



CITY OF  
**West Linn**

**PLANNING MANAGER DECISION**

DATE: August 29, 2023

FILE NO.: ELD-23-05

REQUEST: Approval of an SB458 Expedited Land Division for a four-lot middle housing land division resulting in a detached quadplex at 2797 Lancaster Street.

PLANNER: Chris Myers, Associate Planner

Planning Manager

DSW

**TABLE OF CONTENTS**

STAFF ANALYSIS AND RECOMMENDATION

    GENERAL INFORMATION ..... 2

    EXECUTIVE SUMMARY ..... 3

    PUBLIC COMMENTS ..... 3

    DECISION AND CONDITIONS OF APPROVAL ..... 4

ADDENDUM

    STAFF FINDINGS ..... 7

EXHIBITS

    PD-1 APPLICANT SUBMITTAL ..... 20

    PD-2 PUBLIC COMMENTS ..... 38

    PD-3 COMPLETENESS LETTER ..... 43

    PD-4 AFFIDAVIT AND NOTICE PACKET ..... 45

## GENERAL INFORMATION

**APPLICANT/  
OWNER:**

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

**SITE LOCATION:**

2797 Lancaster Street

**SITE SIZE:**

0.456 Acres (19,865 square feet)

**LEGAL  
DESCRIPTION:**

Clackamas County Assessor Map 21E25CD Tax Lot 03400

**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 Sunset Neighborhood Associations July 11, 2023, as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on July 10, 2023. Therefore, public notice requirements have been met.

## EXECUTIVE SUMMARY

The 2797 Lancaster property is a 19,865 sq. ft., legal lot of record. The property is zoned R-10, Residential and the applicant will construct a detached quadplex 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 quadplex.

### Proposed Parcel Sizes

Lot 1 – 4680 sq. ft.

Lot 2 – 5257 sq. ft.

Lot 3 – 5263 sq. ft.

Lot 4 – 4689 sq. ft.

The property is not located within the Willamette River Greenway (WRG) nor any FEMA flood hazard area. There is existing stormwater drainage to the north side of the subject property in York Street. The stormwater drainage is piped, piped sections are exempt from WRA requirements (Community Development Code (CDC) Chapter 32.040.F(2)).

The property has approximately 98 feet of frontage on Lancaster Street, which has a functional classification of Collector. And approximately 65 feet of frontage on York Street, which has a functional classification of Local. Each of the four lots will take access from private driveways, lots 1 and 2 will take access from York Street and lots 3 and 4 will take access from Lancaster Street.

The Lancaster Street right-of-way is approximately 60 feet wide and the York Street right-of-way is approximately 52 feet wide at the points adjacent to the subject property. The applicant will construct half-street improvements on Lancaster Street but will not need to construct half-street improvements on York Street as detailed in Condition of Approval 8. No right-of-way dedication is required.

Sanitary sewer and water mains are located in the Lancaster Street right-of-way to provide service to the proposed parcels 3 and 4 and in the York Street right-of-way to provide service to parcels 1 and 2.

### 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.

Erin and Adam Klein Email 8.10.23

*Expressed multiple concerns with the proposed addition of two single-family homes. Concerns such as: mature trees will need to be cut down on the subject property, currently the subject property is used for overflow parking for neighbors, limited street parking on York Street, speed of cars driving on York Street (specifically cars going to and from the daycare), and that the local neighborhood kids like to play in the street.*

*Possible solutions mentioned are the placement of a Dead End sign, a No Outlet sign, and a speed bump at the top of the rise to ensure cars reduce their speed.*

**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 middle housing on the subject property (see Staff Finding 1). The applicant proposes a detached quadplex (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 quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.**

**Tree removal and overflow parking were issues 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.**

**Additional vehicle trips per day 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-23-05) 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 6/22/23 (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, 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. **Utility Easement.** The applicant shall show a 10-foot public utility easement along the Lancaster and York 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. **Final Plat Recording.** The approval of the tentative plat (ELD-23-05) shall be void if the applicant does not record the final partition plat within three years of approval.
8. **Required Street Improvements.** The applicant shall complete half-street improvements, including curb, gutter, sidewalk, pavement improvements/stripping, and street storm drainage for the portion of Lancaster Street abutting the subject property. 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.

Chris J. Myers  
Chris Myers, Associate Planner

August 29, 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 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-23-05**

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 quadplex, 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 quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a quadplex as "Four 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 quadplex, which qualifies as a middle housing type (see Staff Finding 1). The applicant did not submit building plans for the detached quadplex 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 quadplex, 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 quadplex 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 quadplex 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 a 10-foot public utility easement along the frontage of Lancaster and York Streets. The easements will provide for locating, accessing, replacing and servicing all utilities for the four lots. The applicant shall show the utility easements 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 quadplex on the subject property, including the division of the parcel as allowed by SB458. All dwellings will have pedestrian access to either Lancaster Street (Lots 3 and 4) or York Street (lots 1 and 2) both are public streets, 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 quadplex 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 either Lancaster Street (Lots 3 and 4) or York Street (lots 1 and 2) via dedicated driveways for each lot. 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 quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a quadplex as “Four 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 lot. 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 quadplex, which qualifies as a middle housing type. The applicant did not submit building plans for the detached quadplex 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 quadplex 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 quadplex 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 95 feet of frontage along Lancaster Street, which has a functional classification of *Collector*, and approximately 65 feet of frontage along York Street, 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 three new dwelling units on the subject property will contribute approximately 33 new vehicle trips a day.**

**The applicant proposes constructing street improvements along the Lancaster Street frontage to match the existing improvements to the west. The City finds the applicant proposal to be roughly proportional as, 1) the 2016 West Linn Transportation System Plan (TSP) identifies pedestrian improvements on the north side of Lancaster Street as high priority (Project P23), and 2) the TSP identifies bicycle improvements along Lancaster Street as high priority (Project B5), and 3) the two lots taking access from Lancaster Street will require approximately 33 percent of the frontage to be reconstructed so completing the entire frontage improvements will result in necessary safety improvements for the proposed lots and community.**

