



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: August 30, 2023

FILE NO.: ELD-23-06

REQUEST: Approval of an SB458 Expedited Land Division for a three-parcel middle housing land division resulting in a detached triplex at 4979 Summit Street.

PLANNER: Chris Myers, Associate Planner

Planning Manager

DSW

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GENERAL INFORMATION

**APPLICANT/
OWNER:**

Jim Boyle
Northwest Acquisitions & Development
1331 Troon Drive
West Linn OR. 97068

SITE LOCATION:

4979 Summit Street

SITE SIZE:

0.42 Acres (17,978 Square Feet)

**LEGAL
DESCRIPTION:**

Clackamas County Assessor Map 21E25DB Tax Lot 01700

**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 August 8, 2023. The 63-day period for an expedited land division ends October 10, 2023.

PUBLIC NOTICE:

Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Sunset Neighborhood Association on August 9, 2023, as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on August 9, 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 triplex 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

Parcel 1 – 6060 sq. ft.

Parcel 2 – 5880 sq. ft.

Parcel 3 – 6060 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 west of the subject property in Summit 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 150 feet of frontage on Summit Street, which has a functional classification of Collector. Each of the three parcels will take access from private driveways from Summit Street.

The Summit Street right-of-way is approximately 80 feet wide. The applicant will construct half-street improvements as detailed in Condition of Approval 8. No right-of-way dedication is required. Sanitary sewer and water mains are located in the Summit Street right-of-way to provide service to the proposed parcels.

Public comments:

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

Paul & Heather Jones Email 8.14.23

Expressed support for new development. Further expressed concern about the three proposed driveways for this application. Specifically, that the driveways will be below the visual sightline of oncoming vehicles and that vehicles are frequently speeding on this section of Summit Street. Lastly the Jones' expressed a desire that parking for the proposed dwelling units be onsite rather than on the street.

Staff Response:

The construction of Summit Street followed the natural topography of the area, where it slopes downhill to the north. The subject property is located on the sloping section. Reconstruction of the street to remove the slope is beyond a roughly proportional exaction from the City. The City will work with the applicant to ensure the best possible sightlines are achieved.

Speeding is not an approval criterion, but staff will pass this information along to the Police Department for possible targeted enforcement. Speeding issues can also be brought to the West Linn Traffic Safety Committee.

The applicant proposes each new dwelling unit to include a garage and driveway for the parking of vehicles. The applicant will also complete half-street improvements that will provide on-street parking spaces between the driveways for all neighborhood residents.

DECISION

The Planning Manager (designee) approves this application (ELD-23-06) 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 7/24/23 (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 and Community Development Code. These must be designed, constructed, and completed prior to

final plat approval. Public Works may coordinate with the applicant to complete additional, voluntary, off-site improvements.

5. **Utility Easement.** The applicant shall show an eight-foot public utility easement along the Summit 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-23-06) 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, planter strip, street trees, pavement improvements, and street storm drainage for the portion of Summit 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 30, 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 30th 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-23-06**

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 triplex, 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 triplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a triplex as "Three attached or detached dwelling units on a lot or parcel in any configuration". Therefore, the proposed division of the lot, which allows the development of middle housing, is permitted. The criteria are met.

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

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

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

Staff Finding 2: The applicant proposes the construction of a detached triplex, which qualifies as a middle housing type (see Staff Finding 1). The applicant did not submit building plans for the detached triplex 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 triplex, 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 triplex 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 triplex with separate utility connections for each dwelling unit. Utilities shall be installed in compliance with West Linn Municipal Code requirements per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

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

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

Staff Finding 6: The applicant proposes the construction of a detached triplex on the subject property, including the division of the lot as allowed by SB458. The City franchise agreements require an eight-foot public utility easement along Summit Street. The applicant shall show the utility easement on the face of the final plat prior to final plat approval by the City per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 7: The applicant proposes the construction of a detached triplex on the subject property, including the division of the parcel as allowed by SB458. All dwellings will have pedestrian access to Summit Street via dedicated driveways for each parcel, 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 triplex 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 Summit Street. 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 triplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a triplex as “Three attached or detached dwelling units on a lot or parcel in any configuration.” The division of the lot under SB458 rules will result in one dwelling unit on each resulting parcel. No common areas are proposed. The criteria are met.

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

Staff Finding 12: The applicant proposes the construction of a detached triplex, which qualifies as a middle housing type. The applicant did not submit building plans for the detached triplex 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 triplex 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 triplex 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 150 feet of frontage along Summit Street, which has a functional classification of *Collector*. 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 Summit Street frontage. 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 Summit Street as high priority (Project P46), and 2) the TSP identifies bicycle improvements along Summit Street as high priority (Project B9), and 3) the frontage improvements will result in necessary safety improvements for the proposed lots and community.

Therefore, the applicant shall install half-street improvements along the Summit 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 three proposed parcels. The criteria are met.

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

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

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

Staff Finding 19: The applicant shall submit building plans and obtain approval of compliance with the Oregon Residential Specialty Code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 20: The subject property is adjacent to Summit Street, a public right-of-way (ROW). The existing Summit Street ROW measures approximately 80 feet in width adjacent to the subject property. 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 triplex on the subject property, including the division of the lot as allowed by SB458. The type of middle housing, detached triplex, 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-23-06) 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 triplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.

- (C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:*
- (i) Open spaces, scenic and historic areas and natural resources;*
- (ii) The Willamette River Greenway;*

Staff Finding 26: The subject property is not located within the Willamette River Greenway. No development is proposed in a Water Resource Area. The criteria are met.

- (iii) Estuarine resources;*
- (iv) Coastal shorelands; and*
- (v) Beaches and dunes.*

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

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

Staff Finding 28: Existing development patterns meet street connectivity standards in the vicinity of the subject property. The 2016 West Linn Transportation System Plan does not include any connectivity projects adjacent to the subject property. The criteria are met.

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

Staff Finding 29: The subject property is approximately 17,978 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 triplex 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 three dwelling units, which is 300 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 three parcels. 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 triplex, 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 July 24, 2023 and deemed complete by the City on August 8, 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 July 24, 2023 and deemed complete by the City on August 8, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on July 24, 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 August 9, 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 August 9, 2023. The City provided written notice to the Sunset Neighborhood Association on August 9, 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 August 9, 2023, with a deadline for submission of written comments on August 23, 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 July 24, 2023 and deemed complete by the City on August 8, 2023. The City approved the application with conditions on August 30, 2023, the 22nd 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 30, 2023 the 22nd 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 Chris Myers	PROJECT NO(S). Summit Street Project	PRE-APPLICATION NO. Not Applicable
NON-REFUNDABLE FEE(S) \$4900	REFUNDABLE DEPOSIT(S)	TOTAL \$4900

Type of Review (Please check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Final Plat (FP) | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal (AP) | <input type="checkbox"/> Flood Management Area (FMA) | <input type="checkbox"/> Temporary Uses (MISC) |
| <input type="checkbox"/> CDC Amendment (CDC) | <input type="checkbox"/> Historic Review (HDR) | <input type="checkbox"/> Time Extension (EXT) |
| <input type="checkbox"/> Code Interpretation (MISC) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Right of Way Vacation (VAC) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval (MOD) | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC) | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Street Vacation | <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: 4979 Summit Street, West Linn, OR 97068	Assessor's Map No.: 00386184
	Tax Lot(s): 21E25DB01700
	Total Land Area: .42 acre

Brief Description of Proposal:

Utilize SB458 to create three lots out of this parcel of land and build a detached triplex

Applicant Name*: Address: Northwest Acquisition & Development City State Zip: 1331 Troon Drive, West Linn, OR 97068	Phone: 503.720.1410 Email: 503.720.1410
---	--

Owner Name (required): Address: Same as above City State Zip:	Phone: Email:
--	------------------

Consultant Name: Address: Pietrok Engineering and Resources City State Zip: 13539 NW Springville Road Portland, OR 97229	Phone: 503-793-3469 Email: neil@per-eng.com
--	--

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.

