



# West Linn

## Development Review Application

For Office Use Only

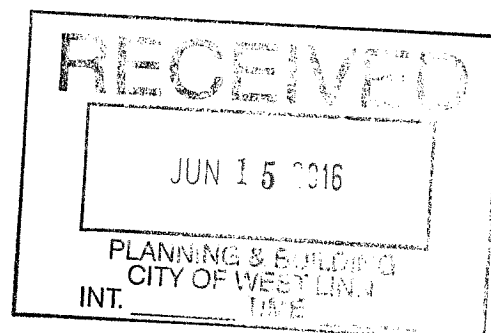
Staff Contact Darren Weiss <i>Darren Weiss</i>	Project No(s) <del>2C-15-02</del> <i>2C-16-01</i>	
Non-Refundable Fee(s)	Refundable Deposit(s) \$3,000.00	Total \$3,000.00

### Type of Review (Please check all that apply):

- |                                       |  |                                   |
|---------------------------------------|--|-----------------------------------|
| Annexation (ANX)                      | Historic Review  | Subdivision (SUB)                 |
| Appeal and Review (AP) *              | Legislative Plan or Change                                 | Temporary Uses *                  |
| Conditional Use (CUP)                 | Lot Line Adjustment (LLA) */**                             | Time Extension *                  |
| Design Review (DR)                    | <b>XX</b> Minor Partition (MIP) (Preliminary Plat or Plan) | Variance (VAR)                    |
| Easement Vacation                     | Non-Conforming Lots, Uses & Structures                     | Water Resource Area Protection/Si |
| Extrajurisdictional Ext. of Utilities | Planned Unit Development (PUD)                             | Water Resource Area Protection/M  |
| Final Plat or Plan (FP)               | Pre-Application Conference (PA) */**                       | Willamette & Tualatin River Green |
| Flood Management Area                 | Street Vacation  | <b>XX</b> Zone Change             |
| Hillside Protection & Erosion Control |  |                                   |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and  
Temporary Sign Permit applications require different or additional application  
forms, available on the City website or at City Hall.

<b>Site Location/Address:</b>  <b>1943 13th St. West Linn, OR 97068</b> <b>1983 13th St. West Linn, OR 97068</b>	Assessor's Map No <b>#1943 -C152528</b> <b>#1983 -21E35C01603</b>
	Tax Lot(s):
	Total Land Area: <b>1943 13th St - 14.404 Sq Ft</b> <b>1983 13th St - 10.070 Sq Ft</b>
<b>Brief Description of Proposal:</b> <b>1943 13th St. West Linn, OR 97068 and 1983 13th St. West Linn, OR 97068</b> <b>Change Zoning on both Properties to R-7. Partition 1943 13th St. after zoning change</b>	

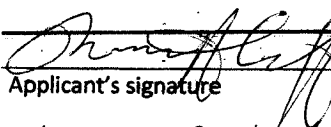

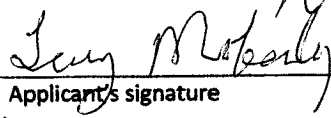
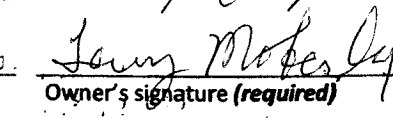
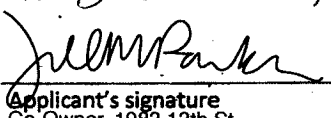
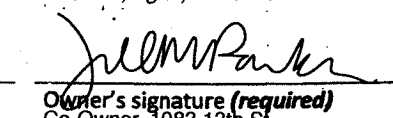




<b>(PLEASE PRINT)</b> <b>Applicant Name:</b> Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City, OR 97045 ( Owner of 1943) Michael & Jill Parker 1708 Oak St. Lake Oswego OR 97034 ( Owner of 1983)	Phone: 503-816-8439 Email: <b>tmoberly@hotmail.com</b>  Phone: 503-984-4919 Email: <b>jillmarie@gmail.com</b>
<b>(please print)</b> <b>Owner Name:</b> Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City, OR 97045 ( Owner of 1943) Michael & Jill Parker 1708 Oak St. Lake Oswego OR 97034 ( Owner of 1983)	Phone: 503-816-8459 Email: <b>tmoberly@hotmail.com</b> Phone: 503-984-4919 Email: <b>jillmarie@gmail.com</b>
<b>(please print)</b> <b>Consultant Name:</b> David Sideras, Capital Builders, LLC <b>Address:</b> PO Box 19115 <b>City State Zip:</b> Portland OR 97280	Phone: 503-892-2955 Email: <b>davidsideras@gmail.com</b>

