

**CITY OF WEST LINN**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**June 15, 2023**

**SUBJECT:** Proposed subdivision of 22910 Weatherhill and two adjacent unaddressed lots into 14 lots for the development of middle housing

**FILE:** PA-23-08

**APPLICANTS PRESENT:** Darko Simic (AKS), Grace Wolff (AKS), Zach Pelz (AKS), Bruce Howard (David Weekley Homes), Max Bondar (David Weekley Homes)

**STAFF PRESENT:** Ben Gardner (Planner); Jameson Lumpkin (Associate Engineer)

**PUBLIC PRESENT:** Rich Sakelik, Savanna Oaks NA President

*These pre-application summary notes have been prepared for the Applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees\*. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

**SITE INFORMATION:**

Site Address: 22910 Weatherhill and two adjacent unaddressed lots  
Legal Description: Lot 8, Bland Acres – Plat 304 (1911)  
Tax Lot No.: 21E26C01500, 21E26C01501, and 21E26C01502  
Site Area: 226,482 square feet  
Neighborhood: Savanna Oaks Neighborhood Association  
Comp. Plan: Low Density Residential  
Zoning: R-7  
Zoning Overlays: Water Resource Area

**PROJECT DESCRIPTION:**

The Applicant proposes to divide the three existing lots (21E26C01500, 21E26C01501, and 21E26C01502) into 14 parent lots utilizing the standard subdivision procedures laid forth in the Community Development Code. They then propose to further divide them utilizing the middle housing land division bill SB458, creating a total of 48 lots for a mix of attached triplexes and quadplexes.

**APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:**

Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- [Chapter 12: R-7, Residential](#)
- [Chapter 32: Water Resource Area Protection](#)
- [Chapter 38: Exceptions to Yard Requirements](#)
- [Chapter 41: Structures on Steep Lots](#)
- [Chapter 42: Clear Vision Areas](#)
- [Chapter 43: Side Yard Transitions](#)
- [Chapter 44: Fences](#)
- [Chapter 48: Access, Egress, and Circulation](#)
- [Chapter 85: General Provisions](#)

- [Chapter 92: Required Improvements](#)
- [Chapter 96: Street Improvement Construction](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

\*\*\*Please note: this list of applicable code sections applies if you pursue the standard subdivision process. If you instead utilize SB458, very few chapters and provisions from the CDC still apply. See the two following sections for more detail on this.\*\*\*

### **KEY ISSUES & CONSIDERATIONS**

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

- As discussed in-person during the pre-application conference, there is no requirement to split the subdivision process into two separate applications that utilize both the standard subdivision process and the middle housing subdivision process. The most expedient route would be to simply utilize the middle housing subdivision process by means of [SB458](#) to create all of the desired lots in a single land use action. The end result will be the same, but with less overall administrative / application cost and time spent. I will provide details in the notes on which provisions apply to which process where appropriate.
- A small portion of the Northernmost tip of 22910 Weatherhill / 21E26C01500 overlaps a 65 foot water resource buffer from Fritchie Creek. Based on recent aerials the overlap appears to be approximately 5 feet at its deepest, but its exact location should be confirmed before completing any further site plans. Due to the provisions detailed in [ORS 197.360\(1\)\(a\)\(C\)\(i\)](#), no development can take place in the given overlap if SB458 is planned to be utilized. The best approach in this case would be to map the buffer and avoid it in the course of development.
- Addressing should be submitted as soon as you have a preliminary lot configuration designed in advance of building permit submittal, as we need addresses established in our system to effectively complete building plan reviews. Requests are completed [online](#) via our land use submittal page. Staff contact is [bgardner@westlinnoregon.gov](mailto:bgardner@westlinnoregon.gov)
- Due to the steep slopes on the property, most of the proposed development will require geotechnical reports as part of the review process to both confirm the site is generally safe and suitable to develop as well as to confirm the local conditions of the footings and other elements are suitable as proposed. Staff may require other reports depending on the proposals and site-specific conditions.

### **RESPONSE TO APPLICANT QUESTIONS:**

The Applicant provided questions for Planning before and during the meeting for followup. I have replicated them below for reference. Answers to the questions directed to Public Works may be found in their summary notes attached to the end of this document. The applicant expressed interest in pursuing SB458 instead of the standard process originally proposed, so the following answers and resources have been tailored to the requirements of a middle housing subdivision without a standard subdivision as part of it.

Q: Please explain any procedures required to confirm the legal status of the existing lots.

A: The lots are legally established based on existing records. Applicants provide confirmation of ownership with their application to supplement this.

Q: Can applicants submit building permit applications concurrently with the division?

A: Yes, per SB458 you can submit building permit applications at the same time that you submit for your land division. This can help reduce overall timelines.

Q: City maps show no wetlands on site. Please confirm there are no known mapped wetlands on site.

A: There are no known wetlands mapped on the given site.

Q: Are there any easements on the site?

A: There are no mapped easements on-site.

Q: Are there any historic, cultural, or natural resources on site?

