



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: September 1, 2022
FILE NO.: MISC-22-09
REQUEST: Approval for the alteration of a non-conforming structure at 2220 Crestview
PLANNER: Ben Gardner, Assistant Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT/OWNER: Lauren Beedle
2220 Crestview Dr.
West Linn, OR 97068

SITE LOCATION: 2220 Crestview Dr.

SITE SIZE: 9583 Square Feet

LEGAL DESCRIPTION: Tax lot 21E35BA09800

COMP PLAN DESIGNATION: Low Density Residential

ZONING: Residential, R-7

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 12: Residential R-7, Chapter 66: Non-Conforming Structures; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE: The application became complete on August 8th, 2022. The 120-day period therefore ends on December 6th, 2022.

PUBLIC NOTICE: Notice was mailed to property owners within 300 feet of the subject property and to the affected neighborhood association on August 11th, 2022. A sign was placed on the property on August 15th, 2022. The notice was also posted on the City's website on April 11th, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant requests approval for the alteration of a non-conforming single-family home located at 2220 Crestview Dr. The existing non-conformity is the home is located approximately 16 feet from the front property line, and 11 feet from the rear property line, as well as having a floor area ratio of 0.475. The required front yard and rear yard setbacks for the R-7 zone are 20 feet. This is a corner lot with three sides, having a curved front lot line, and two side/rear lines that converge at a single point in the rear. Access is approximately from the middle of the curved front lot line. It is non-conforming due to its proximity to the front lot line as well as its proximity to the rearmost lot lines, regardless of which one is considered the side. It is also non-conforming due to its floor area ratio being 0.475, while the floor area ratio in the R-7 zone is 0.45. The applicant proposes the addition of a deck cover over the second floor of the existing two-story deck, thus maintaining the non-conformity. All other dimensional standards, setbacks, lot coverage, and other provisions of the underlying R-7 zone have been met, as well as the provisions laid forth in Chapter 32 for protection of the Water Resource Area (WRA).

Public Comments:

One public comment was received in support of the application. See exhibit PD-2.

DECISION

The Planning Manager (designee) approves this application (MISC-22-09), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. If any disturbance is created within the WRA in the course of construction, revegetation with native plants on the Portland plant list shall be completed within affected areas by the applicant.

The provisions of the Community Development Code Chapter 99 have been met.



Ben Gardner, Assistant Planner

September 1st, 2022
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 2nd day of September, 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on September 16th, 2022.

ADDENDUM

APPROVAL CRITERIA AND FINDINGS MISC-22-09

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

CRITERIA 1:

12.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. *Single-family attached and detached residential unit.*

...

STAFF FINDING 1:

The applicant proposes an addition to an existing non-conforming single-family home. Single-family detached homes are permitted uses in the R-7 zone. The criteria is met.

CRITERIA 2:

12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size		
For single-family detached units	7,000 sf	<i>No yard shall be required between units</i>
For single-family attached units	5,500 sf	
Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line	35 ft	<i>Does not apply to townhouses or cottage clusters</i>
Average minimum lot width	35 ft	<i>Does not apply to townhouses or cottage clusters</i>
Minimum yard dimensions or minimum building setbacks		<i>Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</i>
Front yard	20 ft	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
Interior side yard	7.5 ft	<i>Townhouse common walls that are attached may have a 0-ft side setback.</i>
Street side yard	15 ft	

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Rear yard	20 ft	
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter <u>41</u> CDC shall apply.
Maximum lot coverage	35%	Maximum lot cover does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex	0.60	Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter <u>66</u> CDC.

...

STAFF FINDING 2:

The subject property is 9583 square feet in area with an approximately 186 foot long front corner lot line. The applicant proposes an alteration to an existing non-conforming detached single-family home. The given structure is currently, at its nearest points, 16 feet from the Northernmost / front property line, 11 feet from the Westernmost property line, and 8 feet from the Easternmost property line, thus being the first main reason for the requirement of the application for the alteration of the non-conforming structure. The given structure is approximately 25 feet tall and covers approximately 32% of the lot. It has a floor area ratio of 0.475, thus being the second main reason for the requirement of the application for the alteration of the non-conforming structure. The criteria are met.

CRITERIA 3:

66.040 DETERMINATION OF STATUS

A. *The Planning Director shall make a determination regarding non-conforming status without giving notice.*

...

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.*

...

STAFF FINDING 3:

The Planning Director determined the existing structure is non-conforming based on its proximity to the rearmost lot lines and its floor area ratio. The proposed alteration is not an enlargement, does not change or increase the non-conformity, and it meets all other provisions of this code. The criteria are met.

CRITERIA 4:

Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.060 APPROVAL AUTHORITY

...

A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

...

h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).

...

