



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: March 12, 2024

FILE NO.: ELD-23-08

REQUEST: Approval of an SB458 Expedited Land Division for a four-lot middle housing land division resulting in a detached quadplex with the existing home as one of the units at 4399 Kenthorpe Way.

PLANNER: Chris Myers, Associate Planner

Planning Manager

DSW

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GENERAL INFORMATION

**APPLICANT/
OWNER:**

Shah Housing Solutions LLC
18531 S Upper Highland Rd.
Beavercreek, OR. 97004

SITE LOCATION:

4399 Kenthorpe Way

SITE SIZE:

0.456 Acres (19,846 square feet)

LEGAL

DESCRIPTION:

Lot 56 Kenthorpe Tracts (Unrecorded) (Clackamas County Assessor Map 21E24BA Tax Lot 04300)

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 January 9, 2024. The 63-day period for an expedited land division ends March 12, 2024.

PUBLIC NOTICE:

Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Robinwood Neighborhood Association on January 22, 2024, as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on January 22, 2024. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

The 4399 Kenthorpe Way property is a 19,846 square foot legal lot of record. The property is zoned R-10, Residential and the applicant will construct a detached quadplex as permitted by West Linn Community Development Code Chapter 11.030.1(a), which was adopted as part of the City's HB2001 code amendment package (Ordinance 1736). The applicant has proposed to divide the property under SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting lot will contain one dwelling unit of the detached quadplex.

Proposed Parcel Sizes

Parcel 1 – 10,330 sq. ft.

Parcel 2 – 2133 sq. ft.

Parcel 3 – 2295 sq. ft.

Parcel 4 – 5085 sq. ft.

The property is not located within the Willamette River Greenway (WRG) nor any FEMA flood hazard area or regulated Water Resource Area.

The property has approximately 100 feet of frontage on Kenthorpe Way, which has a functional classification of a Local Street. Lots 1 and 2 will take access via a shared access drive from Kenthorpe Way. Lots 3 and 4 will each take direct access via private driveways from Kenthorpe Way.

The Kenthorpe Way right-of-way is approximately 50 feet wide with a pavement width of approximately 25 feet wide. The applicant will construct half-street improvements or pay a fee-in-lieu (\$385 per linear foot) as detailed in Condition of Approval 8. No right-of-way dedication is required. Sanitary sewer and water mains are located in the Kenthorpe Way right-of-way to provide service to the proposed parcels.

Public comments:

The City received four public comments prior to the closing of the public comment period. The full text of the comments can be found in Exhibit PD-3. Below staff has summarized the comments and provided responses.

Dennel Burns Email 1.30.24

- 1. Expressed concern that Kenthorpe Way and the surrounding neighborhood are zoned for low density.*

Staff Response: The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a quadplex on the subject property (see Staff Finding 1). The applicant proposes a detached quadplex (middle housing) on the subject property. The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a

lot or parcel that contains middle housing, thus permitting each unit of a quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

- 2. Expressed concern that a 35-foot-tall house will block the morning sun and overshadow the house throughout much of the day.*

Staff Response: 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. Current zoning allows for any house built in the R-10 zone to be a maximum of 35 feet tall.

- 3. Expressed concern that there is a discrepancy as to how close the house on lot 3 will be to the property line.*

Staff Response: 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. The Community Development Code requires a minimum 7.5-foot setback from the exterior side property line in the R-10 zone.

- 4. Asked if there is precedent for such high-density housing in West Linn.*

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

The City of West Linn has received approximately twenty applications for HB2001/SB458 middle housing expedited land divisions since July 2022.

- 5. Expressed concern that the increase in traffic and street parking is a concern.*

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

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to permit middle housing types (including quadplexes) in areas allowing construction of a single-family detached home (see Staff Finding 1). The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a lot or parcel that contains middle

housing, thus permitting each unit of a detached quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

The Kenthorpe Way right-of-way is approximately 50 feet wide with a pavement width of approximately 25 feet and has a functional classification of a Local Street. A traffic impact analysis is not a part of the approval criteria set forth by the State of Oregon. The increase in traffic is not a part of the approval criteria set forth by the State of Oregon.