A: There are no known historic or cultural resources on site. There may be significant trees on site. Site plans submitted for building plan review should show all trees 12" or greater in diameter. This will be reviewed by the City Arborist.

Q: What are the implications of having steep slopes on the property?

A: See the final bullet point in the Key Issues section above.

Q: How long is a land use approval good for?

A: 3 years, but applicants can file for extensions if needed.

Q: What is the extension process for subdivisions utilizing SB458?

A: The standard extension process outlined in [CDC 99.325](#).

Q: What is the total cost of the applications for a subdivision at this time?

A: See our [current fee schedule here](#) (page 23) for a comprehensive list. Note the fees have changed since the pre-application conference. See also the Application Fees section at the end of this document.

Q: How is a middle housing land division notated on the final plat?

A: We provide directions for this in the conditions provided on the land use decision. It is essentially a brief note that makes clear the approval for the division was given under SB458 and that no further division may occur as a result.

Q: Is a middle housing land division a Planning Commission decision?

A: No, it is a Staff-level decision.

Q: Can we start construction before the final plat is recorded?

A: Yes, so long as you have received approval to do so from Public Works, Building, and Planning (i.e. you have your land use decision and applicable permits in hand).

Q: What happens if a party wants to appeal a decision made by an appointed referee?

A: Per [ORS 197.375](#), any party to the proceeding under the referee could request a judicial review by the Court of Appeals. The Land Use Board of Appeals (LUBA) does not have jurisdiction over these decisions.

Q: What West Linn development code applies if SB458 is utilized?

A: Those elements specifically called out by SB458, which includes frontage improvements (See Ch.92 and Ch. 96). Most of what you need to adhere to is listed explicitly in SB458. Note that while this significantly streamlines the land use side of the process, Public Works standards and Building Code still apply.

**PUBLIC COMMENT:**

No public comments submitted, though Rich Sakelik, President of the Savanna Oaks NA attending the meeting noted that meetings with AKS and David Weekley homes have taken place and will continue to occur.

**ENGINEERING:**

The Engineering department comments are attached. For further details, contact Jameson Lumpkin at [jlumpkin@westlinnoregon.gov](mailto:jlumpkin@westlinnoregon.gov)

**BUILDING:**

For building code and ADA questions, contact Adam Bernert at [abernert@westlinnoregon.gov](mailto:abernert@westlinnoregon.gov) / 503-742-6054 or Alisha Bloomfield at [abloomfield@westlinnoregon.gov](mailto:abloomfield@westlinnoregon.gov) / 503-742-6053.

**TUALATIN VALLEY FIRE & RESCUE:**

A Service Provider Permit must be provided with this application - <https://www.tvfr.com/399/Service-Provider-Permit>. Contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) or 503-259-1510 with any questions.

**TREES:**

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at [rjones@westlinnoregon.gov](mailto:rjones@westlinnoregon.gov) or 503-722-4728.

**PROCESS:**

Expedited land division utilizing SB458. It is a Staff-level decision utilizing the provisions outlined in SB458. No public hearing is required.

Upon submission, Staff has a 21 day time limit to review an expedited land division for completeness. Once the application is declared complete, Staff will review the application and send a 14-day public comment notice. When the public comment period closes, the Planning Director will prepare a decision. A final decision on an expedited land division has a time limit of 63 days.

There is a 14-day appeal period after the decision. If the decision is not appealed, the Applicant may proceed with the development.

**NEIGHBORHOOD MEETING:**

If this proposal is pursued utilizing only the provisions laid forth in SB458, a neighborhood meeting will not be required for this project. This being stated, applicants are still encouraged to conduct outreach and meetings to the affected neighborhood(s).

## **HOW TO SUBMIT AN APPLICATION:**

Submit a complete application in a single PDF document through the [Submit a Land Use Application](#) web portal. A complete application should include the following items:

1. A completed and signed [development application form](#);
2. A project summary outlining the scope of the project;
3. A compliance narrative that includes full written responses to all approval criteria in SB458.
4. A Service Provider Letter from Tualatin Valley Fire and Rescue;
5. A tentative subdivision plan that conforms to Section 2 (2) of SB458, listed here for convenience:
  - '(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);*
  - (b) Separate utilities for each dwelling unit;*
  - (c) Proposed easements necessary for each dwelling unit on the plan for:*
    - (A) Locating, accessing, replacing and servicing all utilities;*
    - (B) Pedestrian access from each dwelling unit to a private or public road;*
    - (C) Any common use areas or shared building elements;*
    - (D) Any dedicated driveways or parking; and*
    - (E) Any dedicated common area;*
  - (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and*
  - (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.'*

## **COMPLIANCE NARRATIVE:**

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

## **APPLICATION FEES & DEPOSITS:**

The Planning Division Fee Schedule can be found on our website: <https://westlinnoregon.gov/finance/current-fee-schedule>

- Fee for an expedited division \$4,900
- Fee for a subdivision final plat review \$2,000

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

**\* DISCLAIMER:** *These pre-application notes have been prepared per [CDC Section 99.030.B.7](#). The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The Applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*



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## Pre-app Comments

**Project Number: PA-23-08**

### Engineering Contact:

Jameson Lumpkin  
jlumpkin@westlinnoregon.gov  
Telephone: (503) 722-4739

**Project Description:** 15-lot planned unit development subdivision for single-family detached homes.

**Pre-application meeting date:** June 15<sup>th</sup>, 2023

The comments provided below are based upon material provided as part of the pre-application packet and are intended to identify potential design challenges associated with the development. Comments are not intended to be exhaustive and do not preclude the engineering department from making additional comments as part of the formal land use application process.