 **7/12/23**
Applicant's signature Date

 **7/12/23**
Owner's signature (required) Date

DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files MUST be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets BEFORE uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- Development Review Application. Original signatures from all owners must be on the application form.
- Vicinity Map showing the site within the City.
- Site Plan drawn to scale showing the:
 - Taxlot and address of the project,
 - Area of the site (acres or square feet),
 - Zoning and Neighborhood Association,
 - Location and dimensions of existing and proposed buildings, structures,
 - Location of existing and proposed on-site driveways and off-street parking,
 - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
 - Location and width of existing and proposed easement for access, drainage, etc., and
 - Location of existing and proposed trees and other proposed landscaping.
 - Location of existing public and private utilities, easements, and 100-year floodplain,
 - Sensitive areas, including the location of on-site wetlands and riparian areas,
 - Location of existing off-site driveways across the street,
 - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
 - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- If applicable, a Utility Plan and Landscape plan, drawn to scale.
- If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- A project narrative outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at jason.arn@tvfr.com with any questions about TVF&R requirements;
- If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.

PROJECT NARRATIVE

James (Jim) D Boyle

Northwest Acquisition & Development

1331 Troon Drive, West Linn, OR 97068

The City of West Linn Planning Department

The intent of this proposal is to apply for a minor land partition utilizing SB458 to create three child lots from the .42-acre parcel located at 4979 Summit Street. There will be total of three units and each lot will have one unit per lot. The new lots will be part of a detached triplex. Each unit will have its own utility connection to water and sewer.

SB458 Section 2:

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

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

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

(b) Separate utilities for each dwelling unit;

Water will be brought from the mainline located on Summit. Please see site plan for how utilities will be connected.

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

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

Please see site plan for how sewer will be connected.

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

No easement needed

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

No common or share elements

(D) Any dedicated driveways or parking;

No easement needed

(E) Any dedicated common area;

No easement needed

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

(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.

Please see included site plan demonstrating compliance with structures meet Oregon residential specialty code.

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

- (a) Prohibit the further division of the resulting lots or parcels.
- (b) Require that a notation appear on the final plat indicating that the approval was given under this section.

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

- (a) Shall apply the procedures under ORS 197.360 to 197.380.
- (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.

Please see included site plan, street has full improvements already on site

(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.

Please see included site plan.

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

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

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

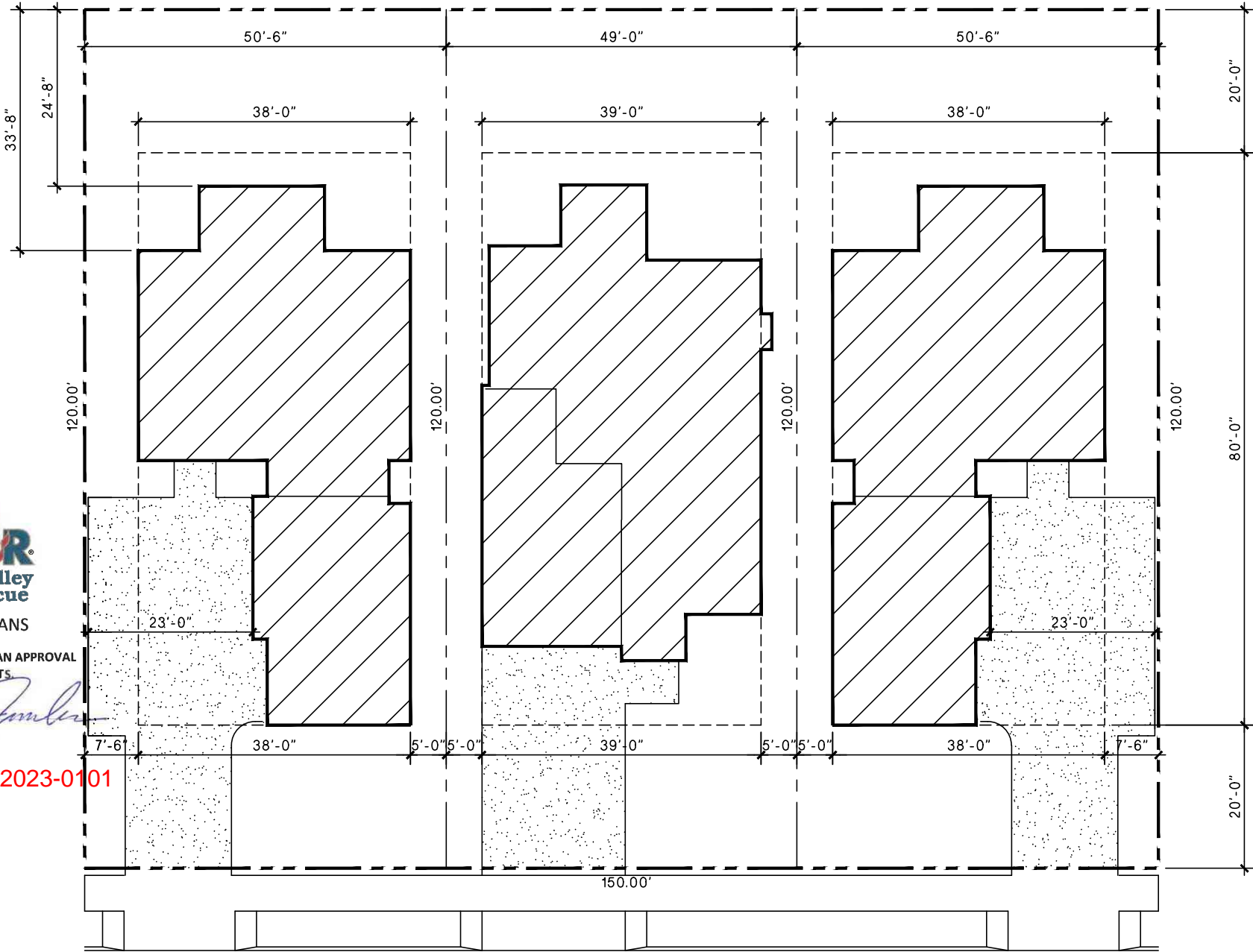
(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.

(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

TVFR REVIEW



APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

Jason Ann Jambler
Deputy Fire Marshal II

TVF&R Permit# 2023-0101

scale : 1" = 20'

