



CITY OF  
**West Linn**

**PLANNING MANAGER DECISION**

DATE: April 4, 2023

FILE NO.: ELD-23-01

REQUEST: Approval of an SB458 Expedited Land Division for two parcels to accommodate an HB2001 Detached-Duplex Development at 2748 Lancaster St.

PLANNER: Ben Gardner, Assistant Planner

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Planning Manager: DSW

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## GENERAL INFORMATION

**APPLICANT/  
OWNER:**

Matt Ortiz  
1880 Willamette Falls Drive  
West Linn, OR. 97068

**SITE LOCATION:**

2748 Lancaster Street  
(Westernmost 25ft wide portion of existing tax lot 21E36BA00200)

**SITE SIZE:**

~10000 sqft

**LEGAL  
DESCRIPTION:**

Lot 3 and 4 of Windsor, platted in 1889  
Tax lot 21E36BA00200

**COMP PLAN  
DESIGNATION:**

Medium-Density Residential

**ZONING:**

Residential R-5

**APPROVAL  
CRITERIA:**

Oregon Revised Statute 92.031

**120-DAY RULE:**

The application became complete on January 31, 2023. The 63-day period for an expedited land division ends April 4, 2023.

**PUBLIC NOTICE:**

Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Sunset Neighborhood Association as required by Oregon Revised Statute 197.365 on February 3, 2023. The notice was also posted on the City's website on February 3, 2023. Therefore, public notice requirements have been met.

## EXECUTIVE SUMMARY

The 2748 Lancaster Street property is a 10,000 sq. ft., legal lot of record. The property is zoned R-5, Residential and the applicant will construct a detached duplex as permitted by West Linn Community Development Code Chapter 13.030.1(a), which was adopted as part of the City's HB2001 code amendment package (Ordinance 1736). The applicant has proposed to divide the property under SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting parcel will contain one dwelling unit of the detached duplex. The existing home will remain on Parcel 1.

### Proposed Parcel Sizes

Parcel 1 (Easternmost portion with existing residence) – 7500 sq. ft.

Parcel 2 (Westernmost portion with proposed detached dwelling) – 2500 sq. ft.

The property is not located within the Willamette River Greenway, within a FEMA flood hazard area, or within a Water Resource Area.

The property has approximately 100 feet of frontage on Lancaster Street, which has a functional classification of Collector Street. Each of the two parcels will take direct access to Lancaster Street via private driveways.

The Lancaster St right-of-way is approximately 60 feet wide. The applicant shall either pay a fee-in-lieu of street improvements or construct half-street improvements for the existing lot frontage that meet City of West Linn Engineering standards. No right-of-way dedication is required. Sanitary sewer and water mains are located in the Lancaster right-of-way to provide service to the proposed parcels.

### Public Comments:

The City received one public comment prior to the closing of the public comment period from Steve and Lynn Avenson. It was a general inquiry related to how the new dwelling structure would be arranged and built, with some general concerns expressed over its potential height in relation to their home. See Exhibit PD-2 for the complete comment. The portion of the comment containing their inquiry and general concern is listed below with a staff response:

1. Steve and Lynn Avenson: **“Is the intent for an actual duplex on the site? And the only possibility with such a small lot would mean an upper and lower residency? Or is duplex just the verbiage because of the house newly remodeled on the original lot? Also, if it is a single home, will it be 2 stories? And if it is, will there be a window on the back upstairs? As previously stated, we have lived here for 46 years and won't really appreciate a house looming over our back yard.”**

A new dwelling is proposed to be located on the newly created Western lot, and the existing dwelling on the Eastern lot will remain—this will create a detached duplex in line with the adopted provisions of HB2001. At the time of permit submittal, the new proposed dwelling is 2-stories tall and approximately 22ft tall from grade to its highest point, which meets the provisions of the underlying zone. Window placement is not part of the approval criteria.

## DECISION

The Planning Manager (designee) approves this application (ELD-23-01) for an expedited land division under the rules of SB458 based on: 1) the applicant proposes to construct middle housing on the property; 2) the findings submitted by the applicant, which are incorporated by this reference; 3) supplementary staff findings included in the Addendum; and 4) the addition of conditions of approval below. With these findings, the applicable approval criteria of ORS 92.031 are met. The conditions are as follows:

1. **Preliminary Plat.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Plat dated 1/5/2023 (page 6 of Exhibit PD-1).
2. **Compliance with Oregon Residential Specialty Code.** The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff prior to final plat approval from the City.
3. **Compliance with Siting and Design Standards.** The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval from the City.
4. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval. Public Works may coordinate with the applicant to complete additional, voluntary, off-site improvements.
5. **Utility Easement.** The applicant shall show an eight-foot public utility easement along the Lancaster Street right-of-way frontage on the face of the plat prior to final plat approval by the City.
6. **Final Plat Notation.** The applicant shall include on the face of the plat the notation "This middle housing land division approval was given under the provisions of SB458. Further division of the resulting parcels is prohibited".
7. **Required Street Improvements.** The applicant shall pay a fee-in-lieu of constructing half-street improvements along the property's frontage with Lancaster Street in the amount of \$19,362.50 or install half-street improvements to meet West Linn Public Works Design Standards prior to final plat approval by the City.
8. **Final Plat Recording.** The approval of the tentative plat shall be void if the applicant does not record the final partition plat within three years of approval.

The provisions of the Oregon Revised Statute 92.031 have been met.



Ben Gardner, Assistant Planner

April 4, 2023

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date and include a \$300 deposit for costs. An appeal of an expedited land division is decided by a referee that is not an employee or official of the City of West Linn. The appeal must be filed by the applicant or an individual who has established standing by submitting comments prior to the public comment deadline date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 4<sup>th</sup> day of April, 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on April 18, 2023.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
ELD-23-01**

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

ORS 92.031 Middle housing land division; conditions of approval.

*(1) As used in this section, "middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).*

*ORS 197.758(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:*

*(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and*

*(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.*

**Staff Finding 1: The subject property is zoned Residential, R-5 and permits the construction of a single-family detached dwelling. ORS 197.758(2)(a) requires the City of West Linn to allow a duplex, one type of middle housing, in areas zoned for residential use that allows for the development of detached single-family dwellings. The applicant proposes the construction of a detached duplex as permitted by West Linn Community Development Code (CDC) Chapter 13.030.1(a). CDC Chapter 2 defines a duplex as "Two attached or detached dwelling units on a lot or parcel in any configuration". Therefore, the proposed division of the lot, which allows the development of middle housing, is permitted. The criteria are met.**

*(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:*

*(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);*

*ORS 197.178(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.*

**Staff Finding 2: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). At the time of this decision, the applicant has submitted building plans of the detached duplex for building plan review. The applicant shall obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff**

prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

**Staff Finding 3:** The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing. West Linn Planning staff will review all applicable standards of the Community Development Code during building permit review. At the time of this decision, the applicant has submitted building plans of the detached duplex for building plan review. The applicant shall obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval by the City per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

**Staff Finding 4:** The City has adopted protective measures pursuant to statewide land use planning goals for the Willamette River Greenway (Goals 5 and 15), Water Resource Areas (Goals 5, 6, and 7), and Floodplain Management Areas (Goal 7). The City regulates the protective measures through CDC Chapters 27, 28, and 32. The subject property is not located within the Willamette River Greenway, nor a Floodplain Management Area or Water Resource Area. The criteria are met.

*(b) Separate utilities for each dwelling unit;*

**Staff Finding 5:** The applicant proposes the construction of a detached duplex with separate utility connections for each dwelling unit. Utilities shall be installed in compliance with West Linn municipal code requirements per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

*(c) Proposed easements necessary for each dwelling unit on the plan for:*

*(A) Locating, accessing, replacing and servicing all utilities;*

**Staff Finding 6:** The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by SB458. Each dwelling unit will have direct access to utilities in Lancaster Street. The City franchise agreements require an eight-foot public utility easement along Lancaster Street. The applicant shall show the public utility easement on the face of the final plat per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

*(B) Pedestrian access from each dwelling unit to a private or public road;*

**Staff Finding 7:** The applicant proposes the construction of a detached duplex on the subject property, including the division of the parcel as allowed by SB458. Both parcels will have pedestrian access to Lancaster Street, a public street, via dedicated driveways for each parcel. Subject to the Conditions Approval, the criteria are met.

