

# PLANNING MANAGER DECISION

- DATE: August 30, 2023
- FILE NO.: ELD-23-04
- REQUEST: Approval of an SB458 Expedited Land Division for a two-parcel middle housing land division resulting in a detached duplex with the one dwelling on each parcel at 2488 Tulane Street.
- PLANNER: Chris Myers, Associate Planner

Planning Manager

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# **GENERAL INFORMATION**

APPLICANT/ OWNER:	TPC Property, LLC PO Box 521 West Linn, OR. 97068
SITE LOCATION:	2488 Tulane Street
SITE SIZE:	0.41 Acres (17,860 square feet)
LEGAL DESCRIPTION:	Clackamas County Assessor Map 21E24DC Tax Lot 6900
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
APPROVAL CRITERIA:	Oregon Revised Statute 92.031
120-DAY RULE:	The application became complete on July 6, 2023. The 63-day period for an expedited land division ends September 7, 2023.
PUBLIC NOTICE:	Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Bolton Neighborhood Associations on July 11, 2023, as required by Oregon Revised Stature 197.365. The notice was also posted on the City's website on July 11, 2023. Therefore, public notice requirements have been met.

# **EXECUTIVE SUMMARY**

The 2488 Tulane Street property is a 17,877 sq. ft., legal lot of record. The property is zoned R-10, Residential and the applicant will construct a detached duplex as permitted by West Linn Community Development Code Chapter 11.030.1(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 lot will contain one dwelling unit of the detached duplex.

Proposed Parcel Sizes Parcel 1 – 8263 sq. ft. Parcel 2 – 9614 sq. ft.

The property is not located within the Willamette River Greenway (WRG) nor any FEMA flood hazard area. There is existing water adjacent to the property in Tulane Street that currently serves the existing dwelling. There is an existing sewer line adjacent to the subject property to the northwest in Tulane Street. The nearest existing stormwater drainage line is located approximately 185 feet to the south in Dillow Drive. This line is approximately 17 feet higher in elevation than the nearest point of the subject property. Piped sections are exempt from WRA requirements (Community Development Code (CDC) Chapter 32.040.F(2)).

The property has approximately 108 feet of frontage on Tulane Street, which has a functional classification of Local Street. Each of the two parcels will take access from private driveways adjacent to Tulane Street.

The Tulane Street right-of-way is 25 feet wide adjacent to the subject property. Tulane Street is classified as a Local Street. A property dedication of 12 feet will be required in order for the subject property to match the adjacent right-of-way width to the south. Sanitary sewer and water mains are located in the Tulane Street right-of-way to provide service to the proposed parcels.

### Public comments:

The City received 1 public comment prior to the closing of the public comment period. The full text of the comments can be found in Exhibit PD-2. Below staff has summarized the comments and provided responses.

### Sandy Carter Email 7.15.23

Expressed concern that one of the proposed detached duplexes could be two stories in height and would have an impact on her backyard privacy and therefore reduce the value of her home. Staff Response:

The applicant proposes to develop a middle housing type (detached duplex) as permitted by the West Linn Community Development Code (see Staff Finding 1) and the land division process for middle housing types as found in SB458 (ORS 92.031).

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a duplex on the subject property (see Staff Finding 1). The applicant proposes a detached duplex (middle housing) on the subject property. The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a lot or parcel that contains middle housing, thus permitting each unit of a duplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

West Linn Community Development Code (CDC) Chapter 11 Residential, R-10 allows for dwelling units to have a maximum height of 35 feet.

The future value of neighborhood homes was not addressed by the State of Oregon as part of HB2001 or SB458 and therefore is not a part of the approval criteria for this application.

### DECISION

The Planning Manager (designee) approves this application (ELD-23-04) 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. <u>Preliminary Plat</u>. With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Plat dated 6/22/23 (Exhibit PD-1).
- 2. <u>Compliance with Oregon Residential Specialty Code</u>. 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. <u>Compliance with Siting and Design Standards</u>. 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. <u>Engineering Standards</u>. 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, Community Development Code, and Public Works Design Standards. 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. <u>Utility Easement</u>. The applicant shall show the private storm drain and utility easements on the face of the final plat and submit a copy of the recorded easements to confirm the newly created parcels have legal rights to locate, access, replace, and service all utilities within the easement prior to final plat approval by the City. The applicant shall show an eight-foot public utility easement along the Tulane Street right-of-way frontage on the face of the plat prior to final plat approval by the City.
- 6. <u>Final Plat Notation</u>. 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. <u>Final Plat Recording</u>. The approval of the tentative plat (ELD-23-04) shall be void if the applicant does not record the final partition plat within three years of approval.
- 8. <u>Access Easement.</u> The applicant shall show a 15' x 15' pedestrian access easement on the northern Tulane Street frontage on the face of the plat prior to final plat approval by the City (Exhibit PD-4).
- 9. <u>Right-of-Way Dedication</u>. The applicant shall dedicate 12 feet of right-of-way along the entire Tulane Street property frontage and show on the face of the plat prior to final plat approval by the City.
- 10. <u>Street Improvements</u>. The applicant shall complete half street improvements including curb, gutter, sidewalk, pavement improvements, and street storm drainage for the portion of Tulane Street abutting the subject property. The applicant may choose to pay a fee-in-lieu rather than construct half-street improvements. The cost for the fee-in-lieu is \$20,250 (see staff finding 16 for detailed calculations). The City may partner with the applicant to fund additional improvements as part of the project.

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

Chrís J. Myers

Chris Myers, Associate Planner

<u>August 30, 2023</u> 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 30<sup>th</sup> day of August, 2023. Therefore, the 14-day appeal period ends at 5 p.m., on September 13, 2023.

### ADDENDUM APPROVAL CRITERIA AND FINDINGS ELD-23-04

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

Staff Finding 1: The subject property is zoned Residential, R-10 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 11.030.1(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 is 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). The applicant did not submit building plans for the detached duplex with this application. 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 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, including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The siting and design regulations are reviewed by West Linn Planning staff during building permit review. Minimum property line setbacks and maximum lot coverage will be applied and calculated based on the subject property boundary and total area. Sidewall transitions and maximum building height will be reviewed based on building plans. The applicant did not submit building plans for the detached duplex with this application. 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 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. The proposed development will not impact any Water Resource Areas. 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. The City franchise agreements require an eight-foot public utility easement along Tulane Street. The applicant shall show the

utility easement on the face of the final plat prior to final plat approval by the City 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. All dwellings will have pedestrian access to Tulane Street, a public street, via dedicated driveways for each lot, 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 all parcels will come directly from Tulane 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 11.030.1(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. The applicant did not submit building plans for the detached duplex with this application. The applicant shall submit building plans and 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 108 feet of frontage on Tulane Street, which is classified as a Local 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 two new dwelling units will contribute approximately 11 vehicle trips per day (11 new daily trips as there is an existing dwelling unit on proposed parcel 1). The two parcels will each have a dedicated driveway approximately 16 feet wide per driveway. This amounts to approximately 30% of the total Tulane Street frontage. The City finds that half-street improvements, as detailed in Condition of Approval *10 Street Improvements*, are roughly proportional to the impact. The street improvements shall match the standards set forth in the West Linn Transportation System Plan *Exhibit 9, Local Street Cross Sections*.