Bethanne Felder Email 2.5.24

1. *Expressed concern that the proposed subdivision will change the atmosphere of the neighborhood, all other houses have yards, and this proposal will leave almost no green space...just buildings.*

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

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

The atmosphere of the neighborhood and the amount of green space is not a part of the approval criteria set by the State of Oregon.

2. *Expressed concern that the proposed subdivision will increase the number of cars on the street.*

Staff Response: The Kenthorpe Way right-of-way is approximately 50 feet wide with a pavement width of approximately 25 feet and has a functional classification of a Local Street. A traffic impact analysis is not a part of the approval criteria set forth by the State of Oregon.

The number of cars using Kenthorpe Way is not a part of the approval criteria set forth by the State of Oregon.

3. *Expressed concern that the proposed subdivision will increase the number of cars parking on the street.*

Staff Response: The Kenthorpe Way right-of-way is approximately 50 feet wide with a pavement width of approximately 25 feet and has a functional classification of a Local Street. A traffic impact analysis is not a part of the approval criteria set forth by the State of Oregon. Further, parking requirements were not set forth by the State of Oregon as part of the criteria

for middle housing through HB2001 and SB458. The number of cars utilizing street parking is not a part of the approval criteria set forth by the State of Oregon.

4. *Expressed concern that the proposed subdivision will not result in more affordable housing.*

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

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

The market value and sale price of the subject property is not part of the criteria set forth by the State of Oregon as part of HB2001 or SB458.

5. *Expressed concern that the developer is not a good neighbor as he has left piles of debris including glass and other hazardous materials in the front yard of the subject property.*

Staff Response: Construction and on-site debris is not a part of the criteria set forth by the State of Oregon as part of HB2001 or SB458.

6. *Expressed concern that the neighborhood had to put up with the expansion of the water treatment plant and related construction issues and residents deserve to keep the street quiet.*

Staff Response: Construction traffic, noise, and other such inconveniences are not a part of the criteria set forth by the State of Oregon as part of HB2001 or SB458.

Duane Funk Email 1.31.24

1. *Expressed concern that the city is pushing middle housing into the neighborhood.*

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

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a quadplex on the subject property (see Staff Finding 1). The applicant proposes a detached quadplex (middle housing) on the subject property. The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a lot or parcel

that contains middle housing, thus permitting each unit of a quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

- 2. Expressed concern that Kenthorpe Way and the surrounding neighborhood are zoned for R-10 low density.*

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

- 3. Expressed concern that the proposed development will have a driveway along the adjacent property line and there is concern for the root structure of the trees.*

Staff Response: The property owner is allowed, by right, to develop the property with middle housing and divide the property within the laws of the State of Oregon and the West Linn Community Development Code. The City Arborist will review final site development plans as part of the building permit process and will recommend tree protections for any trees proposed to be retained during development, including on adjacent properties.

- 4. Expressed concern that the proposed subdivision will increase the number of cars driving and parking on the street.*

Staff Response: The Kenthorpe Way right-of-way is approximately 50 feet wide with a pavement width of approximately 25 feet and has a functional classification of a Local Street. A traffic impact analysis is not a part of the approval criteria set forth by the State of Oregon.

The number of cars using Kenthorpe Way is not a part of the approval criteria set forth by the State of Oregon.

The number of cars utilizing street parking is not a part of the approval criteria set forth by the State of Oregon.