STAFF FINDING 4:

The proposed deck cover is an alteration of a non-conforming structure containing a conforming use. The criteria is met.

CRITERIA 5:

99.080 NOTICE

Notice shall be given in the following ways:

...

B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:

a. The applicant or their agent;

b. The affected recognized neighborhood association or citizens advisory committee; and

c. All property owners of record within 300 feet of the site perimeter;

2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Community Development Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

4. At the conclusion of the land use action the signs shall be removed.

...

LAND USE ACTION	TYPE OF NOTICE
...	...
<i>Enlarge or Alter Non-conforming Use/Structure:</i>	
...	...
<i>Single-Family Residential</i>	<i>B</i>
...	...

STAFF FINDING 5:

A Class B Notice was prepared. The notice was sent via mail to the applicant, the affected neighborhood association, and all property owners within 300 ft. of the site perimeter of 2220 Crestview Dr. on 8/11/22. A sign detailing the property's status as being the subject of a land use decision with case details was placed on the property on 8/15/22. An affidavit of mailing of notice and posting of notice was filed in the land use case record. The sign was removed at the conclusion of the action on 8/29/22. The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input checked="" type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> 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.

Site Location/Address: 2220 Crestview Dr, West Linn, OR 97068, USA	Assessor's Map No.: 21E35BA09800
	Tax Lot(s):
	Total Land Area: .22 Acres

Brief Description of Proposal:

Build new patio cover over existing deck. Existing deck is built into the current set backs.

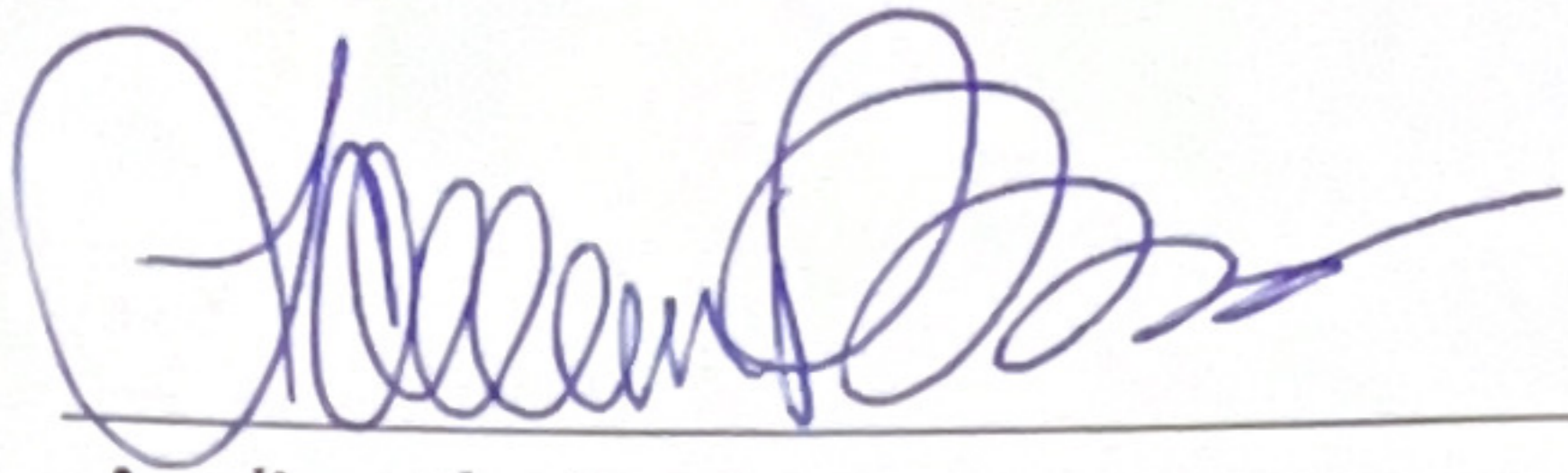
Applicant Name: <i>Lauren Beedle</i> <small>(please print)</small>	Phone: <i>805-795-4422</i>
Address: <i>2220 Crestview Dr.</i>	Email: <i>lbeedle8@yahoo.com</i>
City State Zip: <i>West Linn, OR 97068</i>	

Owner Name (required): <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the Submit a Land Use Application web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.



