

**CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
November 16, 2023**

SUBJECT: Proposed 4-unit Middle Housing Land Division at 1679 Timothy Ln
FILE: PA-24-10
APPLICANTS PRESENT: Beau J Genot, applicant; Grace Wolff, (AKS Engineering); Justin McArthur (AKS Engineering); Zach Pelz
STAFF PRESENT: Aaron Gudelj, Associate Planner; Jameson Lumpkin, Associate Engineer
PUBLIC PRESENT: Kathi Halicki, Willamette Neighborhood Association 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: 1679 Timothy Lane
Tax Lot No.: 21E35CC04108
Site Area: 0.23 acres (10,024 sq. ft.)
Neighborhood: Willamette
Comp. Plan: Low Density Residential
Zoning: R-10 Residential
Zoning Overlays: N/A

PROJECT DESCRIPTION:

The applicant proposes a Middle Housing Land Division of a single 10,024 sq. ft. residentially-zoned lot into 4 total lots approximately 2,400 – 2,600 sq. ft. each in size.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS and STATE CODES:

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:

City of West Linn Community Development Code

- [Chapter 11: Residential, R-10](#)
- [Chapter 38: Exceptions to Yard Requirements](#)
- [Chapter 54: Landscaping](#)
- [Chapter 85: Land Divisions – General Provisions](#)
- [Chapter 89: Subdivision and Partition Plats](#)
- [Chapter 92: Required Improvements](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

City of West Linn Municipal Code

- [Chapter 8.500 through 8.798: Building](#)

State of Oregon Revised Statues

- [ORS 92.031: Middle Housing Land Division](#)

- [ORS 197.758 Development of Middle Housing](#)

KEY ISSUES & CONSIDERATIONS

No key issues or additional considerations. Please see responses to applicant questions below for any considerations or issues.

RESPONSE TO APPLICANT QUESTIONS:

The Applicant provided questions as part of their submittal for this meeting. These questions and Staff responses are included below:

Q: Please discuss the anticipated timelines, review procedure types, applicable requirements, and required fees associated with the potential middle housing land division.

A: Middle Housing Land Divisions are subject to a maximum 63-day review/Final Decision and 14-day appeal period (75 days total) upon application completeness; the application would be a Planning Director Review & Final Decision, no public hearing would be required. The application fee for a Middle Housing Land Division is \$4,900.

Q: Please discuss the City's process for approving a four-lot middle housing land division for detached townhomes and confirm that this can be done concurrently with building permit submittal.

A: The middle housing land division would be reviewed & approved – if compliant with applicable requirements – by the Planning Director or designee. The building permit review can be done currently with the Middle Housing Land Division.

Q: Please confirm that parking requirements do not apply to middle housing land divisions, and therefore, individual driveways are not required for each lot.

A: Pursuant to ORS 92.031(4)(c) "a city or county....may not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage." No minimum parking is required.

Q: If driveways are not included please confirm the front setback.

A: The front yard setback is 20ft minimum pursuant to the R-10 zoning standards.

Q: Please discuss any additional site development standards that will apply to the planned layout.

A: Front yard setback is no less than 20 ft. Rear yard setback is 20 ft. Side yard setback is 7.5 ft. (R-10 zoning). Lot coverage will be limited to 35% and maximum floor area ratio will be 60% pursuant to the R-10 zoning standards. Required setbacks from property lines will apply to the original lot pursuant ORS 92.031(2)(a).

Q: Please confirm the neighborhood contact requirements do not apply to applications for middle housing land divisions.

A: Pursuant to West Linn CDC 99.038 the proposed subdivision will require a neighborhood association meeting with the Willamette Neighborhood Association prior to the submittal of the Middle Housing Land Division application for development review.

Q: Please confirm that the City's tree preservation/removal criteria would not apply to a middle housing land division application.