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.  
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
 If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial ap

	6-15-16		6-15-16
Applicant's signature	Date	Owner's signature (required)	Date
	6-15-16		6-15-16
Applicant's signature	Date	Owner's signature (required)	Date
	6/14/16		6/14/16
Applicant's signature Co-Owner, 1983 13th St	Date	Owner's signature (required) Co-Owner, 1983 13th St	Date
	6/14/16		6/14/16
Applicant's signature Co-Owner, 1983 13th St	Date	Owner's signature (required) Co-Owner, 1983 13th St	Date

## **Narrative to Accompany Zoning Request from R-10 to R7**

**The applicants originally lived in the property thirty years ago and repurchased it when it fell into disrepair about eight years ago. Since then they have invested in it to make it livable again. They have a long history and involvement in West Linn and specifically in the Willamette neighborhood.**

**The applicants request a zoning change from R10 to R7 that would allow them to divide an oversized lot (approximately 14,374 sq ft) located at 1943 13th St. This property is located on the edge of an R10 neighborhood and is bordered by other R7 properties and MU property currently next to Les Schwab's parking lot. Both of these zones are considered Low Density Residential and would be considered a minor change and not deviating from the Comprehensive Plan. Nearby R-7 rezoning occurred in 2007 at 2011 13th St, West Linn and 2008 13th St., West Linn**

**Approval of this zoning change will allow the subsequent creation of two lots through a minor partition process. Once partitioned, the future lots will be slightly larger than 7,000 square feet each in keeping with other lots in the neighborhood.**

**Some examples of these smaller lots in the same Comprehensive Map Zone and even in the same City R10 zone (without having undergone the rezoning process are:**

- **1442 15th Street (5,000 sq ft built in 1920)**
- **1490 15th Street (6,098 sq ft built in 1994)**
- **1741 8th Ave (5,662 sq ft built in 1920)**
- **1755 8th Ave (5,450 sq ft built in 1962)**
- **1444 15th St (6,000 sq ft built in 1994)**
- **1420 15th St (5,001 sq ft built in 1933)**

**In essence, there is nothing new or unusual involved with granting this zoning change and in fact, is consistent with current development in the same R10 neighborhood as well.**

**This property lies at the the intersection of an existing R-10 neighborhood, a mixed-use zone and a commercial zone. In fact, the property only has one contiguous neighbor of the same zoning whose owners are in verbal support the zoning change and division. The existing R10 neighborhood will be insulated from this minor change in zoning with the existing and future house better screening the neighbors from the MU zoning. Approving this application would**

**support the neighborhood's stated desire in the Willamette Neighborhood Vision Statement to be buffered from Mixed-use and Commercial activities.**

**In addition to information above, you will find below specific West Linn city code and narrative that supports our application for the zoning change.**

**We look forward to your timely approval of our application.**

**Respectfully submitted,**

**David Sideras, Mgr  
Capital Builders, LLC  
Consultant for Thomas Corff and Terry Moberly  
POB 19115 Portland, OR 97280  
503-892-2955**

# West Linn - Community Development Code

## Chapter 105

# AMENDMENTS TO THE CODE AND MAP

### Sections:

<u>105.010</u>	PURPOSE
<u>105.030</u>	LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP
<u>105.040</u>	QUASI-JUDICIAL AMENDMENTS AND PROCEDURES
<u>105.050</u>	QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION
<u>105.060</u>	CONDITION OF APPROVAL
<u>105.070</u>	RECORD OF AMENDMENTS

### 105.010 PURPOSE

The purpose of this chapter is to set forth the standards and procedures for legislative amendments to this code and to the map and for the quasi-judicial changes to the map as provided by the code chapters setting forth the procedures and by the Comprehensive Plan. ***Amendments may be necessary from time to time to reflect changing community conditions, needs and desires,*** to correct mistakes or to address changes in the law.