*(C) Any common use areas or shared building elements;*

**Staff Finding 8: The applicant does not propose any common use areas or shared building elements, therefore no easements are required. The criteria are met.**

*(D) Any dedicated driveways or parking; and*

**Staff Finding 9: The applicant proposes the construction of a detached duplex on the subject property, including the division of the parcel as allowed by SB458. The proposal does not include any parking areas needing an easement. Access to both parcels will come directly from Lancaster Street via dedicated driveways for each parcel. The criteria are met.**

*(E) Any dedicated common area;*

**Staff Finding 10: The applicant does not propose any dedicated common use area, therefore no easements are required. The criteria are met.**

*(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and*

**Staff Finding 11: The applicant proposes the construction of a detached duplex as permitted by West Linn Community Development Code (CDC) Chapter 13.030.1(a). CDC Chapter 2 defines a duplex as “Two attached or detached dwelling units on a lot or parcel in any configuration.” The division of the lot under SB458 rules will result in one dwelling unit on each resulting parcel. No common areas are proposed. The criteria are met.**

*(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.*

**Staff Finding 12: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type. At the time of this decision, the applicant has submitted building plans of the detached duplex for building plan review. The applicant shall obtain approval of compliance with the Oregon residential specialty code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.**

*(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:*

*(a) Prohibit the further division of the resulting lots or parcels.*

**Staff Finding 13: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by SB458. The applicant shall include on the face of the plat a notation prohibiting the further division of the resulting parcels under the provisions of SB458 per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.**



*(b) Require that a notation appear on the final plat indicating that the approval was given under this section.*

**Staff Finding 14: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by SB458. The applicant shall include on the face of the plat a notation indicating the approval was given under the provisions of SB458 per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.**

*(4) In reviewing an application for a middle housing land division, a city or county:  
(a) Shall apply the procedures under ORS 197.360 to 197.380.*

**Staff Finding 15: Please see Staff Findings 24 to 51. The criteria are met.**

*(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.*

**Staff Finding 16: The subject property has approximately 100 feet of frontage along Lancaster Street, a Collector Street. The City may exact street frontage improvements that are roughly proportional to the impact from the development (Dolan vs. City of Tigard, 1994). The proposed development of a new dwelling unit on the subject property will contribute approximately 10 new vehicle trips a day.**

**The applicant proposes paying a fee-in-lieu of completing street improvements, as the entirety of the south side of Lancaster Street is unimproved. The north side of Lancaster Street has some existing street improvements. The City finds the applicant proposal for fee-in-lieu to be roughly proportional as, 1) the impact of the construction of one additional dwelling unit is minimal, and 2) applying the fee-in-lieu to completing street improvements on the north side of Lancaster Street will provide needed pedestrian and bicycle safety improvements along the corridor.**

**Community Development Code Chapter 96.010.A(4), which was applicable at time of application, provides for the City to accept a fee equal to the estimated cost for construction of the improvements. To estimate the costs, City staff requested street construction estimates from local developers. The developer estimates averaged out to \$387.25 per lineal foot on undeveloped right-of-way. The City of West Linn will apply the \$387.25 per lineal foot to 50 percent of the 100 lineal feet of Lancaster Street right-of-way adjacent to the property as this is roughly proportional to the impacts from the construction of an additional dwelling unit on the property. The applicant shall pay the fee-in-lieu or install the half-street improvements on Lancaster Street adjacent to the subject property that meet West Linn Public Works Design Standards per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.**

*(c) 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.*

**Staff Finding 17: The City has not applied any approval criteria except as provided in this section. The applicant has proposed utilizing a driveway for each of the two proposed parcels. The criteria are met.**

*(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.*

**Staff Finding 18: The City has not applied any approval criteria that are inconsistent with this section or ORS 197.360 to 197.380. The criteria are met.**

*(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*

**Staff Finding 19: At the time of this decision, the applicant has submitted building plans of the detached duplex for building plan review. The applicant shall obtain approval of compliance with the Oregon residential specialty code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, the criteria are met.**

*(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.*

**Staff Finding 20: The subject property is adjacent to the Lancaster Street public right-of-way (ROW). The existing Lancaster Street ROW measures approximately 60-feet in width, which is sufficient to accommodate the Collector without Median/Center Lane cross-section. No additional right-of-way is required for Lancaster Street. The proposed project does not require a right-of-way dedication. The criteria are met.**

*(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.*

**Staff Finding 21: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by SB458. The type of middle housing, detached duplex, will not be altered by the land division. The criteria are met.**

*(6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

**Staff Finding 22: The applicant does not propose an accessory dwelling unit on any lot resulting from the land division. The criteria are met.**

*(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.*

**Staff Finding 23: The approval of the tentative plat shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 8. Subject to the Conditions of Approval, the criteria are met.**

197.360 "Expedited land division" defined; applicability.

*(1) As used in this section:*

*(a) "Expedited land division" means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:*

**Staff Finding 24: The applicant proposes a middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The criteria are met.**

*(A) Includes only land that is zoned for residential uses and is within an urban growth boundary.*

*(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.*

**Staff Finding 25: The subject property is zoned Residential, R-5 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of a detached duplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.**

*(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:*

*(i) Open spaces, scenic and historic areas and natural resources;*

*(ii) The Willamette River Greenway;*

**Staff Finding 26: The subject property is not located within the Willamette River Greenway nor a Water Resource Area. The criteria are met.**

*(iii) Estuarine resources;*

*(iv) Coastal shorelands; and*

*(v) Beaches and dunes.*

**Staff Finding 27: The subject property does not contain any estuarine resources, coastal shorelands, or beaches and dunes. The criteria are met.**

*(D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.*

**Staff Finding 28: The property is part of an existing lot within an established neighborhood and meets established standards. The criteria are met.**

*(E) Will result in development that either:*

- (i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or*
- (ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.*

**Staff Finding 29: The subject property is approximately 10,000 sq. ft. and zoned Residential, R-5, which requires a minimum lot size of 5,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow two dwelling units.**

**The applicant proposes a detached duplex middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The middle housing development will result in two dwelling units, which is 100 percent of the maximum density currently permitted on the subject property. The criteria are met.**

*(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.*

**Staff Finding 30: The applicant proposes an expedited land division that creates two parcels as permitted under ORS 92.031. The proposal meets the criteria set forth in paragraph (a), see Staff Findings 24 to 29. The criteria are met.**

*(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.*

**Staff Finding 31: The City and applicant acknowledge an expedited land division is not a land use decision or limited land use decision under ORS 197.015 or a permit under ORS 215.402 or ORS 227.160. The criteria are met.**

*(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:*

- (a) The physical characteristics of permitted uses;*
- (b) The dimensions of the lots or parcels to be created; or*
- (c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.*

**Staff Finding 32: The applicant proposes middle housing on the subject property through the construction of a detached duplex, including the division of the lot as allowed by SB458. The City has applied the approval criteria of ORS 92.031, including the physical characteristics of the development (see Staff Finding 3), the dimensions of the parcels to be created (see Staff Findings 6, 7, 9, and 29), and required facilities and services necessary for the proposed development (see Staff Findings 5, 6, 7, 9, 16, and 20). The criteria are met.**

*(4) An application for an expedited land division submitted to a local government shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section.*

**Staff Finding 33: See Staff Findings 24 to 30. The criteria are met.**

*197.365 Application; notice to neighbors; comment period.*

*Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:*

*(1)(a) If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.*

**Staff Finding 34: The applicant did not request to use the procedures outlined in the West Linn Community Development Code, therefore the City processed the application as an expedited land division. The application was submitted on January 10, 2023 and deemed complete by the City on January 31, 2023. The criteria are met.**

*(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*

**Staff Finding 35: The application was submitted on January 10, 2023 and deemed complete by the City on January 31, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on January 10, 2023. The criteria are met.**

*(2) The local government shall provide written notice of the receipt of the completed application for a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.*

**Staff Finding 36: The City provided written notice of the receipt of a completed application to all state agencies, local governments, and special districts responsible for providing public facilities or services on February 3, 2023. The City provided written notice to property owners within 100 feet of the entire contiguous site, compiled from the most recent property owner information available, on February 3, 2023. The City provide written notice to the Sunset Neighborhood**

