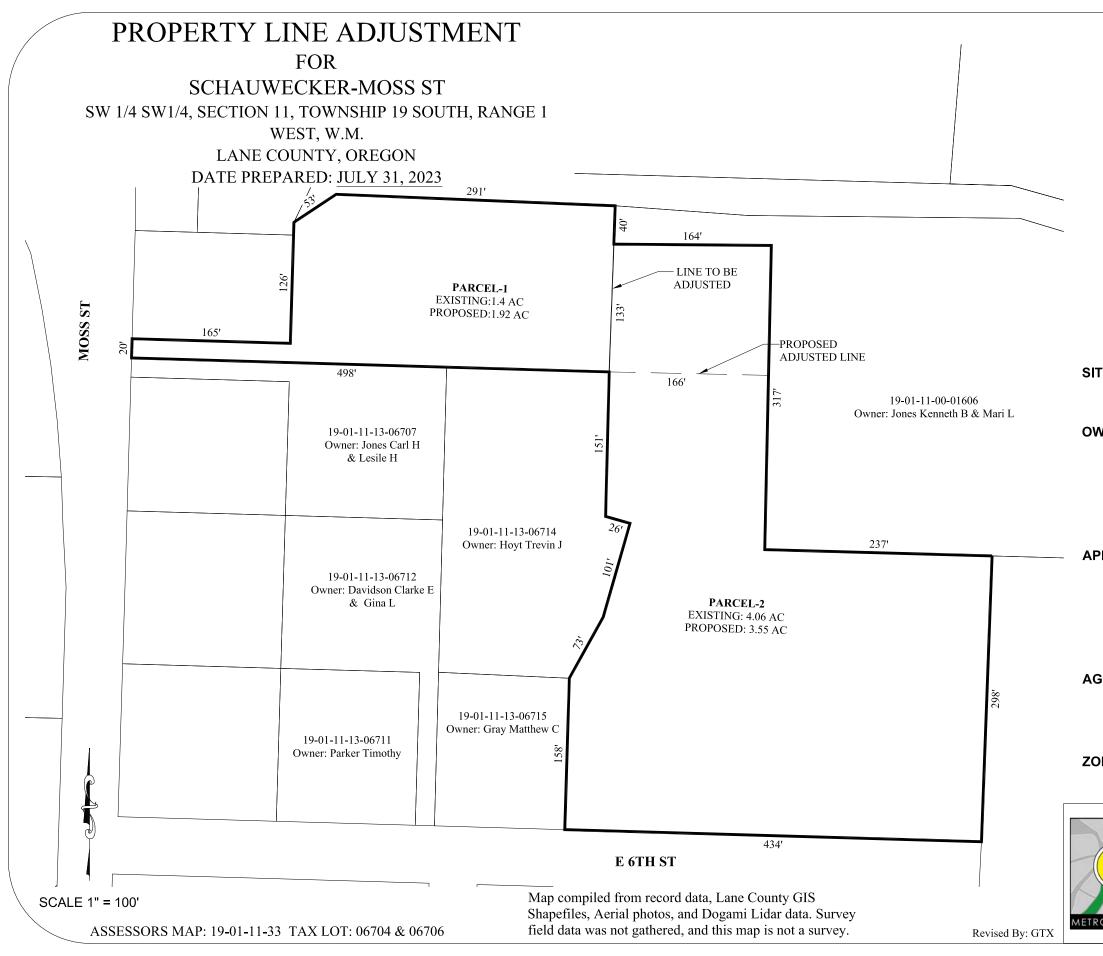
✓ Water systems, drainage systems, sewage disposal systems and utilities.

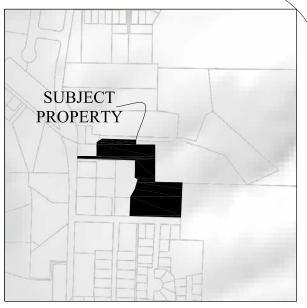
N/A Drainage ways, water courses, flood plain and wetlands.

NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

required findings.

proposed activity has been approved by all appropriate regulatory agencies.





