

**CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
SEPTEMBER 21, 2203**

SUBJECT: Proposed Land Division of 2289 5th Ave

FILE: PA-24-09

APPLICANTS PRESENT: John Moe & Sally Moe (Property Owner); Thomas Watton (Applicant/Designer)

STAFF PRESENT: Aaron Gudelj, Associate Planner; Clark Ide, Assistant City Engineer; Tyler Bobett Associate Engineer; John Floyd Senior Planner

PUBLIC PRESENT: Kathie Halicki

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: 2289 5th Avenue
Tax Lot No.: 31E02AB06400
Site Area: 21,779 SF
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Low Density Residential
Zoning: R-10
Zoning Overlays: N/A

PROJECT DESCRIPTION:

The applicant proposes to add additional residential units to the property. The applicant is inquiring about adding additional townhouses on the subject lot without a land division if possible; or to divide the property into 2 lots thereby creating a new vacant lot for development on the southern half of the lot.

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:

- [Section 5.020: Classification of Zones](#)
- [Chapter 11: Residential, R-10](#)
- [Chapter 65: Non-Conforming Uses Involving a Structure](#)
- [Chapter 66: Non-Conforming Structures](#)
- [Chapter 67: Non-Conforming Uses of Land](#)
- [Chapter 75: Variances and Special Wavers](#)
- [Chapter 85: Land Divisions – General Provisions](#)
- [Chapter 89: Subdivision and Partition Plats](#)
- [Middle Housing Land Division – ORS 92.031](#)
- [Chapter 92: Required Improvements](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

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:

- Division of the property could proceed through the following different land-use processes:
 - a) **Minor Partition (Chapter 85.170)** – This process would allow the dividing of the lot into 3 or less lots. This is a Planning Director decision and would have a 120-day review period – once the application is deemed complete. This process would have a mandatory Public Noticing of the project to properties located within 500 feet of the site and the Neighborhood Association, and a 20-day public comment period. No public hearing is required; Planning Director Decisions can be appealed to the Planning Commission or City Council.
 - b) **Subdivision (Chapter 89)** – This process would allow for the dividing of the lot into 4 or more lots. This process would be a Planning Commission decision subject to a 120-day review period – once the application is deemed complete. The 120-day review period will involve a 20-day public comment period and a public hearing in front of the Planning Commission. Planning Commission Decisions can be appealed to the City Council.
 - c) **Expedited Land Division (Chapter 85)** - This process would allow for the dividing of the lot into 4 or more lots. This is a Planning Director decision and would be subject to a 63 day review period – once the application is deemed complete. This 63-day review period would involve a Expedited Land Divisions can be appealed to a third-party hearings officer.
 - d) **Middle Housing Land Division (ORS 92.031)** – This process would require a Minor Partition or Expedited Land Division - to isolate the existing 6-unit complex on one lot - to be approved prior to an application being submitted. This process would allow for the division of the southern half of the subject lot into approximately 6 units maximum. This process is a Planning Director decision and would be subject to a 63 day review period – once the application is deemed complete. Middle Housing Land Divisions can be appealed to a third-party hearings officer.
 - e) **Class I Variance (Chapter 75)** – Class I Variance allows for 5% lot area modifications and 10% lot dimension modifications. This may be required due to the existing office/shed near the center of the existing lot and minimum lot size requirements in the R-10 zone (10,000) sq. ft. This process could be performed in conjunction with the chosen Land division process.

APPLICANT QUESTIONS & RESPONSE:

- **Can Additional townhouses be added to this property without a land/division/partitioning the lot under the middle housing code?**

Staff Response: No. The existing zoning of the lot does not allow the existing multi-family use – thereby the lot is classified as a nonconforming use. Pursuant to Chapter 67 of the West Linn Community Development Code the nonconforming use is allowed to continue if not expanded. Additional residential dwelling units on the subject lot would be classified as an enlargement/extension of the nonconforming use. If additional units are desired than a lot division isolating the existing nonconforming multi-family use on a smaller individual lot must be performed. The remaining vacant portion of the lot could then be developed under applicable codes.

