

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT John Floyd	PROJECT No(s). LLA-23-02/LLA-23-03	PRE-APPLICATION No. n/a
NON-REFUNDABLE FEE(S) \$1,200 + \$1,200	REFUNDABLE DEPOSIT(S)	TOTAL \$2,400

Type of Review (Please check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal (AP)
<input type="checkbox"/> CDC Amendment (CDC)
<input type="checkbox"/> Code Interpretation (MISC)
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation (MISC)
<input type="checkbox"/> Expediated Land Division (ELD)
<input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP)
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input checked="" type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP)
<input type="checkbox"/> Modification of Approval (MOD)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<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: Lot Line Adjustment #1: 5007 Territorial Dr. and 5023 Territorial Dr. 97068 Lot Line Adjustment #2: Tax lot 2200 and 5007 Territorial Dr, 97068	Assessor's Map No.: 22E30DC Tax Lot(s): 1700, 1900, 2200 Total Land Area: .702 AC
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Brief Description of Proposal:

This proposal consists of 2 lot line adjustments, one between Tax lot 1900 and 1700 (LLA#1) and one between 1900 and 2200 (LLA#2). These are to improve the lots/properties by turning one huge lot and 2 small lots into 3 roughly equally sized and logically configured lots. No development on any of the lots is being proposed at this time.

Applicant Name*: Gregg Nitta Address: 1470 SW Myrtle Dr. City State Zip: Portland, OR 97201	Phone: (503) 793-2509 Email: greggnitta@gmail.com
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Owner Name (required): Sands LLC Address: 1470 SW Myrtle Dr. City State Zip: Portland, OR 97201	Phone: (503) 793-2509 Email: greggnitta@gmail.com
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Consultant Name: Ben Stacy / Caswell Hertel Address: 6150 SW 124th Ave. City State Zip: Beaverton, OR 97008	Phone: (503) 644-3179 Email: info@chsurveyinc.com
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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	6/13/23 Date	 Owner's signature (required)	6/13/23 Date
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SITE PLAN PROPOSED PROPERTY LINE ADJUSTMENT #1 EXISTING CONDITIONS

A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY" PLAT NO. 368,
IN LOTS 20 AND 21 AND A PORTION OF LOT 22, 23 AND 24
OF THE UNRECORDED PLAT "UNIT B WEST OREGON CITY" 368-A
IN THE SW AND SE 1/4 OF SECTION 30 AND THE NW AND NE 1/4 OF SECTION 31,
T. 2 S., R. 2 E., W.M.

CITY OF WEST LINN
CLACKAMAS COUNTY
SCALE 1" = 20'