Alternatively, the applicant may pay a fee-in-lieu rather than build street improvements as stated in (CDC) *Chapter 96 Street Improvement Construction* (96.020). The City of West Linn fee-in-lieu is \$375 per linear foot. The City finds the fee-in-lieu option is roughly proportional to the impact created by one additional dwelling unit and applying the fee-in-lieu to completing street improvements to a neighborhood or collector street would provide more benefit to the City. The

cost of the fee-in-lieu for this application would be \$20,250 (108 feet X \$375 per linear foot X 0.50). The fee-in-lieu is applied to 50 percent of the total frontage as the City finds this is proportional to the construction of one additional dwelling unit. 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: The applicant shall submit building plans and 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 Tulane Street, a public right-of-way (ROW) with a Functional Classification of a Local Street. The existing Tulane Street ROW measures approximately 25 feet in width. The proposed project requires a right-of-way dedication of 12 feet for the entire frontage on Tulane Street in order to meet the West Linn Transportation System Plan *Exhibit 9: Local Street Cross Sections Local Constrained* option, per Condition of Approval 9. Subject to the Conditions of Approval, 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 parcel 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 (ELD-23-04) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 7. 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-10 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. No development is proposed in 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: Existing development patterns meet street connectivity standards in the vicinity of the subject property. The 2016 West Linn Transportation System Plan does not include any connectivity projects adjacent to the subject property. 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 17,877 sq. ft. and zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow one dwelling unit.

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 200 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 32. 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 June 22, 2023 and deemed complete by the City on July 6, 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 June 22, 2023 and deemed complete by the City on July 6, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on June 22, 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 July 11, 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 July 11, 2023. The City provided written notice to the Bolton Neighborhood Association on July 11, 2023. The affidavit of public notice is found in Exhibit PD-5. 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-5. 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 July 11, 2023, with a deadline for submission of written comments on July 25, 2023. This provided a 14-day period. A copy of the notice is found in Exhibit PD-5. 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 June 22, 2023 and deemed complete by the City on July 6, 2023. The City approved the application with conditions on August 30, 2023, the 55<sup>th</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 July 7, 2023, the 1st day after deeming the application complete. The notice of decision included the summary statement and an explanation of appeal rights. The criteria are met.

### <u>197.370 Failure of local government to timely act on application.</u>

(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 governments 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**

STAFF CONTACT	For Office Use Only PROJECT NO(S). EDL-23-04	Pre-application No.
Non-Refundable Fee(s)	REFUNDABLE DEPOSIT(S) \$2,800	
Appeal (AP)       Image: CDC Amendment (CDC)         CDC Amendment (CDC)       Image: CDC)         Conditional Use (CUP)       Image: CDC)         Design Review (DR       Image: CDC)         Tree Easement Vacation (MISC)       Image: CDC)         Expediated Land Division (ELD)       Image: CDC)         Extension of Approval (EXT)       Image: CDC)         Pre-Application, Home Occupation, Sidewalk	Final Plat (FP) Flood Management Area (FMA) Historic Review (HDR) Lot Line Adjustment (LLA) Minor Partition (MIP) Modification of Approval (MOD) Non-Conforming Lots, Uses & Structures Planned Unit Development (PUD) Street Vacation Use, Addressing, and Sign applications r	Subdivision (SUB) Temporary Uses (MISC) Time Extension (EXT) Right of Way Vacation (VAC) Variance (VAR) Water Resource Area Protection/Single Lot Water Resource Area Protection/Wetland Willamette & Tualatin River Greenway (V Zone Change (ZC) require different forms, available on the website.
te Location/Address: 2488 Tulane Stre	et	Assessor's Map No.: 21E24DC Tax Lot(s): 6900 Total Land Area: 0.40 ac
riaf Description of Bronesel		
rief Description of Proposal: SB 458 minor partition - Middle hou	sing land division for a detache	ed duplex (2-lots)
SB 458 minor partition - Middle hou         pplicant Name*:         ddress:         ity State Zip:         Vest Linn, OR 97068	3	ed duplex (2-lots) Phone: Email: 425-829-1566 jportlock@theportlockco.o m
BB 458 minor partition - Middle hou pplicant Name*: ddress: TPC Property LLC PO Box 521	3	Phone: Email: 425-829-1566 jportlock@theportlockco.c

 Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. \*The applicant is financially responsible for all permit costs.
 The owner/applicant or their representative should attend all public hearings.

2. A desision may be reversed on anneal. The desision will become effective once the

A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
 ubmit this form, application narrative, and all supporting documents as a single PDF through the

Submit a Land Use Application web page: https://westlinnoregon.gov/planning/submit-land-use-application

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Applicant's signature

6/26/23 Date

6/26/23 Date

Owner's signature (required)



# Prepared for: TPC Property LLC

Prepared by:



1500 Valley River Drive, Suite 100 Eugene, OR 97401 503.746.8812 emeriodesign.com

	Project Summary	
Request:	Application for 2-lot partition	
Location and Map Number:	2488 Tulane Street	
	Clackamas County Assessor's Map	No. 21E24DC, Tax Lot 6900
Applicant/Owner:	TPC Property LLC	
	PO Box 521	
	West Linn, OR 97068	
Engineer/Planner:	Emerio Design, LLC	
	1500 Valley River Drive Suite 100	
	Eugene, OR 97401	
	503-746-8812	
	Engineer: Keelan Smith	Planner: Jennifer Arnold
	ksmith@emeriodesign.com	jarnold@emeriodesign.com

Exhibits:

A – County Assessor's Map

B – Aerial Photograph

C – Zoning Map

### I. Project Description

TPC Property LLC, the applicant, is proposing to partition the 0.41-acre parcel identified as Clackamas County Assessor's Map No. 21E24DC, Tax Lot 6900 (Exhibit A); it can also be located by its address, 2488 Tulane Street. The base zone applied to the property is R-10.

The proposed development conforms to all applicable sections of SB458. This application provides findings of fact that demonstrate conformance with all applicable standards of the previously mentioned governing regulations. Applicable criteria will appear in *italics* followed by the applicant's responses in **bold** typeface.

### II. Existing Conditions

As its address would suggest, the subject property has frontage on Tulane Street, an existing public street. Access to the subject property is provided by an existing driveway. A new driveway is proposed for access for each new dwelling unit.

Elevations on the subject property increase from 209 feet near the northeastern property corner to 223 feet above mean sea level near the southwest corner. The subject property has an existing home to be removed and two large trees along the rear property line. There are no significant natural features located within the boundaries of the subject property.