- **The fact that this is a non-conforming site are we able to partition the lot into two 10,000 sq. ft. or greater R-10 lots and isolate the non-conforming to the lot with the apartment on it, thus giving us a new vacant lot to explore middle housing on?**

Staff Response: Yes. The existing 21,779 sq. ft. lot could be divided into two lots that would individually equal no less than 10,000 sq.ft. A Land division creating a minimum of two lots would be required prior to any additional dwelling unit being added to the existing lot. The Land Division would isolate the existing

nonconforming multi-family complex on its own tax lot and create a pathway for development of middle housing.

- **Will this require going in front of the Planning Commission if we were to build 6 attached townhouses on the new lot?**

Staff Response: This would depend on the land division entitlement the applicant chooses as they are different pathways to divide the lot. The subdivision process would involve a hearing in front of the Planning Commission while an Expedited Land Division, Minor Partition, and/or Middle Housing Land Division does not require a Planning Commission review.

PUBLIC COMMENT:

No comments.

ENGINEERING:

The Engineering department comments are attached. For further details, contact Clark Ide at 503-722-3437 or CIde@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054 or Alisha Bloomfield at abloomfield@westlinnoregon.gov or 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 or 503-259-1510 with any questions.

PROCESS:

A Minor Partition is under approval authority of the Planning Director – a public hearing is not required. A 120-day review period would commence once the application is deemed complete. This process would have a public noticing of the project to properties located within 500 feet of the site and the Neighborhood Association, and a 10-day public comment period. Planning Director Decisions can be appealed to the Planning Commission or City Council.

A Subdivision is under approval authority of the Planning Commission – a public hearing would be required. This 120-day review would include a 10-day public comment period after the project details are mailed to properties within 500ft of the site and the Neighborhood Association. Planning Commission decisions can be appealed to the City Council.

A Middle Housing Land Division is under approval authority of The Planning Director – a public hearing is not required. This 63-day review would include a 14-day public comment period and a public notice of the project mailed to property owners within 100 ft and the neighborhood Association. An Middle Housing Land Division can be appealed to a third party hearings officer.

A Class I Variance is under approval authority of the Planning Director – a public hearing is not required. A 120-day review period would commence once the application is deemed complete. This process would include a public noticing of the project to properties located within 300 feet of the site and the Neighborhood Association, and a 10-day public comment period. Planning Director Decisions can be appealed to the Planning Commission or City Council.

NEIGHBORHOOD MEETING:

Before applying for a Subdivision or Expedited Land Division of four or more lots, the applicant must contact and discuss the proposed development with the Willamette Neighborhood Association at a neighborhood meeting.

The purpose of the neighborhood meeting is to identify potential issues or conflicts regarding a proposed application to address them before the application is submitted.

The applicant should initiate the neighborhood meeting by mailing a request letter to the neighborhood association president and designee formally requesting, within 60 days, a date and location for the neighborhood meeting. The meeting should be scheduled at the association's regularly scheduled monthly meeting or at another time at the association's discretion. The complete requirements for the neighborhood meeting can be found in [Section 99.038 of the CDC](#). Email Aaron Gudelj to request the Willamette Neighborhood Association contact information.

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:

1. A [development application](#);
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;
4. A Service Provider Letter from Tualatin Valley Fire and Rescue; and
5. Demonstration of compliance with Neighborhood Association meeting requirements per [CDC 99.038\(E1-5\)](#).

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.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

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

- [Application fee](#) for a Minor Partition = \$4,400
- [Application fee](#) for a Subdivision = \$4,500
- [Application fee](#) for a Expedited Land Division = \$4,900
- [Application Fee](#) for Middle Housing Land Division = \$4,400
- [Application fee](#) for a Class I Variance = \$1,000

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.

Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

*** 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.