**Association on February 3, 2023. The affidavit of public notice is found in Exhibit PD-4. The criteria are met.**

*(3) The notice required under subsection (2) of this section shall:*

*(a) State:*

*(A) The deadline for submitting written comments;*

*(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and*

*(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.*

*(b) Set forth, by commonly used citation, the applicable criteria for the decision.*

*(c) Set forth the street address or other easily understood geographical reference to the subject property.*

*(d) State the place, date and time that comments are due.*

*(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.*

*(f) Include the name and telephone number of a local government contact person.*

*(g) Briefly summarize the local decision-making process for the land division decision being made.*

**Staff Finding 37: The City provided written notice in compliance with subsection (3). A copy of the notice is found in Exhibit PD-4. The criteria are met.**

*(4) After notice under subsections (2) and (3) of this section, the local government shall:*

*(a) Provide a 14-day period for submission of written comments prior to the decision.*

**Staff Finding 38: The City provided written notice under subsections (2) and (3) on February 3, 2023, with a deadline for submission of written comments on February 17, 2023. This provided a 14-day period. A copy of the notice is found in Exhibit PD-4. The criteria are met.**

*(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:*

**Staff Finding 39: The application was submitted on January 10, 2023 and deemed complete by the City on January 31, 2023. The City approved the application with conditions on April 4, 2023, the 63<sup>rd</sup> day after deeming the application complete. The criteria are met.**

*(A) Shall not hold a hearing on the application; and*

*(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.*

**Staff Finding 40: The City did not hold a hearing on the application. The City issued the Planning Manager decision with a summary statement explaining the determination. The criteria are met.**

*(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:*

- (A) The summary statement described in paragraph (b)(B) of this subsection; and*
- (B) An explanation of appeal rights under ORS 197.375.*

**Staff Finding 41: The City provided notice of the decision to the applicant and those who received notice under subsection (2) on April 4, 2023, the 63<sup>rd</sup> day after deeming the application complete. The notice of decision included the summary statement and an explanation of appeal rights. The criteria are met.**

*197.370 Failure of local government to timely act on application.*

*(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division or a middle housing land division, as defined in ORS 92.031, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 92.031 or 197.360. A decision of the circuit court under this section may be appealed only to the Court of Appeals.*

*(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division or a middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 92.031 and 197.360 to 197.380, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the land division, except that the extended period shall be substituted for the 63-day period wherever applicable.*

*(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.*

**Staff Finding 42: The City acted in a timely manner and made the decision within the 63 day time period. The criteria are met.**

*197.375 Appeal of local government to referee; Court of Appeals.*

*(1) An appeal of a decision made under ORS 197.360 and 197.365 or under ORS 92.031 and 197.365 shall be made as follows:*

*(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4) and shall be accompanied by a \$300 deposit for costs.*

*(b) A decision may be appealed by:*

*(A) The applicant; or*

*(B) Any person or organization who files written comments in the time period established under ORS 197.365.*

*(c) An appeal shall be based solely on allegations:*

- (A) Of violation of the substantive provisions of the applicable land use regulations;*
- (B) Of unconstitutionality of the decision;*
- (C) That the application is not eligible for review under ORS 92.031 or 197.360 to 197.380 and should be reviewed as a land use decision or limited land use decision; or*
- (D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.*

**Staff Finding 43: The applicant acknowledges and understands the appeal rights and process. If appealed, the City will follow the expedited land division appeal process and criteria. The criteria are applicable upon appeal.**

*(2) The local government shall appoint a referee to decide the appeal of a decision made under this section. The referee may not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.*

**Staff Finding 44: The applicant acknowledges and understands the appeal procedures. If appealed, the City will follow the expedited land division appeal process and criteria, including the appointment of a referee to decide the appeal.**

*(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.*

**Staff Finding 45: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(4)(a) The referee shall apply the substantive requirements of the applicable land use regulations and ORS 92.031 or 197.360. If the referee determines that the application does not qualify as an expedited land division or a middle housing land division, as defined in ORS 92.031, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.*

*(b) For an expedited land use division, the referee may not reduce the density of the land division application.*

*(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42*



*days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.*

**Staff Finding 46: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.*

**Staff Finding 47: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.*

**Staff Finding 48: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 92.031 or 197.360 to 197.380.*

**Staff Finding 49: The applicant acknowledges and understands the Land Use Board of Appeals does not have jurisdiction over this decision.**

*(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:*

*(a) That the decision does not concern an expedited land division as described in ORS 197.360 or middle housing land division as defined in ORS 92.031 and the appellant raised this issue in proceedings before the referee;*

*(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or*

*(c) That the decision is unconstitutional.*

**Staff Finding 50: The applicant acknowledges and understands the right to seek judicial review of the referee's decision.**

197.380 Application fees.

*Each city and county shall establish application fees for an expedited land division and a middle housing land division, as defined in ORS 92.031. The fees must be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 92.031 and 197.360 to 197.380.*

**Staff Finding 51: The City has an adopted fee schedule, including for expedited land divisions. The applicant paid the fee at the time of submittal. The criteria are met.**

## **EXHIBIT PD-1 APPLICANT SUBMITTAL**

## DEVELOPMENT REVIEW APPLICATION

**For Office Use Only**

STAFF CONTACT <b>Chris Myers</b>	PROJECT NO(S). <b>MIP-23-01</b>	PRE-APPLICATION NO. <b>n/a</b>
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) <b>\$2,800</b>	TOTAL <b>\$2,800</b>

**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"/> Code Interpretation     | <input type="checkbox"/> Lot Line Adjustment (LLA)                        | <input type="checkbox"/> Time Extension                                  |
| <input type="checkbox"/> Conditional Use (CUP)   | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Design Review (DR)      | <input type="checkbox"/> Modification of Approval                         | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area   | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

**Site Location/Address:**

2748 Lancaster st  
West Linn, OR

Assessor's Map No.: 21E26BA

Tax Lot(s): 200

Total Land Area: 2500 sq ft

**Brief Description of Proposal:**

Minor Land Partition Creating a new taxlot on the Westernmost 25' wide portion of existing taxlot 21E36BA00200 to build a new detached duplex, utilizing middle housing land division guidelines of SB458.

**Applicant Name:**

(please print) **ORMACK Investments, INC (Matt Ortiz)**  
 Address: 1880 Willamette Falls Dr Ste 240  
 City State Zip: West Linn, OR 97068

Phone: 971-703-9629  
 Email: Matt@ORMACKhomes.com

**Owner Name**

(please print) **(required): SAME AS ABOVE**  
 Address:  
 City State Zip:

Phone:  
 Email:

**Consultant Name:**

(please print) **N/A**  
 Address:  
 City State Zip:

Phone:  
 Email:

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. Submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-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.

<u>                    Matt Ortiz                    </u>	01/09/23	<u>                    Matt Ortiz                    </u>	01/09/23
Applicant's signature	Date	Owner's signature <b>(required)</b>	Date

City of West Linn Planning Department,

Please find the following required supporting documents for this Proposal. The intent of this proposal is to apply for a minor land partition utilizing SB458 to create a child lot on the westwardly portion of the parent lot located at 2740 Lancaster st. Below you will find the responses to the 5 criteria spelled out in section 2 of SB458 as well as the existing conditions site plan and proposed site plan to show compliance with the requirements.

Matt Ortiz, President  
ORMACK Investments, INC  
971-703-9629  
Matt@ORMACKhomes.com  
1880 Willamette Falls Dr  
Suite 240  
West Linn, OR 97068

SB458 Section 2:

(1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(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;

**Response: Please see included site plan.**

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

**Response: Please see included site plan.**

(B) Pedestrian access from each dwelling unit to a private or public road;

**Response: No easement needed**

(C) Any common use areas or shared building elements;

**Response: No common or share elements**

(D) Any dedicated driveways or parking; and

**Response: No easement needed, please see included site plan.**

(E) Any dedicated common area;

**Response: No easement needed**

(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.