DECISION

The Planning Manager (designee) approves this application (ELD-23-08) 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 11/6/23 (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 the private storm drain and utility easements on the face of the final plat and submit a copy of the recorded easements to confirm the newly created parcels have legal rights to locate, access, replace, and service all utilities within the easement prior to final plat approval by the City. The applicant shall show an eight-foot public utility easement along the Kenthorpe Way 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-23-08) shall be void if the applicant does not record the final partition plat within three years of approval.
8. **Street Improvements.** The applicant shall construct half-street improvements or pay a fee-in-lieu totaling \$28,875 (\$385 per linear foot X 75 feet) for a Local Street with parking and no bike lane. The street improvements shall include a 6' sidewalk, 6' planting strip and curb (5.5' planting strip and 0.5' curb), street trees, 8' parking lane, and 12-14' of new half-street pavement to existing centerline of Kenthorpe Way.
9. **Ingress/Egress Easement.** The applicant shall provide the private ingress/egress easement on the face of the final plat for lots 3 and 4, and submit a copy of the recorded, private ingress/egress easement and mutual maintenance agreement to confirm the newly created parcels have legal access rights to Kenthorpe Way prior to final plat approval by the City.

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

Chris J. Myers
Chris Myers, Associate Planner

March 12, 2024
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 12th day of March, 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on March 26, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
ELD-23-08**

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

ORS 92.031 Middle housing land division; conditions of approval.

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

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

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

Staff Finding 1: The subject property is zoned Residential, R-10 and permits the construction of a single-family detached dwelling. ORS 197.758(2)(a) requires the City of West Linn to allow a quadplex, one type of middle housing, in areas zoned for residential use that allows for the development of detached single-family dwellings. The applicant proposes the construction of a detached quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a quadplex as "Four attached or detached dwelling units on a lot or parcel in any configuration". Therefore, the proposed division of the lot, which allows the development of middle housing, is permitted. The criteria 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 quadplex, which qualifies as a middle housing type (see Staff Finding 1). The applicant did not submit building plans for the detached quadplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

Staff Finding 3: The applicant proposes the construction of a detached quadplex, which qualifies as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing, including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The siting and design regulations are reviewed by West Linn Planning staff during building permit review. Minimum property line setbacks and maximum lot coverage will be applied and calculated based on the subject property boundary and total area. Sidewall transitions and maximum building height will be reviewed based on building plans. The applicant did not submit building plans for the detached quadplex with this application. The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval by the City per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

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

(b) Separate utilities for each dwelling unit;

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

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

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

Staff Finding 6: The applicant proposes the construction of a detached quadplex 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 the entire frontage on Kenthorpe Way.

Lots 1 and 2 will require a private utility easement over the shared access drive ('flagpole'). The applicant shall show the utility easement for lots 1 and 2 on the face of the final plat prior to final plat approval by the City per Condition of Approval 5. Lots 3 and 4 will have direct access to the utilities in Kenthorpe Way. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 7: The applicant proposes the construction of a detached quadplex on the subject property. Lots 1 and 2 will take access to Kenthorpe Way via a shared access driveway. The applicant shall show the private ingress/egress easement on the face of the final plat and submit a copy of the private ingress/egress easement to confirm the newly created parcels have legal access rights to Kenthorpe Way prior to final plat approval by the City. Lots 3 and 4 will take

direct access to the adjacent right-of-way on Kenthorpe Way via private driveways for each lot, no access easement is needed for lots 3 and 4. Per Condition of Approval 9. Subject to the conditions of Approval, the criteria are met.

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

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

(D) Any dedicated driveways or parking; and

Staff Finding 9: The applicant proposes the construction of a detached quadplex on the subject property. Lots 1 and 2 will take access to Kenthorpe Way via a shared access driveway. The applicant shall show the private ingress/egress easement on the face of the final plat and submit a copy of the private ingress/egress easement and mutual maintenance agreement to confirm the newly created parcels have legal access rights to Kenthorpe Way prior to final plat approval by the City. Lots 3 and 4 will take direct access to the adjacent right-of-way on Kenthorpe Way via private driveways for each lot, no access easement is needed for lots 3 and 4 per Condition of Approval 9. Subject to the conditions of Approval, the criteria are met.

(E) Any dedicated common area;

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

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

Staff Finding 11: The applicant proposes the construction of a detached quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines a quadplex as *“Four attached or detached dwelling units on a lot or parcel in any configuration.”* The division of the lot under SB458 rules will result in one dwelling unit on each resulting lot. No common areas are proposed. The criteria are met.