**Therefore, the applicant shall install half-street improvements along the Lancaster Street property frontage that conform to the TSP Collector Street Cross Sections per Condition of Approval 8. 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 four proposed lots. 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 Lancaster Street and York Street public rights-of-way (ROW). The existing Lancaster ROW measures approximately 60-feet in width and the existing York Street ROW, adjacent to the subject property, is approximately 50 feet in width. 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 quadplex on the subject property, including the division of the lot as allowed by SB458. The type of middle housing, detached quadplex, 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-23-05) 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 quadplex, 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 19,865 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 quadplex 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 four dwelling units, which is 400 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 four lots 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 quadplex, 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 Sunset 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 29, 2023, the 54th 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 August 29, 2023 the 54<sup>th</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	PROJECT NO(S): <b>ELD-23-05/MIP-23-06</b>	PRE-APPLICATION NO. n/a
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)<br><input type="checkbox"/> Appeal (AP)<br><input type="checkbox"/> CDC Amendment (CDC)<br><input type="checkbox"/> Code Interpretation (MISC)<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Tree Easement Vacation (MISC)<br><input checked="" type="checkbox"/> Expediated Land Division (ELD)<br><input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP)<br><input type="checkbox"/> Flood Management Area (FMA)<br><input type="checkbox"/> Historic Review (HDR)<br><input type="checkbox"/> Lot Line Adjustment (LLA)<br><input checked="" type="checkbox"/> Minor Partition (MIP)<br><input type="checkbox"/> Modification of Approval (MOD)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses (MISC)<br><input type="checkbox"/> Time Extension (EXT)<br><input type="checkbox"/> Right of Way Vacation (VAC)<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change (ZC) |
|---|--|---|

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

Site Location/Address: <b>2797 Lancaster Street</b>	Assessor's Map No.: <b>21E25CD</b>
	Tax Lot(s): <b>3400</b>
	Total Land Area: <b>0.46 ac</b>

**Brief Description of Proposal:**

**SB 458 - Middle housing land division for a detached quadplex (4-lots)**


<b>Applicant Name*:</b> <b>TPC Property LLC</b> Address: <b>PO Box 521</b> City State Zip: <b>West Linn OR 97068</b>	Phone: <b>425-829-1566</b> Email: <b>jportlock@theportlockco.com</b>
--	---

<b>Owner Name (required):</b> <b>Same as Applicant</b> Address: City State Zip:	Phone: Email:
---	------------------

<b>Consultant Name:</b> <b>Emerio Design, LLC - Jennifer Arnold</b> Address: <b>1500 Valley River Drive, Suite 100</b> City State Zip: <b>Eugene, OR 97401</b>	Phone: <b>503-746-8812</b> Email: <b>jarnold@emeriodesign.com</b>
--	--

1. 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.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF 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 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	6/29/23 Date	 Owner's signature (required)	6/26/23 Date
---	-----------------	--	-----------------

# Lancaster Partition

Middle Housing Land Division SB458

**Prepared for:**  
TPC Property LLC

**Prepared by:**



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

June 20, 2023

**Project Summary**

Request:	Application proposing land division for a detached quadplex
Location and Map Number:	2797 Lancaster Street Clackamas County Assessor's Map No. 21E25CD, Tax Lot 3400
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 Surveyor: Keelan Smith <a href="mailto:ksmith@emeriodesign.com">ksmith@emeriodesign.com</a> Planner: Jennifer Arnold <a href="mailto:jarnold@emeriodesign.com">jarnold@emeriodesign.com</a>

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 0.46-acre parcel identified as Clackamas County Assessor's Map No. 21E25CD, Tax Lot 3400 (Exhibit A); it can also be located by its address, 2797 Lancaster 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

The subject property has double frontage on two public streets, Lancaster Street and York Street. Current access to the subject property is provided by an existing driveway via Lancaster Street and a garage in the rear yard is accessed by a driveway off York Street. New driveways are proposed for access for each new dwelling unit.

Elevations on the subject property increase from 582 feet near the southeastern property corner to 588 feet above mean sea level near the northwest 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 quadplex residential units as an outright permitted use per CDC 11.030.1.a. This proposal includes a detached quadplex 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 quadplex is outright permitted use. The applicant proposes a middle housing land division process to create four child lots on the existing parent lot and construct a detached quadplex (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 a 10-foot public utility easement along the frontage of both parcels. This easement is shown on submitted sheets**



**4 and 5. 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 quadplex 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 and accessory structure on the property are proposed to be removed prior to construction of the detached quadplex 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.**

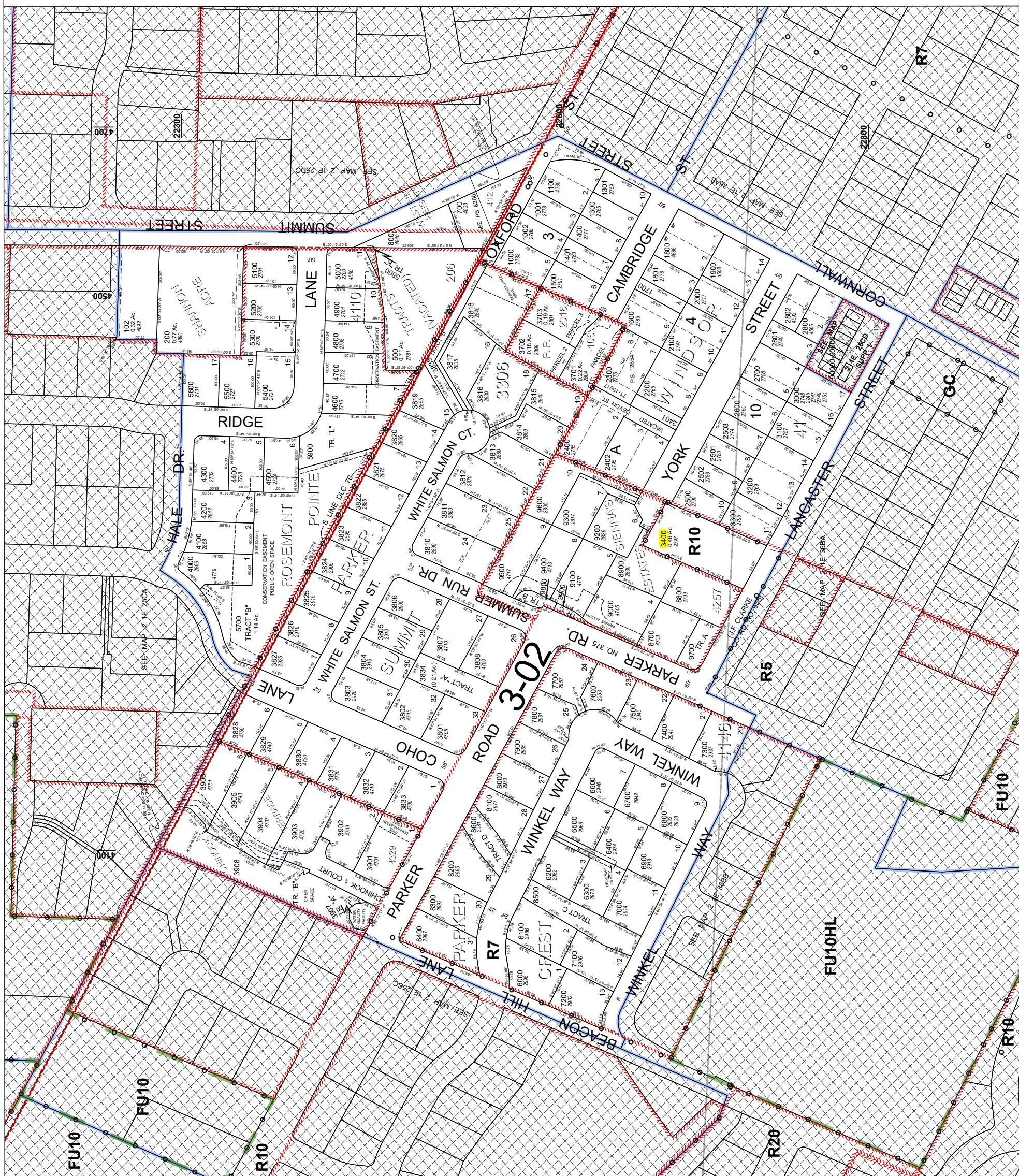
**Exhibit A – Clackamas County Assessor Map**