The subject property is zoned R-10 which allows duplex residential units as an outright permitted use per CDC 11.030.1.a. This proposal includes a detached duplex under the provisions of Section 2 of SB458 for a middle housing land division.

### III. SB 458 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: The subject property is within the R-10 zoning designation and a duplex is outright permitted use. The applicant proposes a middle housing land division process to create two child lots on the existing parent lot and construct a detached duplex (one unit per lot). A preliminary street and utility plan is included with this application and shows individual utilities ran to each proposed lot. See sheet 4 demonstrating compliance with standards.

- (c) Proposed easements necessary for each dwelling unit on the plan for:
  - (A) Locating, accessing, replacing and servicing all utilities;
  - (B) Pedestrian access from each dwelling unit to a private or public road;
  - (C) Any common use areas or shared building elements;
  - (D) Any dedicated driveways or parking; and
  - (E) Any dedicated common area;

Response: The subject property does not have any easements, but the applicant proposes an 8-foot public utility easement along the frontage of both parcels. This easement is shown on submitted sheets

3 and 4. Each parcel has direct access to a public street and a driveway for off-street parking. No common areas or shared building elements are proposed with this application.

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

# Response: The applicant proposes to construct a detached duplex with one unit on each proposed lot as shown on the submitted plans.

(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: Building setbacks are shown on the submitted site plan demonstrating compliance with those development standards and Oregon residential specialty code. The existing home on the property is proposed to be removed prior to construction of the detached duplex units. A building permit is required for construction and will confirm compliance with 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.

# Response: The applicant acknowledges and understands that the above conditions of approval may be required with the approval of this application.

- (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.
  - (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.
  - (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.
- (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.

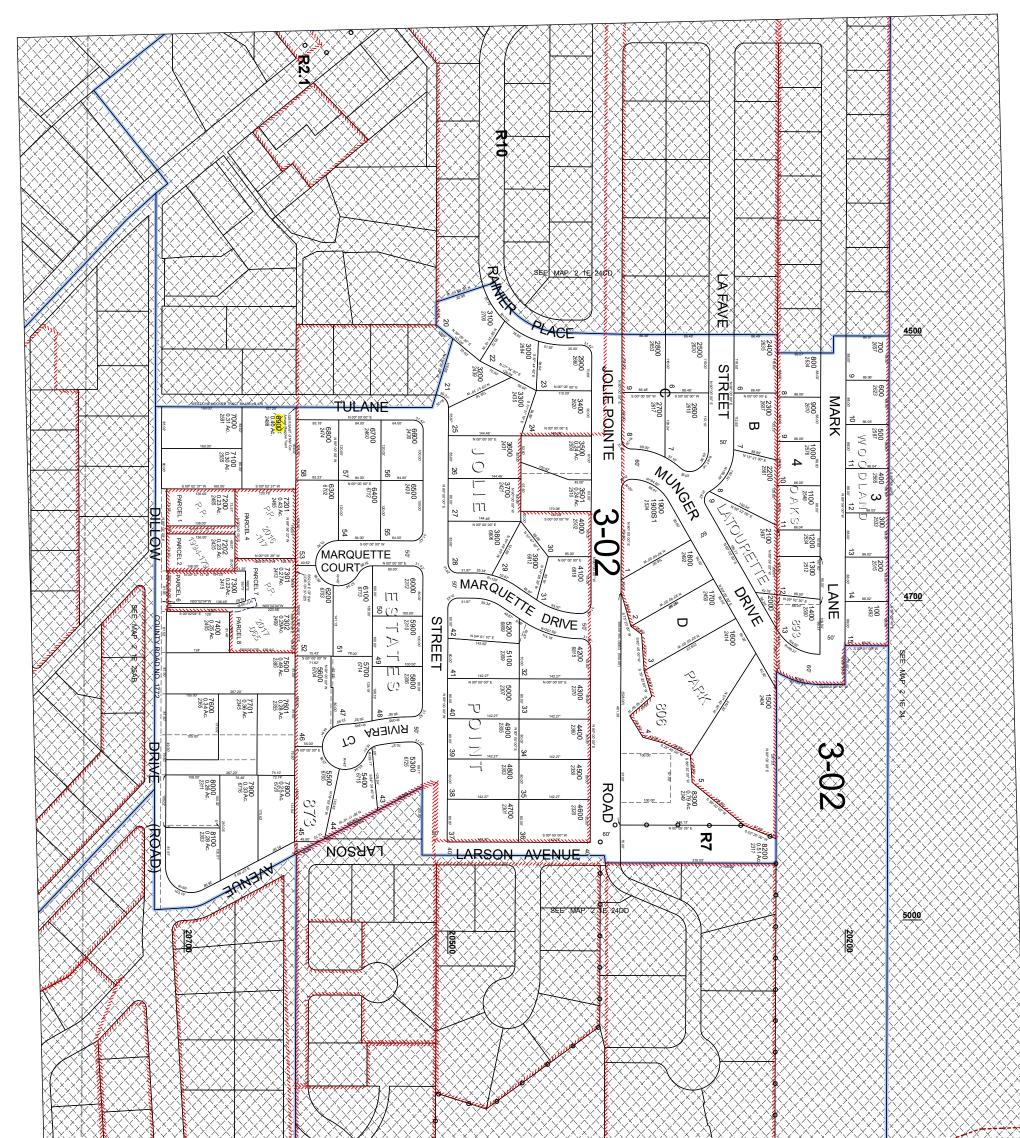
Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1, 2022.

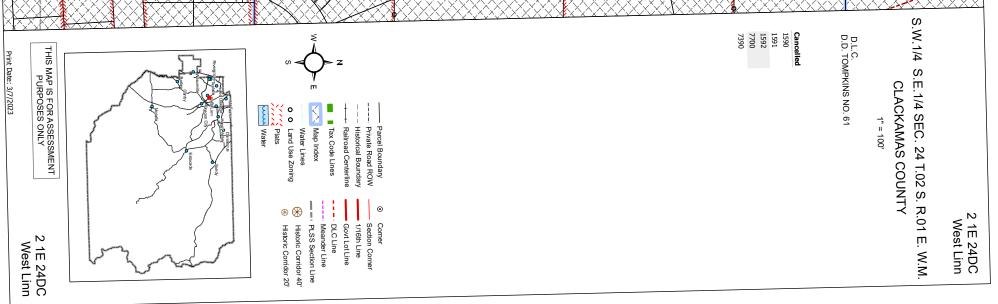
Response: The applicant understands the review process and acknowledges that this application is void if the final plat is not approved within three years.