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

Staff Finding 12: The applicant proposes the construction of a detached quadplex, which qualifies as a middle housing type. The applicant did not submit building plans for the detached quadplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon Residential Specialty Code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

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

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

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

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

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

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

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

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

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

Staff Finding 16: The subject property has approximately 100 feet of frontage along Kenthorpe Way, a Local Street. The City may exact street frontage improvements or a fee-in-lieu (\$385 per linear foot) that are roughly proportional to the impact from the development (Dolan vs. City of Tigard, 1994). The proposed development of three new dwelling units and the existing dwelling will contribute approximately 40 vehicle trips per day.

Community Development Code Chapter 96.010.A(4), which was applicable at the time of application, provides for the City to accept a fee equal to the estimated cost for construction of the improvements. The City estimated the average cost of street improvements on undeveloped right-of-way at \$385 per linear foot and City Council adopted this amount into the City Fee Schedule. The City of West Linn will apply the \$385 per linear foot to 75 percent of the 100 linear feet of Kenthorpe Way right-of-way adjacent to the property. This is roughly proportional to the impacts from the construction of three additional dwelling units on the subject property. The total fee-in-lieu is calculated as $\$385 \times 0.75 = \$28,875$. The applicant shall pay the fee-in-lieu of \$28,875 or install the half-street improvements on Kenthorpe Way adjacent to the subject property that meet West Linn Public Works Design Standards per Condition of Approval 8. Subject to the Conditions of Approval, the criteria are met.

(c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

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

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

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

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

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

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

Staff Finding 20: The subject property is adjacent to Kenthorpe Way, public right-of-way (ROW). The existing Kenthorpe Way ROW measures approximately 50-feet in width. The proposed project does not require a right-of-way dedication. The criteria are met.

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

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

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

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

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

Staff Finding 23: The approval of the tentative plat (ELD-23-08) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.

197.360 "Expedited land division" defined; applicability.

(1) As used in this section:

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

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

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

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

Staff Finding 25: The subject property is zoned Residential, R-10 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of a detached quadplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.

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

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

(ii) The Willamette River Greenway;

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

(iii) Estuarine resources;

(iv) Coastal shorelands; and

(v) Beaches and dunes.

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

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

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

(E) Will result in development that either:

(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

Staff Finding 29: The subject property is approximately 19,846 sq. ft. and zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow one dwelling unit.

The applicant proposes a detached quadplex middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The middle housing development will result in four dwelling units, which is 400 percent of the maximum density currently permitted on the subject property. The criteria are met.

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

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

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

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

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

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

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

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

Staff Finding 33: See Staff Findings 24 to 32. The criteria are met.

197.365 Application; notice to neighbors; comment period.

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

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

Staff Finding 34: The application was submitted on November 8, 2023 and deemed incomplete by City staff on November 27, 2023. The application was resubmitted on January 9, 2024 and deemed complete on January 19, 2024. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on November 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 November 8, 2023 and deemed incomplete by City staff on November 27, 2023. The application was resubmitted on January 9, 2024 and deemed complete on January 19, 2024. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on November 8, 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 January 22, 2024. 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 January 22, 2024. The City provided written notice to the Robinwood Neighborhood

Association on January 22, 2024. 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 January 22, 2024 with a deadline for submission of written comments on February 5, 2024. 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 November 8, 2023 and deemed incomplete by City staff on November 27, 2023. The application was resubmitted on January 9, 2024 and deemed complete on January 19, 2024. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on November 8, 2023. The City approved the application with conditions on March 12, 2023, the 63rd 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 March 12, 2023, the 63rd day after the application became 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). ELD-23-08 | PRE-APPLICATION NO. n/a |
| NON-REFUNDABLE FEE(S) \$4,900.00 | REFUNDABLE DEPOSIT(S) | TOTAL \$4,900.00 |

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 checked="" type="checkbox"/> Expediated Land Division (ELD) <input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP) Related File # _____ <input type="checkbox"/> Flood Management Area (FMA) <input type="checkbox"/> Historic Review (HDR) <input 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: 4399 kenthorpe way

Assessor's Map No.:

Tax Lot(s):

 Total Land Area: .46 acre
Brief Description of Proposal:
4 lot ELD. existing house to remain in place and three new lots to be created
Applicant Name*: Alexander Shah

 Address: 18531 S upper Highland rd beavercreek or 97004
 City State Zip:

 Phone: 9716781952

 Email: alec@shahhousingsolutions.com
Owner Name (required): kenthorpe homes llc

 Address: same as above
 City State Zip:

 Phone: same as above

Email:

Consultant Name: n/a

 Address:
 City State Zip:

Phone:

Email:

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.