2 1E 25CD  
WEST LINN  
S.E. 1/4 S.W. 1/4 SEC. 25 T.2S. R.1E. W. M.  
CLACKAMAS COUNTY

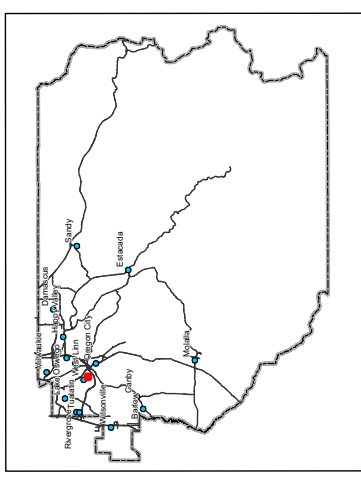
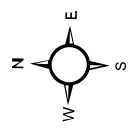
1" = 100'

D. L. C.  
JULIA ANN LEWIS NO. 54  
SAMUEL SHANNON NO. 70

Cancelled
3500
3600
3601
600
900
1200
101
3700
3800
3809
100
300
400
401
2900
8990
3900
9290



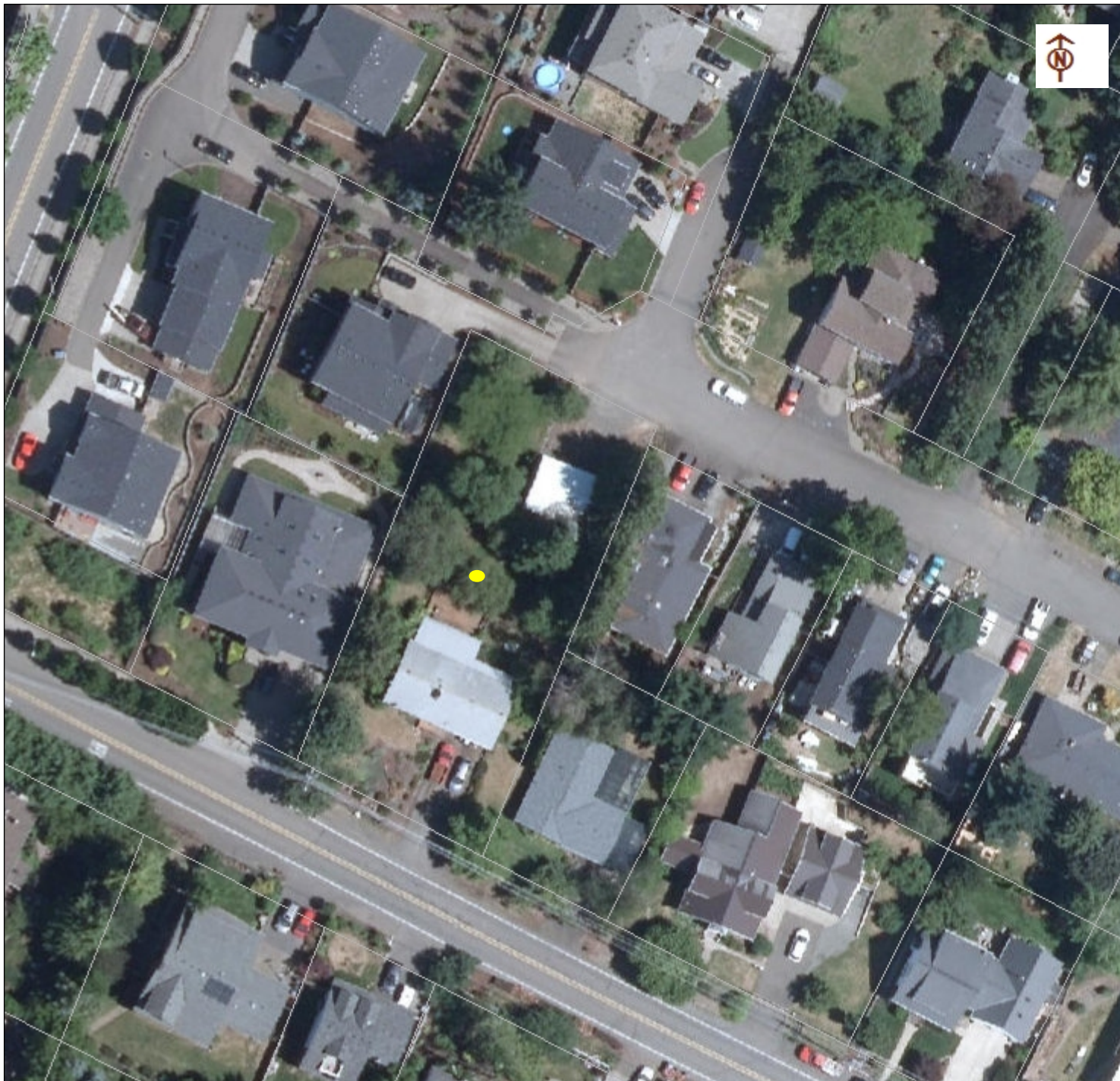
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

Print Date: 3/7/2023

**Exhibit B – Aerial Photograph**

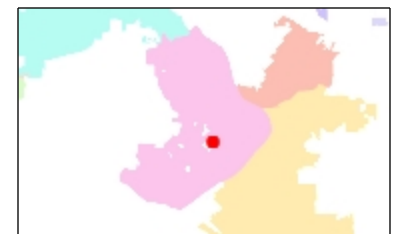


**Legend**

0 0.01 0.03 Miles



1: 1,128



**Notes**

This map was automatically generated using Geocortex Essentials.