Project Address:
7479 Summit Street

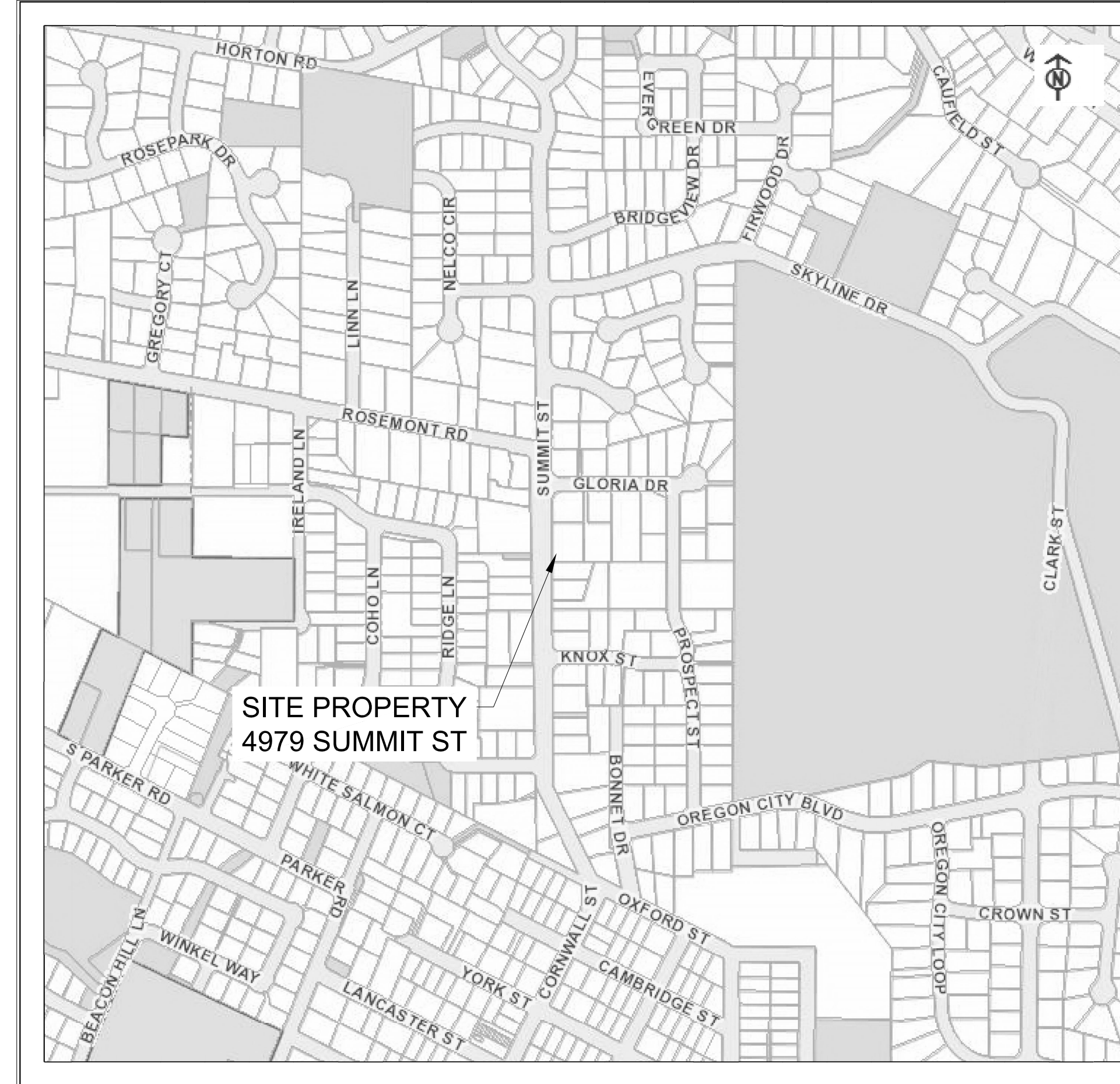


WATTON
DESIGN
WORKS, Inc.
1880
Willamette Falls Drive
Suite 200-D
West Linn, Or.
97068

PLAN DRAWING

MINOR LOT PARTITION

4979 SUMMIT STREET, WEST LINN, OR



City of West Linn

Legend

- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles
1:9,028

Notes
This map was automatically generated using Geocortex Essentials.

VICINITY MAP
SCALE: NTS

1
C1

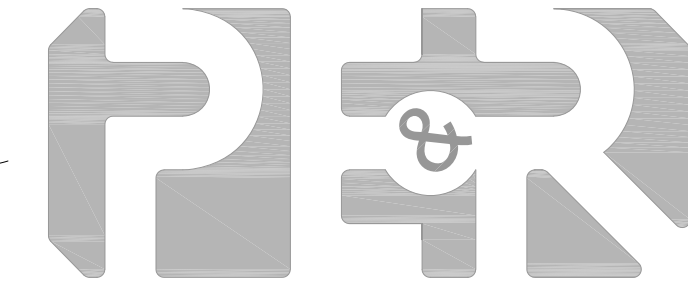
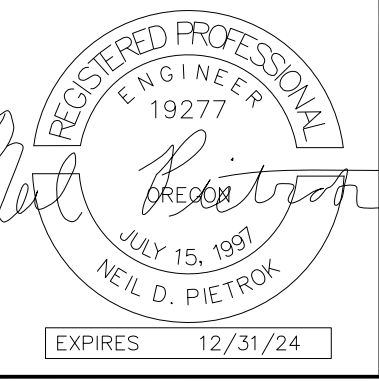
NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY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

EMERGENCY TELEPHONE NUMBERS

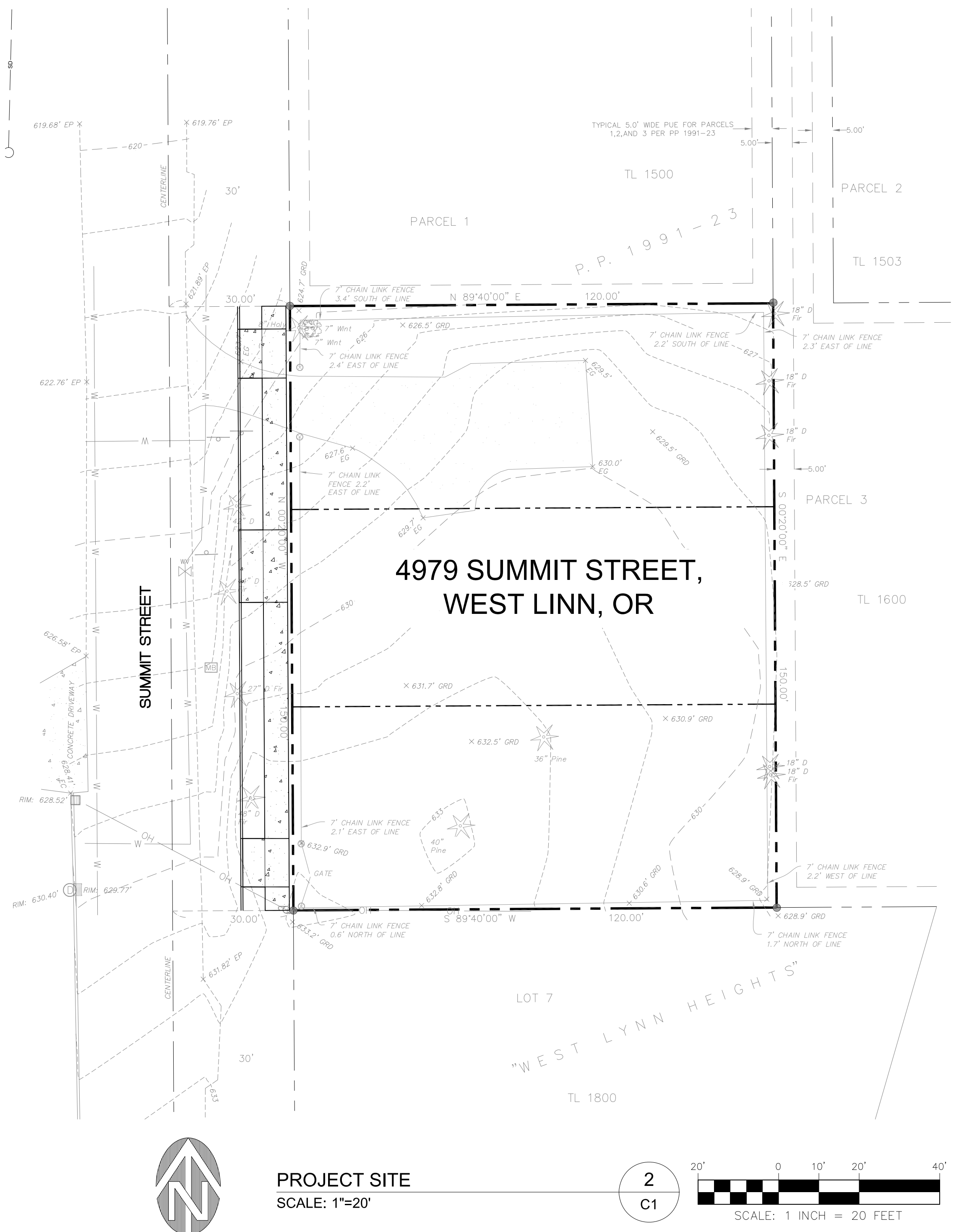
NW NATURAL GAS	
M-F 7am-6pm	503-226-4211 Ext.4313
AFTER HOURS	503-226-4211
PGE	503-464-7777
CENTURYLINK	1-800-573-1311
CITY BUREAU OF MAINTENANCE	503-823-1700
CITY WATER	503-823-4874
VERIZON	1-800-483-1000



PIETROK ENGINEERING AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

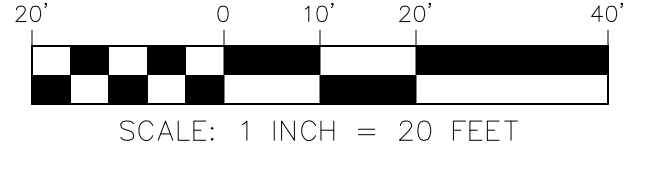
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DATE	07/15/2023
DESIGNER	NDP
DRAFTER	NDP
REVIEWER	JB

JAMES BOYLE
4979 SUMMIT STREET
WEST LINN, OREGON 97068
TL ID: 21E25DB01700
R386184



PROJECT SITE
SCALE: 1"=20'