BOLTON NEIGHBORHOOD PSSN
OREGON
R-5 ZONING
MARCH 30, 2023



REGISTERED
PROFESSIONAL
LAND SURVEYOR

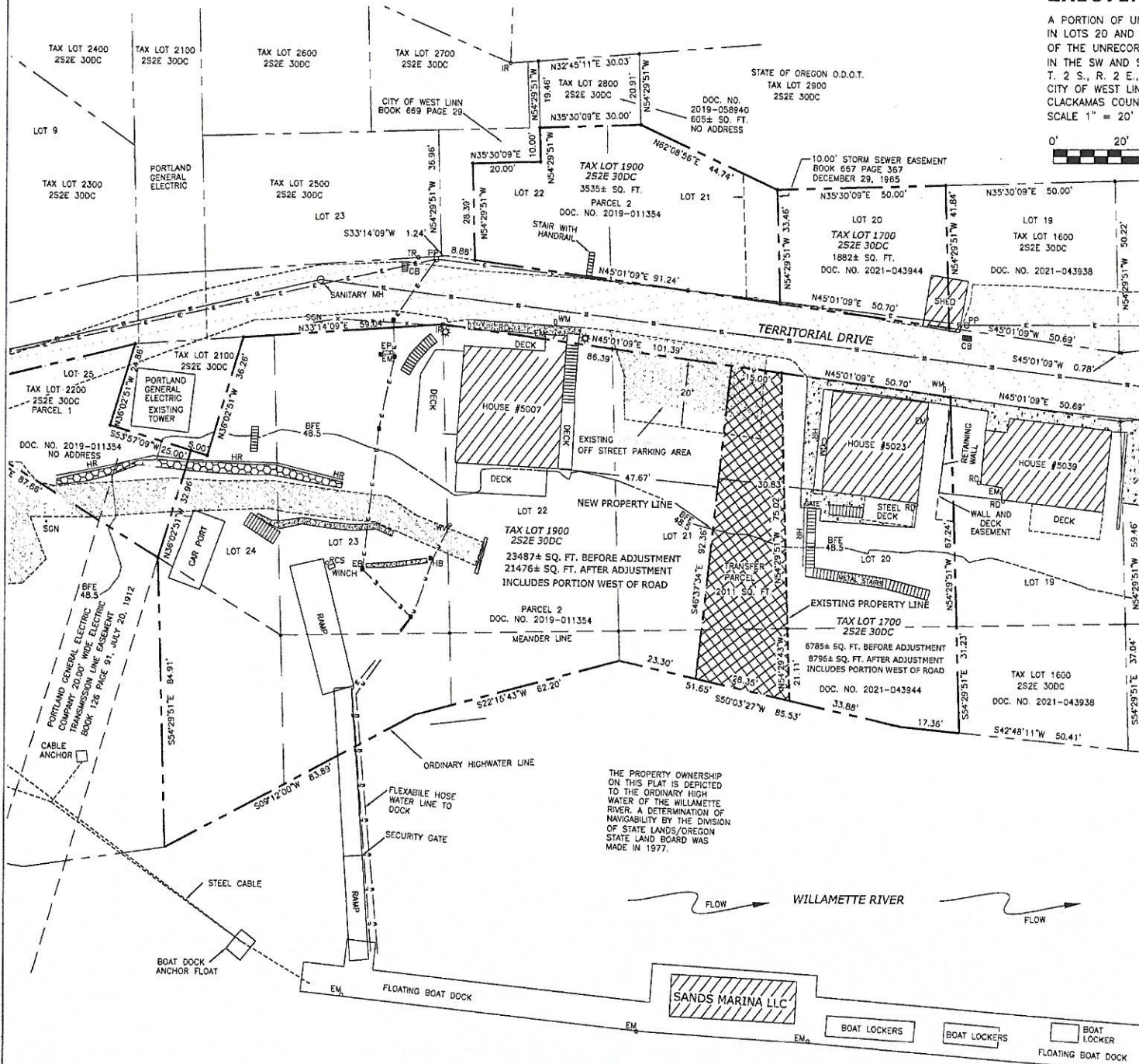
Benjamin S. Stacy

OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191

RENEWS: 6/30/2024

CASWELL/HERTEL
SURVEYORS INC.

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BEAVERTON, OR 97008
(503) 644-3179
info@chssurveyinc.com
www.caswellhertelsurveyors.com



- LEGEND**
- BFE BASE FLOOD ELEVATION
 - CB CATCH BASIN
 - CO CLEAN OUT
 - EB ELECTRICAL BOX
 - EM ELECTRICAL METER
 - EP ELECTRIC PANEL
 - GM GAS METER
 - HR HAND RAIL
 - IR IRON ROD PROPERTY CORNER
 - IP IRON PIPE PROPERTY CORNER
 - LP LIGHT POLE
 - MB MAIL BOX
 - MH MANHOLE
 - PP POWER POLE
 - RD ROOF DRAIN
 - SGN SIGN POST
 - SPK SPRINKLER
 - TR TELECOM RISER
 - WV WATER VALVE
 - WM WATER METER
 - UV UTILITY VAULT
 - S-- SANITARY SEWER
 - ST-- STORM SEWER
 - W-- WATER LINE
 - E-- OVERHEAD ELECTRIC/UTILITY LINES
 - X- FENCE
 - PROPERTY LINE - - - - -
 - CONCRETE SURFACE [Pattern]
 - ASPHALT SURFACE [Pattern]
 - ROCKED SURFACE [Pattern]
 - (N09°14'45"E 3273.70')
 - O FOUND PROPERTY CORNER MONUMENT.
 - PROPERTY CORNER ESTABLISHED BY SURVEY.
 - ☼ YARD LIGHT

THE PROPERTY OWNERSHIP
ON THIS PLAT IS DEPICTED
TO THE ORDINARY HIGH
WATER OF THE WILLAMETTE
RIVER. A DETERMINATION OF
NAVIGABILITY BY THE DIVISION
OF STATE LANDS/OREGON
STATE LAND BOARD WAS
MADE IN 1977.