**Exhibit C – West Linn Zoning Map**

### Legend

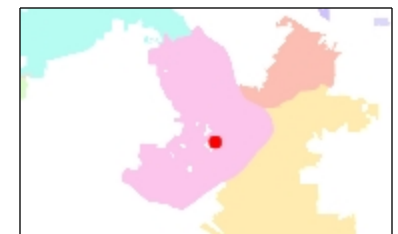
#### Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

0 0.01 0.03 Miles



1: 1,128



#### Notes

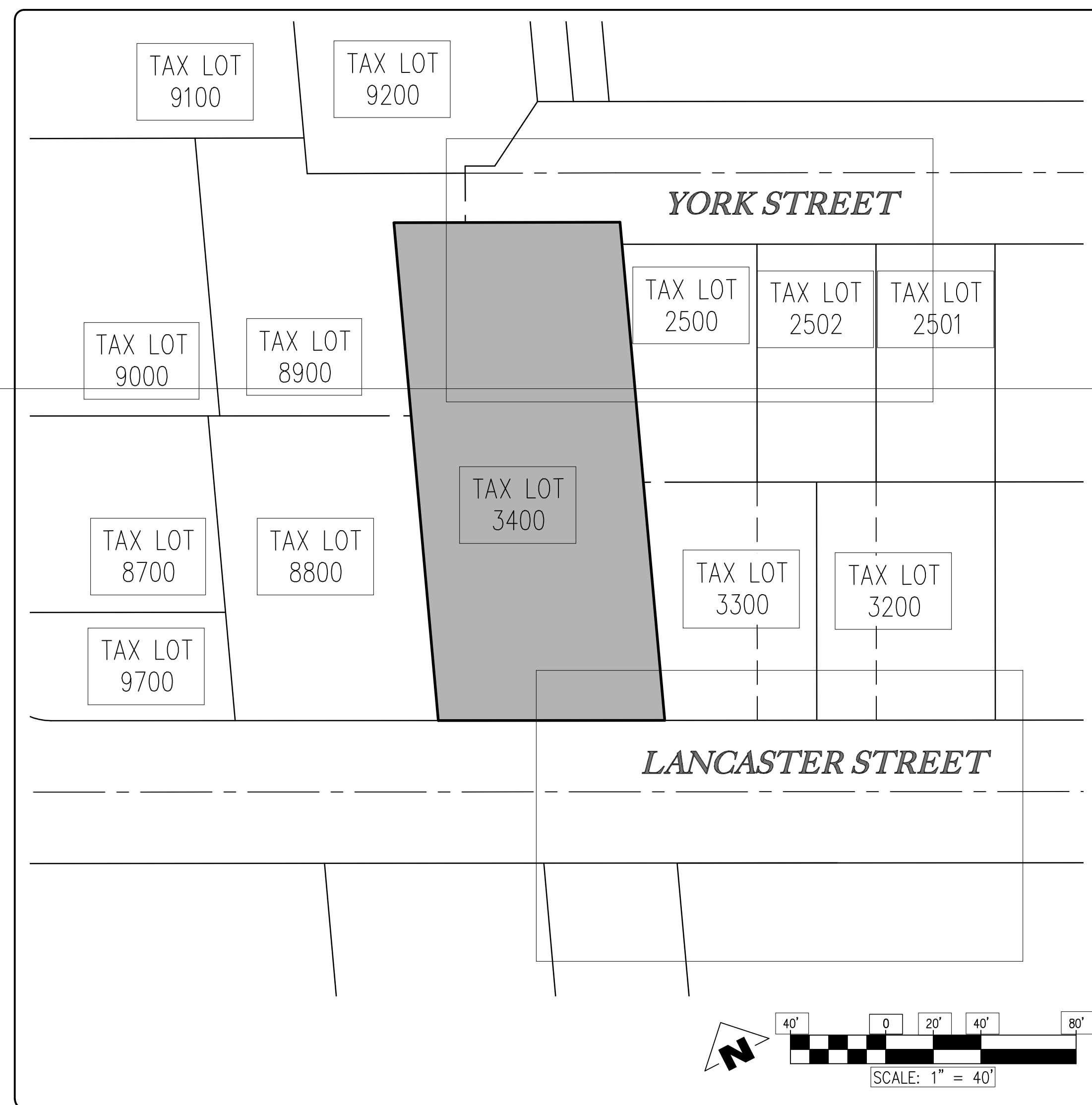
This map was automatically generated using Geocortex Essentials.





# 2797 LANCASTER STREET

TAX MAP 21E25CD  
 S.E. 1/4 S.W. 1/4 SECTION 25 T.2S. R.1E. W.M.  
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



**PAPER SCALE NOTE**  
 THESE PLANS ARE FULL SIZED ON 22"x34" PAPER, IF 11"x17",  
 SCALE ACCORDINGLY.



**SITE DATA**

SITE AREA: 0.46 AC  
 CURRENT ZONING: R-10  
 TAXLOT: 3400  
 NO OF LOTS: 4

**BENCHMARK INFORMATION**

THE VERTICAL DATUM FOR THIS SURVEY IS BASED UPON NGVD29 DATUM, BENCHMARK NO. AJ8196, BEING A BRASS CAP SET IN A MONUMENT BOX IN THE CENTER OF SALAMO ROAD, SOUTH OF HOODVIEW AVENUE. ELEVATION=692.585.

**DRAWING INDEX**

SHEET NUMBER	SHEET TITLE
01	COVER SHEET
02	EXISTING CONDITIONS MAP
03	PRELIMINARY PLAT
04	PRELIMINARY STREET AND UTILITY PLAN
05	SITE PLAN

**ENGINEER'S NOTE TO CONTRACTOR**

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

**PROJECT CONTACTS**

<b>OWNER:</b> TPC PROPERTY LLC PO BOX 521 WEST LINN, OR 97068	<b>SURVEYOR:</b> EMERIO DESIGN, LLC 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OR 97008 CONTACT: ERIC LYNCH, PLS (503) 746-8812 (P)	<b>CIVIL ENGINEER:</b> EMERIO DESIGN, LLC 1500 VALLEY RIVER DRIVE, SUITE 100 EUGENE, OR 97401 CONTACT: KEELAN SMITH, PE (503) 746-8812 (P)
--	---	---

**NOTICE TO EXCAVATORS:**  
 ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.  
 (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**  
 Call the Oregon One-Call Center  
 DIAL 811 or 1-800-332-2344