### IV. Conclusion

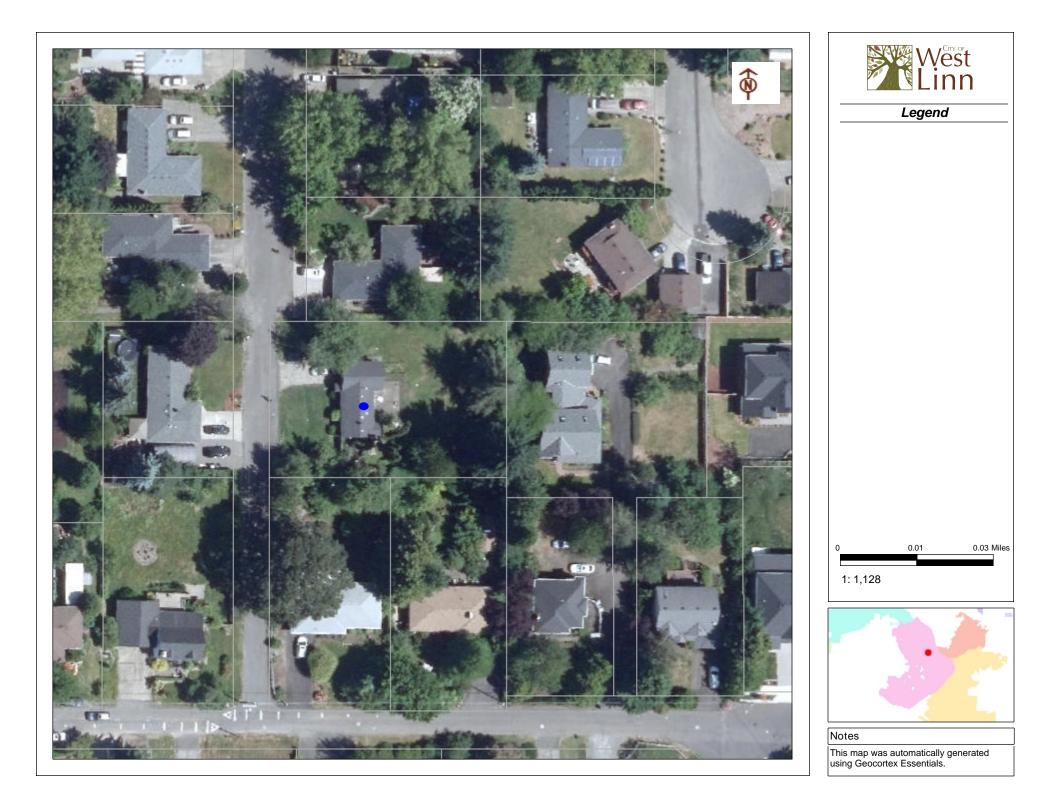
This application narrative, accompanying plan set, and supporting materials demonstrate that all applicable provisions of SB458 are satisfied. The applicant respectfully requests that the Planning Department approve this application.