6/3/22

Applicant's signature

Date

Owner's signature (*required*)

Date

SITE PLAN

2220 Crestview Dr

West Linn, OR 97068

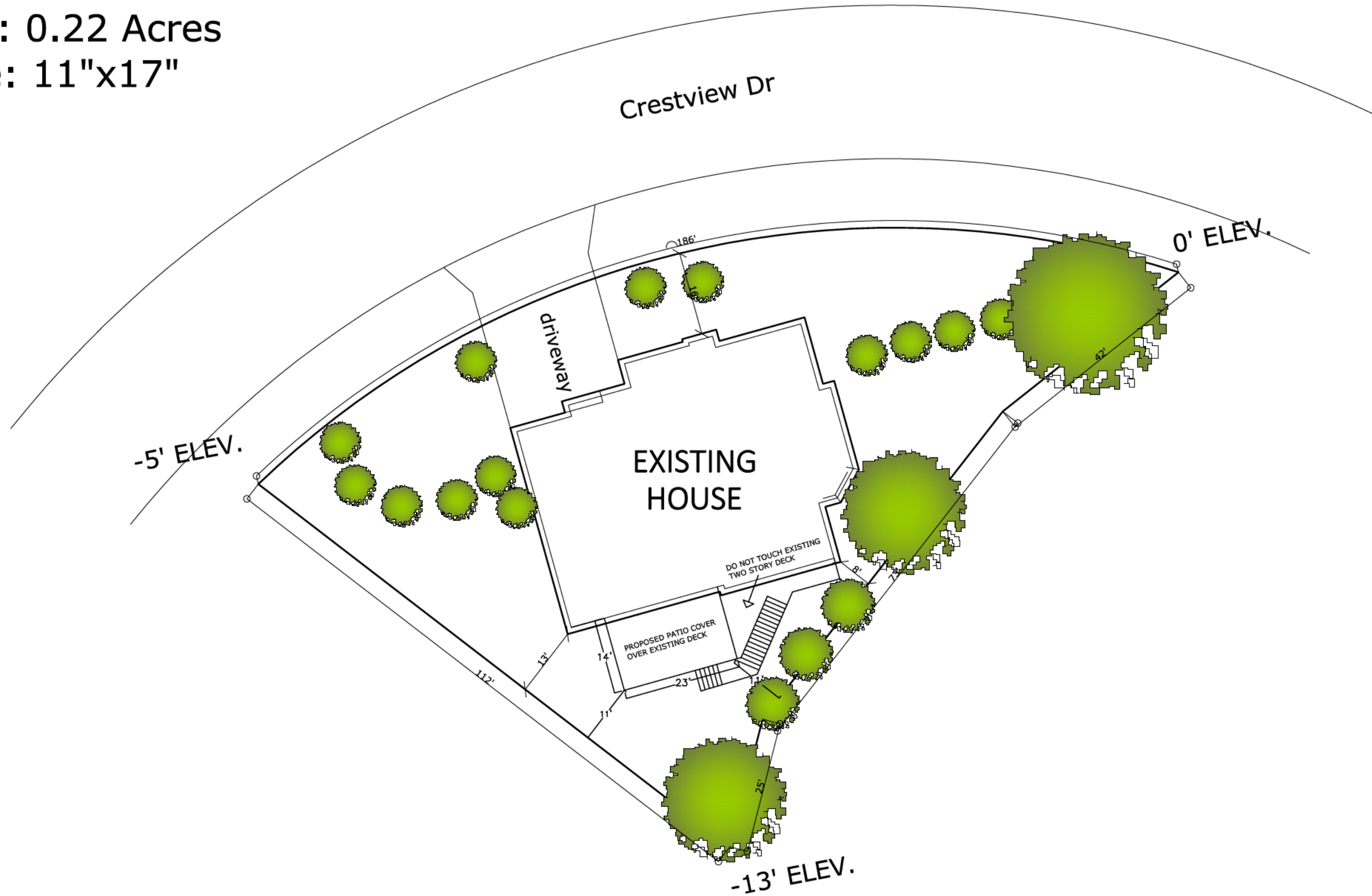
Parcel ID: 21E35BA09800

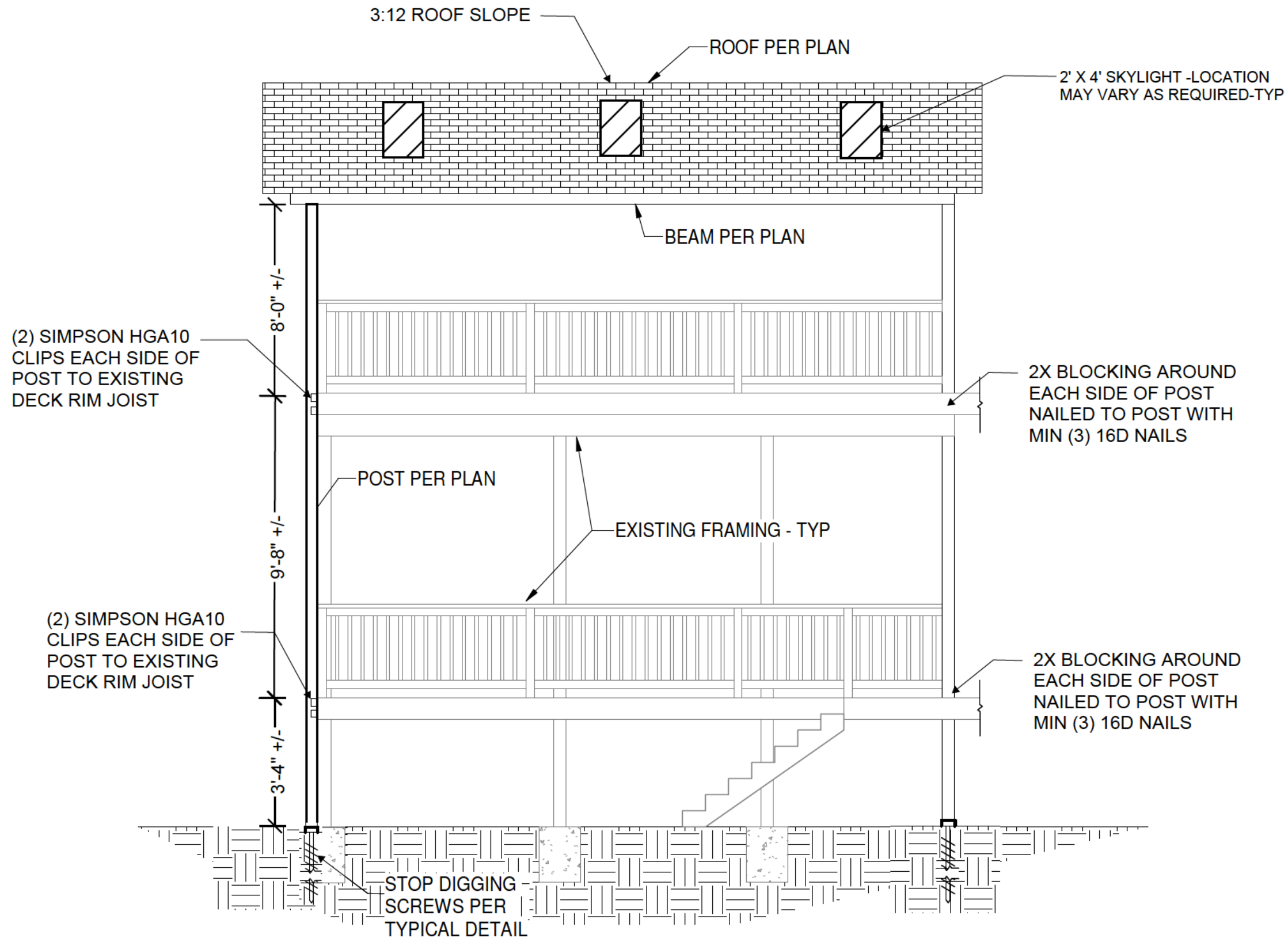
Lot area: 0.22 Acres

Plot Size: 11"x17"



scale 1"=20'





BEEBLE
2220 CRESTVIEW DR.
WEST LINN OR 97068



Expires: **06/30/2023**

KADRIC ENGINEERING, INC.
REGISTRY # 191560094
AZIZ KADRIC, P.E. # 99129
9922 MADAFORD LANE
AFFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