Alexander Shah

 Applicant's signature

 Date 11/6/2023

Alexander Shah

 Owner's signature **(required)**

 Date 11/6/2023

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. **Do NOT use DocuSign.**
- 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.
- 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.
- 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.

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, sewer, and storm will be connected to the city mains on kenthorpe way.

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

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

Lot 2 will be given an easement for access and utilities in the flag "POLE" section of lot 1. The access and utility easement will be 12' wide running from the front of Pole portion of lot one and ending at the rear of lot 2.

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

See above, lot 2 will be given an easement from lot 1 for vehicle and pedestrian access.

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

The only shared use areas will be the flag pole portion of lot 1, which will be shared for access.

(D) Any dedicated driveways or parking; and

Please see above, flag pole portion of lot 1 to be used by lot 1 and 2. Final plat will note all easements and use agreements.

(E) Any dedicated common area;

Please see above

- (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and
- (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

Response: Please see included survey with building outlines demonstrating compliance with the new unit to meet Oregon residential specialty. All new structures will be more than 3' from any proposed property lines except the new home on lot 3. The home on lot three will be 3' from the property line that abuts the existing house. All homes that require a fire detail will have one provided. All new homes to be approved by the building department prior to the signing on the final plat by the City of West Linn.

The existing house will be 2' from the property line that abuts the flag pole portion of lot 1. A fire detail shall be provided for that side.

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.

Currently the site does not have sidewalk. This site is on a dead-end road with extremely low traffic. On the opposite side of the street there are full street improvements with a new sidewalk and storm planters. Applicant is requesting no street improvements be required on this site. If street improvements are required, the applicant is requesting they only be required for the frontage of the new lots OR FIL. FIL would be much preferable and building a sidewalk here would be quite silly.

(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.

All lots meet minimum standard. All lots will have pedestrian and vehicular access.

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or

92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

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

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

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

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

(6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a

lot or parcel resulting from a middle housing land division.

(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition

plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to

197.380 prohibits a city or county from requiring a final plat before issuing building permits.

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

2022.

Legend

- Addresses
- dissolved 0-5K
- Hydrant
- Stormwater Structure
 - Catch Basin
 - ▨ Inlet
 - ⊗ Manhole
 - ⊖ Outfall
- Stormwater Main
 - Pipe
 - Open Ditch
- Stormwater Lateral
- Stormwater Facility
- Water Sampling Station
- Water Main
- Water Service
- Sewer Structure
 - ▣ Cleanout
 - ⊗ Manhole
 - ⊖ Outfall
 - ⊙ Plug
 - ⊗ Valve
 - ▣ Vault
- ↑ Sewer Pump Station
- Sewer Main
- Sewer Lateral
- City Limit
- ⋯ Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.01 0.0 Miles



1: 564.25



Notes

This map was automatically generated using Geocortex Essentials.



Response to incomplete items

1. TVF&R Service Provider Permit - Provide a TVF&R Service Provider Permit.

Provided

2. Grading and Utility Plans - Provide a grading plan and a utility plan of existing and proposed utility connections per CDC 85.170(C)-(E).

Provided

3. Proposed Easements - Show location and width of proposed easements for access, drainage, and utilities.

These are now shown on the civil plans

4. Location of existing off-site driveways - Show location of existing off-site driveways across Kenthorpe Road from the subject property.

This is now shown on the topo

5. Site Plan - Edit site plans on pages 8, 9, and 10 of the application to show a consistent width for the access drive.

The access drive was and is consistent on the site plans submitted. It is 18' wide. I think where the confusion stems from is the survey shows the distance between the corner of the existing house and the side parent lot line. This distance is 20.09' and is just shown for informational purposes.