2
C1



LEGEND

- FOUND MONUMENT
- ⊙ STORM DRAIN MANHOLE
- AREA DRAIN OR CATCH BASIN
- ⊕ CURB INLET
- ⊕ UTILITY POLE
- ⊕ SIGN POST
- ⊕ GATE POST
- ⊕ WATER VALVE
- OH- OVERHEAD UTILITY LINE
- W- UNDERGROUND WATER LINE
- X- FENCE LINE AS NOTED
- 000.0 GRD X GROUND SHOT - SPOT ELEVATION
- 000.00 EC X EDGE OF CONCRETE - SPOT ELEVATION
- 000.00 TC X TOP OF CURB - SPOT ELEVATION
- 000.00 GUT X GUTTER FLOWLINE - SPOT ELEVATION
- 000.00 EG X EDGE OF GRAVEL - SPOT ELEVATION
- 000.00 EP X EDGE OF PAVEMENT - SPOT ELEVATION
- ⊕ DECIDUOUS TREE
- ⊕ EVERGREEN TREE
- D Fir DOUGLAS FIR
- Wint WALNUT
- ⊕ GRAVEL
- ⊕ CONCRETE
- ⊕ PAVEMENT

INDEX OF SHEETS

#	NAME	TITLE
1	C1	COVER SHEET AND VICINITY MAP
2	C2	EXISTING SITE CONDITIONS
3	C3	PRELIMINARY PLAT
4	C4	SITE IMPROVEMENTS
5	C5	SITE UTILITIES
6	C6	FRONTAGE IMPROVEMENTS/GRADING

SITE INFORMATION
SITE ADDRESS: 4979 SUMMIT STREET
TAX MAPS: T2S R1E SECTION 25DB
TAX LOT: 01700
GROSS AREA: 0.413 ACRES
ZONING: R-2

APPLICANT:
NORTHWEST ACQUISITION AND DEVELOPMENT
JAMES BOYLE
1331 TROON DRIVE
WEST LINN, OR 97068
503-697-4352
JAMESBOYLE0@MSN.COM

ENGINEER:
PIETROK ENGINEERING AND RESOURCES
NEIL PIETROK
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
503-793-3469
NEIL@PER-ENG.COM

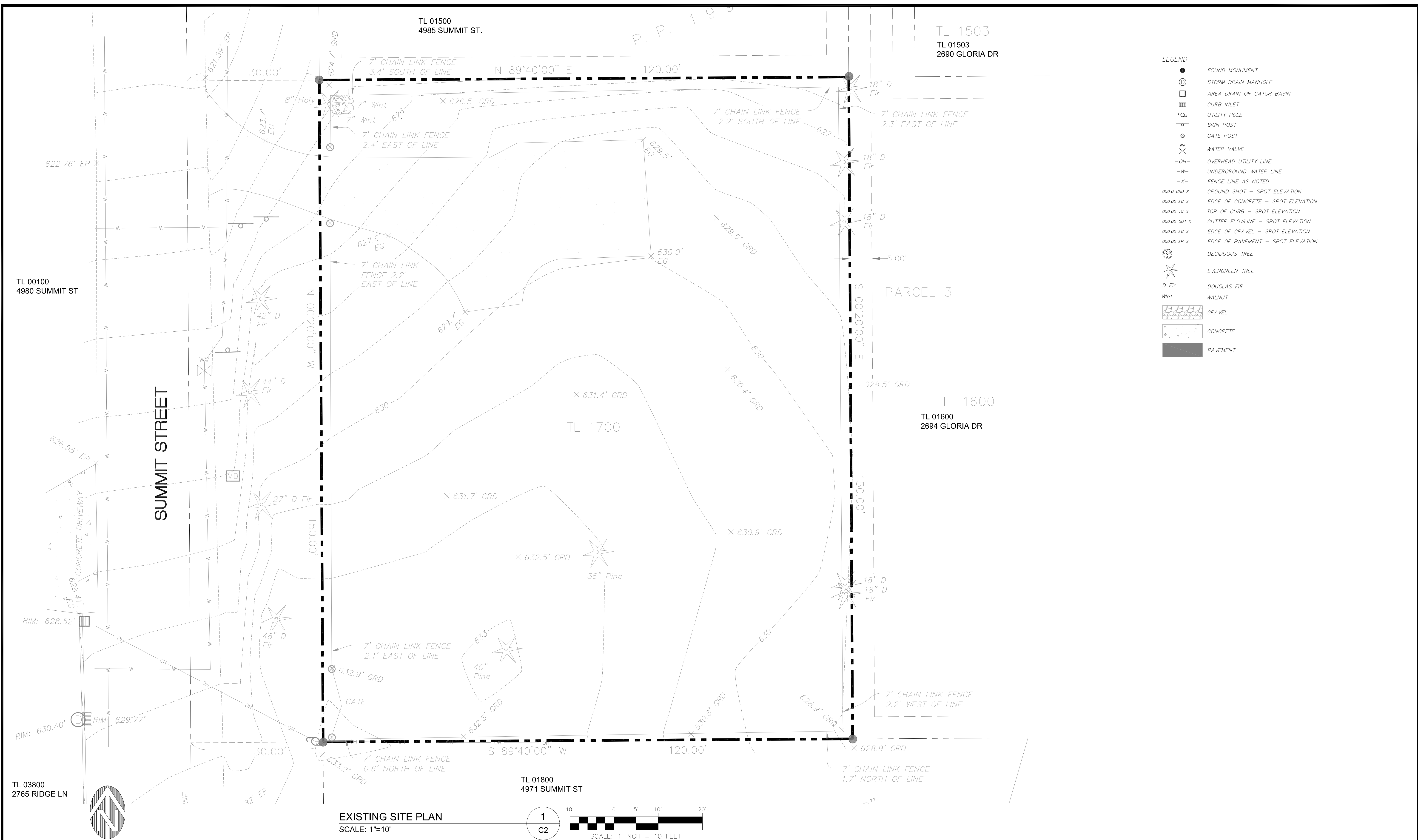
SUMMIT STREET WEST LINN, OREGON

MINOR LOT PARTITION

COVER SHEET AND VICINITY MAP

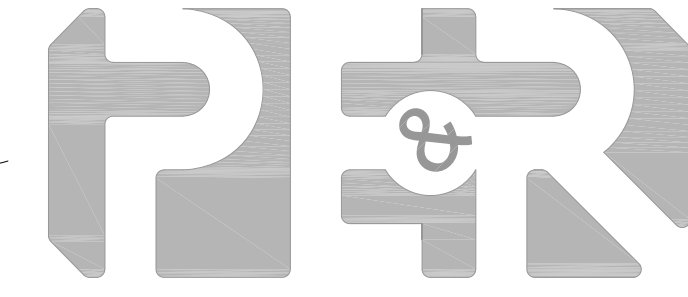
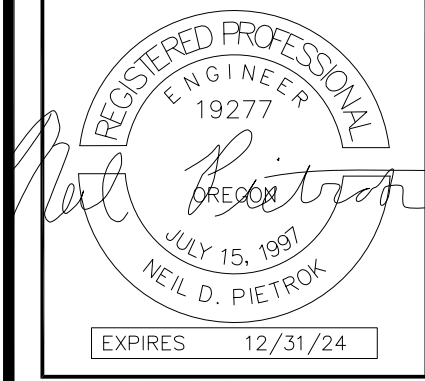
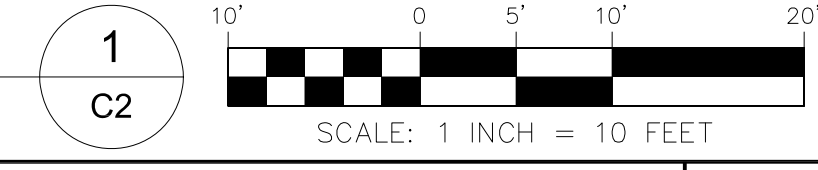
No.	REVISION	DATE	BY

SHEET OF 6 1
DRAWING NUMBER C1



- LEGEND**
- FOUND MONUMENT
 - ⊕ STORM DRAIN MANHOLE
 - ▣ AREA DRAIN OR CATCH BASIN
 - ▤ CURB INLET
 - ⊕ UTILITY POLE
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 - ⊕ EVERGREEN TREE
 - D Fir DOUGLAS FIR
 - Wnt WALNUT
 - Gravel GRAVEL
 - Concrete CONCRETE
 - Pavement PAVEMENT

EXISTING SITE PLAN
SCALE: 1"=10'