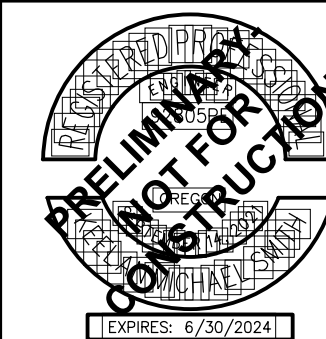
2797 LANCASTER STREET  
 TAXLOT 3400  
 WEST LINN  
 CLACKAMAS COUNTY, OREGON

COVER SHEET

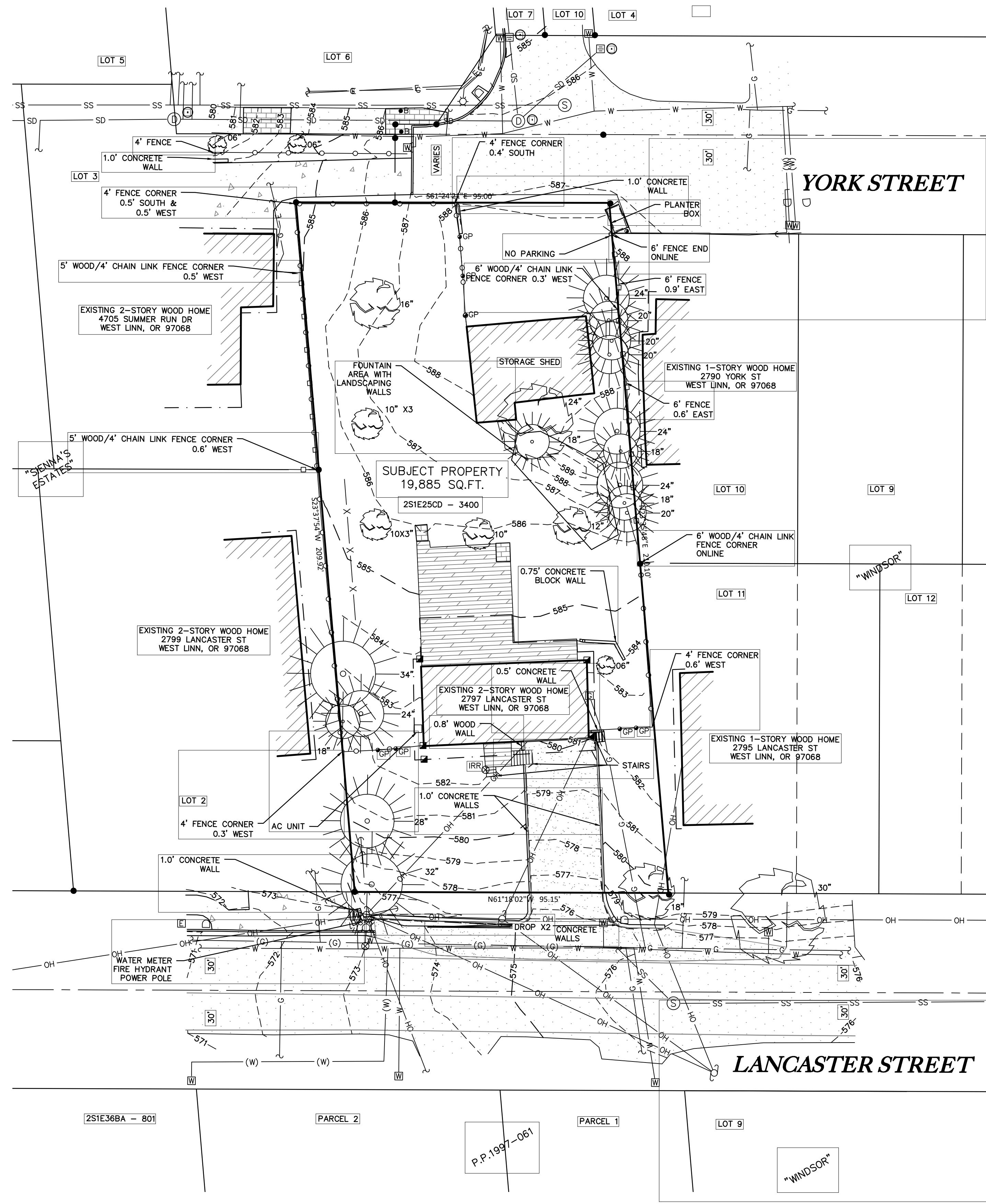
NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN

1600 VALLEY RIVER DRIVE, STE 100  
 EUGENE, OREGON 97401  
 TEL: (503) 746-8812  
 FAX: (503) 639-6592  
 www.emeriodesign.com



SHEET  
 01 OF 05



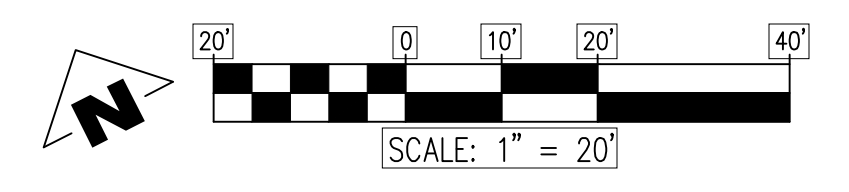
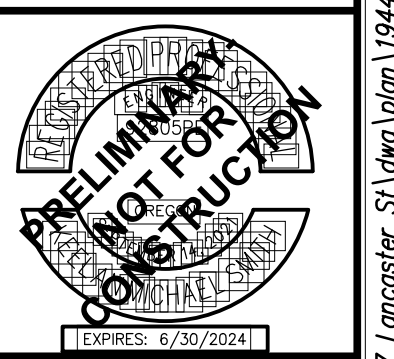
LEGEND	
●	INDICATES FOUND MONUMENT (PROTECT AT ALL TIMES)
⊙	INDICATES FIRE PIT
⊕	INDICATES GATE POST
⊖	INDICATES DOWNSPOUT
⊞	INDICATES MAILBOX
☀	INDICATES EVERGREEN TREE
○	INDICATES CLEANOUT
⊙	INDICATES SANITARY SEWER MANHOLE
⊙	INDICATES STREET LIGHT
⊙	INDICATES ELECTRICAL METER
⊙	INDICATES ELECTRICAL VAULT
⊙	INDICATES COMMUNICATION PEDESTAL
⊙	INDICATES GAS METER
⊙	INDICATES FIRE HYDRANT
⊙	INDICATES WATER METER
⊙	INDICATES WATER VALVE
⊙	INDICATES INVERT ELEVATION
PP	INDICATES PARTITION PLAT
PVC	INDICATES PVC PIPE
SQ.FT.	INDICATES SQUARE FEET
---	INDICATES ROADWAY CENTERLINE
---	INDICATES BUILDING EAVES
---	INDICATES WOODEN FENCE LINE
X-X	INDICATES METAL FENCE LINE
---	INDICATES CHAIN LINK FENCE LINE
---	INDICATES 5 FOOT INTERVAL CONTOUR
---	INDICATES 1 FOOT INTERVAL CONTOUR
---	INDICATES HEDGE LINE
( )	INDICATES RECORD DATA PER AS BUILTS, NOT LOCATED
G	INDICATES EXISTING GAS
COM	INDICATES EXISTING COMMUNICATIONS
E	INDICATES EXISTING POWER
SS	INDICATES EXISTING SANITARY SEWER
W	INDICATES EXISTING WATER MAIN
△	INDICATES EXISTING CONCRETE
▨	INDICATES EXISTING ASPHALT
▩	INDICATES EXISTING BRICK