**Response: Applicants request an amendment in the current zoning due to "changing community conditions, needs and desires" as allowed in the purpose statement. Applicants request a correction in the zoning to (without any changes**

**to the comprehensive plan) allow better screening of R10 neighborhood from the neighboring MU use (Les Schwab).**

## **105.030 LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP**

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.

**Response: No legislative amendments are requested to the zoning map at this time.**

## **105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES**

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

**Response: a quasi-judicial amendment to the code and map are requested and consequently, this code is applicable. See further answers below.**

- A. The Planning Commission shall make a recommendation to the Council on a zone change application which does not involve Comprehensive Plan Map amendments as provided by CDC 99.060(B).

**Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. See additional responses below.**

- B. The Planning Commission shall make a recommendation to the Council on an application for a Comprehensive Plan Map amendment. The Council shall decide the application on the record as provided by CDC 99.060(C).

**Response: Applicants request of a zone change does not significantly alter the Comprehensive Plan Map. In fact, changes of this type are encouraged, allowed**

**and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003.**

C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map amendment. The Council shall decide the applications on the record as provided by CDC 99.060(C). (Ord. 1401, 1997; Ord. 1613 § 26, 2013; Ord. 1635 § 44, 2014)

**Response: Applicants are not requesting a change to the Comprehensive Plan Map. This criteria does not apply.**

## **105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION**

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

**Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. The Comp Plan encourages, allows and expects changes so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. This rezoning is consistent with both. See additional responses below.**

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

**Response: Applicants request of a zone change which meets applicable Comp Plan policies and does not change the Comprehensive Plan Map. In fact, changes are encouraged, allowed and expected so long as they are consistent with the Comprehensive Plan Map and the Willamette Neighborhood Plan - 2003. See additional responses below.**

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

**Response:** There is nothing new or unusual involved with granting this application. Two nearby properties were approved for rezoning from R-10 to R-7 in 2007. These approvals were for properties located at 2011 13th St and 2008 13th St. Approving this application would complete an intermediate buffer zone between the R-10 neighborhood to the west and the commercial mixed-use to the east (Les Schwab). The owners of the neighboring parcel at 1983 13th St., the one island of remaining R-10 in this buffer area and the only affected immediate neighbor, are in support of this application. Please see their attached letter of support.

Some examples of nearby smaller R-10 lots (same zone and same designation on the Comprehensive Plan) are:

- 1442 15th Street (5,000 sq ft built in 1920)
- 1490 15th Street (6,098 sq ft built in 1994)
- 1741 8th Ave (5,662 sq ft built in 1920)
- 1755 8th Ave (5,450 sq ft built in 1962)
- 1444 15th St (6,000 sq ft built in 1994)
- 1420 15th St (5,001 sq ft built in 1933)

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

**Response:** Applicants are aware that public comment is part of the zoning change process and may either be in support or in opposition to the requested zoning change. We have attached a letter in support.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

**Response:** The requested zoning change conforms to Low Density Residential Designation. The Comprehensive Plan policies with regard to Residential Development is as follows:

#### SECTION 1: RESIDENTIAL DEVELOPMENT

##### POLICIES

1. Require all residential uses, except for single-family detached dwellings, to be subject to the design review process.



**Response: Only one additional single-family detached dwellings is expected, so no design review process is required or expected. This criteria is met.**

2. Allow clustering of residential development on land with significant environmental constraints only if:

**Response: No environmental restraints are expected and no clustering is expected in future development. In fact, there is only one tree on site which likely will remain on the lot of the existing house. We expect that it will not be impacted by the new construction or be minimally impacted by the new construction. Section a and b below do not apply. This criteria is met.**

a. Such clustering can be demonstrated to protect environmental resources, not

b. Such clustering is found to be compatible with and complementary to existing

3. Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities.

**Response: No environmental open space will be developed. Applicant will take advantage of all incentives to encourage superior design. Applicant does not propose nor is contemplating provide recreational amenities. This criteria is met.**

4. Require open space to be provided in planned unit developments to allow for shared active and passive recreational opportunities and meeting areas for future residents.