PIETROK ENGINEERING AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

FILE	181-C2
DATE	07/15/2023
DESIGNER	NDP
DRAFTER	NDP
REVIEWER	JB

JAMES BOYLE
4979 SUMMIT STREET
WEST LINN, OREGON 97068
TL ID: 21E25DB01700
R386184

SUMMIT STREET WEST LINN, OREGON

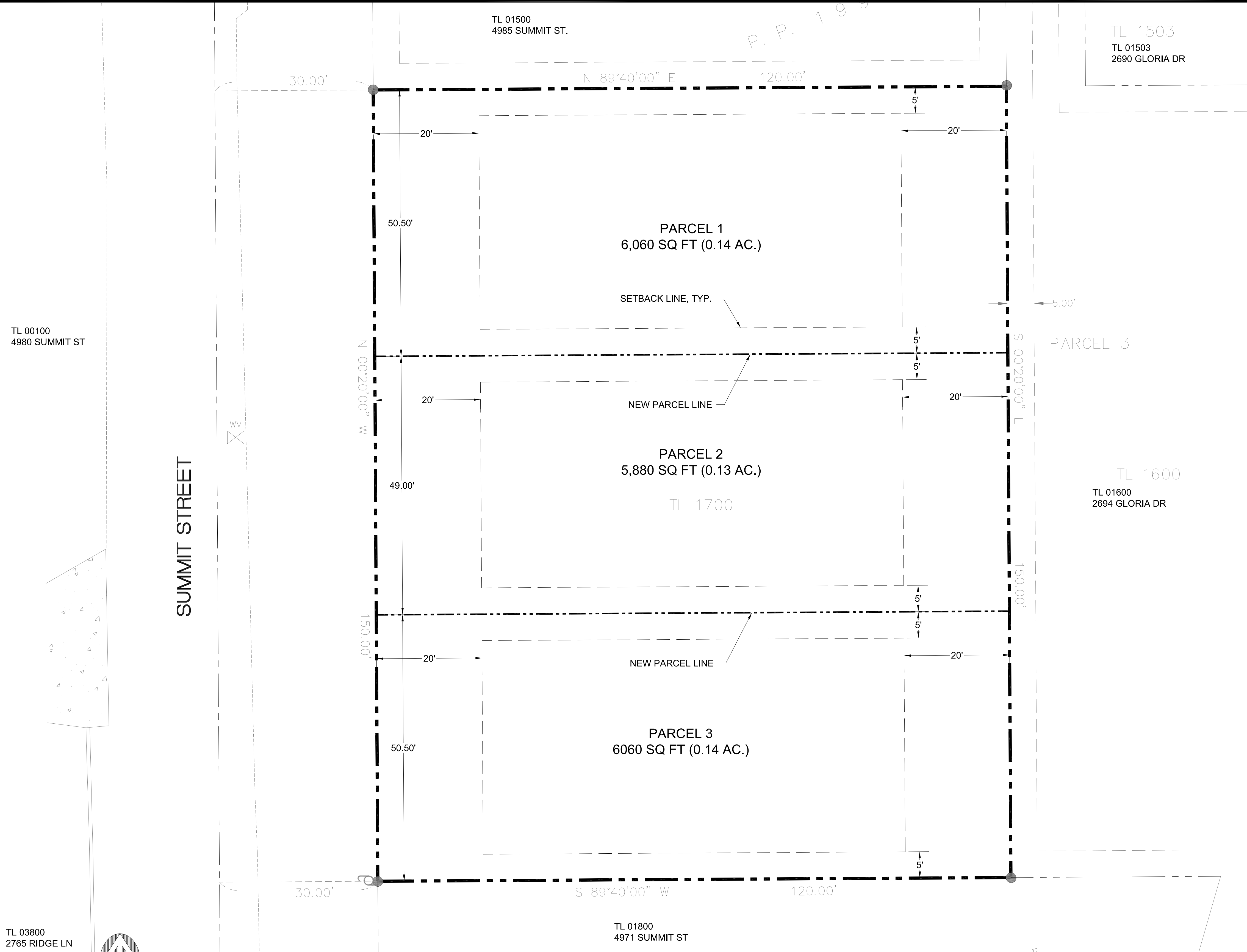
MINOR LOT PARTITION

EXISTING SITE CONDITIONS

No.	REVISION	DATE	BY

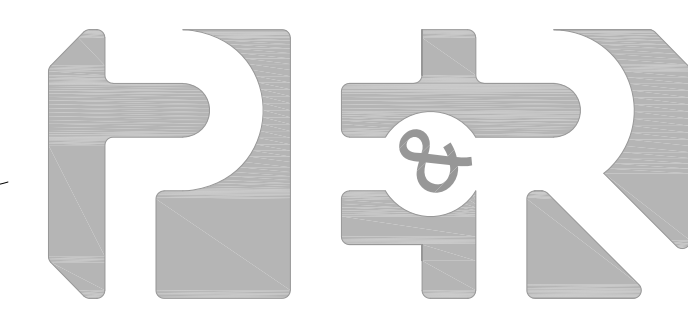
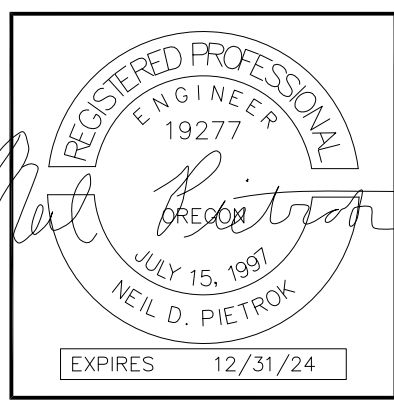
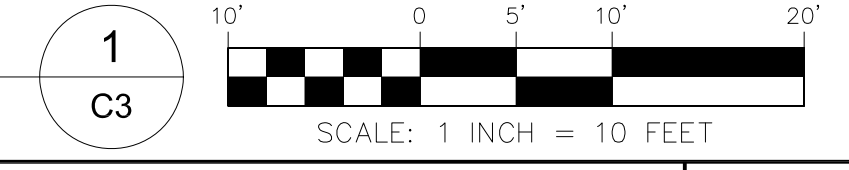
SHEET
OF
6
DRAWING NUMBER
2

C2



NOTE:
THIS PRELIMINARY PLAT WAS NOT PREPARED OFR
APPROVED BY A REGISTERED P.L.S.

PRELIMINARY PLAT
SCALE: 1"=10'



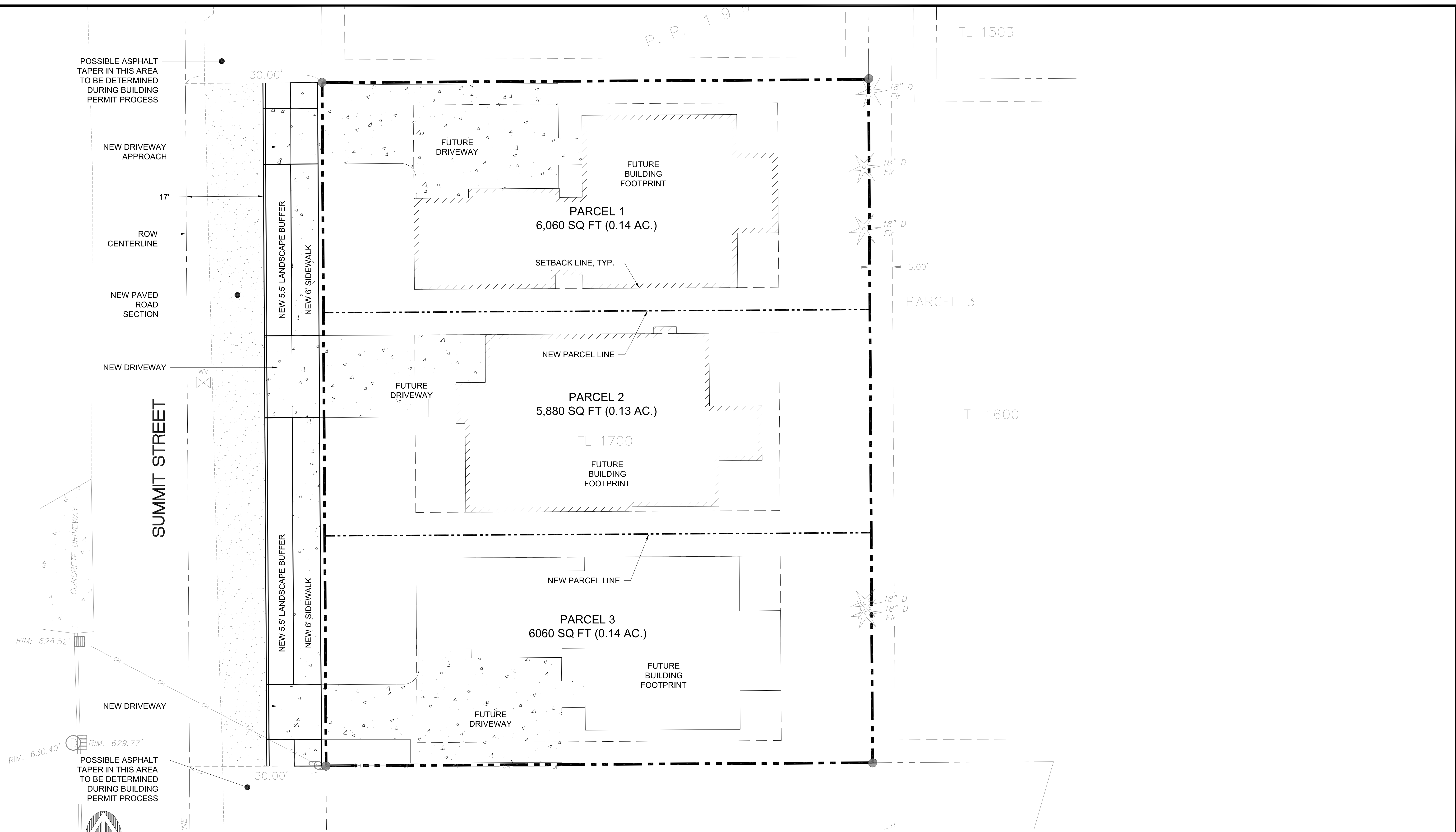
PIETROK ENGINEERING
AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