2797 LANCASTER STREET  
 TAXLOT 3400  
 WEST LINN  
 CLACKAMAS COUNTY, OREGON

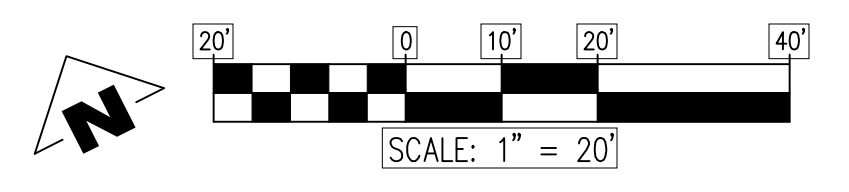
**EXISTING CONDITIONS  
 MAP**

NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN  
 1500 VALLEY RIVER DRIVE, STE 100  
 EUGENE, OREGON 97401  
 TEL: (603) 746-8812  
 FAX: (603) 639-6592  
 www.emeriodesign.com



FILE: P:\1944-003 2797 Lancaster St\dwg\plan\1944-003\_02ECON\_Layout.dwg | Date: 6/21/2023 2:10 PM | By: Keaton Smith

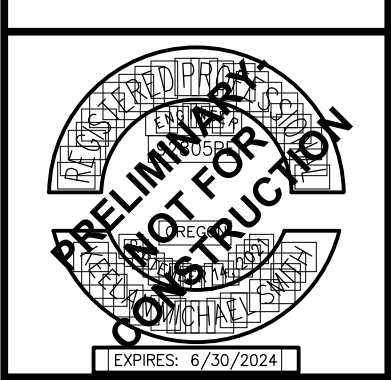


2797 LANCASTER STREET  
 TAX LOT 3400  
 WEST LINN  
 CLACKAMAS COUNTY, OREGON

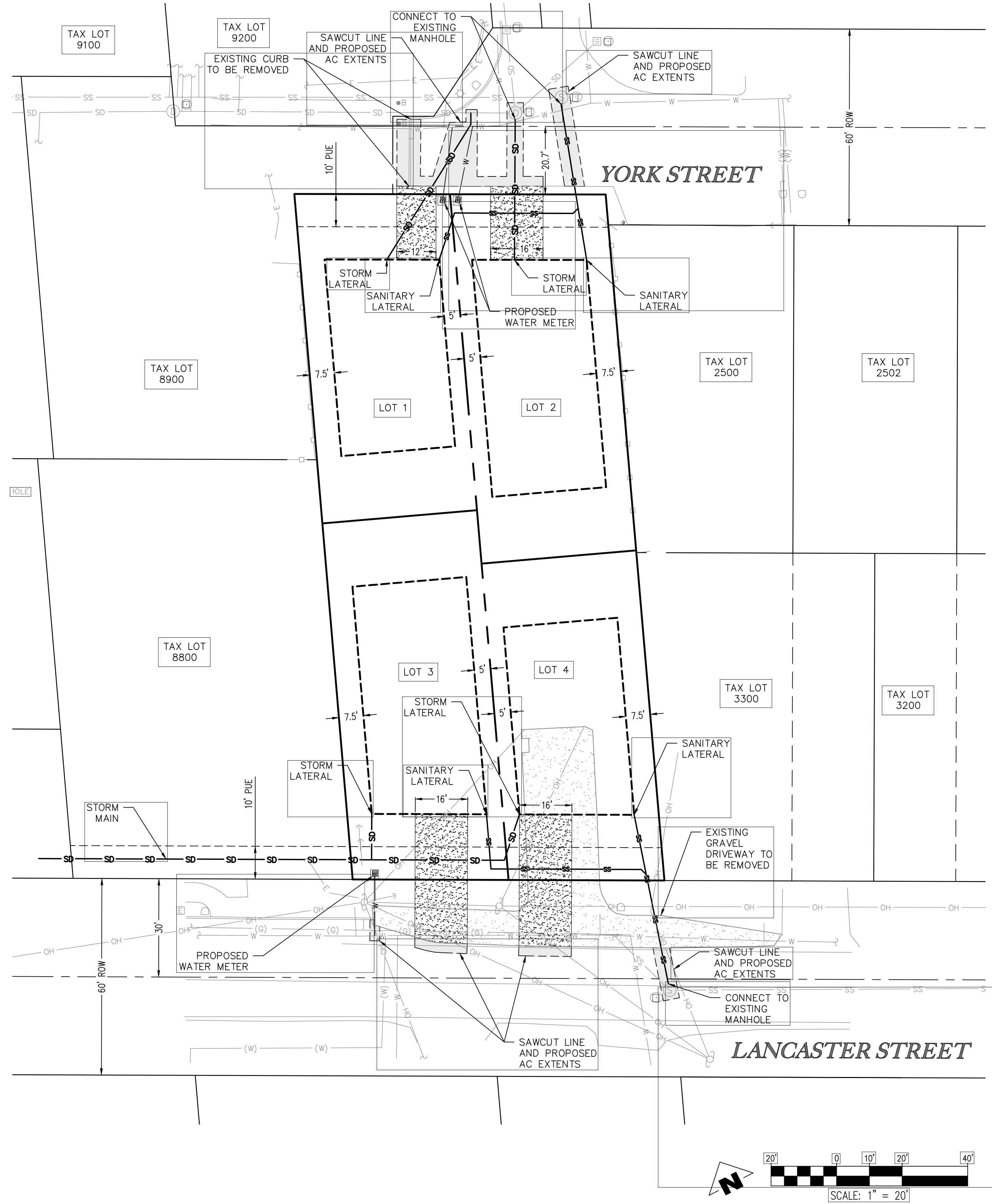
**PRELIMINARY PLAT**

NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN  
 1500 VALLEY RIVER DRIVE, STE 100  
 EUGENE, OREGON 97401  
 TEL: (603) 746-8812  
 FAX: (603) 639-6592  
 www.emeriodesign.com



FILE: P:\1944-003 2797 Lancaster St\1944-003\_03.pcat, Layout: 03 PRELIMINARY PLAT, Plot Date: 6/21/2023 2:12 PM, by: Keenan Smith