Also, the size of the lots have changed a couple from the original submittal.

FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION



North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Alec Shah
Address: 18531 S Upper highland Rd. Beaver creek or 97004
Phone: 9716781952
Email: alec@shahhousingsolutions.com
Site Address: 4399 Kenthorpe Way
City: West Linn
Map & Tax Lot #: 21E24BA04300
Business Name: Shah Homes llc
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # n/a

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

Middle housing development. Currently site has one existing home and three new homes are proposed. Please see lot map. Each lot will have a two story 1700 sq ft Detached house

Permit/Review Type (check one):

- X Land Use / Building Review - Service Provider Permit
Emergency Radio Responder Coverage Install/Test
LPG Tank (Greater than 2,000 gallons)
Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
Explosives Blasting (Blasting plan is required)
Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
Temporary Haunted House or similar
OLCC Cannabis Extraction License Review
Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2024-0006
Permit Type: SPP- West Linn
Submittal Date: NA
Assigned To: DFM Arn
Due Date: NA
Fees Due: \$0
Fees Paid: \$0

Approval/Inspection Conditions (For Fire Marshal's Office Use Only)

This section is for application approval only

Signature of Fire Marshal or Designee: [Signature] 0430
Date: 1-8-24

Conditions: See approved fire service plan.

See Attached Conditions: Yes No
Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:
Final TVFR Approval Signature & Emp ID Date

PROPOSED REPLAT



REPLAT OF LOT 56, KENTHORPE TRACTS (UNRECORDED),
LOCATED IN THE NW ¼ OF SECTION 24, T.2S., R.1E., W.M.,
CITY OF WEST LINN, WASHINGTON COUNTY, OREGON.

Date: OCTOBER 28, 2023

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL
OF OMISSIONS OR OVERSIGHTS.

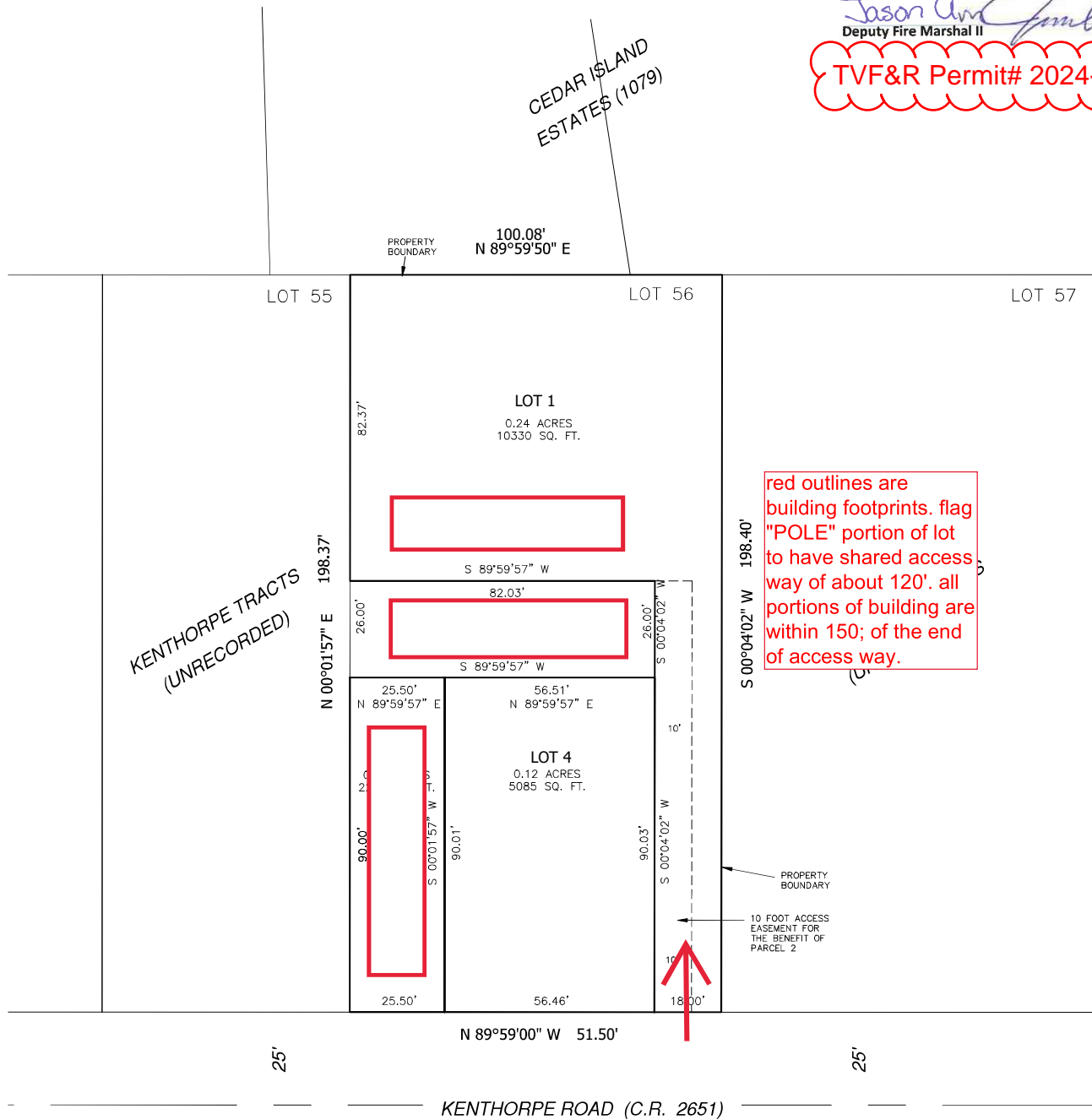
Jason Ann Jambler
Deputy Fire Marshal II