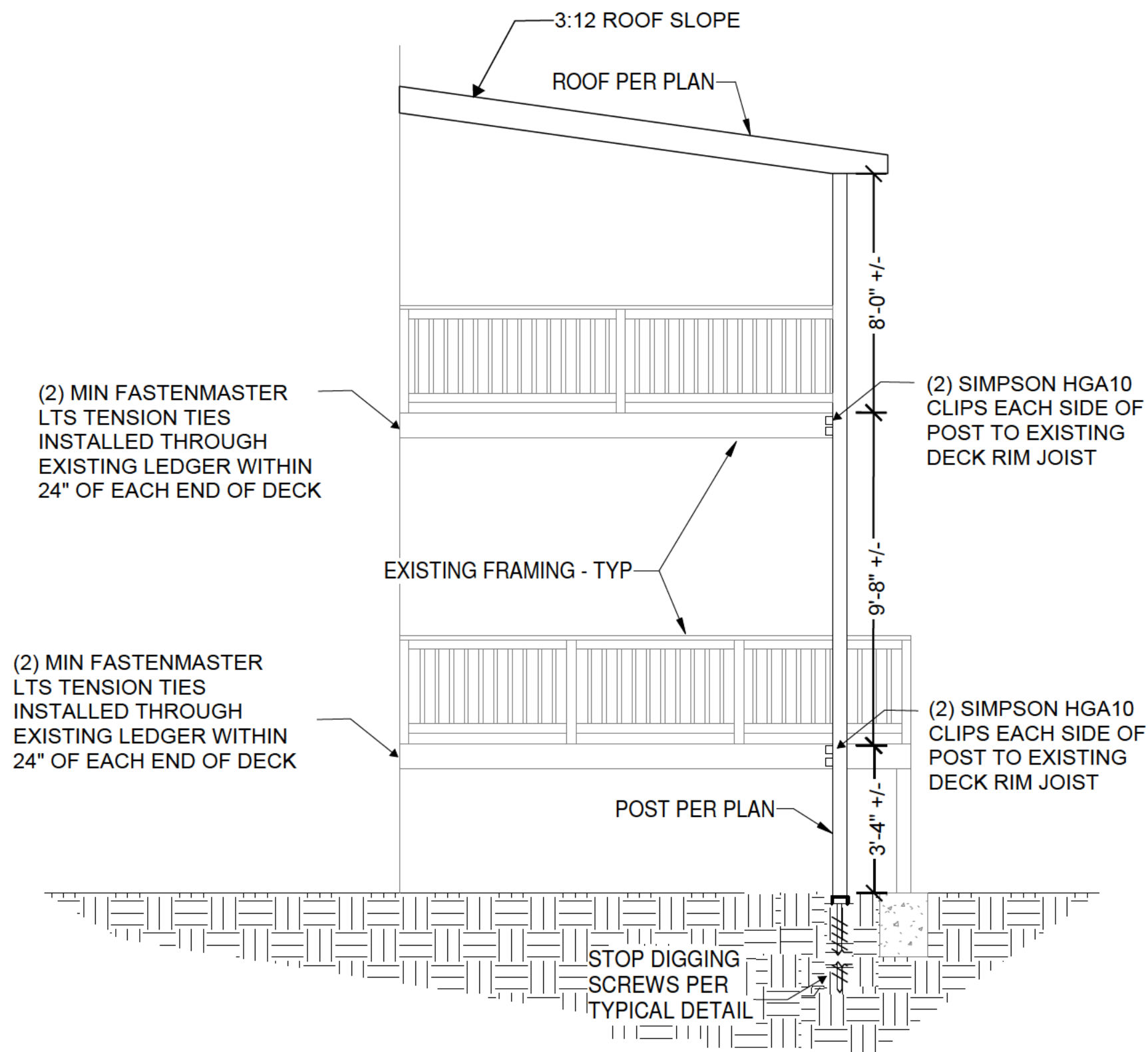
REVISIONS

No.	Description	Date

D1

FRONT ELEVATION

BEEBLE
2220 CRESTVIEW DR.
WEST LINN OR 97068



Expires: **06/30/2023**

KADRIC ENGINEERING, INC.
REGISTRY # 191560094
AZIZ KADRIC, P.E. # 99129
9922 MADAFORD LANE
AFFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