### TRANSPORTATION

#### Minimum Required Improvement:

- Bland Circle Improvements:
  - Bland Circle is identified as a local street in the City's *Transportation System Plan*.
  - The existing right-of-way is approximately 30 feet wide.
  - The standard right-of-way width for a local street is 52 feet wide. Right-of-way dedication, ranging from 12 – 20 feet. Dedication is based on the Proposed Street Corridor Design for this area.
  - Right of Way dedication will be at the discretion of the City Engineer.
  - Half-street improvements, including pavement widening, curb and sidewalk, to local street standards will be required.
  - Given steep slopes, a curb tight sidewalk is anticipated to be constructed along the Bland Circle frontage.
- Weatherhill Road Improvements
  - Weatherhill Road is identified as a local street in the City's *Transportation System Plan*.
  - The existing right-of-way is approximately 30 feet wide.
  - The standard right-of-way width for a local street is 52 feet wide. Right-of-way dedication, ranging from 6 – 11 feet. Dedication is based on the Proposed Street Corridor Design for this area.
  - Right of Way dedication will be at the discretion of the City Engineer.
  - Half-street improvements, including pavement widening, curb, sidewalk, and landscape buffer, to local street standards will be required.
- Street trees: coordinate with the Park Department to install appropriate number and type of tree, as applicable:
  - Parks Contact: Ron Jones  
[rjones@westlinnoregon.gov](mailto:rjones@westlinnoregon.gov)  
503-722-4728



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- All new distribution and communication franchise utilities and their services must be placed underground.
- The applicant will be required to dedicate an 8 foot public utility easement along all street frontages.
- A Traffic Impact Analysis (TIA) is anticipated to be required. Review CDC Chapter 85 and Section 5 of the *City of West Linn Public Works Standards*. **May Be required will be confirmed before notes are published**

### SANITARY SEWER

#### Minimum Required Improvement:

- A sewer connection will need to be constructed from the property to an existing sanitary line, with adequate grade. A sanitary connection will need to be revisited once a connection is proposed.
- Bland Circle currently has a 8" PVC main which should have capacity to serve the new development.

### DOMESTIC WATER

#### Minimum Required Improvement:

- This subdivision will need to be off either the Horton water pressure zone or the Rosemont pressure zone shown the City's GIS mapping.
  - Each pressure zone will need to be tested to determine the best tie in location.
  - Depending on the pressure testing there may be a need to tie into both the Horton and Rosemont pressure zones to addiquitly feed the development.
  - All potential connection points are 8" DI pipes.

### SURFACE WATER (STORM SEWER)

#### Minimum Required Improvement:

- Onsite run-off generated from new impervious areas of greater than 1,000 square feet must be captured, treated, detained and conveyed to the nearest public stormwater system in accordance with the *Portland Stormwater Management Manual*, the Uniform Plumbing Code, and *City of West Linn Public Works Standards*.
- Stormwater facilities installed to capture, treat, detain and convey stormwater from the private improvements shall be privately owned and maintained.
- A separate storm lateral for each parcel will need to be constructed to connect to the new main.
- New main was constructed as part of new subdiviosn located at 23000 Bland Circle. This will be the closest connection point ot the city system.



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### OTHER

- The proposed development will disturb more than 5 acres. Application for sites 5 acres and larger shall be directly to Oregon Department of Environmental quality under their 1200-C permitting program. A copy of the completed application and approved 1200-C permit shall be provided to West Linn Engineering prior to start of any construction activity.
- All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new developments frontage exceeding 200 feet.

### Applicant Questions

- There will need to be a 28' Local Street cross-section within a 52' ROW for both Weatherhill and Bland.
- ROW dedication will vary around the property based on the corridor concept plan.
- Sidewalk will need to span across the entire frontage of both Bland and Weatherhill connecting into existing sidewalk
  - No bike paths will be need to be constructed as part of these improvements
- Emergency access standards will be determined by TVF&R.
- Will provide the developer with as-built information that can be found. Can not confirm that this will include all the information of utilities that is needed for this project
- Storm detention facilities shall be designed to provide storage up to the 25-year storm event, with the safe overflow conveyance of the 100-year storm event. Calculations of site discharge for both the existing and proposed conditions shall be required using the Unit Hydrograph Method.
- SDC fee breaks for townhomes, multiple units with shared walls on one lot. If they divide the lots it will be assumed a single family home and fees will reflect that.