

**City of West Linn  
PRE-APPLICATION CONFERENCE MEETING  
SUMMARY NOTES  
March 17, 2011**

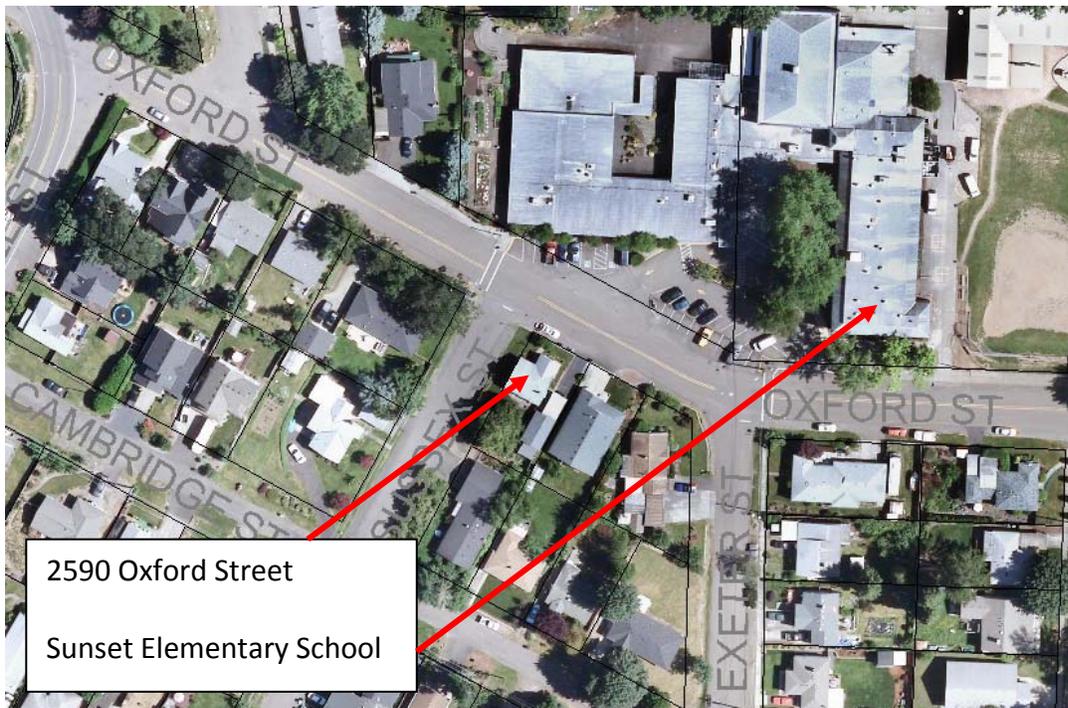
**SUBJECT:** Proposed Accessory Dwelling Unit (ADU) at 2590 Oxford Street

**ATTENDEES:** Applicants: Nathan Pylate  
Staff: Peter Spir (Planning) Jim Clark (Building)

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*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. **These comments are PRELIMINARY in nature.** Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

**Project Details**



The applicant proposes a 420 square foot ADU in an existing garage located in the rear of the applicant’s property. The house comprises 1166 square feet per the County Assessor’s Office. The maximum size of a new ADU is 30% of the square footage of the house. That would limit the ADU to 350 square feet for the ADU. There is however another provision in CDC Chapter 34 which states that:

*Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B) (1) through (9) of this section, but shall conform to them to the greatest extent feasible.*

The garage architecture and materials used suggest that it was built somewhere between 1950 and 1960, well before January 2000, so its conversion to a 420 square foot ADU is allowed. The applicant proposes to add a window on the west side of the garage with no windows on the east side facing the neighbor. The building is and will remain 14 feet tall to peak of roof which is a single story structure. The entrance door will remain on the north elevation.



East facing wall of garage/proposed ADU. No windows are proposed on this elevation to preserve privacy of the neighbor.



Garage/proposed ADU at right. Neighbor's house is at left. Driveway and carport can accommodate parking requirements. Note entrance door.

CDC Chapter 34 requires that one off street parking space be provided for the ADU while CDC Chapter 46 requires one off street space for the existing house. That adds up to two off street parking spaces which can be easily accommodated by the existing driveway and carport using a tandem parking configuration.

ADU's are required to meet the side yard setback of the underlying (R-7) zone. The required setback is 7.5 feet while the setback of the garage is three feet. Therefore the provisions of CDC chapter 66 (Non-Conforming Structures) apply.