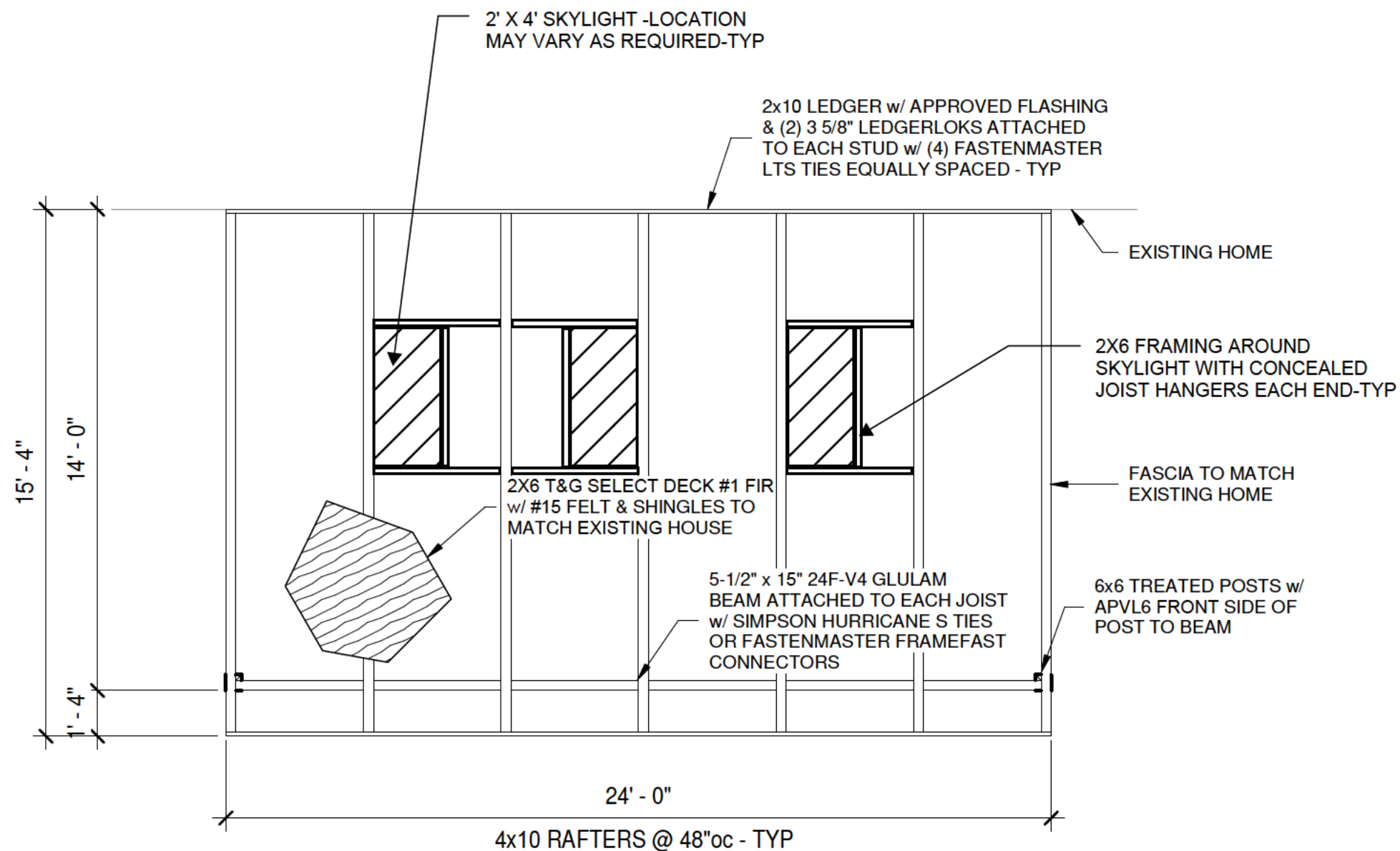
REVISIONS

No.	Description	Date

D2

SIDE ELEVATION

BEEBLE
2220 CRESTVIEW DR.
WEST LINN OR 97068



NOTES:

1. ALL FRAMING IS TO BE PRESSURE TREATED DOUG FIR (NO.1 FOR 4x MEMBERS AND 6x6 POSTS).
2. ALL HARDWARE IS TO BE GALVANIZED/CORROSION RESISTANT.
3. ALL FASTENING NOT SPECIFIED ON THESE DRAWINGS SHALL BE IN ACCORDANCE WITH THE 2021 IRC CODE TABLE R602.3(1) FASTENING SCHEDULE.



Expires: **06/30/2023**

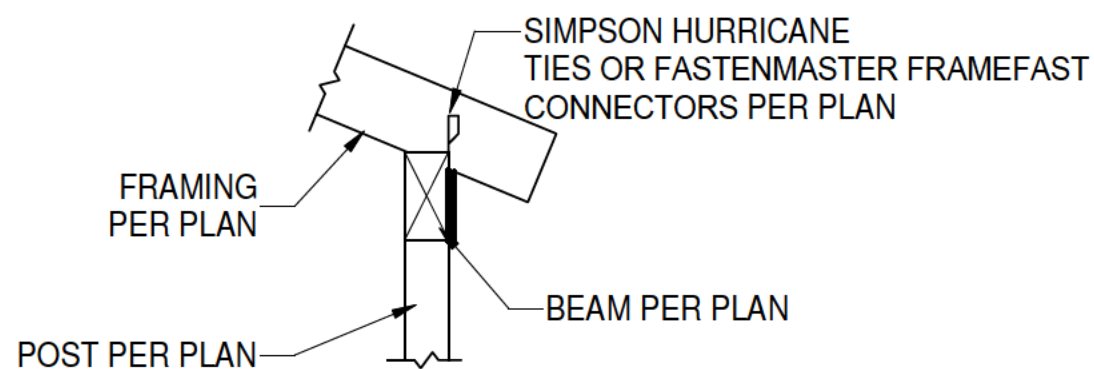
KADRIC ENGINEERING, INC.
REGISTRY # 191560094
AZIZ KADRIC, P.E. # 99129
9922 MADAFORD LANE
AFFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