**Response: Please see included site plan demonstrating compliance with the new unit to meet Oregon residential specialty code.**

**(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:**

**(a) Prohibit the further division of the resulting lots or parcels.**

**(b) Require that a notation appear on the final plat indicating that the approval was given under this section.**

**(4) In reviewing an application for a middle housing land division, a city or county:**

**(a) Shall apply the procedures under ORS 197.360 to 197.380.**

**(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.**

**Response: Please see included site plan, applicant proposes fee in-lieu as existing street does not have street improvements and street improvements would be inconsistent with neighborhood.**

**(c) 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.**

**Response: Please see included site plan.**

**(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.**

**(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.**

**(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.**

**(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.**

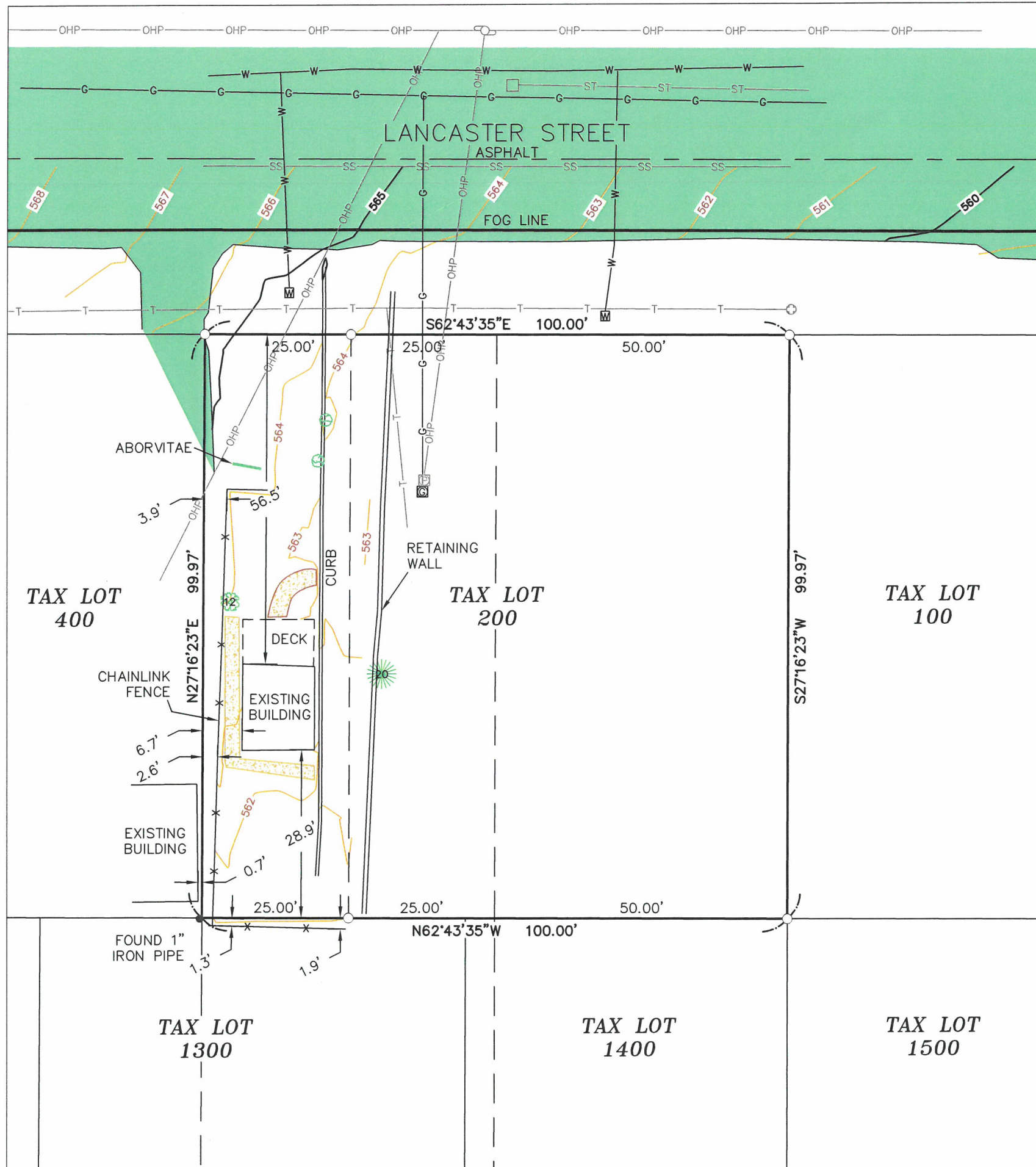
**(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.**

**(6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.**

**(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.**

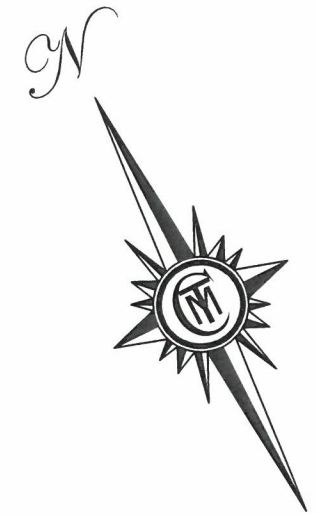
**SECTION 2a. Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1, 2022.**





**LEGEND**

- EXISTING BUSH/SHRUB
- EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING TELEPHONE POLE
- EXISTING OVERHEAD TELEPHONE
- EXISTING ELECTRIC METER
- EXISTING POWER POLE
- EXISTING OVERHEAD POWER LINES
- EXISTING WATER METER
- EXISTING UNDERGROUND WATER
- EXISTING GAS METER
- EXISTING UNDERGROUND GAS LINE
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING FENCE
- SET WOOD STAKES AT THE APPROXIMATE PROPERTY CORNER
- FOUND MONUMENTS
- EXISTING CONCRETE
- EXISTING ASPHALT



SCALE 1" = 20'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David Roeger*  
OREGON  
SEPTEMBER 11, 2018  
DAVID ROEGER  
86811

EXPIRES DECEMBER 31, 2024

**NOTES**

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 2740 LANCASTER STREET.
2. THE BASIS OF BEARINGS WAS PER SURVEY NO. 2007-372, CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY GPS OBSERVATION, NAVD 88.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF ORMACK HOMES.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED PARTITION PLAT WILL BE FILED AT A DATE TO BE DETERMINED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

**EXISTING CONDITIONS**

NW 1/4 SEC 36, T2S, R1E, W.M.
CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON
NOVEMBER 14, 2022
DRAWN: JMR CHECKED: DMR
SCALE 1"=20' ACCOUNT # 399
Y:\399-003\DWG\399003BASE