# Exhibit A – Clackamas County Assessor Map

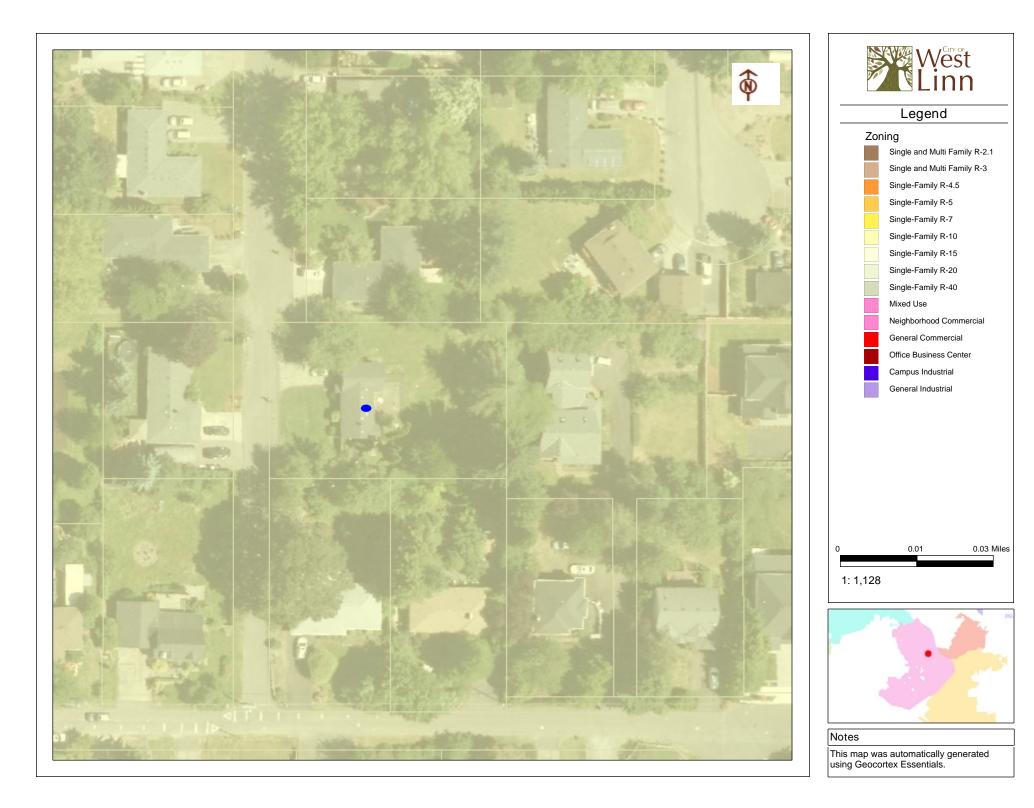


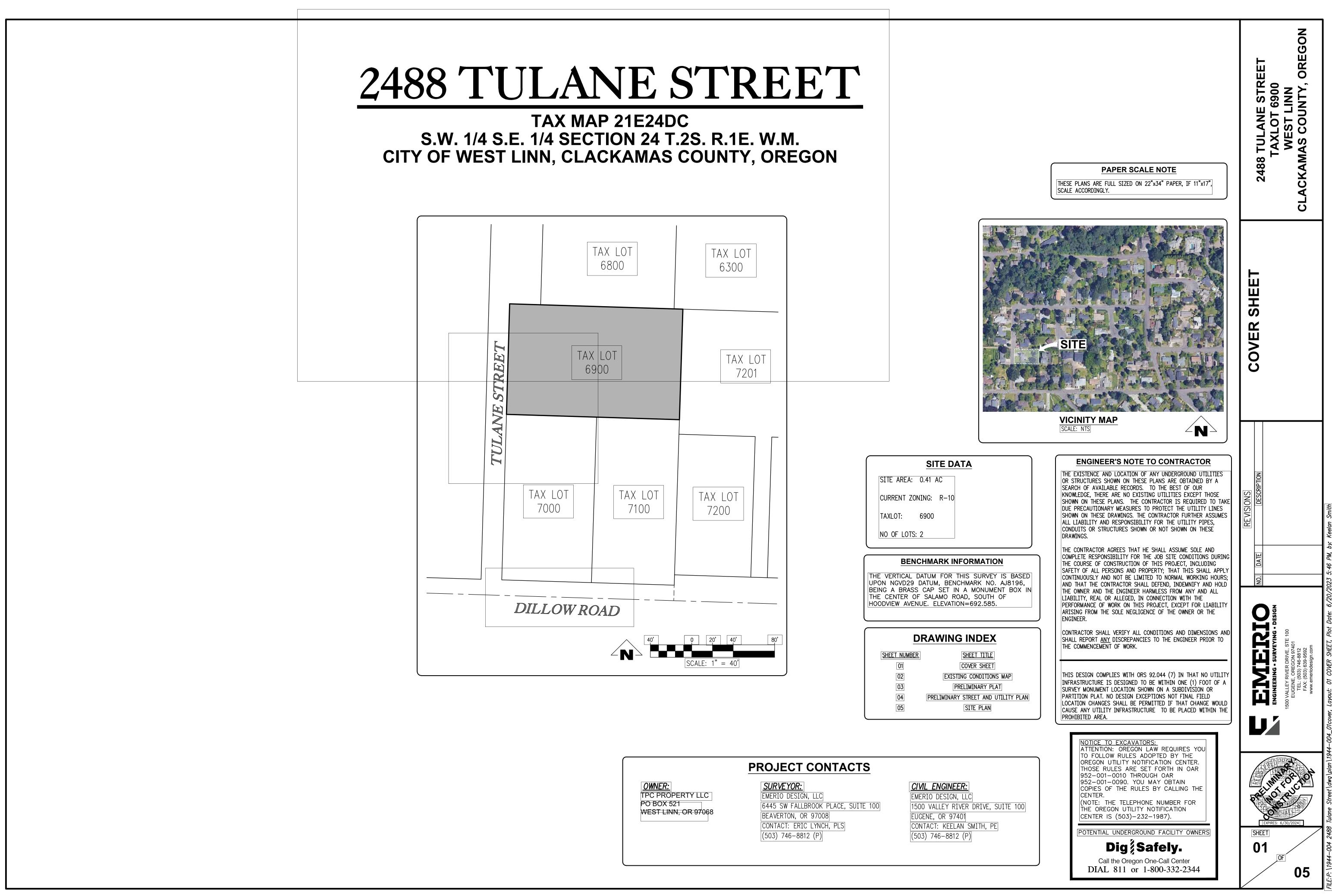


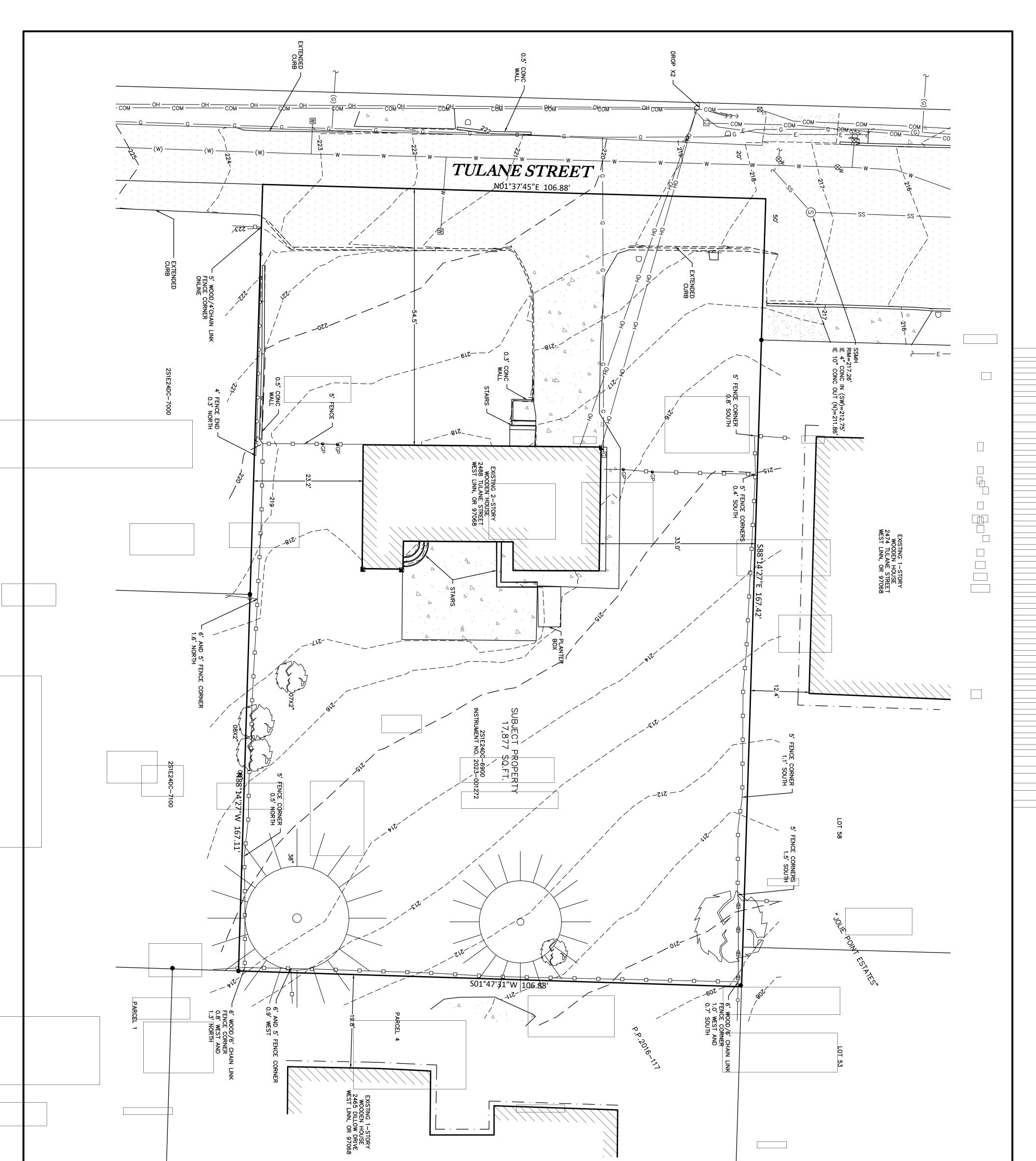
# Exhibit B – Aerial Photograph

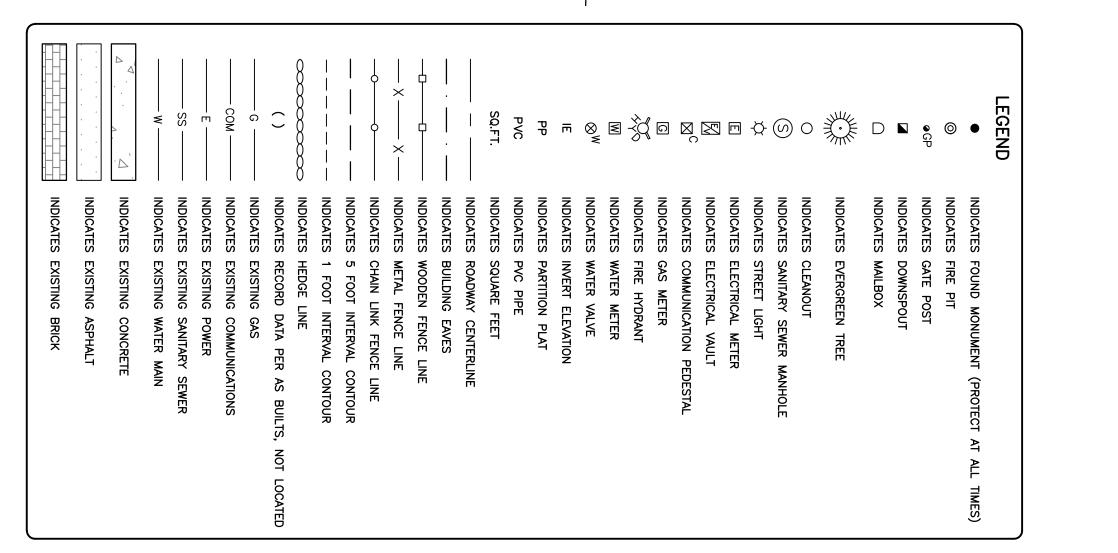


# Exhibit C – West Linn Zoning Map









REVISIONS **EXISTING CONDITIONS** 02 EMERIO SHEET DATE DESCRIPTION NO. 2488 TULANE STREET MAP **TAXLOT 