TVF&R Permit# 2024-0006

CEDAR ISLAND
ESTATES (1079)

KENTHORPE TRACTS
(UNRECORDED)

red outlines are
building footprints. flag
"POLE" portion of lot
to have shared access
way of about 120'. all
portions of building are
within 150' of the end
of access way.



ELEVATION DATUM: NAVD88 PER GPS OBSERVATION
UTILIZING ODOT ORGN NETWORK (GEOID 12B).

BOUNDARY SURVEY IN PROGRESS. PROPERTY LINES
SUBJECT TO CHANGE. FOR PLANNING PURPOSES ONLY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

Expires 12/31/2024



BRASS & STONE
LAND SURVEYING
503-871-0030

1132 Heritage Loop
Stayton, OR 97383

Job File: 23-034

Scale: 1"=20'

Drawn By: BWP 12/09/23

PROPOSED REPLAT

REPLAT OF LOT 56, KENTHORPE TRACTS (UNRECORDED),
 LOCATED IN THE NW ¼ OF SECTION 24, T.2S., R.1E., W.M.,
 CITY OF WEST LINN, WASHINGTON COUNTY, OREGON.

Date: OCTOBER 28, 2023

ELEVATION DATUM: NAVD88 PER GPS OBSERVATION
 UTILIZING ODOT ORGN NETWORK (GEOID 12B).

UTILITIES SHOWN BY SURFACE OBSERVATIONS ONLY
 AND SHOULD BE LOCATED PRIOR TO ANY EXCAVATION
 OR CONSTRUCTION ACTIVITIES. STORM UTILITIES WERE
 NOT LOCATED ON THE GROUND. GIS DATA FROM THE
 CITY OF WEST LINN WEB APPLICATION WAS USED.