**2740 LANCASTER ST**

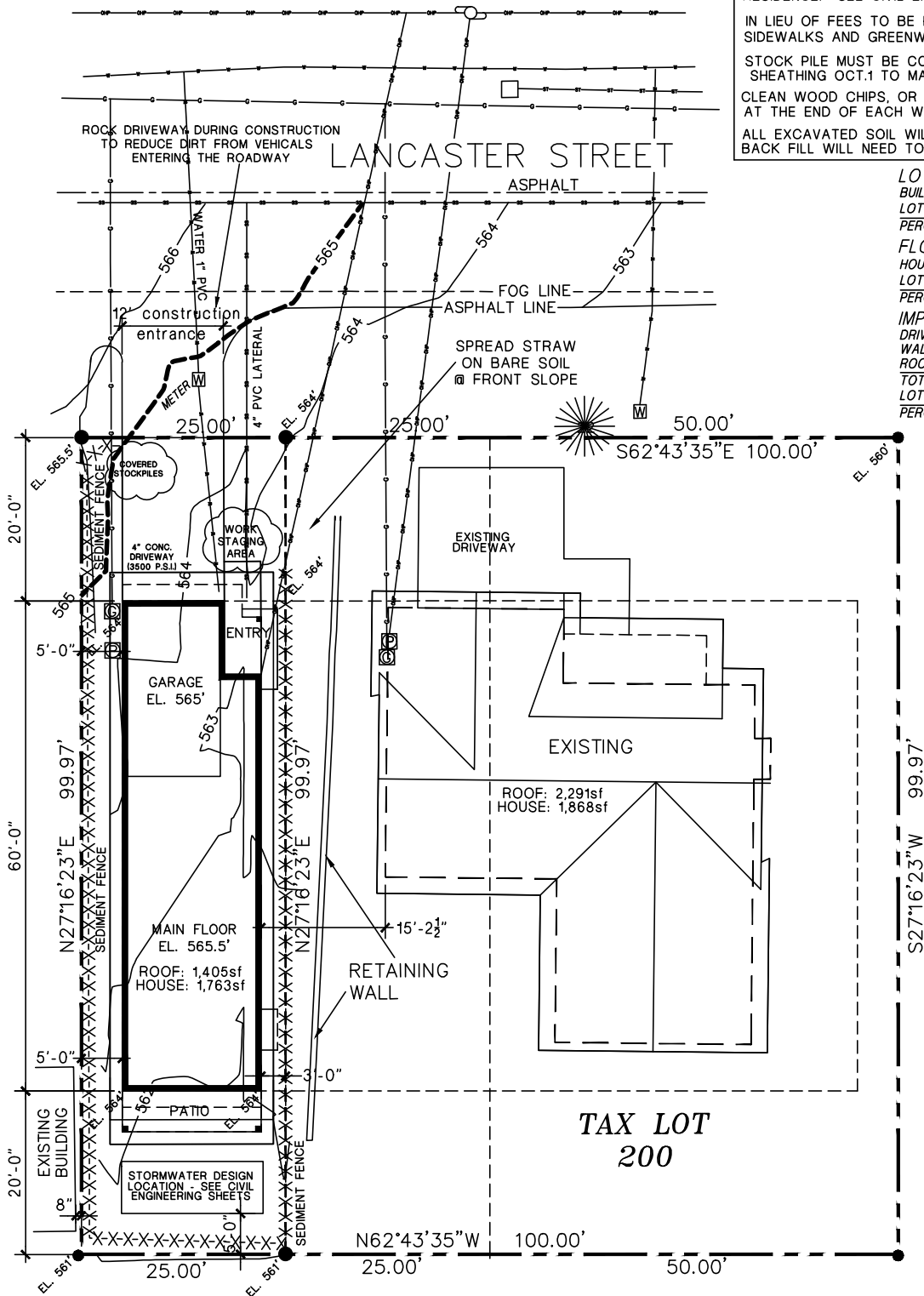
**CMT SURVEYING AND CONSULTING**  
20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590



**SITE RELATED NOTES:**

ROOF LINES SHOWN ON SITE PLAN  
 STORMWATER DESIGN LOCATED SOUTH OF RESIDENCE. SEE CIVIL ENGINEERING "SW" SHEETS  
 IN LIEU OF FEES TO BE PAID FOR NOT INSTALLING SIDEWALKS AND GREENWAY SPACE.  
 STOCK PILE MUST BE COVERED WITH PLASTIC SHEATHING OCT.1 TO MAY 31.  
 CLEAN WOOD CHIPS, OR OTHER APPROVED MATERIAL AT THE END OF EACH WORK DAY.  
 ALL EXCAVATED SOIL WILL NEED TO BE REMOVED. BACK FILL WILL NEED TO BE RETURNED TO THE SITE.

<b>LOT COVERAGE</b>	
BUILDINGS	2,859 SQ. FT.
LOT AREA	9,997 SQ. FT.
PERCENTAGE	28.59 %
<b>FLOOR AREA RATIO (FAR)</b>	
HOUSE	3,631 SQ. FT.
LOT AREA	9,997 SQ. FT.
PERCENTAGE	36.2 %
<b>IMPERVIOUS</b>	
DRIVE	484 SQ. FT.
WALK	88 SQ. FT.
ROOF	3,696 SQ. FT.
TOTAL AREA	4,268 SQ. FT.
LOT AREA	9,997 SQ. FT.
PERCENTAGE	42.7 %



**SITE & EROSION CONTROL PLAN**

SCALE 1" = 20'-0"

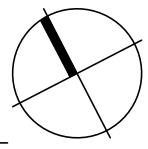
**WATSON DESIGN WORKS, Inc.**  
 1880 Willamette Falls Drive  
 Suite 200-D  
 West Linn, Or. 97068

WATSON DESIGN WORKS WILL NOT BE LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUILDER / OWNER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FILL PLACED ON THE SITE THAT MAY CAUSE OF ANY POTENTIAL FIELD MODIFICATIONS.

**PROJECT:**  
**BUILDER:**  
**ORMACK INVESTMENTS**  
 1880 WILLAMETTE FALLS DRIVE  
 WEST LINN, OR. 97068  
 971.703.9629

**SITE INFORMATION:**  
 2748 LANCASTER STREET  
 CITY OF WEST LINN, OR. 97068  
 CLACKAMAS COUNTY

JOB No.	22088
DATE	1-5-2023
<b>S</b>	



**EXHIBIT PD-2 PUBLIC COMMENT**

## Schroder, Lynn

---

**From:** Lynn Avenson <lynnavenson52@gmail.com>  
**Sent:** Thursday, February 9, 2023 4:28 PM  
**To:** cmyers@westlinnoregon.gov  
**Subject:** New Home and lot on Lancaster

**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.

Hi Chris,

Our names are Steve and Lynn Avenson. We have owned tax lot 1300 on Warwick St for the last 46 years. We did receive the letter and documents from the city concerning adding a tax lot 200 directly behind ours. From studying the engineering prints we have a few questions. Mostly we understood the precautions being taken for excavating and runoff. However, we aren't real clear on the structure itself. I understand this is middle housing and I've seen reference to a duplex. Is the intent for an actual duplex on the site? And the only possibility with such a small lot would mean an upper and lower residency? Or is duplex just the verbiage because of the house newly remodeled on the original lot? Also, if it is a single home, will it be 2 stories? And if it is, will there be a window on the back upstairs? As previously stated, we have lived here for 46 years and won't really appreciate a house looming over our back yard. Can you just give us some clarity please?

Also, any possibility you know what the status is of the home on Tax lot 400. It has been vacant for 2 years and seems to be in disarray. Thank You!

Regards,

The Avenson's

Sent from [Mail](#) for Windows

## **EXHIBIT PD-3 PROPERTY MAPS**



2 1E 36BA  
WEST LINN

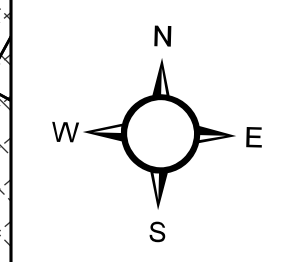
N.E. 1/4 N.W. 1/4 SEC. 36 T.2S. R.1E. W. M.  
CLACKAMAS COUNTY

1" = 72,835'

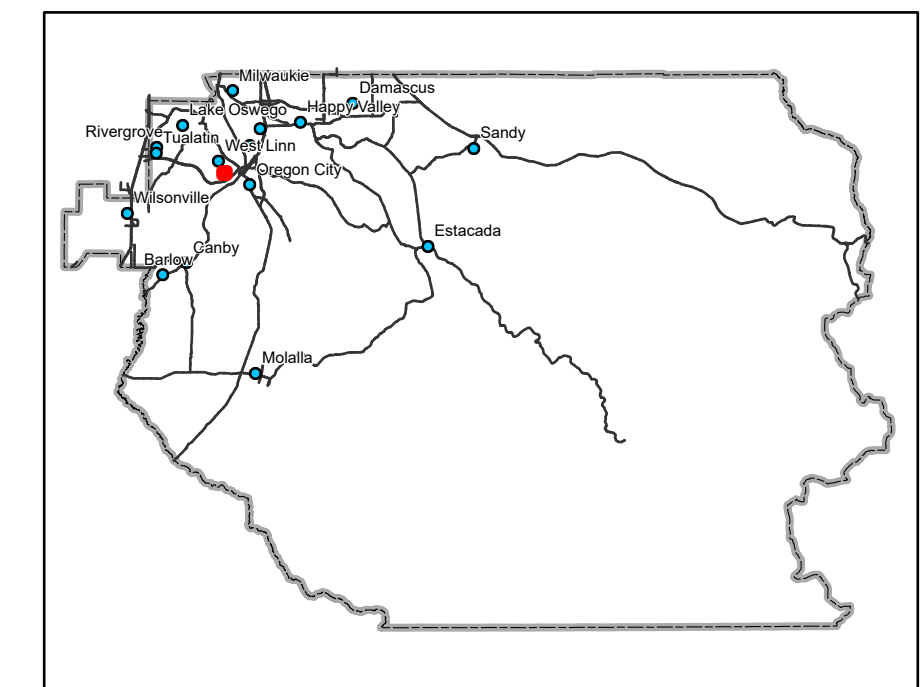
D. L. C.  
JULIA ANN LEWIS NO. 54

**Cancelled**

- 5700
- 7200
- 6200
- 5400
- 5800
- 3800
- 4600
- 4200
- 5990
- 300
- 5600
- 3000