6900** ENGINEERING - SURVEYING - DESIGN WEST LINN AUC) 1500 VALLEY RIVER DRIVE, STE 100 EUGENE, OREGON 97401 05 TEL: (503) 746-8812 FAX: (503) 639-9592 CLACKAMAS COUNTY, OREGON www.emeriodesign.com

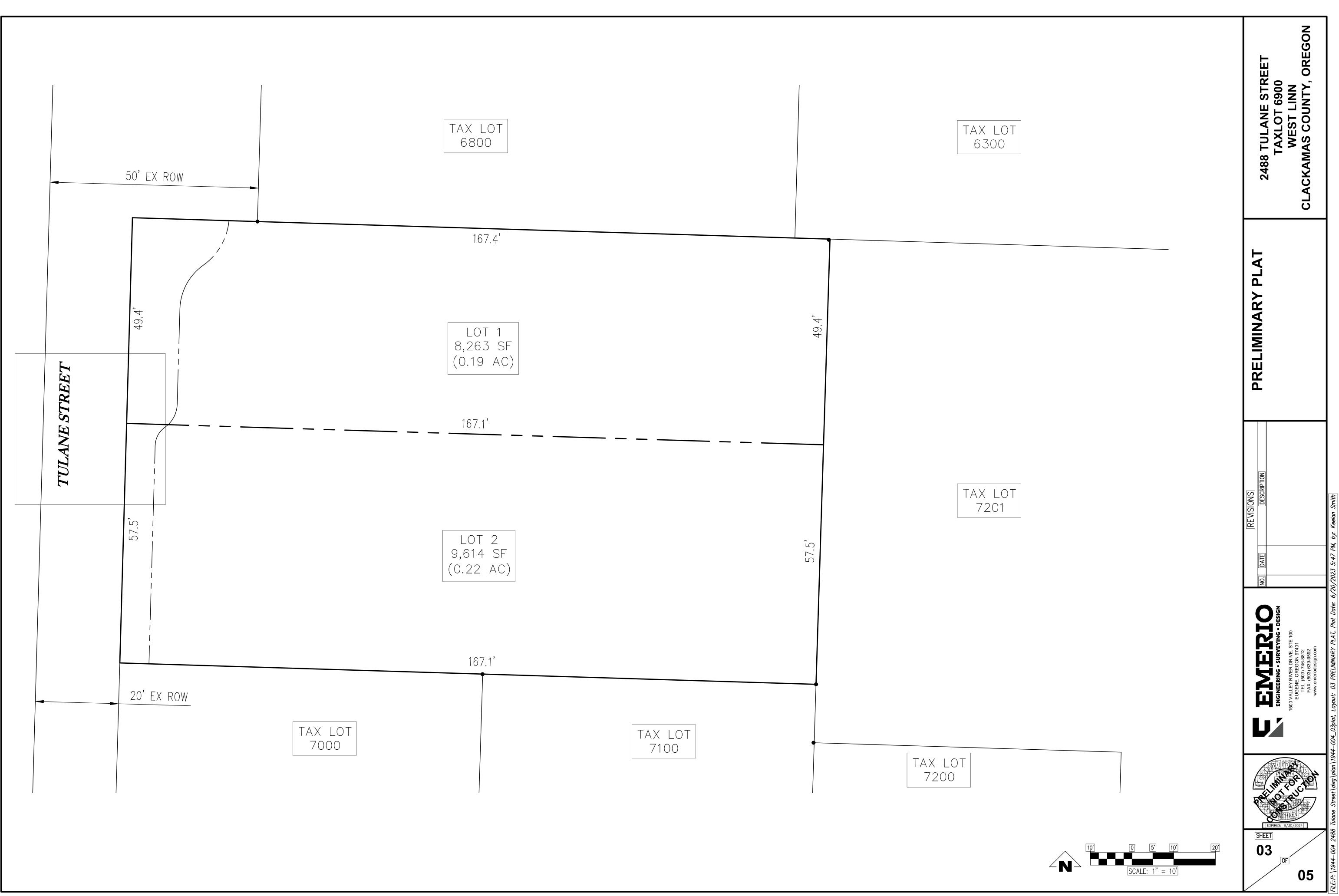
FILE: P: \1944-004 2488 Tulane Street \dwg\plan \1944-004\_02ECM, Layout: 02 EXISTING CONDITIONS MAP, Plot Date: 6/20/2023 5:46 PM, by: Keelan Smith