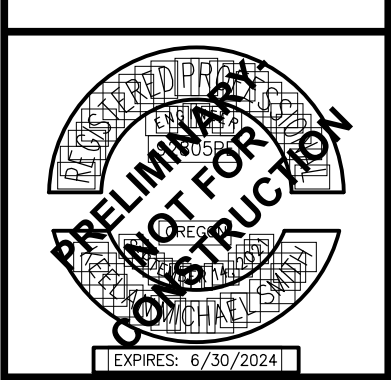


2797 LANCASTER STREET  
 TAXLOT 3400  
 WEST LINN  
 CLACKAMAS COUNTY, OREGON

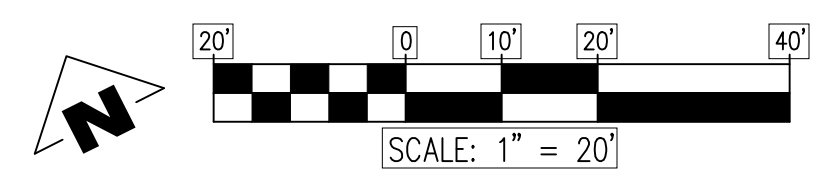
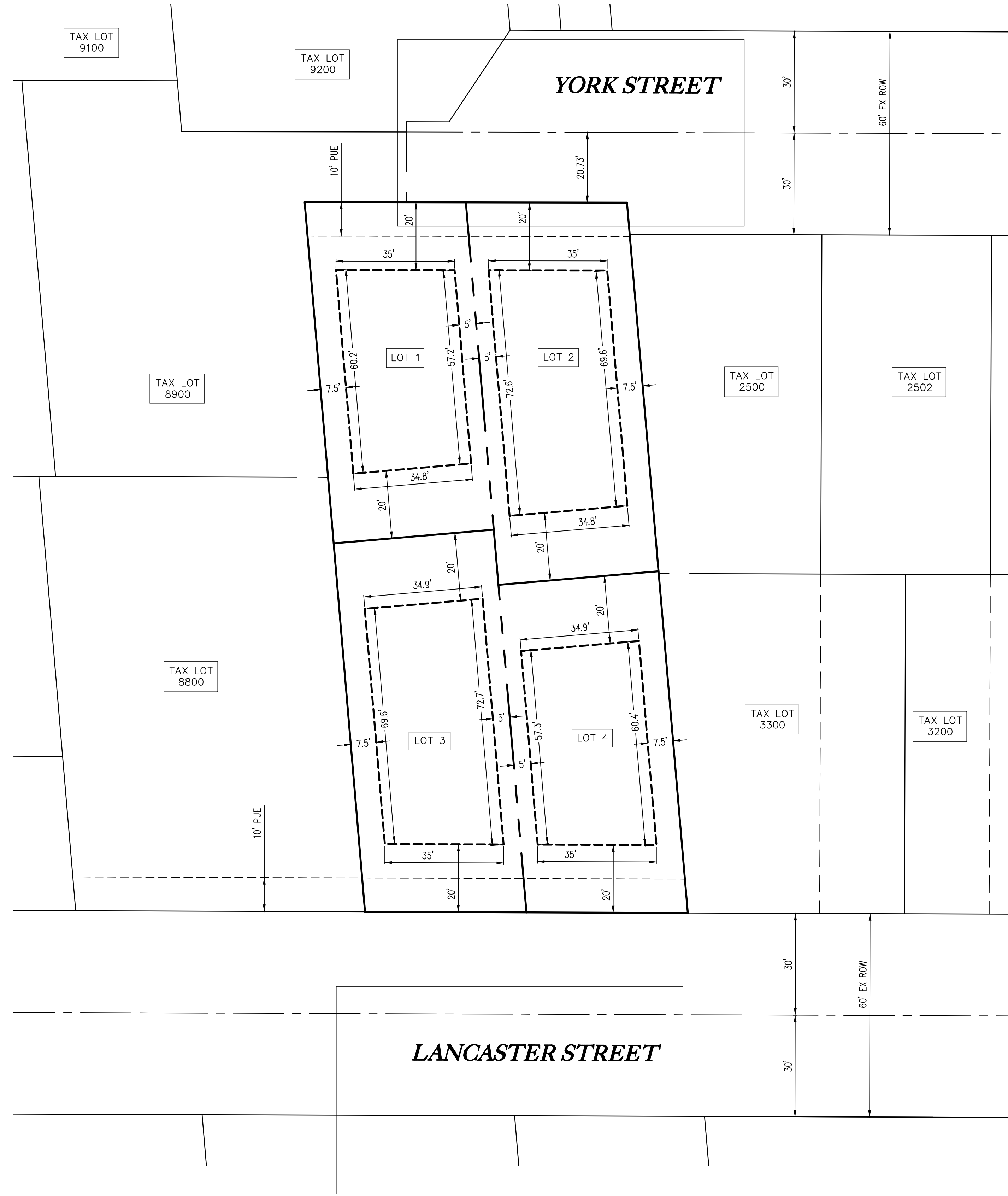
**PRELIMINARY STREET AND  
 UTILITY PLAN**

NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN  
 1500 VALLEY RIVER DRIVE, STE 100  
 EUGENE, OREGON 97401  
 TEL: (603) 746-8812  
 FAX: (603) 639-6592  
 www.emeriodesign.com



FILE: P:\1944-003 2797 Lancaster St\dwg\plan\1944-003\_Acapp\ Layout: 04 PRELIMINARY STREET AND UTILITY PLAN, Plot Date: 6/21/2023 4:13 PM, by: Keaton Smith



2797 LANCASTER STREET  
 TAX LOT 3400  
 WEST LINN  
 CLACKAMAS COUNTY, OREGON

**SITE PLAN**

NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN  
 1500 VALLEY RIVER DRIVE, STE 100  
 EUGENE, OREGON 97401  
 TEL: (603) 746-8812  
 FAX: (603) 639-6592  
 www.emeriodesign.com



FILE: P:\1944-003 2797 Lancaster St\1944-003\_ObSite\_Layout\_05 SITE PLAN\_Plot Date: 6/21/2023 2:28 PM, by: Keenan Smith

## **EXHIBIT PD-2 PUBLIC COMMENTS**

Chris,

Thank you for allowing me a few extra days to comment on the project across the street (tax lot 21E25CD03400). I will try to explain the concerns of our micro-neighborhood as best I can. A picture is worth a thousand words, so I will include some.



This is a view of the lot in question. As you can see there are several mature trees which provide shade and beauty to the surrounding houses. You can also see that the lot is used for overflow parking, especially from the daycare (left). There is no ability to park on the section of York St. around the corner (right), and limited parking on the rest of this section of street, as most houses have wide driveways. It is very important that the new houses have sufficient parking for their own residents, so as not to create additional need for people to squeeze in on the street.

I think it is very important to try to convey what it is we love about this street, and I hope you will do anything you can to help us preserve it. We have a close-knit community here. It is more of a real neighborhood than anywhere I have lived since I was a child in the 1980s. There are at least thirteen children living on or very near this corner, and they all play together. The following pictures are just from yesterday afternoon.



Four-year-olds on balance bikes.



Nine-year-olds playing laser tag.





Riding bikes.

The bigger kids were playing soccer a few houses down yesterday, but they are regularly out here as well, playing basketball at the community hoop. Another thing you can't see from looking at zoning maps, is that there is also a blind hill on York St.



I took this photo less than a minute after the previous one. The kids are all still there, playing.

We teach our kids to listen and look for cars. We watch while the younger ones are outside. Some members of our community have spent years training everyone who lives here to drive very slowly on this street. When we moved in, just over a year ago, my husband contacted Google Maps to have them change the street from showing as a through-street to being a dead end. This has helped somewhat with random cars speeding down the street, having to turn around, and speeding back out. The daycare

traffic comes over this hill, and the new traffic will too. It's not a busy street, though busier at drop-off and pick-up time, and it doesn't need to be widened to accommodate traffic or anything like that. What we would like, if there is going to be a further increase in traffic on the street are solutions like a Dead End or No Outlet sign, a speed bump before the hill, so people will have to slow down, a reduced speed limit on the street, etc.