**Response: No planned unit developments are requested in this application or expected in the future as part of development. This criteria is met.**

5. New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale.

**Response: One new construction house will result from approving this application and can be designed to be compatible with the existing neighborhood. This criteria is met.**

6. Prohibit gated accessways to residential development other than to an individual single-family home.

**Response: No gated accessways to residential development are requested in this application or expected in the future as part of development. This criteria is met.**

7. The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc.

a. Low density residential lands will meet the following criteria:

only on the affected parcel, but on surrounding parcels; and, neighborhoods in the vicinity of the parcel to be developed.

**Response: Low density residential development is requested as part of this application and is expected in future development. The impact to neighbors will be minimal as the neighboring parcels are parking lots for larger businesses. The sole contiguous neighboring parcel to the new construction would be the existing house owned by the applicant. This criteria is met.**

b. Medium density residential lands will meet all of the following criteria:

**Response: No medium-density developments are requested in this application or expected in the future as part of development. This criteria is met.**

c. Medium-high density residential lands will meet all of the following criteria:

**Response: No medium-high density developments are requested in this application or expected in the future as part of development. Please skip subsections and resume on item #8 below. This criteria is met.**

i) Areas with limited capacity for development in terms of the existing facilities such as sewer, water, and drainage; and/or,

ii) Areas having development limitations due to the topography, soil characteristics, drainage, high water table, and flooding.

iii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

iv) Areas where the existing services and facilities have the capacity for additional development;

v) Areas within one-half mile of public transportation.

vi) Areas that do not rely solely on local streets for the provision of access;

vii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage;

viii) Areas where the existing facilities have the capacity for additional development;

iv) Areas within one-quarter mile of public transit;

v) Areas within short distances of general commercial shopping center or office-business centers;

vi) Areas in close proximity to parks and schools.

8. Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

**Response: Applicants' new single family home will better screen existing neighborhood from the adverse affects of the neighboring mixed use zoning (Les Schwab parking lot). This criteria is met.**

9. Foster land use planning that emphasizes livability and carrying capacity.

**Response: Applicants' new single family home does not adversely affect livability nor carrying capacity. This criteria is met.**

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

**Response: There is a public need for affordable housing in West Linn. This application moves to increase density which the general public, through their creation of Metro and an urban growth boundary, has expressed support. At the time of this application, the least expensive lot for sale is \$150,000. The proximity to businesses of the new lot will be affordable in comparison to one built upon other less affordable options. Increasing housing options reduces pressures on housing. Increased diversity in housing stock and housing prices contribute to a more vital neighborhood.**

3. The changes will not adversely affect the health, safety and welfare of the community.

**Response: Current infrastructure is sufficient to safely handle effluent, the minimal increase in traffic and will increase safety by an increased sense of stewardship.**

D. Transportation Planning Rule compliance.

1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:

**Response: Applicants request a zoning change that would add one single-family house to an already existing neighborhood. It is commonly accepted that an active household will add a maximum of 9.7 trips per day to a transportation system according to the Institute of Transportation Engineers -- ITE standards. Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. Current infrastructure is sufficient to support the minimal**

**increase in traffic. If so granted, this criteria is met. Applicants' proposal will not "significantly" affect any transportation facilities as defined below.**

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- b. Change standards implementing a functional classification system; or
- c. As measured at the end of the planning period identified in the adopted transportation system plan:
  - 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
  - 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

**Response: As stated above, applicants' application will not significantly affect transportation facilities, so none of the subsections apply. This criteria is met.**

- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.
  - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
  - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)

**Response: Applicant requests a zoning change that would add one single-family house to an existing neighborhood. It is commonly accepted that an extremely active household will add a maximum of 9.7 trips per day (Institute of Transportation Engineers -- ITE standards). Applicant requests that this commonly accepted standard be used in lieu of a formal traffic impact analysis. If so granted, this criteria is met.**

## **105.060 CONDITION OF APPROVAL**

A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by CDC 99.110(E).

**Response: Applicant requests that the application be approved or approved with conditions.**