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

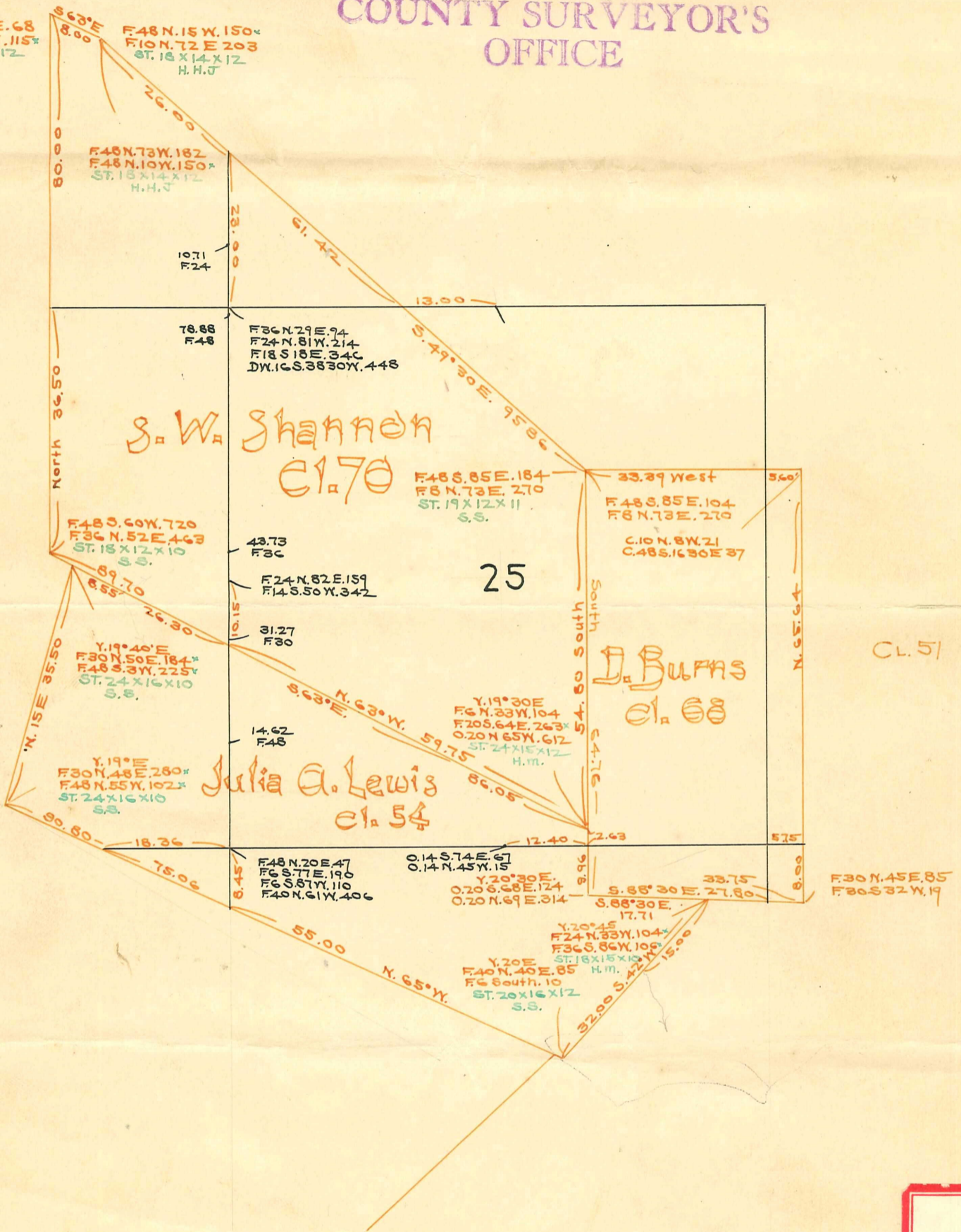
2 1E 36BA  
WEST LINN

Print Date: 3/13/2023



231 E.

COUNTY SURVEYOR'S OFFICE



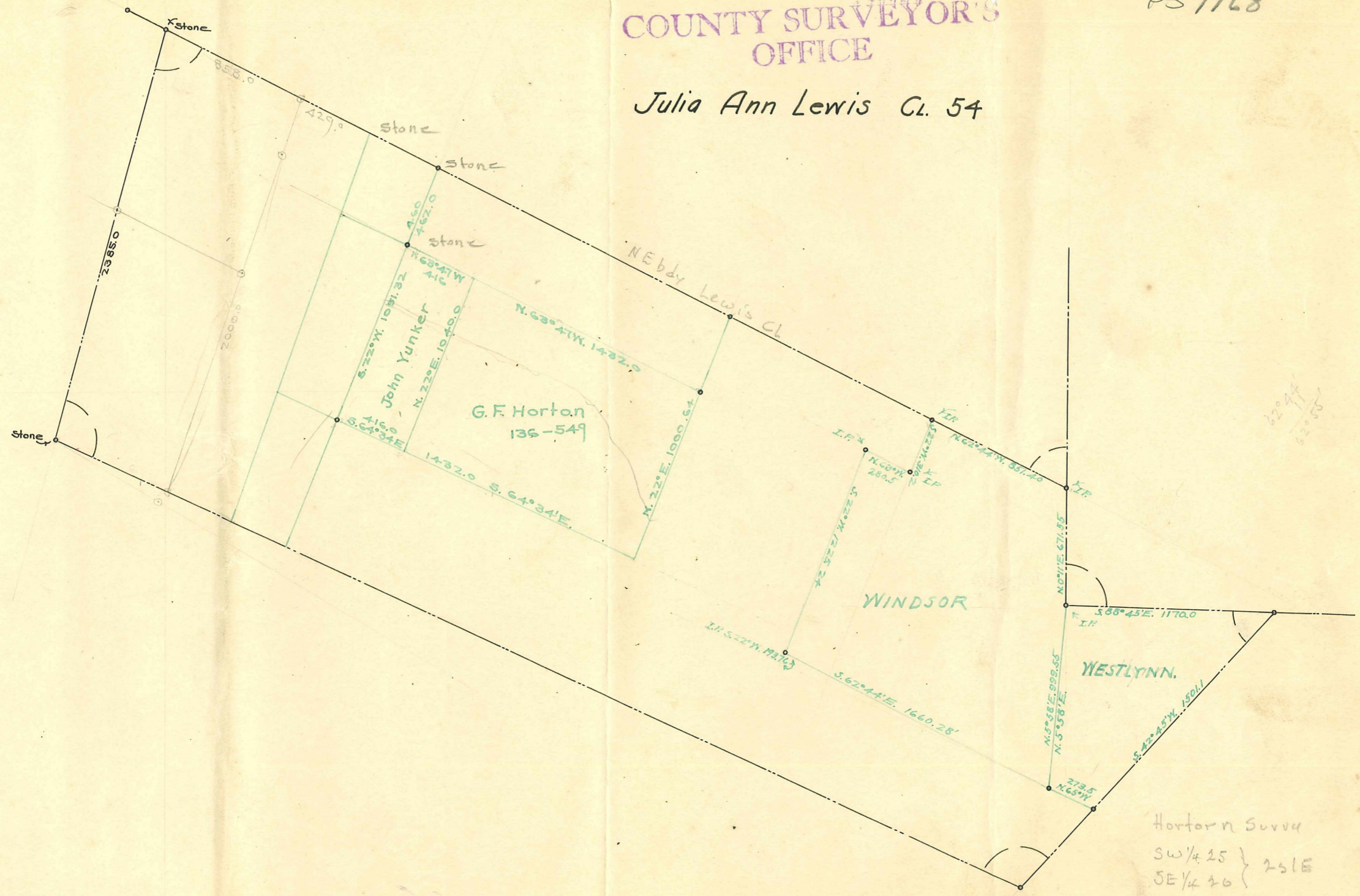
1768



ps-1768

# COUNTY SURVEYOR'S OFFICE

## Julia Ann Lewis Cl. 54



Horton's Survey  
 SW 1/4 25 } 2515  
 SE 1/4 26 }

62° 44'  
 62° 55'

76-77

Begin at stone in Co. Road S. 22° W of a point on the NE bdy that is S 63° E. 54.00 chs dist from the most Nly cor of the J.A. Lewis Cl. - S. 22° W. 19.31 chs - S. 65° E 9.66 chs - N. 22° E. 406.9 ft. - S. 63° E 50 ft. - N. 22° E. 13.27 chs. to stone in Co. Rd. - N. 62° 44' W 10.50 chs to begin - Except the following - Begin at Nly cor of (31-430) - S. 22° W. 181.75 ft. - S. 65° E. 659.62 ft - N. 22° 30' E 172.4 ft to N line of (31-430) - N 64° 08' W pt with S. line of Cl. 659.62 ft to begin. - 2.69 ac.