VICINITY MAP NOT TO SCALE

#### SITE ADDRESS:

698 N MOSS ST LOWELL, OR 97452-9719

#### OWNER:

SCHAUWECKER CHRISTOPH F 698 N MOSS ST LOWELL, OR 97452

KAROTKO MICHEAL M & ELLEN M 3180 S BARNSIDE WAY BOISE, ID 83716

#### APPLICANT:

SCHAUWECKER CHRISTOPH F 698 N MOSS ST LOWELL, OR 97452

KAROTKO MICHEAL M & ELLEN M 3180 S BARNSIDE WAY BOISE, ID 83716

#### AGENT:

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

#### **ZONING:**

R-1
(SINGLE -FAMILY RESIDENTIAL)



# METRO PLANNING, INC

846 A STREET SPRINGFIELD, OR. 97477 541-302-9830 JOB NO. 23-049



#### LAND USE PLANNING AND CONSULTING SERVICES

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

# PROPERTY LINE ADJUSTMENT – SCHAUWECKER-MOSS ST WRITTEN NARRATIVE

Submission No. 1

**Document Date:** August 4, 2023

**Applicant's Request:** Property Line Adjustment

**Property Owner/** Christopher F. and Megan J. Schauwecker;

Applicant: Michael L and Ellen M Karotko

**Surveyor:** Northstar Surveying, Inc

720 NW 4th Street Corvallis, OR 97330

**Planner:** Metro Planning, Inc.

Katie Keidel, Associate Planner

846 A Street

Springfield, OR 97477 (541) 302-9830

Subject Property/ Assessor's Map: 19-01-11-33 Tax Lots: 6704 & 6706

Site Address: 698 N Moss St (TL 6706); Vacant (TL 6704)

**Property Sizes:** TL 6704 = 4.06 Acres

TL 6706 = 1.4 Acres

**Zoning/Designation:** R-1 Single Family Residential/ Low Density

Residential

#### Background

This proposal requests the adjustment of the common property line between two legally established units of land located within the city limits of the City of Lowell and identified as Assessor's Map 19-01-11-33, Tax Lots 6704 & 6706. The subject properties are under separate ownership and the respective owners are in favor of the proposed Property Line Adjustment which will adjust one common property line, effectively shifting approximately .51 acres from the north portion of Tax Lot 6704 to the east portion of Tax Lot 6706.

The properties are zoned R-1/Single Family Residential and designated Low Density Residential on the Metro Plan. The minimum lot size allowed in the City of Lowell's R-1 zone is 6,000 square feet. Tax Lot 6706 is approximately 1.4 acres and Tax Lot 6704 is approximately 4.06 acres; both lots comply with Lowell's R-1 zone lot area and density requirements before and after the proposed Property Line Adjustment.

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: Both subject properties comply 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 documents evidencing lawful creation of both subject properties in adherence with ORS 92.010-92.192 – LPPN92-P0290; CSF39260; LAKEWAY; CSF36095.

Please see the attached (2) site plans – Site Plan; Site Plan + Aerial; 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 for Schauwecker-Moss St" and includes the date prepared and north point. See attached site plan – Property Line Adjustment for Schauwecker-Moss St.

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

Response: Names and addresses of the property owners of record for the subject properties are denoted 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 Deeds, RLID reports, and A&T Tax Lot Records for both properties.

(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 site plans – Existing Conditions; Property Line Adjustment.

Proposed Parcel 1 (MTL 19-01-11-33-06706)

BEFORE: ~1.4 Acres
AFTER: ~1.92 Acres

Proposed Parcel 2 (MTL 19-01-11-33-06704)

BEFORE: ~4.06 Acres AFTER: ~3.55 Acres

(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 site plans – Existing Conditions; Property Line Adjustment.

- (g) Existing conditions for land within the properties to be adjusted:
  - (1) The locations, names, and widths of existing streets.

Response: The subject properties are located between Moss Street and E 6<sup>th</sup> Street with frontage on each street respectively. Please see the attached Existing Conditions site plan.

(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 on Proposed Parcel 1 is indicated on the attached Existing Conditions site plan. Proposed Parcel 2 is vacant.

#### **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 an adjustment of the common boundary line between two legally established units of land. This adjustment will not 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 properties are located in the City of Lowell's R-1 zone where the minimum lot size permitted is 6,000 square feet. Proposed Parcel 2 will be reduced in size by approximately .51 acres, leaving a remainder area of 3.55 acres, well above the minimum allowed by the zone. 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 a previous approval for either 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.

### CITY OF LOWELL NOTICE OF PENDING LAND USE ACTION

Mailing Date: August 17, 2023 <u>LU 2023-01</u>

Notice is hereby given for a pending property line adjustment land use action for the properties located on Map and Tax Lot 19-01-11-33 TL 6704 & 6706. A public hearing not required but the public is welcome to submit written comments during the 14-day written comment period.

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 August 31, 2023.

Requested Action: Property line adjustment.