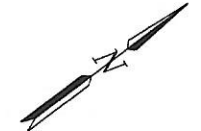
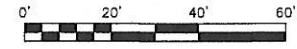
JOB NUMBER 2023-034

REVISIONS:
05/16/2023 ADDED BASE FLOOD ELEVATION CONTOUR.
ADDED HAND RAIL ALONG TOP OF ROCK WALL.
EXTENDED OFF STREET PARKING TO 20'.

SITE PLAN PROPOSED PROPERTY LINE ADJUSTMENT #2 EXISTING CONDITIONS

A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY" PLAT NO. 368, IN LOTS 20 AND 21 AND A PORTION OF LOT 22, 23 AND 24 OF THE UNRECORDED PLAT "UNIT B WEST OREGON CITY" 368-A IN THE SW AND SE 1/4 OF SECTION 30 AND THE NW AND NE 1/4 OF SECTION 31, T. 2 S., R. 2 E., W.M. CITY OF WEST LINN CLACKAMAS COUNTY OREGON
SCALE 1" = 20'

BOLTON NEIGHBORHOOD ASSN
OREGON
MARCH 30, 2023



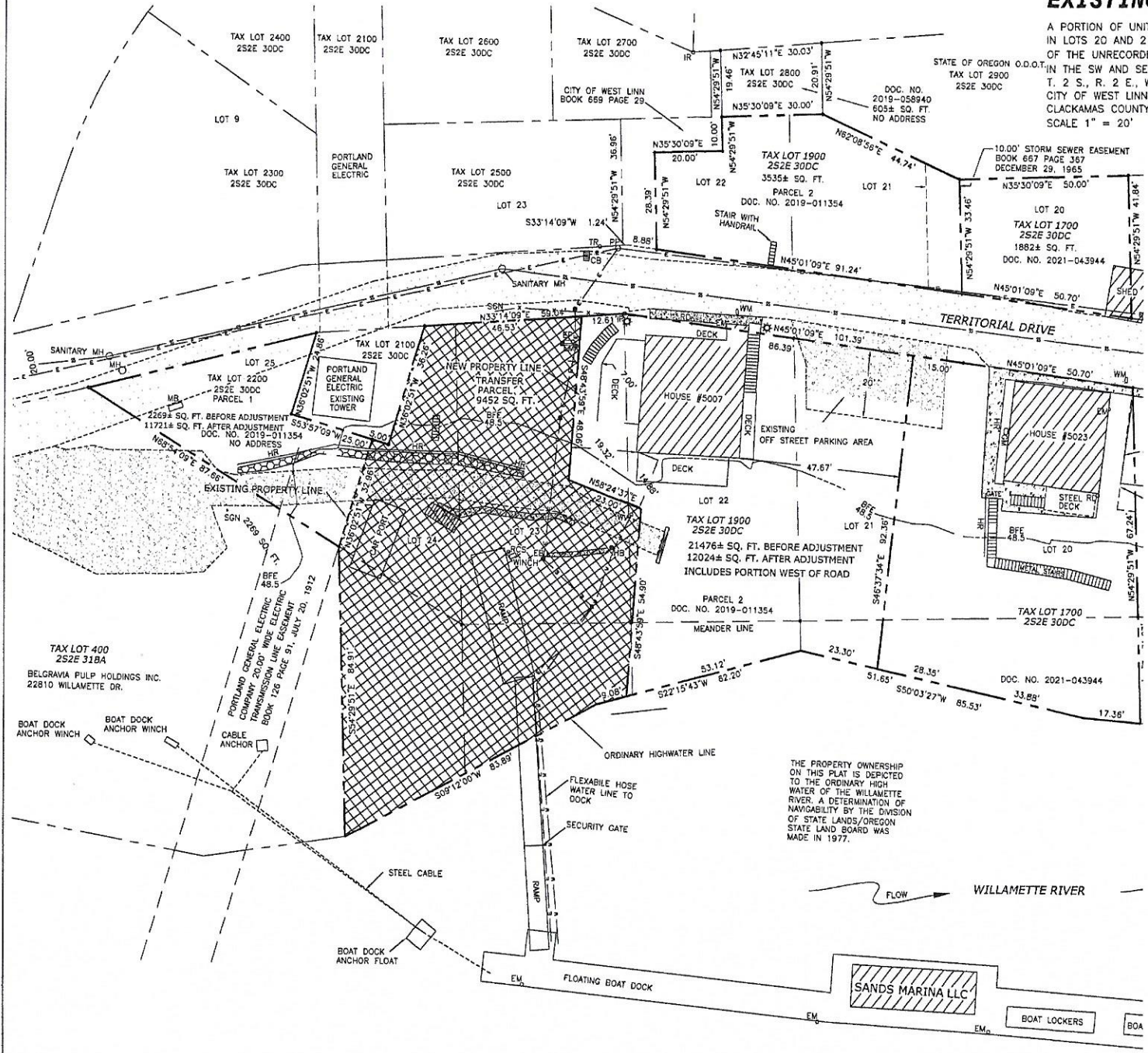
REGISTERED PROFESSIONAL LAND SURVEYOR

Benjamin Stacy

OREGON
JANUARY 14, 2003
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RENEWS: 6/30/2024

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THE PROPERTY OWNERSHIP ON THIS PLAT IS DEPICTED TO THE ORDINARY HIGH WATER OF THE WILLAMETTE RIVER. A DETERMINATION OF NAVIGABILITY BY THE DIVISION OF STATE LANDS/OREGON STATE LAND BOARD WAS MADE IN 1977.

JOB NUMBER 2023-034

REVISIONS:

NARRATIVE FOR TWO PROPOSED LOT LINE ADJUSTMENTS

There are two proposed Lot Line Adjustments affecting 3 adjacent lots. Both will adjust the size of the middle lot; they are therefore they are being submitted together. Sands LLC is the owner of all tax lots.

LLA#1 will adjust the lot line between Tax Lot 1700 and Tax Lot 1900. Both of these lots have existing detached single family homes on them. Tax Lot 1900 is 23,487 sf and Tax Lot 1700 is 6,785 sf. This adjustment will improve the usable outdoor space for the house on Tax Lot 1700 via the transfer of 2,011 sf of land without substantially detracting from the house on Tax Lot 1900.

LLA#2 will adjust the lot line between Tax Lot 1900 and Tax lot 2200. Tax Lot 2200 is currently a small triangular lot while Tax Lot 1900, even after LLA#1, is an oversized lot of 21,476sf. This adjustment will put Tax Lot 1900 at 12,024 sf and Tax Lot 2200 at 11,721 sf, evening out square footages while creating a more well defined separation between the exiting dock and the house.