142-89

Begin at stone N. 65° 38' W, 1048.74 ft dist. from the NE cor of Wm Bland Cl. - S. 65° 38' E 873.0 ft. - N. 22° E 744.8 ft to S. bdy of 31.44 acre tract sold to G.F. Horton. - N. 64° 34' W along S. bdy of G.F. Horton tract 873 ft. to stone - S. 22° W 756.66 ft to begin. - 15 ac.

142-558

Begin at stone in E of Co. Rd. S. 63° E 26 chs and S. 21° 30' W 460 ft dist from the most Nly cor of Cl. - S. 21° 30' W. 1053.32 ft to stone in E. line of (49-136) - N 65° W pt to S. bdy of Cl. 371.25 ft. to W. bdy of (49-136) - N 19° 45' E 1056 more or less to E of Co Rd. - Ely along Road to begin. 9.5 ac Except Right of way 1 rod wide.

PS-1768



128-602

Begin at pt in S. bdy of C. S. 65° E 21.00  
Chs dist from the SW. cor of C. - N. 21° 30' E  
756.66 ft to stone at SW cor of B. F. Hodous  
land - N 65° W to W. bdy of Cora Gibbs  
- S. 19° 45' W. to C. line - S. 65° E, 5.25  
chs to begin. - 6.25 ac.

136-631

Begin at NW cor of (136-549) in E of Co. Rd.  
- S. 22° W. 1051.32 ft. - S. 64° 39' E. 416 ft  
- N. 22° E 1040 ft. - N. 63° 47' W 416 ft  
to begin - 10 ac.

110-520

Begin at stake at intersection of Ely line  
of Exeter St with Sly line of Co. Road  
known as The extension of Pembroke St.  
of Windsor Add. to C. 800 ft from the  
N. bdy of Long St. measured on the E. bdy  
of Exeter St. - S Ely on S. side of Co Road  
140.1 ft to stake - Rt angles Sly 185 ft  
to division fence. - Wly at Rt angles  
59 ft. to E line of Exeter St. - Northwly  
along Ely line of Exeter St. to begin  
cont. 19250 sq ft.

PS-1768

31-152

Begin on N. bdy Cl. 54 - S 63° E 13 chs dist  
from the NW. cor - S 63° E 650 chs - S 19° 45' W  
35.50 chs to S. bdy - 15.75 chs dist from the  
SW. cor - N 65° W. on S bdy 5.25 chs -  
N 18° E 35.50 chs to begin - 20 ac -

101-24

Begin at NW. cor of Cl. 54 -  
S 15° W. 35.50 chs to SW. cor of Cl 54 -  
S. 59° E along S bdy 10.50 chs - Northeastly  
to pt 13 chs from begin - thence along the  
NE bdy of Cl 54 N 63° W. 13 chs to begin -  
all that portion of the above lying north  
of Road No 375 -

137-133

Begin at NW. cor of Cl 54 -  
N 13° E 417.12 ft to Stone - East 15.84 ft to q  
of Co Road - S 27° 15' E along q of Co Road  
704.22 ft - S 25° E 531.96 ft to E line of  
(57-95) - S 19° 12' W. 707.65 ft - N 63° W  
pt to N. bdy of Cl. 780.2 ft to W. bdy of Cl 54  
- N 15° E 1051 ft to begin - Except 20 ft  
roadway along E bdy - 20 ac

127-283

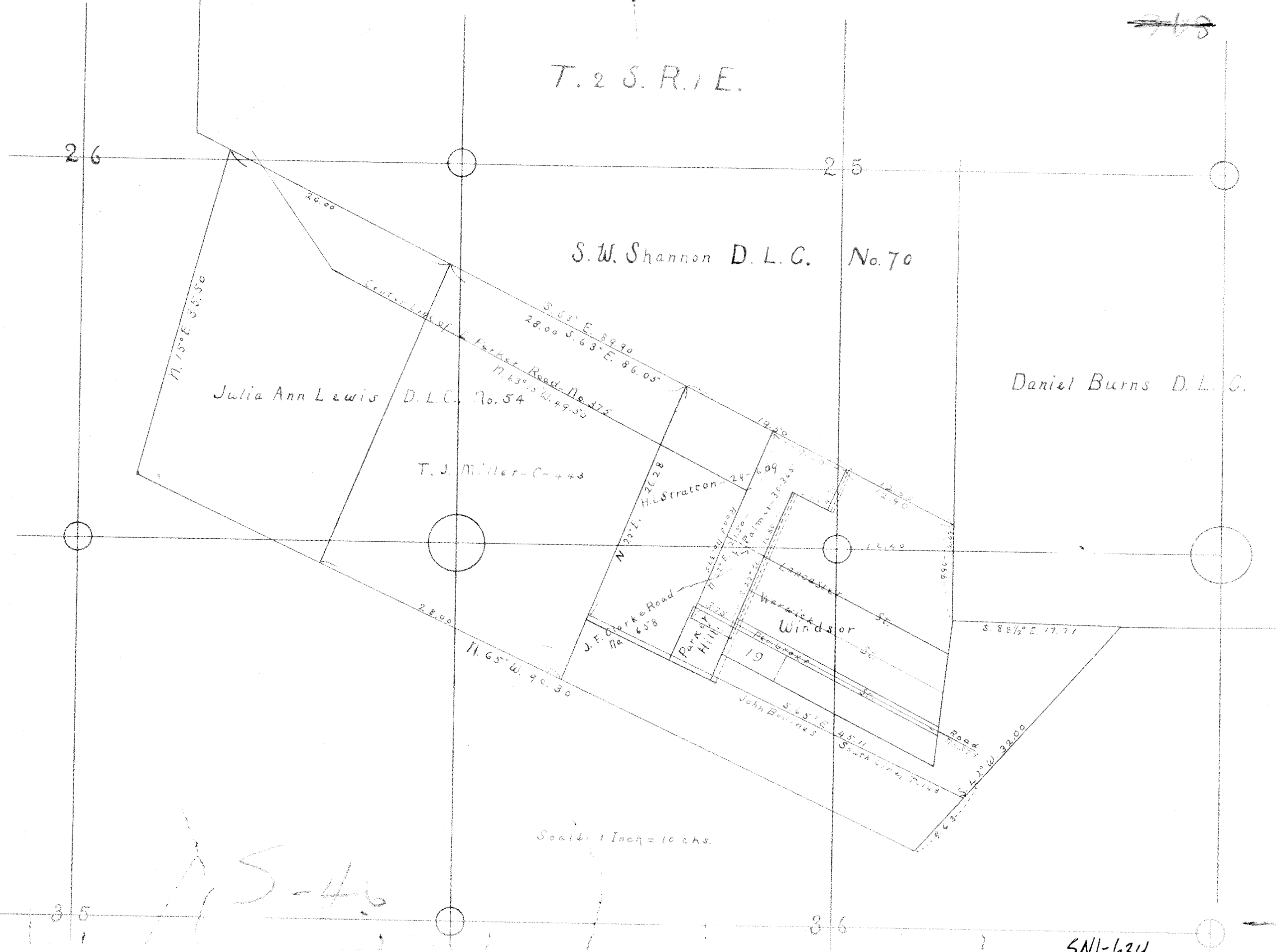
Begin S 15° W 1051 ft dist from NW cor Cl 54  
- S 15° W. 1292 ft. to 9A S 59° E 693 ft - N 19° 12' E  
1324.35 ft - N 63° W 780.2 ft to begin - Except  
20 ft strip along E bdy for Roadway - 21.96 ac

PS-1768

SNI-634

~~968~~

T. 2 S. R. 1 E.



SNI

S-46

SNI-634

**EXHIBIT PD-4 COMPLETENESS LETTER**



CITY OF  
**West Linn**

January 31, 2023

ORMACK Investments, LLC  
1880 Willamette Falls Dr. Suite 240  
West Linn, OR 97068

SUBJECT: SB458 Expedited Land Division (ELD-23-01) for middle housing at 2748 Lancaster (21E 26BA Tax Lot 0200)

Mr. Ortiz,

You submitted this application on January 10, 2023. The Planning and Engineering Departments determined that the application is now **complete**.