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DATE	07/15/2023
DESIGNER	NDP
DRAFTER	NDP
REVIEWER	JB

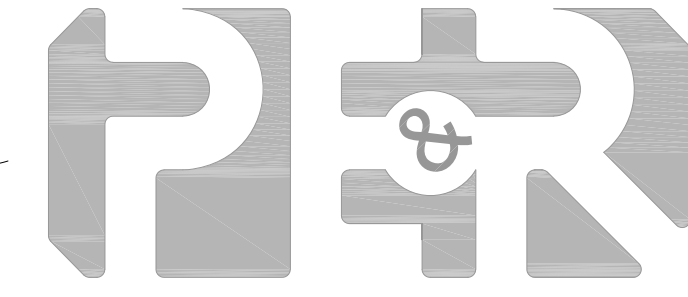
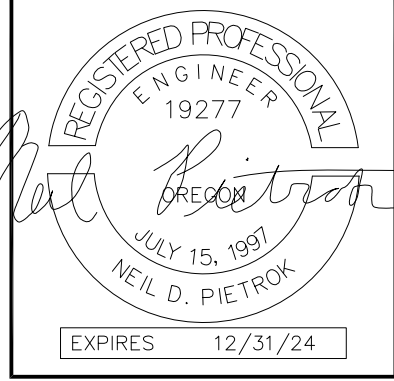
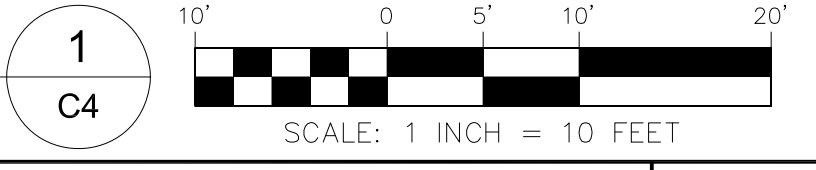
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WEST LINN, OREGON 97068
TL ID: 21E25DB01700
R386184

SUMMIT STREET WEST LINN, OREGON
**MINOR LOT PARTITION
PRELIMINARY PLAT**

No.	REVISION	DATE	BY	SHEET OF 6 DRAWING NUMBER 3
				DRAWING NUMBER C3



SITE PLAN
SCALE: 1"=10'



PIETROK ENGINEERING AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

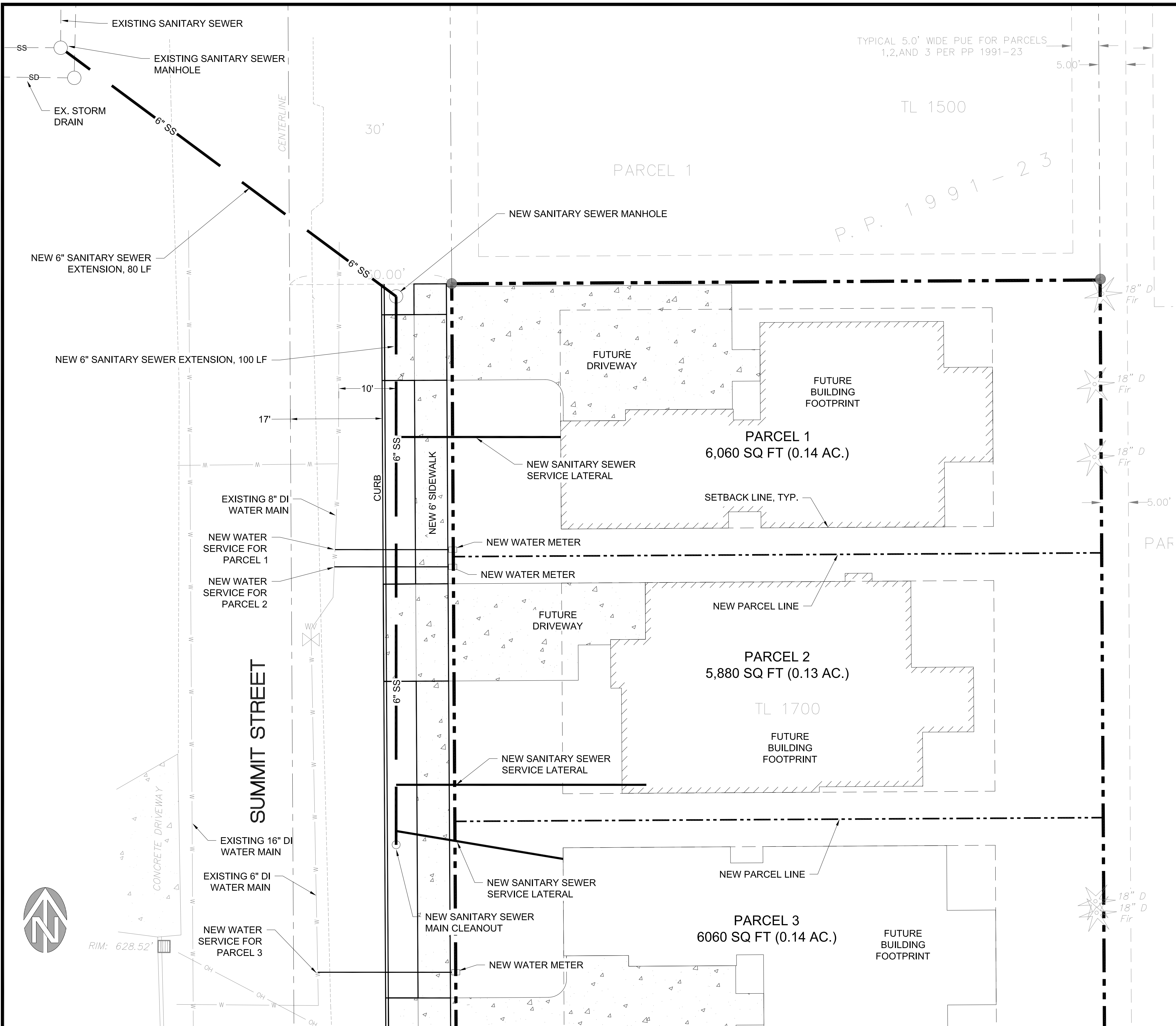
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REVIEWER	JB

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SUMMIT STREET WEST LINN, OREGON