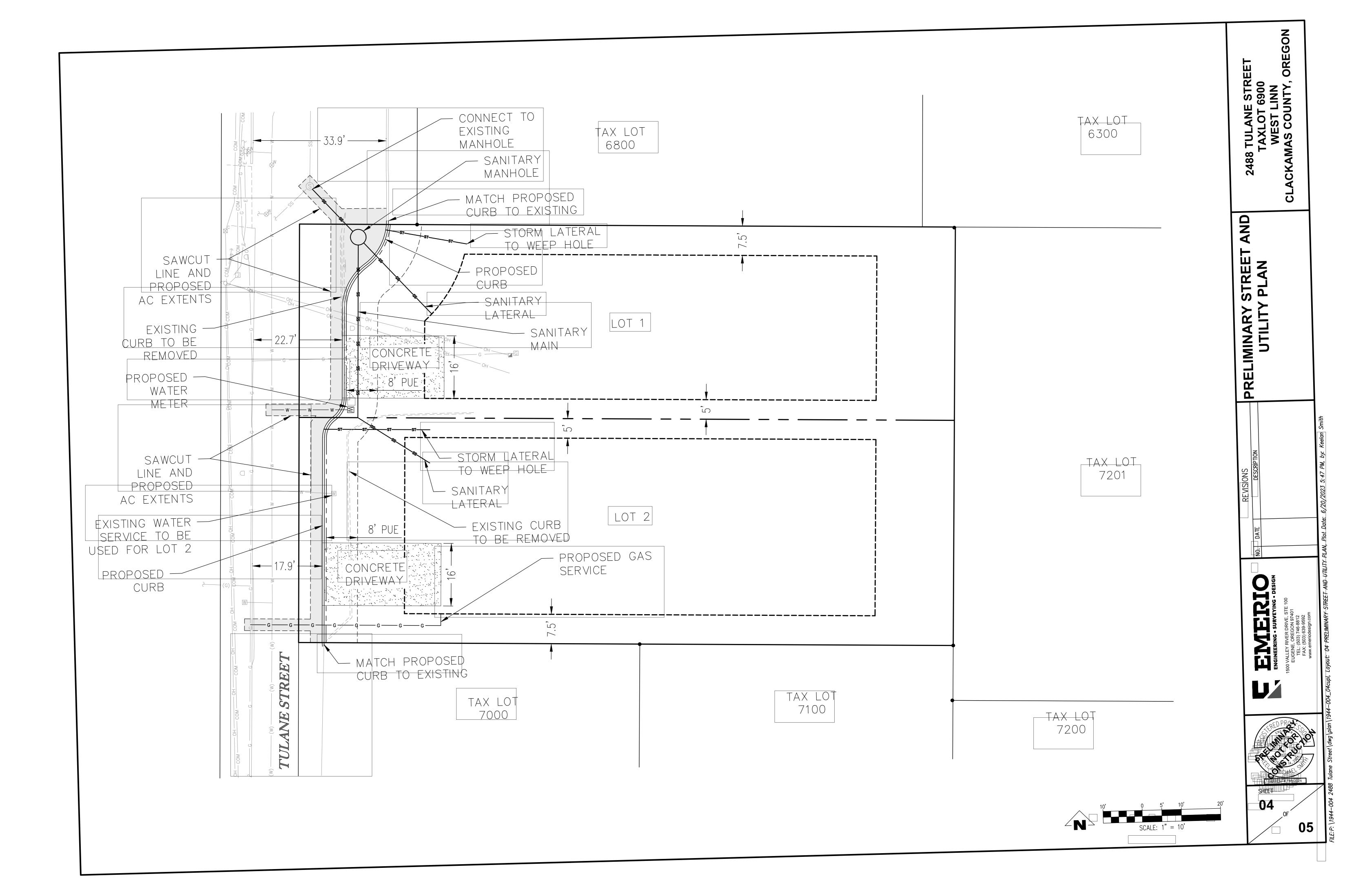
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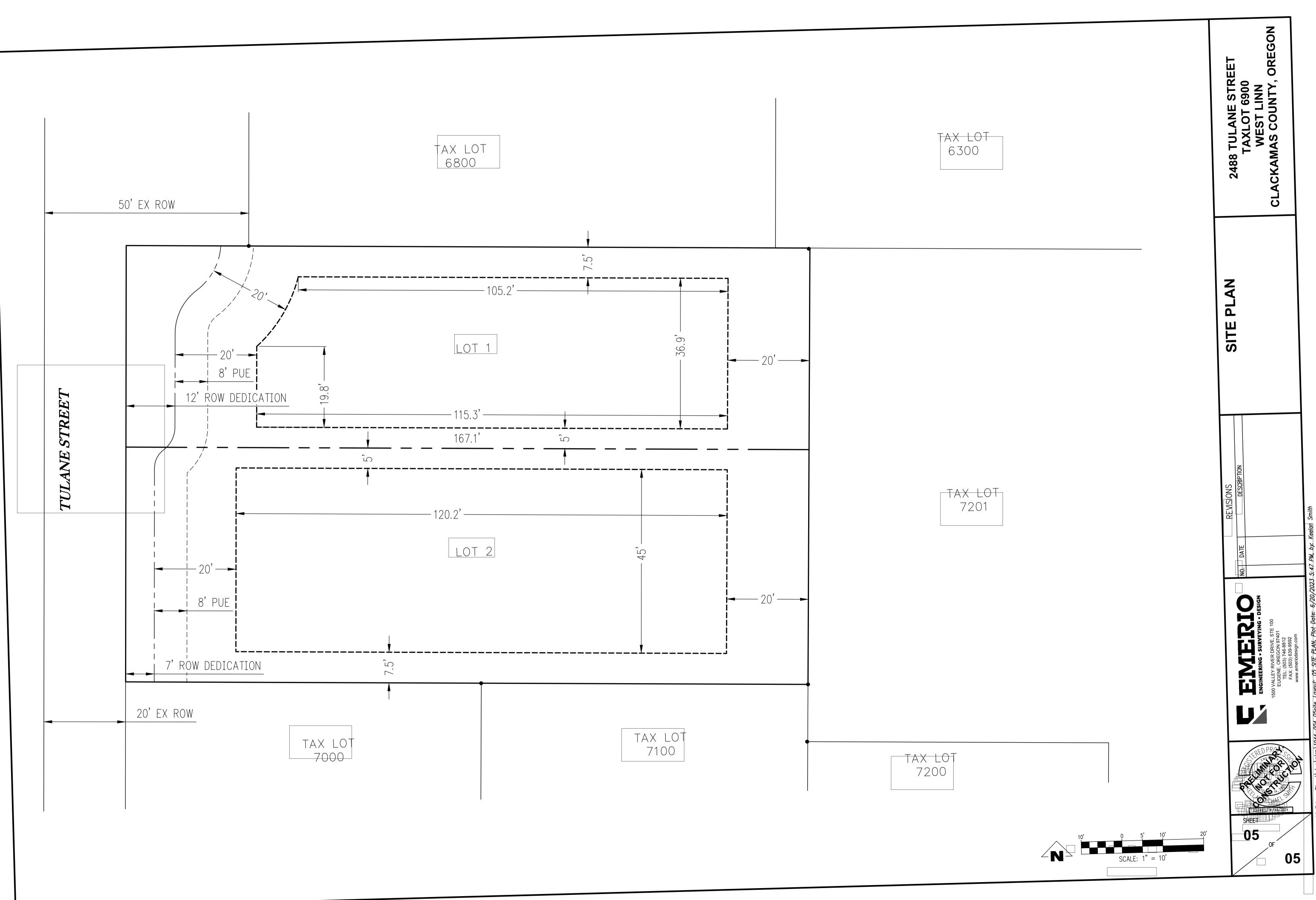
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\1944-004 2488 Tulane Street\dwg\plan\1944-004\_05site, Layout: 05 SITE PLAN, Plot Date: 0/20/2023 3-1/1

**EXHIBIT PD-2 PUBLIC COMMENTS** 

From:	sandy.carter <sandy.carter@wordscount.biz></sandy.carter@wordscount.biz>
Sent:	Saturday, July 15, 2023 4:51 PM
То:	Myers, Chris
Subject:	Manager decision, File #ELD-23-04

You don't often get email from <a href="mailto:sandy.carter@wordscount.biz">sandy.carter@wordscount.biz</a>. Learn why this is important

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.