Owner/Applicant of Tax Lot 6706: Moerdyk-Schauwecker Megan J

Applicant's Representative: Katie Keidel, Metro Planning

**Property Location:** 698 North Moss Street

**Assessor Map:** 19-01-11-33

Tax Lot: 6706 Existing Area: 1.40 acres

**Existing Zone:** R-1, Single-Family Residential

Owner/Applicant of Tax Lot 6704: Karotko Michael L & Ellen M

**Applicant's Representative:** Katie Keidel, Metro Planning **Property Location:** No address assigned but on East 6<sup>th</sup> Street.

**Assessor Map:** 19-01-11-33

**Tax Lot:** 6704

Existing Area: 4.06 acres

Existing Zone: R-1, Single-Family Residential

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.

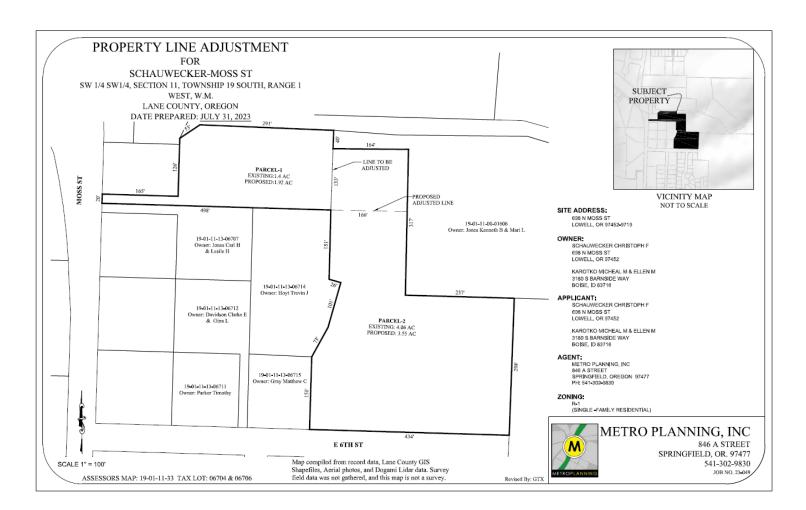
A staff report with findings approving or denying the property line adjustment will be drafted.

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 <u>hhearley@lcog.org</u> 541-682-3089

Jeremy Caudle City Administrator <u>jcaudle@ci.lowell.or.us</u> 541-937-2157



Lookout Point LLC McMahon Martin Craig & Rhonda Lee **Goss Investment Properties LLC** 13607 E 49th Ln 40160 E First St PO Box 28 Lowell, OR 97452 Lowell, OR 97452 Yuma, AZ 85367 Lane Kenneth R & Patricia D Neet Dustin R Quinton Michael 850 N Moss St 720 N Moss St 750 N Moss St Lowell, OR 97452 Lowell. OR 97452 Lowell, OR 97452 Jenks Karlena A Howell Mali & Ian Jones Kenneth B & Mari L 760 N Moss St 770 N Moss St PO Box 446 Lowell, OR 97452 Lowell, OR 97452 Lowell, OR 97452 Holston Kevin F & Heather L JJLM LLC County Owned Lands Dept 7000 Robert Dixon Dr 125 E 8th Ave PO Box 363 Lowell, OR 97452 Austin, TX 78749 Eugene, OR 97401 **Burnett Living Trust** Oregon Parks and Recreation Karotko Michael L & Ellen M 3210 Raleighwood Ave Department 3180 S Barnside Way Springfield, OR 97477 725 Summer St NE Ste C Boise, ID 83716 Salem, OR 97301 Cox Brandee Moerdyk-Schauwecker Megan J Jones Carl H & Leslie E 688 N Moss St 698 N Moss St PO Box 272 Lowell, OR 97452 Lowell, OR 97452 Lowell, OR 97452 **Gray Jeffrey David** Long Dennis R & Sally J **Montgomery Tracie** 688 N Moss St PO Box 454 41 E 6th St Lowell, OR 97452 Lowell, OR 97452 Lowell, OR 97452 **Parker Timothy** Davidson Clarke E & Gina L Hoyt Trevin J 83 E 6th St 97 E 6th St PO Box 548 Lowell, OR 97452 Lowell, OR 97452 Lowell, OR 97452

Kenneth & Andrea Revocable Living

Trust

PO Box 533 Lowell, OR 97452 Bennett Marlys J

Lowell, OR 97452

PO Box 451

Gray Matthew C

85261 Marriott Ln

Pleasant Hill, OR 97455

## AFFIDAVIT OF MAILING

LANE COUNCI L 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 <u>August 17, 2023</u>, a notice of a public hearing for a PROPERTY LINE ADJUSTMENT for properties locate at Map and Tax Lot 19-01-11-33 TL 6704 & 6706 to the addresses contained herein.

City File # LU 2023-01.

Signature

Print Name