**66.060 DISCONTINUANCE OR CHANGE OF CONFORMING USE IN A NON-CONFORMING STRUCTURE**

*Should the owner or occupant discontinue or change the use of a non-conforming structure, it shall be unlawful and a violation of this code to begin or maintain such altered use until the off-street parking spaces and loading area requirements of Chapter 46 CDC and the access, egress, and circulation requirements of Chapter 48 CDC are met, or until the appropriate approval authority under Chapter 99 CDC has approved the change.*

66.080 ENLARGEMENT OF OR ALTERATION TO A NON-CONFORMING STRUCTURE: PROCESS AND APPROVAL STANDARDS

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

1. If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code.

2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.

- a. The enlargement or alteration will not change the non-conformity; and
- b. All other applicable ordinance provisions will be met. (Ord. 1192, 1987)

Staff finds that changing the use from a garage to an ADU will not change or worsen the non-conformity. No expansion of the garage footprint is proposed and the elevation facing the neighbors will remain unchanged. The proposal will not add windows on the east side of the garage/ADU which means that the privacy the neighbors now enjoy will continue.

(Although it is not part of the submittal requirements or approval criteria, a letter from the adjoining homeowners in support of your ADU proposal is always helpful to an application.)



2590 Oxford Street  
Garage to be converted to an ADU  
Garage is three feet from side lot line

Staff notes that 2590 Oxford Street is zoned R-7 (7,000 square foot minimum lot size single-family residential). The lot is actually 5,000 square feet which is allowed as a non-conforming lot of record per CDC 68.040(A) (1). No permit is required under this chapter 68's provisions since that chapter is all about building on vacant non-conforming lots or expanding the building footprint on non-conforming lots, whereas this proposal is about converting an existing structure to an ADU with no increase in footprint.

## **BUILDING DEPARTMENT COMMENTS**

The system development charges (SDCs) for water or sewer would be charged if the ADU was provided with separate utility connections. Rough cost estimates for sewer SDC would be \$5,000 and a similar amount for water. Additional costs for work in the Rights of Way would also be required. (Contact David Davies at [ddavies@westlinnoregon.gov](mailto:ddavies@westlinnoregon.gov) or Jim Clark at [jclark@westlinnoregon.gov](mailto:jclark@westlinnoregon.gov) regarding SDC calculations and permit costs.)

If the ADU is tied into the existing services for the house then no SDC's would be charged. Sewer lines have to have a fall of one-quarter inch per lineal foot and a minimum buried depth of 12 inches. Please contact Jim Clark, Plumbing Inspector at 503-656-4211 to determine the appropriate connection point and depth. A building permit is also required for the ADU conversion. Jim Clark also pointed out the building code requirement of a vapor barrier under the foundation slab. The garage does not have one. The applicant shall contact Dave Davies regarding this building code issue or alternative designs.

## **PROCESS**

Complete the Non-Conforming Structure permit application and submit it to the Planning Department with deposit/fees based upon the fee schedule. The deposit/fee for a non-conforming structure is 800 dollars. Staff will bill hours against this deposit. Surplus deposit money will be returned on completion of the land use permit process. Conversely, cost overruns could result in the need to pay additional deposit/fees.

Accompanying the application and deposit/fees will be a full and complete submittal and full response to the approval criteria per the requirements of CDC Chapter 66. The applicant must specifically respond to (a) and (b) below.

2. *If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.*
  - a. *The enlargement or alteration will not change the non-conformity; and*
  - b. *All other applicable ordinance provisions will be met. (Ord. 1192, 1987)*

Ordinarily the applicant for an ADU would also have to meet the design standards of CDC Chapter 34, but existing structures that are being converted to ADU's are exempt:

*7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B) (1) through (9) of this section, but shall conform to them to the greatest extent feasible.*

The City has 30 days to determine if the application is complete or not. Most applications are incomplete, usually due to inadequate responses to approval criteria or stating “NA” in response to submittal requirements or approval criteria. The applicant has 180 days to make it complete, although usually in simple cases like this the application is complete within six weeks from the date of the original submittal. Although the City legally has 120 days to exhaust all local review and appeals, review should move quite quickly with a 14-day public notice period. Notice of your proposal will be sent to property owners within 100 feet of your property perimeter. The Planning Director renders the final decision. Appeals are heard by City Council.

***Typical land use applications take four months from beginning to end. Longer if they are appealed or there are delays in re-submittals.***

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. These pre-application notes shall be invalid 18 months from the date of the pre-app. After that date, another pre-app would be required. Also, new state laws and development code amendments can impact the feasibility of a project.

Preap-PA-3-17-report for ADU on Oxford



West facing elevation in the rear yard of the applicant's property. Windows will be on this side.