To whom it may concern;

I received the notification of the expedited land division and will first say that I see no issue with it legally. But if I'm understanding the drawings correctly the duplex unit along my property line (7100) could be huge in relationship to the other homes in this block and the back yard could just be the 20' rear setback.

Assuming this dwelling **could** be two stories high, this will make a huge difference to my backyard privacy, as, in the 24 years that I've owned my property, that north fence line abutted just the deep backyard of the subject property's current home. Sadly, if the proposed new home is built to maximum size, and with windows all along the south wall, our privacy will be a thing of the past, which I've been informed recently by a realtor will also certainly reduce the attractiveness/value of my home to future buyers.

So for now my most important comment on this land division is that I fervently hope to see a house plan for the proposed future dwelling that is modest in size, thus affordable— as intended, I think by the State in its recent rules about diversity of housing types in all neighborhoods—and considerate of its mid-century neighbors in its scale, exterior design and height.

Will there be any additional opportunities for comment on the actual plan proposed for the dwellings?

Thank you,

Sandy Carter

2555 Dillow Drive

West Linn, OR. 97068

503-655-0649 landline

# **EXHIBIT PD-3 COMPLETENESS LETTER**



July 6, 2023

JJ Portlock TPC Property LLC PO Box 521 West Linn OR. 97068

Subject: ELD-23-04 Application for an expedited land division to partition 2488 Tulane Street for a middle housing land division for a detached duplex (2 parcels).

Mr. Portlock,

You submitted an application on June 22, 2023. The Planning and Engineering Departments determined that the application is now **complete** as of July 6, 2023.

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 September 7, 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 if you have any questions or comments.

Respectfully,

Chris Myers

Chris Myers Associate Planner

# **EXHIBIT PD-4 AFFIDAVIT AND NOTICE PACKET**



### 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

Applicant's Name: JJ Portlock

File No.: ELD-23-04 Development Name: 2488 Tulane Scheduled Decision Date: July 25, 2023

#### MAILED NOTICE

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

JJ Portlock, applicant	7/11/23	Lynn Schroder
Jennifer Arnold, applicant representative	7/11/23	Lynn Schroder
Property owners within 100ft of the site perimeter	7/11/23	Lynn Schroder
Bolton Neighborhood Association	7/11/23	Lynn Schroder
Metro	7/11/23	Lynn Schroder
WLWL SD	7/11/23	Lynn Schroder
Clackamas County	7/11/23	Lynn Schroder
PGE	7/11/23	Lynn Schroder
TriMet	7/11/23	Lynn Schroder
Comcast	7/11/23	Lynn Schroder
NW Natural Gas	7/11/23	Lynn Schroder
TVF&R	7/11/23	Lynn Schroder
Stafford-Tualatin CPO	7/11/23	Lynn Schroder

#### EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 14 days before the decision date to:

Bolton Neighborhood Association	7/11/23	Lynn Schroder
JJ Portlock, applicant	7/11/23	Lynn Schroder

#### **WEBSITE**

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

7/11/23 Lynn Schroder
-----------------------

#### 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.

8/30/23 Lynn Schroder

# CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION FILE NO. ELD-23-04

The City of West Linn has received a complete application for an expediated land division (SB458) for middle housing at 2488 Tulane Street (Tax Lot 21E24DC06900). The applicant is requesting approval of a middle housing land division for a detached duplex. Parcels will be approximately 8263 square feet and 9614 square feet in size.

The Planning Manager will decide after the required 14-day written comment period expires. The decision will be based on the criteria found in Oregon Revised Statute 92.031. An appointed referee will review any appeal of the decision.

The complete application and all evidence submitted by the applicant are posted on the City's website <u>https://westlinnoregon.gov/planning/2488-tulane-street-sb458-expedited-land-division-detached-duplex</u>. Alternatively, the application and all evidence submitted by the applicant are available for review between 8:00 am and 5:00 pm, Monday through Thursday, at City Hall at no cost. Copies may be obtained at a reasonable cost.

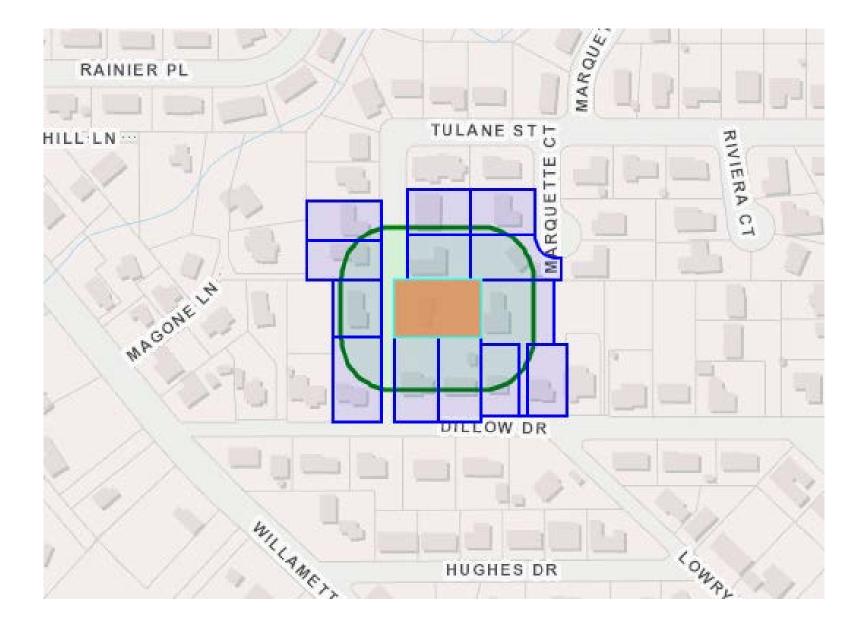
A public hearing will not be held for this decision. Anyone wishing to submit written comments for consideration must submit all material before the 14-day comment period expires. The deadline to submit written comments is <u>4:00 pm on July 25, 2023</u>. Written comments can be submitted to <u>cmyers@westlinnoregon.gov</u> or 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 <a href="mailto:cmyers@westlinnoregon.gov">cmyers@westlinnoregon.gov</a>.

Scan this QR Code to go to Project Web Page:







# NOTICE OF UPCOMING PLANNING MANAGER DECISION

PROJECT # ELD-23-04 MAIL: 8/30/2023 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.