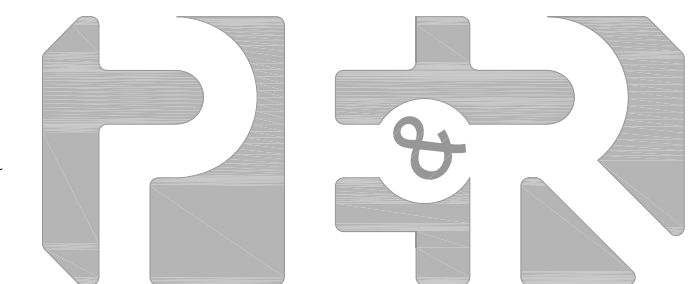
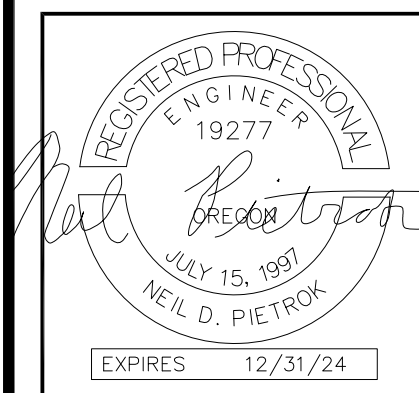
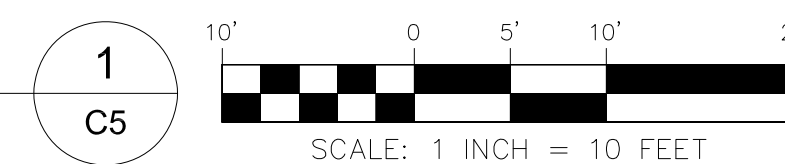
**MINOR LOT PARTITION
SITE IMPROVEMENTS**

No.	REVISION	DATE	BY	SHEET OF 6 DRAWING NUMBER C4



- UTILITY NOTES:
1. ALL NEW POWER AND TELECOM SERVICES SHALL BE UNDERGROUND
 2. STORM DRAINAGE FOR EACH SITE SHALL BE DISPOSED OF IN A DRYWELL.
 3. STORM WATER QUALITY, IF REQUIRED, FOR THE FRONTAGE IMPROVEMENTS SHALL BE A DESIGNED PLANTER IN THE LANDSCAPE BUFFER.
 4. IT IS UNKNOWN AT THIS TIME IF NATURAL GAS IS AVAILABLE ON SUMMIT STREET.

UTILITY PLAN
SCALE: 1"=10'



PIETROK ENGINEERING AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

FILE	181-C5
DATE	07/15/2023
DESIGNER	NDP
DRAFTER	NDP
REVIEWER	JB

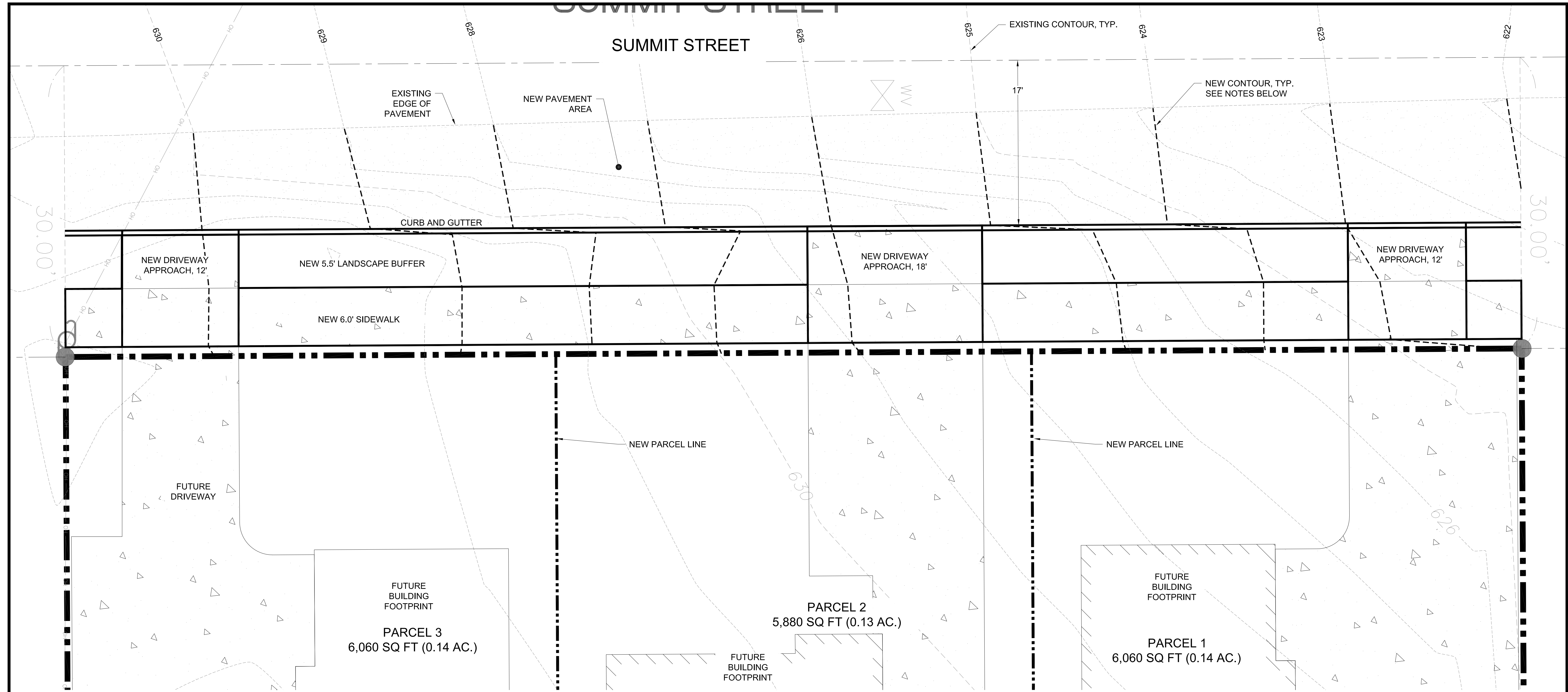
JAMES BOYLE
4979 SUMMIT STREET
WEST LINN, OREGON 97068
TL ID: 21E25DB01700
R386184

SUMMIT STREET

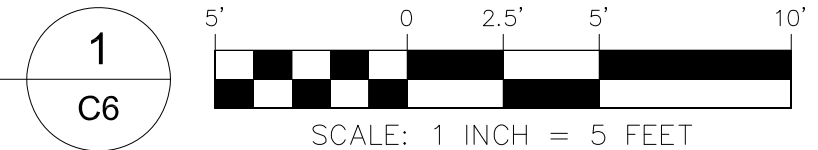
WEST LINN, OREGON

MINOR LOT PARTITION SITE UTILITIES

				SHEET	
				OF	
				6	
				DRAWING NUMBER	
				5	
				C5	
No.	REVISION	DATE	BY		

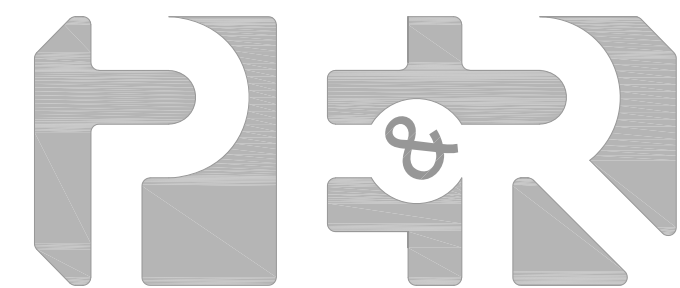
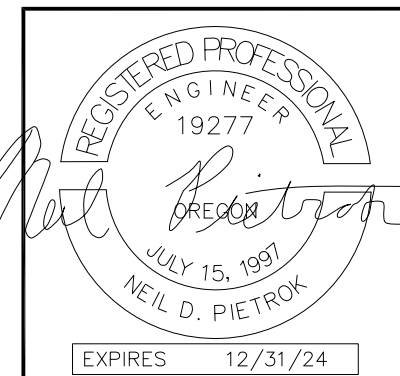
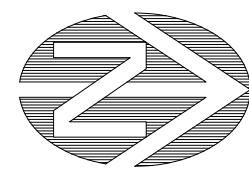


FRONTAGE AND GRADING PLAN
SCALE: 1"=5'



GRADING NOTES:

- CROSS SLOPE FROM EXISTING EDGE OF PAVEMENT TO NEW FACE OF CURB AND GUTTER SHALL BE 2%.
- DRIVEWAY GRADES SHALL MEET CITY OF WEST LINN STANDARDS AND CITY OF WEST LINN STANDARD DETAIL RD-736.
- SIDEWALK CROSS SLOPE SHALL NOT EXCEED 2%. SIDEWALK CONSTRUCTION SHALL MEET CITY OF WEST LINN STANDARD DETAIL RD-721.
- CURB AND GUTTER CONSTRUCTION SHALL MEET CITY OF WEST LINN STANDARD DETAIL RD-700.
- DRIVEWAY GRADING BEHIND SIDEWALK SHALL NOT EXCEED 15% SLOPE.
- GRADING ON PROPERTY NOT SHOWN FOR CLARITY. GRADING OF DRIVEWAY AND REMAINING LOT SHALL BE COMPLETED AT TIME OF BUILDING PERMIT SUBMITTAL.
- NOTE THE CUT AT THE PROPERTY LINE IS APPROXIMATELY 2'-3'. GRADING, LANDSCAPING AND WALLS WILL BE SUBMITTED WITH THE BUILDING PERMIT.