These Lot Line Adjustments do not propose changes to any structure, landscaping, land use, or parking. Neither LLA#1 nor LLA#2 will result in any proposed development at this time.

Chapter 13

RESIDENTIAL, R-5

Sections:

- 13.010 PURPOSE
- 13.020 PROCEDURES AND APPROVAL PROCESS
- 13.030 PERMITTED USES
- 13.040 ACCESSORY USES
- 13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.060 CONDITIONAL USES
- 13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

13.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for medium density residential housing.

13.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 13.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 13.050, is a use for which approval will be granted provided all conditions are satisfied, and:
1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
 2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 13.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
 2. Chapter 66 CDC, Non-conforming Structures.
 3. Chapter 67 CDC, Non-conforming Uses of Land.
 4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
 5. Chapter 75 CDC, Variance.

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Single-family attached or detached residential unit.

LLA#1 and LLA#2 both currently have existing single family detached residential units in place, so these uses are permitted in this zone.

- a. Duplex residential units.
 - b. Triplex residential units.
 - c. Quadplex residential units.
2. Cottage cluster.
 3. Townhouse.
 4. Community recreation.
 5. Family day care.
 6. Residential home.
 7. Utilities, minor.
 8. Transportation facilities (Type I).
 9. Manufactured home. (Ord. 1308, 1991; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1614 § 3, 2013; Ord. 1635 § 12, 2014; Ord. 1736 § 1 (Exh. A), 2022)

13.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

Please review the included narrative for Chapters 28 and 34 regarding LLA#2, confirming that the existing dock is an approved water dependent use.

6. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 7, 2014; Ord. 1635 § 13, 2014)

13.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses.

1. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Manufactured home subdivision subject to the provisions of Chapter 36 CDC.
5. Public safety facilities.
6. Public support facilities.
7. Recycle collection center.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 9, 2011; Ord. 1675 § 13, 2018)

**13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED
 UNDER PRESCRIBED CONDITIONS**

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

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	5,000 sf	No yard shall be required between units. LLA#1 will change Tax Lot 1700 to 8796sf, and LLA#1 and LLA#2 concurrently will change Tax Lot 1900 to 12024sf, both of which are above the minimum requirement for single family detached units.
	For single-family attached units	4,500 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters LLA#1 will increase the front lot line width of Tax Lot 1700 to 65.70', and LLA#1 and LLA#2 concurrently will change the front lot line width of Tax Lot 1900 to 99', both of which are above the minimum requirement for single family attached units
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters No portion of either tax lot is less than the required average minimum lot widths of 35'.
Minimum yard dimensions or minimum building setbacks			Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply. These are existing houses with no front yards. This is an unusual situation, however, where the city street bisects the properties. There is a minimum of 28' of depth on the portion of the property on the other side of the street that can be used to meet this code if needed.
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0 ft side setback. Adjusted lots have no side setback of less than 7 feet to any existing house or deck.
	Street side yard	15 ft	N/A
	Rear yard	20 ft	A minimum rear yard setback of 55' exists on the house on Tax Lot 1900, and a minimum of 59' exists on the house on Tax Lot 1700, as measured from the rear decks to the property line at the river
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply. The existing house on Tax Lot 1700 is NOT on a steeply sloped lot (less than a 10' difference in grade between the front and rear of the building) and does not exceed 35' in height. The existing house on Tax Lot 1700 IS on a steeply sloped lot (greater than a 10' difference in grade between the front and

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		rear of the building), and meets the height exception as described in 41.020 of not exceeding 45' and the building height does not project more than 24' above street grade.
Maximum lot coverage	40%	Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport. Both residences have lot coverages below 15% after LLA's.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. FAR of 5007 Territorial will be $3,284/12,024=.27$, FAR of 5023 Territorial will be $2,144/8,796=.24$ so maximum FAR requirement is met given new lot sizes after LLA's. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 14, 2018; Ord. 1736 § 1 (Exh. A), 2022)

13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 11, 2014)

13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
 5. Chapter 42 CDC, Clear Vision Areas.
 6. Chapter 44 CDC, Fences.
 7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
 8. Chapter 48 CDC, Access, Egress and Circulation.
 9. Chapter 52 CDC, Signs.
 10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 15, 2018; Ord. 1736 § 1 (Exh. A), 2022)

Chapter 28

WILLAMETTE AND TUALATIN RIVER PROTECTION

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

G. Maintenance or repair of existing residential houses, structures and docks, provided the work does not involve expansion of building square footage or building footprint.

Comment: Both LLA#1 and #2 are not requesting any expansion of building square footage, footprint, or dock

28.050 PROHIBITED USES

The following are prohibited:

1. Residential floating structures, also known as floating homes or houseboats.
2. Permanent ski jumps.
3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.
4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the "Allowed Development" area is permitted.
6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
7. Non-permitted storage of hazardous materials as defined by the Oregon Department of Environmental Quality and dumping of any materials of any kind.
8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation. (Ord. 1576, 2008)

Comment: No prohibited uses exist or are being requested

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

K. Non-conforming docks and other water-related structures. Pre-existing non-conforming structures, including docks, ramps, boat houses, etc., as defined in this chapter may remain in place. Replacement in kind (e.g., replacement of decking and other materials) will be allowed provided the replacement meets the standards of this chapter. However, if any non-conforming structure that is damaged and destroyed or otherwise to be replaced to the extent that the rebuilding or replacing (including replacement in kind) would exceed 50 percent of the current replacement cost of the entire structure, the owner shall be required to meet all the standards of this chapter.

Comment: No development or replacement is being requested. Pre-existing dock will remain in place as-is.

Chapter 34

ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

Comment: A side yard setback of 5' from the dock to a side yard lot line is required for R5 zoning, For LLA#2, no portion of the dock is less than 25' from a side lot line.

LLA#1 does not apply.

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment.

Tax Lots 2200, 1900 and 1700 all remain with no additional lot created.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.

Lot sizes meet all standards of R5 zoning per chapter 13 descriptions.

3. Property line adjustments shall be either:
 - a. A straight line (see Figure 1 example);
 - b. A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or
 - c. A maximum of three turns less than 45 degrees (see Figure 3 example).

LLA#1 meets 3.a above, a straight line, while LLA#2 meets 3.c above with 2 turns of less than 45 degrees.