The application proposes a SB458 expedited land division for HB2001 middle housing development. Per SB458, the City is required to process the application under the procedures outlined in Oregon Revised Statute 197.360 to 197.380. The City has 63 days to make a decision to approve or deny the application; that period ends April 4, 2023.

Please be aware that a determination of a complete application does not guarantee an approval 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 503-742-6062, or by email at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) if you have any questions or comments.

Respectfully,

*Chris Myers*

Chris Myers  
Associate Planner

**EXHIBIT PD-5 AFFIDAVIT AND NOTICE PACKET**

**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. ELD-23-01**

The City of West Linn has received a complete application (ELD-23-01) proposing a two-parcel Expedited Land Division (SB458) for Middle Housing (HB2001) at 2748 Lancaster Street (Clackamas County Tax Map 21E26BA0200).

The Planning Manager will make the decision after expiration of the required 14-day written comment period. The decision will be based on the criteria found in Oregon Revised Statute 92.031. Any appeal of the decision will be reviewed by an appointed referee.

The complete application and all evidence submitted by the applicant is posted on the City's website <https://westlinnoregon.gov/planning/2740-lancaster-street-expedited-land-division>. Alternatively, the application and all evidence submitted by the applicant are available for review between the hours of 8:00am and 5:00pm, Monday through Thursday, 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 written comments for consideration must submit all material prior to the expiration of the 14-day comment period. The deadline to submit written comments is 4:00 p.m. on February 17, 2023. Written comments can be submitted to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or to City Hall, 22500 Salamo Road, West Linn, OR 97068. All comments must be received by the deadline.**

All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

For additional information, please contact Chris Myers, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6062 or [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov).



**AFFIDAVIT OF NOTICE  
PLANNING MANAGER DECISION**

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

**PROJECT**

File No.: **ELD-23-01**

Applicant's Name: **ORMACK Investments, INC**

Development Name: **2748 Lancaster Street**

Scheduled Decision Date: **Planning Manager Decision no earlier than 2/17/23**

**MAILED NOTICE**

Notice of Upcoming Planning Manager Decision was mailed at least 14 days before the decision.

Matt Ortiz, applicant	2/3/23	<i>Lynn Schroder</i>	
Metro	2/3/23	<i>Lynn Schroder</i>	
WLWL SD	2/3/23	<i>Lynn Schroder</i>	
Clackamas County	2/3/23	<i>Lynn Schroder</i>	
PGE	2/3/23	<i>Lynn Schroder</i>	
Comcast Cable	2/3/23	<i>Lynn Schroder</i>	
TriMet	2/3/23	<i>Lynn Schroder</i>	
NW Natural Gas	2/3/23	<i>Lynn Schroder</i>	
TVF&R	2/3/23	<i>Lynn Schroder</i>	
Property owners within 100ft of the site perimeter	2/3/23	<i>Lynn Schroder</i>	
Sunset Neighborhood Association	2/3/23	<i>Lynn Schroder</i>	

**WEBSITE**

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

2/3/23	<i>Lynn Schroder</i>
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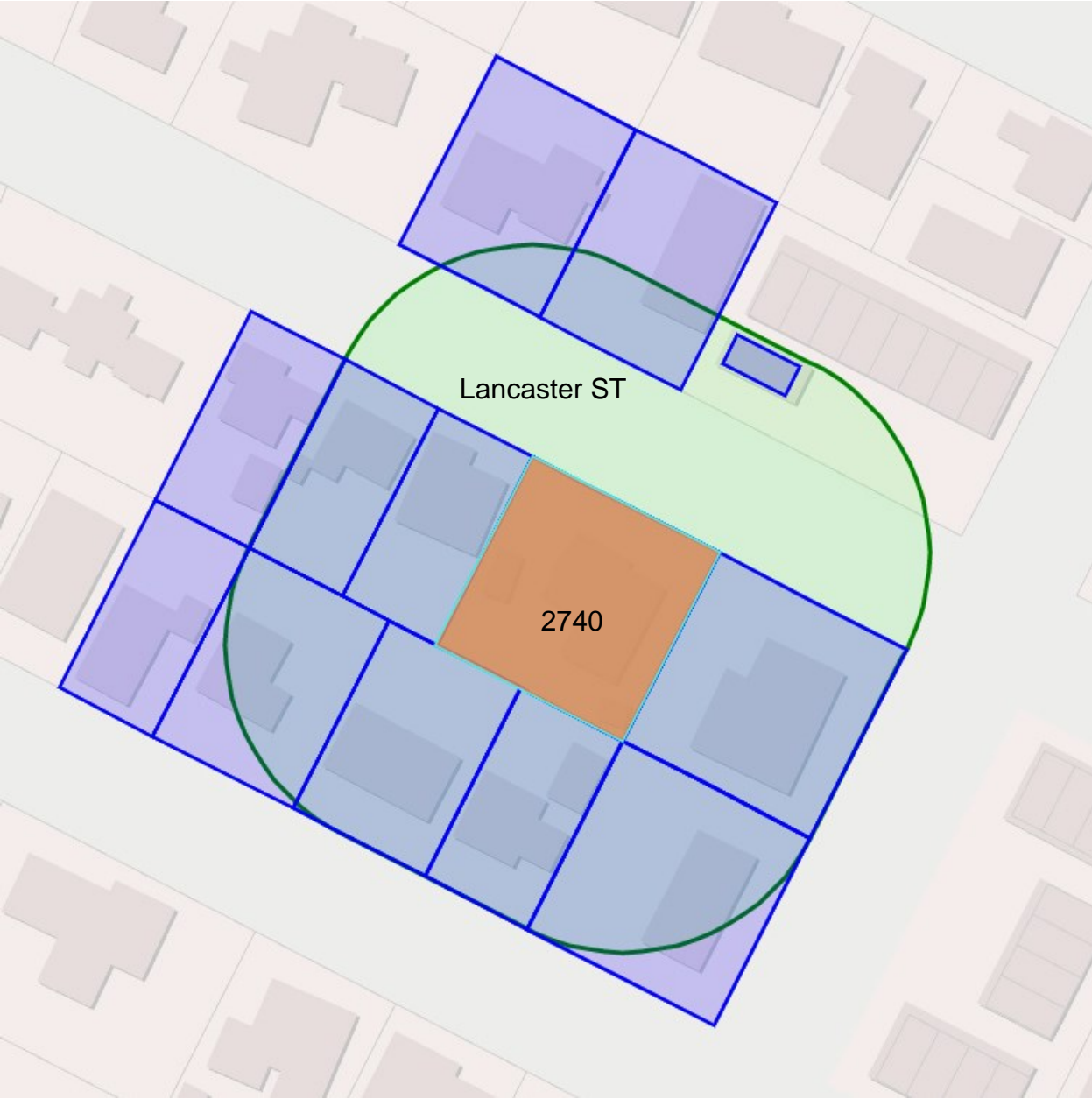
**FINAL DECISION**

Notice of Final Decision was mailed to the applicant and all parties mailed the original notice above (ORS 197.365), all parties with standing, and posted on the City's website.

4/4/23	<i>Lynn Schroder</i>
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Properties within 100 feet of 2740 Lancaster St





**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-01  
MAIL: 2/3/23 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.