PIETROK ENGINEERING AND RESOURCES LLC
13539 NW SPRINGVILLE ROAD
PORTLAND, OR 97229
PH: 503-793-3469

FILE	181-C6
DATE	07/15/2023
DESIGNER	NDP
DRAFTER	NDP
REVIEWER	JB

JAMES BOYLE
4979 SUMMIT STREET
WEST LINN, OREGON 97068
TL ID: 21E25DB01700
R386184

SUMMIT STREET

WEST LINN, OREGON

MINOR LOT PARTITION
FRONTAGE IMPROVEMENTS/GRADING

No.	REVISION	DATE	BY	SHEET OF 6	DRAWING NUMBER C6
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EXHIBIT PD-2 PUBLIC COMMENTS

Paul and Heather Jones

4963 Summit Street
West Linn, OR 97068
Jonesfamilyfun@gmail.com

14, Aug 2023

City Hall
West Linn Planning Department,
Chris Myers, Associate Planner
22500 Salamo Road #600
West Linn, OR 97068

Dear Chris Myers,

In response to the recent notice we received, File No ELD-23-06 for SB-458 for an expedited land division application. We have lived in our home since 1993 and are supportive of new development in the area but want to voice our concerns.

Summit is a very busy road with many of the driveways in the area being blind to traffic largely because they sit below a visual grade of oncoming vehicles and these vehicles frequently are speeding.... The application shows three new blind driveways that would be created and this is a large safety concern for us. We also want to ensure that parking will be onsite and not street parking. Thanks for allowing us to provide our input.

Sincerely,

Paul and Heather Jones

EXHIBIT PD-3 COMPLETENESS LETTER



CITY OF
West Linn

August 9, 2023

Jim Boyle
Northwest Acquisition & Development
1331 Troon Drive
West Linn OR. 97068

Subject: ELD-23-06 - Application for a middle-housing partition to construct a detached triplex at 4979 Summit Street.

Mr. Boyle,

You submitted an application on July 24, 2023. The Planning and Engineering Departments determined that the application is now **complete** as of August 8, 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 October 10, 2023.

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

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

Please contact me at 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Respectfully,

Chris Myers

Chris Myers
Associate Planner

EXHIBIT PD-4 AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

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

PROJECT

File No.: **ELD-23-06**

Applicant's Name: Jim Boyle

Development Name: **4979 Summit Street**

Scheduled Decision Date: **August 24, 2023**

MAILED NOTICE

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

Jim Boyle, applicant	8/9/23	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	8/9/23	<i>Lynn Schroder</i>
Sunset Neighborhood Association	8/9/23	<i>Lynn Schroder</i>
Metro emailed per request	8/9/23	<i>Lynn Schroder</i>
WLWL SD	8/9/23	<i>Lynn Schroder</i>
Clackamas County	8/9/23	<i>Lynn Schroder</i>
PGE	8/9/23	<i>Lynn Schroder</i>
TriMet	8/9/23	<i>Lynn Schroder</i>
Comcast	8/9/23	<i>Lynn Schroder</i>
NW Natural Gas	8/9/23	<i>Lynn Schroder</i>
TVF&R	8/9/23	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	8/9/23	<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	8/9/23	<i>Lynn Schroder</i>
Jim Boyle, applicant	8/9/23	<i>Lynn Schroder</i>
METRO	8/9/23	<i>Lynn Schroder</i>

WEBSITE

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

8/9/23	<i>Lynn Schroder</i>
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FINAL DECISION

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

8/30/23	<i>Lynn Schroder</i>
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CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-23-06

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) at 4979 Summit Street (Tax Lot 21E25DB 01700). The applicant is requesting approval of a middle housing land division for a detached Triplex. Proposed parcel sizes are approximately:

Parcel 1 – 6060 sq. ft.

Parcel 2 – 5880 sq. ft.

Parcel 3 – 6060 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/4979-summit-street-sb-458-expedited-land-division-detached-triplex>. 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 August 23, 2023. Written comments can be submitted to cmyers@westlinnoregon.gov or City Hall, 22500 Salamo Road, West Linn, OR 97068. All comments must be received by the deadline.**

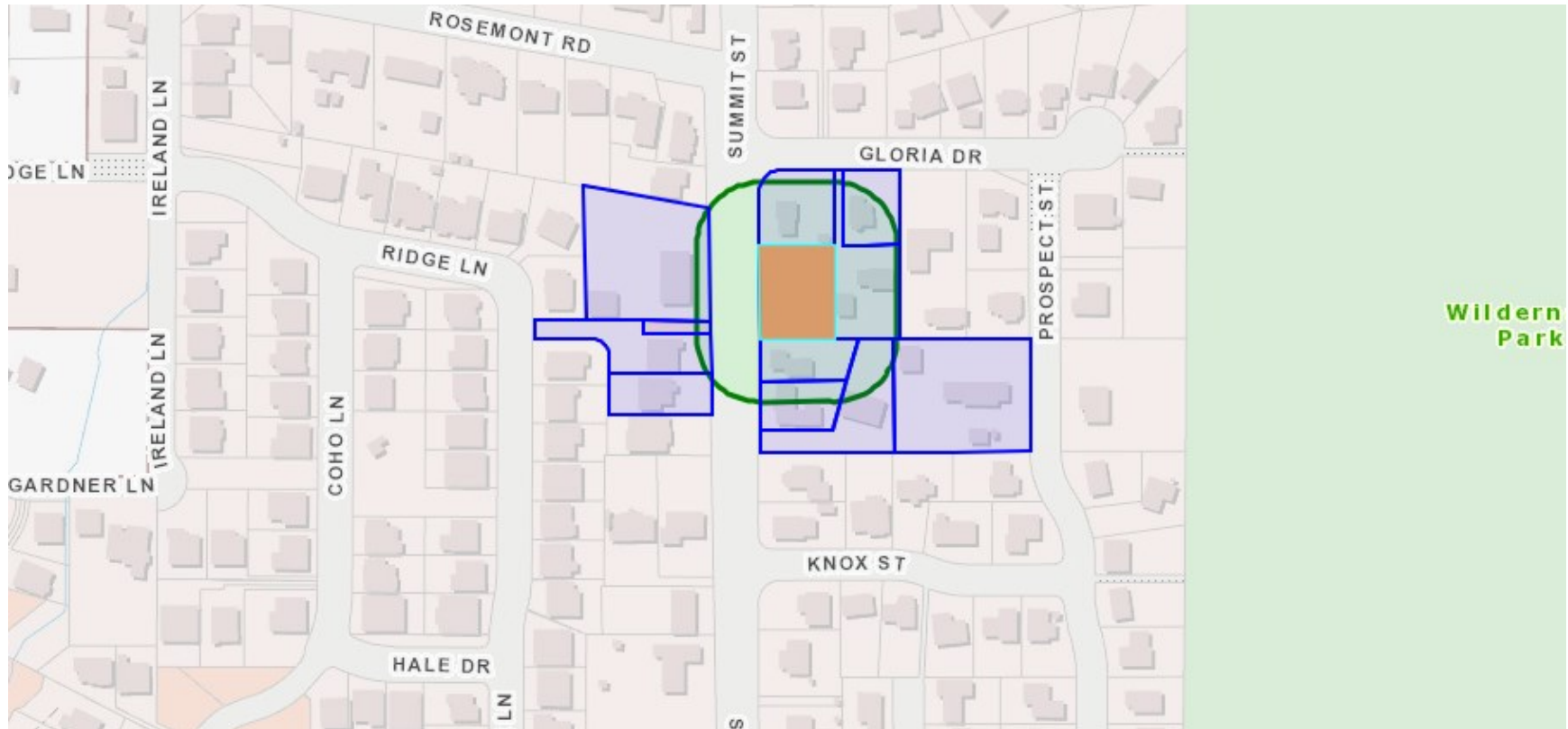
All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

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.

Scan this QR Code to go to Project Web Page:



ELD-23-06 – Notified Properties within 100 feet of 4979 Summit





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-06
MAIL: 8/9/2023 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.