(The following figures are only intended as examples.)

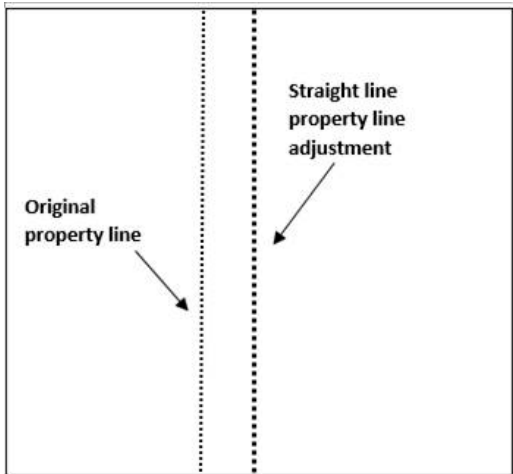


Figure 1.

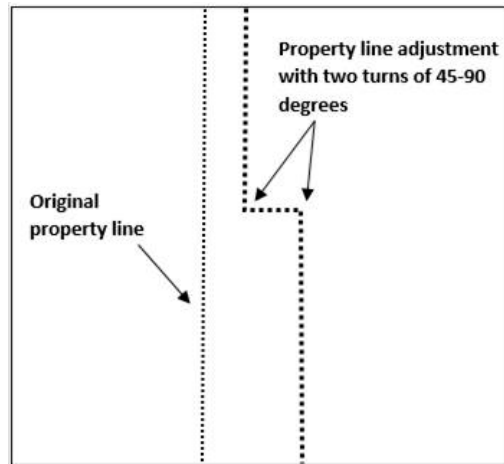


Figure 2.

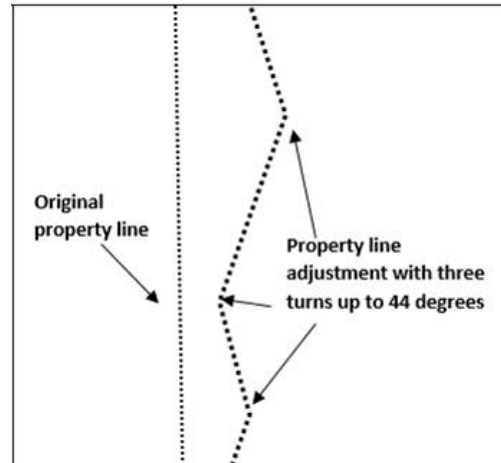


Figure 3.

4. The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.

No site development being proposed.

5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant.

Tax Lot 2200 contains a 20' wide easement for PGE electric line transmission. Per LLA#2, this easement will still be in its entirety on Tax Lot 2200, so no adjustment to this easement is needed.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to property line adjustments. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1635 § 35, 2014; Ord. 1636 § 57, 2014; Ord. 1675 § 54, 2018)

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

Sections:

- 99.010 PURPOSE
- 99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES
- 99.033 FEES
- 99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED
- 99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
- 99.040 DUTIES OF DIRECTOR
- 99.060 APPROVAL AUTHORITY
- 99.070 CONSOLIDATION OF PROCEEDINGS
- 99.080 NOTICE
- 99.090 CONTENTS OF NOTICE
- 99.100 MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE
- 99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY
- 99.120 AMENDMENTS
- 99.125 STAGED OR PHASED DEVELOPMENT
- 99.130 NOTICE OF FINAL DECISION
- 99.140 ESTABLISHING STANDING TO APPEAL
- 99.160 DECISION BY DIRECTOR
- 99.170 HEARING PROCEDURES
- 99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION
- 99.190 CONTINUATION OF HEARING – NOTICE
- 99.200 EVIDENCE
- 99.220 RECORD OF PROCEEDINGS
- 99.230 EFFECTIVE DATE OF DECISION – APPEAL OR REVIEW
- 99.240 AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION – EXHAUSTION OF ADMINISTRATIVE REMEDIES
- 99.250 APPLICATION FOR APPEAL OR REVIEW
- 99.260 PERSONS ENTITLED TO NOTICE ON APPEAL – TYPE OF NOTICE
- 99.270 CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING
- 99.280 TYPE OF APPEAL HEARING AND SCOPE OF REVIEW
- 99.290 ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION
- 99.300 PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING
- 99.320 DENIAL OF APPLICATION – RESUBMITTAL
- 99.325 EXTENSIONS OF APPROVAL
- 99.330 REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