REVISIONS

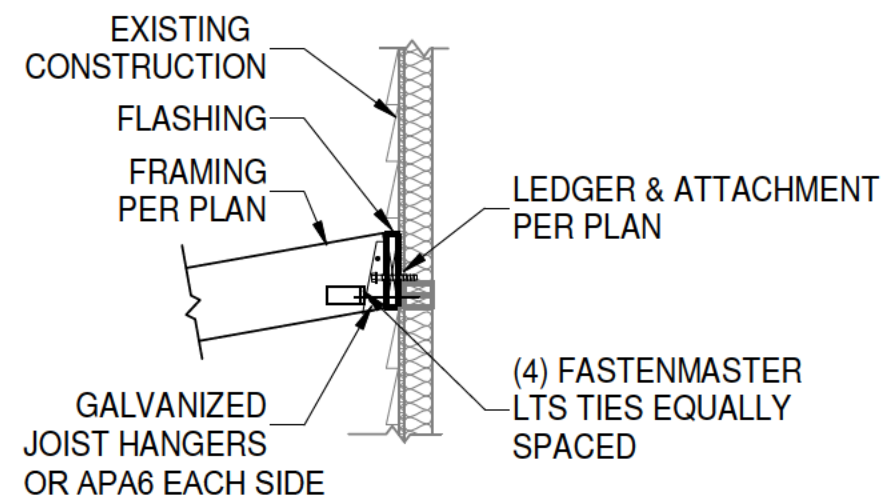
No.	Description	Date

D3

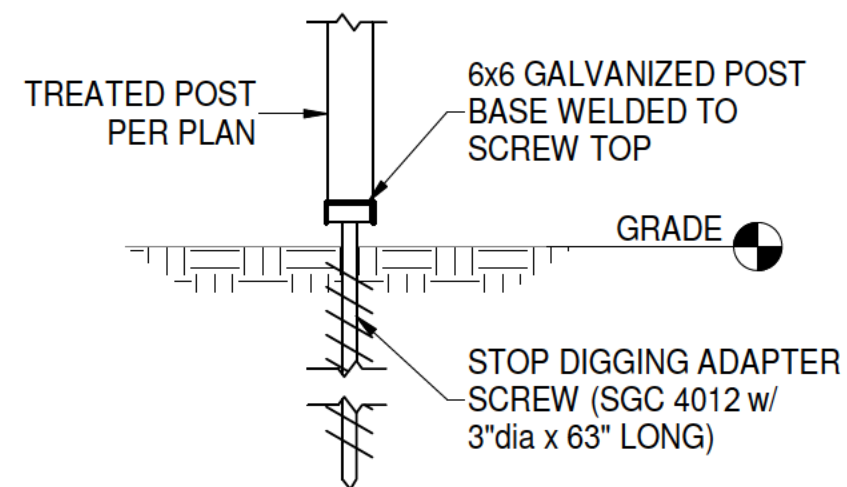
ROOF FRAMING



A **TYPICAL ROOF BEAM TO POST**
D4 N.T.S.



B **TYPICAL ROOF LEDGER**
D4 N.T.S.



C **TYPICAL GROUND SCREW DETAIL**
D4 N.T.S.

BEEBLE
2220 CRESTVIEW DR.
WEST LINN OR 97068



Expires: **06/30/2023**

KADRIC ENGINEERING, INC.
REGISTRY # 191560094
AZIZ KADRIC, P.E. # 99129
9922 MADAFORD LANE
AFFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

REVISIONS

No.	Description	Date

D4

TYPICAL DETAILS

PD-2 PUBLIC COMMENTS

Gardner, Benjamin

From: Rick Mreen [REDACTED]
Sent: Tuesday, August 23, 2022 12:06 PM
To: Gardner, Benjamin
Subject: 2220 Crestview Dr. - Development Review Application

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Ben,

I live at 23049 Bland Cir and share a property line with the home at 2220 Crestview Dr. I wanted to express my support for the approval of this application.

Sincerely,

Rick Mreen
President/CEO



115 Foothills Rd
Lake Oswego, OR 97034
[REDACTED]

PD-3 COMPLETENESS LETTER



CITY OF
West Linn

August 8th, 2022

Lauren Beedle
2220 Crestview Dr
West Linn, OR 97068

SUBJECT: Non-Conforming Structure Alteration at 2220 Crestview Dr (MISC-22-09)

Lauren Beedle:

Your application submitted on August 3rd, 2022 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends December 6th, 2022.

Please be aware that determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6057, or by email at bgardner@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Gardner', with a long horizontal flourish extending to the right.

Ben Gardner
Assistant Planner

PD-4 AFFADAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
HISTORIC REVIEW BOARD DECISION**

We, the undersigned, certify that, in the interest of the party initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: MISC -22-09

Address: 2220 Crestview

Applicant's Name: **Lauren Beedle**

Scheduled Decision Date: **Planning Manager Decision no earlier than 8/25/22**

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 14 days before the decision date, per Section 99.080 of the Community Development Code to:

Lauren Beedle, applicant	8/11/22	<i>Lynn Schroder</i>
Savannah Oaks NA	8/11/22	<i>Lynn Schroder</i>
Property owners within 300 ft of 2220 Crestview	8/11/22	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website 14 days before the decision date.

8/11/22	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

8/15/22	<i>Ben Gardner</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the Community Development Code.