A: The City requires approval of a tree permit prior to removal of trees. Any proposed removal of trees would require an approved tree permit pursuant to Municipal Code Section 8.500 through 8.798.

Q: Please discuss any recent or upcoming code amendments or comprehensive plan updates that may affect the site.

A: No major amendments or comprehensive plan updates are anticipated for this site.

Q: Please confirm no frontage improvements will be required.

A: Please see Public Works notes.

Q: Please discuss any driveway placement requirements that would apply if driveways were provided.

A: Driveway standards are outlined in West Linn CDC Section 48.030. The maximum grade of driveway is 15%. Please see Public Works notes for more information.

Q: Please confirm that a traffic analysis will not be required for the potential four-lot middle housing land division per CDC (B)(2)(d)(6), because it will not generate more than 250 average daily trips.

A: According to the ITE Trip Generation Manual, a residential 4-unit development would generate less than 250 daily trips and therefore would not trigger a traffic impact analysis.

Q: Please discuss and fire/emergency access standards that apply to the potential four-lot middle housing land division and address such requirements, if any, that are not currently being met by the attached preliminary Site layout.

A: A Tualatin Valley Fire & Rescue Service Provider Permit is required as part of the applicant's submittal and will provide a fire/emergency access review. Please contact Jason Arn (503) 259-1510 for more information on submittal requirements and design requirements.

Q: Please confirm whether sufficient water system capacity and pressure exists for domestic and fire services. If available, please provide any water flow testing results for nearby hydrants.

A: Please see public works notes.

Q: Please provide as-builts for adjacent public utilities (storm, sewer, water).

A: Please see Public Works notes.

Q: Please discuss any identified utility capacity concerns that may impact the development.

A: Please see Public Works notes.

Q: Please address any stormwater retention or treatment requirements that would apply to the four-lot middle housing land division.

A: Please see Public Works notes.

Q: Please discuss any additional public utility and infrastructure requirements and review procedures that may apply to the planned middle housing land division.

A: Please see Public Works notes.

Q: Please review the included preliminary Site Layout and discuss potential areas of concern.

A: None identified.

Q: What additional studies, analyses, or reports may be required?

A: None identified.

Q: Is the City aware of any historic, cultural, or natural resources and/or features that might impact the development of the site?

A: None identified.

Q: Please discuss the City's system development charges and any anticipated changes to the SDC rates and/or methodology.

A: Please see Public Works notes.

Q: Are there any anticipated future changes in SDC fees, building permit fees, engineering design standards, development standards, etc. that may affect this project?

A: Potential incremental increase in fees if the yearly budget review is completed prior to submittal for Development Review.

PUBLIC COMMENT:

No public comment was received.

ENGINEERING:

The Engineering department comments are attached. For further details, contact Jameson Lumpkin at 503-722-4739 or jlumpkin@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.

TREES:

For information on the tree requirements for this proposal, contact the Parks and Recreation Departments, at treepermits@westlinnoregon.gov.

PROCESS:

A Middle Housing Land Division is the approval authority of the Planning Director, and no public hearing is required. Once the application is declared complete, staff will review the application, send a mailer to property owners and the neighborhood association within 100 ft of the property, and post a notice sign on the property. The mailer notifies surrounding property owners of the project and informs of a 14-day public comment period. The Planning Director will prepare a Final Decision within 63 days of application completeness.

There is a 14-day appeal period after the Final Decision. If the Decision is appealed the project will be heard by a third-party hearings officer. If the Decision is not appealed, the applicant may proceed with the development/building permits etc.

NEIGHBORHOOD MEETING:

Pursuant to West Linn CDC 99.038 a neighborhood meeting is required for a Middle Housing Subdivision that creates 4 or more lots.

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. Application materials identified in the [Development Review Checklist](#).

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>

- Fee for a Expedited Land Division/Middle Housing Subdivision = \$4,900

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 21 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 63 days from the completeness determination to make a final decision on the Middle Housing Land Division 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.*