**99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE,
REQUIREMENTS, REFUSAL OF APPLICATION, FEES**

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:
 - a. The owner of the property that is the subject of the application or the owner's duly authorized representative; **I, Gregg Nitta, am the managing member of Sands LLC, owner of all applicable lots/properties**
 - b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;
 - c. A lessee in possession of such property who submits written consent of the owner to make such application; or
 - d. Motion by the Planning Commission or City Council.
2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
 - a. Boundary changes, per Chapter 81 CDC;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional uses;
 - e. Design review (Class I and Class II);
 - f. Historic Design Review (Class II);
 - g. Designation of a historic resource or removal of a historic resource designation;
 - h. Demolition of a historic resource;
 - i. Relocation of a historic resource;
 - j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;
 - k. Minor partitions;
 - l. Land divisions;
 - m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
 - n. Planned unit developments;
 - o. Variances;

- p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
 - q. Development subject to Chapter 27 CDC, Flood Management Areas;
 - r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;
 - s. Right-of-way and easement vacations; and
 - t. Extensions of approval with modifications to original approval.
2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, Pre-Application Conference:
- a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;
 - f. Property line adjustments; **No Pre-application conference required**
 - g. Re-vegetation plans;
 - h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District;
 - i. Appeals of land use decisions; and
 - j. Extensions of approval with no modification to original approval.
3. The Planning Director shall have the authority to require a preapplication conference prior to the submittal of any application that is not listed in subsection (B)(1) of this section if they determine that the potential development is of significant complexity or magnitude to merit a preapplication conference.
4. The Planning Director may waive the requirement for a pre-application conference for any application if they determine that such a conference is not warranted. Upon making such a determination, the Planning Director shall provide written notification (i.e., e-mail or letter) to the Planning Commission and applicable neighborhood association.
5. At such conference, the Planning Director or designee shall:
- a. Cite the Comprehensive Plan map designation;
 - b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application;
 - e. Identify other pertinent factors that relate to the application; and

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

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

1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application for a period no more than 120 days, including all extensions (Chapter 35 CDC), and not associated with another land use approval.
 - b. A home occupation application (Chapter 37 CDC).
 - c. Access restrictions (Chapter 48 CDC).
 - d. A minor partition (Chapter 85 CDC).
 - e. A final subdivision plat (Chapter 89 CDC).
 - f. A final partition plat (Chapter 89 CDC).
 - g. A lot line adjustment (Chapter 85 CDC). **Application being submitted to Planning Director via Development Review Application, Lot Line Adjustment**
 - h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).
 - i. Decide applications for a determination of unlisted parking requirements (Chapter 46 CDC).
 - j. *Repealed by Ord. 1735.*
 - k. Parks Design Review, Class I (Chapter 56 CDC).
 - l. Design Review, Class I (Chapter 55 CDC).
 - m. A sign application (Chapter 52 CDC).
 - n. Sidewalk use permit (Chapter 53 CDC).
 - o. Flood management area permit (Chapter 27 CDC).
 - p. *Repealed by Ord. 1622.*
 - q. Tualatin River protection permit (Chapter 28 CDC).
 - r. Water resource area permit (Chapter 32 CDC).
 - s. Class I variance (Chapter 75 CDC).
 - t. Willamette River Greenway permit (Chapter 28 CDC).
 - u. Extensions of approval when the Planning Director acted as the initial decision-making authority.
 - v. Class I Historic Design Review (Chapter 25 CDC).
 - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25 CDC).

Class I Historic Design Review	B
Class II Historic Design Review	B
Designation or Removal of Historic Resource Designation	A
Demolition	A
Relocation	B
Home Occupation	No Notice
Minor Partition	A
Planned Unit Development	A
Property Line Adjustment	No Notice
Revocation of Approval	A
Sidewalk Use Permit	No Notice
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright and not subject to design review	No Notice
Uses permitted outright and subject to design review	B
Uses requiring conditional use permit and design review	A
Street Vacations	(per State statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway:	
Development Permit	A**
Uses requiring conditional use permit and design review	A**
Zone Change	A

**Plus COE/DSL is notified

***Plus DLCD notice

(Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1613 § 25, 2013; Ord. 1614 § 16, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 40, 2014; Ord. 1636 § 61, 2014