9/2/22	Lynn Schroder
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MISC-22-09**

The West Linn Planning Manager is considering a request for an alteration of a non-conforming structure at 2220 Crestview Dr. The applicant is requesting approval for the addition of a cover over an existing deck.

You have been notified of this proposal because County records indicate that you own property within 300 feet of the property (Clackamas County Assessor's Map 21E35BA09800), or as otherwise required by CDC Chapter 99.080.

The Planning Manager will decide the application based on criteria in Chapters 12, 32, 38, 66, and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/2220-crestview-dr-alteration-residential-non-conforming-structure>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

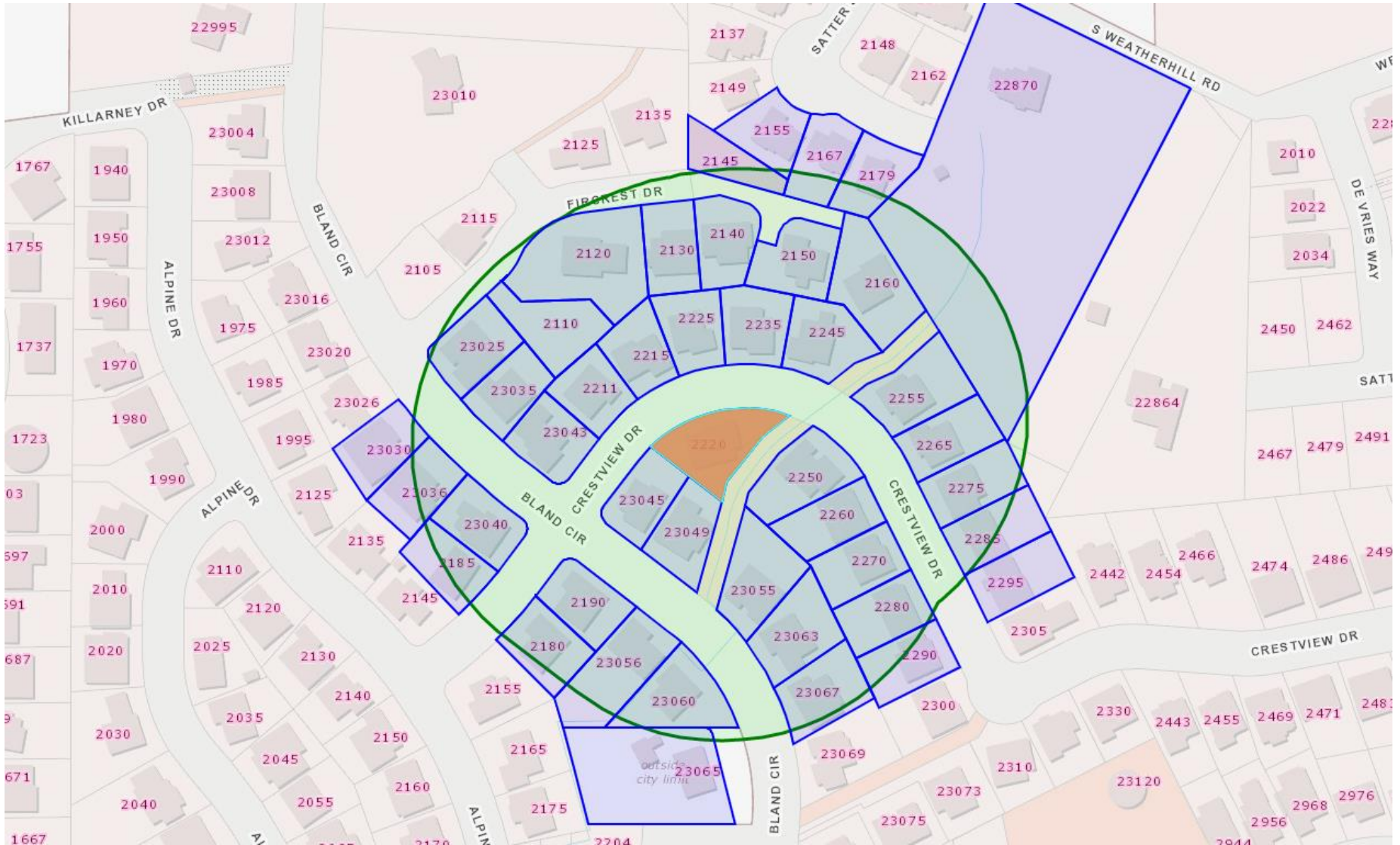
A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on 8/25/22 to bgardner@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

For additional information, please contact Ben Gardner, Assistant Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, via email bgardner@westlinnoregon.gov or via phone 503-742-6057 for additional information.

MISC-22-09 Properties within 300 feet of 2220 Crestview Drive





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MISC-22-09
MAIL: 8/11/22 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.