Of course, no one likes the idea of new development in their neighborhood, and we know there is little, if any chance of stopping it, but if you can help us to preserve the community we have, and the community our children are able to have here, we would all be very grateful.

Thank you,

Erin and Adam Klein

**EXHIBIT PD-3 COMPLETENESS LETTER**



CITY OF  
**West Linn**

July 6, 2023

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

Subject: ELD-23-05 - Application for a middle-housing subdivision to divide the property at 2797 Lancaster Street into four separate lots and construct a detached quadplex.

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](mailto: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**

File No.: **ELD-23-05**

Applicant's Name: **JJ Portlock**

Development Name: **2797 Lancaster Street**

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	<i>Lynn Schroder</i>
Jennifer Arnold, Applicant Representative	7/11/23	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	7/11/23	<i>Lynn Schroder</i>
Sunset Neighborhood Association	7/11/23	<i>Lynn Schroder</i>
Metro	7/11/23	<i>Lynn Schroder</i>
WLWL SD	7/11/23	<i>Lynn Schroder</i>
Clackamas County	7/11/23	<i>Lynn Schroder</i>
PGE	7/11/23	<i>Lynn Schroder</i>
TriMet	7/11/23	<i>Lynn Schroder</i>
Comcast	7/11/23	<i>Lynn Schroder</i>
NW Natural Gas	7/11/23	<i>Lynn Schroder</i>
TVF&R	7/11/23	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	7/11/23	<i>Lynn Schroder</i>

**EMAILED NOTICE**

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

Sunset Neighborhood Association	7/10/23	<i>Lynn Schroder</i>
JJ Portlock, applicant	7/10/23	<i>Lynn Schroder</i>

**WEBSITE**

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

7/10/23	<i>Lynn Schroder</i>
---------	----------------------

**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	<i>Lynn Schroder</i>
---------	----------------------

**CITY OF WEST LINN**  
**NOTICE OF UPCOMING PLANNING MANAGER DECISION**  
**FILE NO. ELD-23-05**

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) at 2797 Lancaster Street (Tax Lot 21E25CD03400). The applicant is requesting approval of a middle housing land division for a detached quadplex. Proposed parcel sizes are approximately:

Lot 1 – 4680 sq. ft.  
Lot 2 – 5257 sq. ft.  
Lot 3 – 5263 sq. ft.  
Lot 4 – 4689 sq. ft.

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 <https://westlinnoregon.gov/planning/2797-lancaster-sb458-expedited-land-division-detached-quadplex>. 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 4:00 pm on July 25, 2023. Written comments can be submitted to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or City Hall, 22500 Salamo Road, West Linn, OR 97068. All comments must be received by the deadline.**

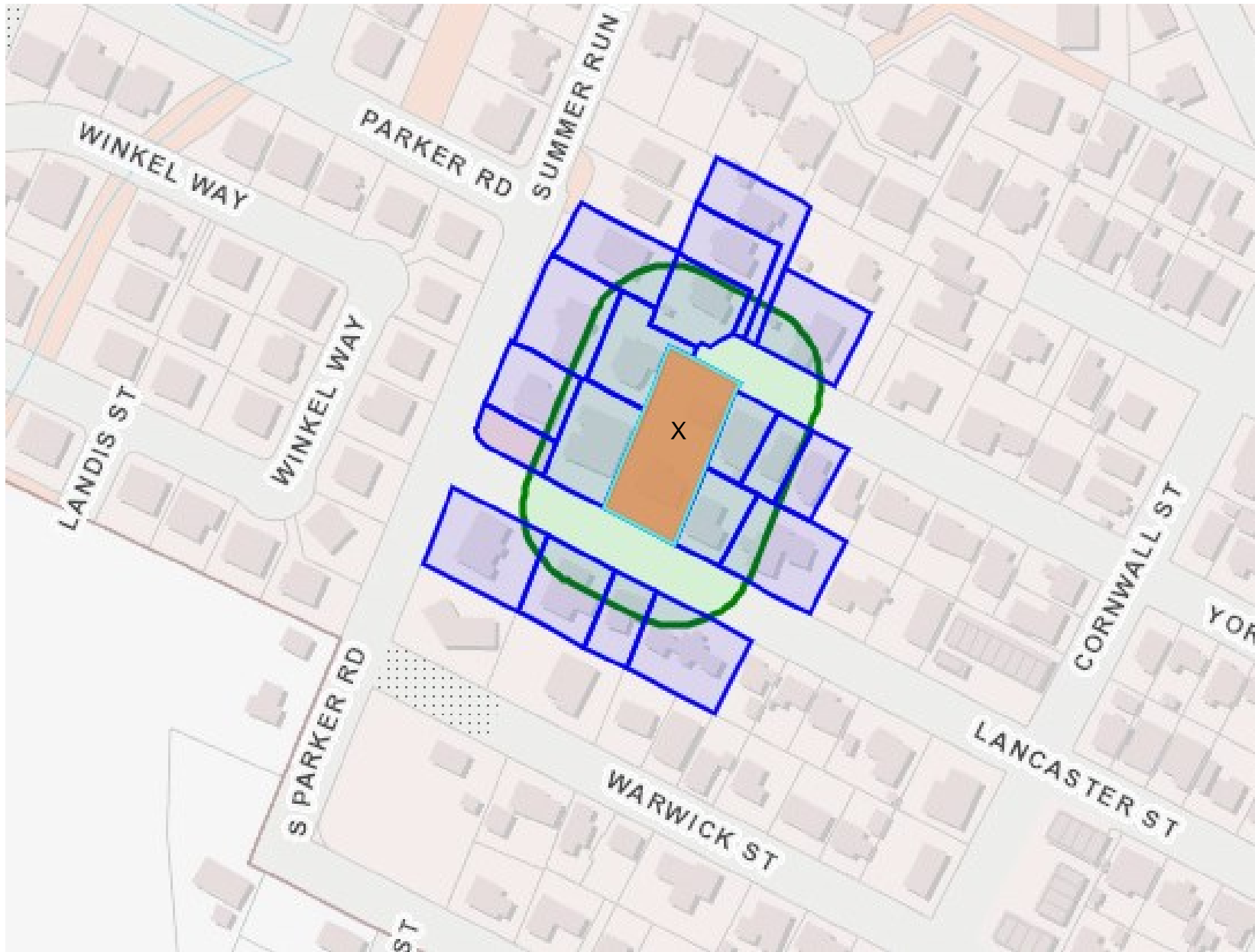
All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

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

Scan this QR Code to go to Project Web Page:



Notified Properties within 100 feet of 2797 Lancaster Street







**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-05  
MAIL: 7/11/2023 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.