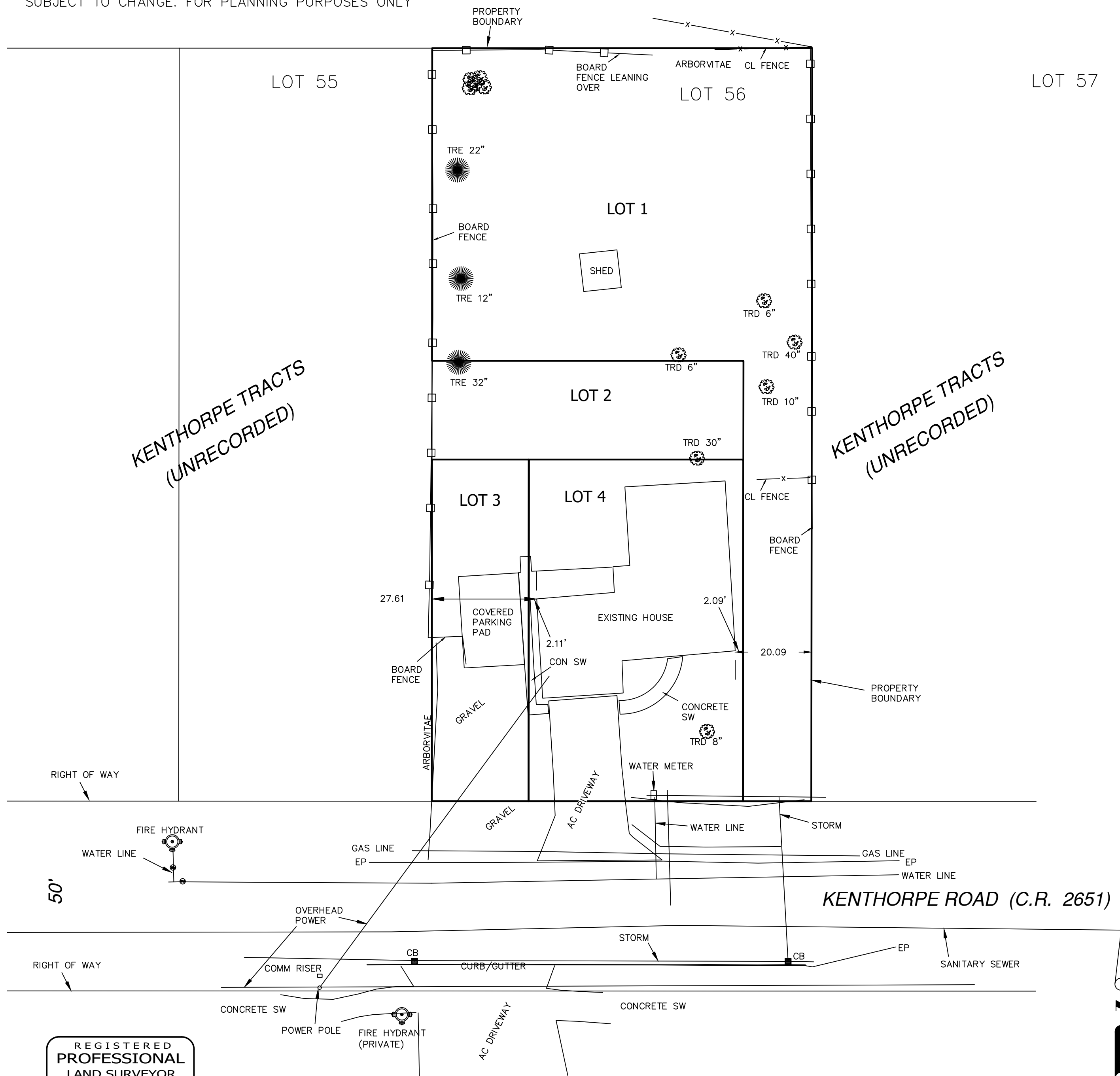
COMMUNICATION LINES WERE NOT PAINTED AND COULD
 NOT BE OBSERVABLY LOCATED TO TIE.

BOUNDARY SURVEY IN PROGRESS. PROPERTY LINES
 SUBJECT TO CHANGE. FOR PLANNING PURPOSES ONLY

CEDAR ISLAND
 ESTATES (1079)

KENTHORPE TRACTS
 (UNRECORDED)

KENTHORPE TRACTS
 (UNRECORDED)



REGISTERED
 PROFESSIONAL
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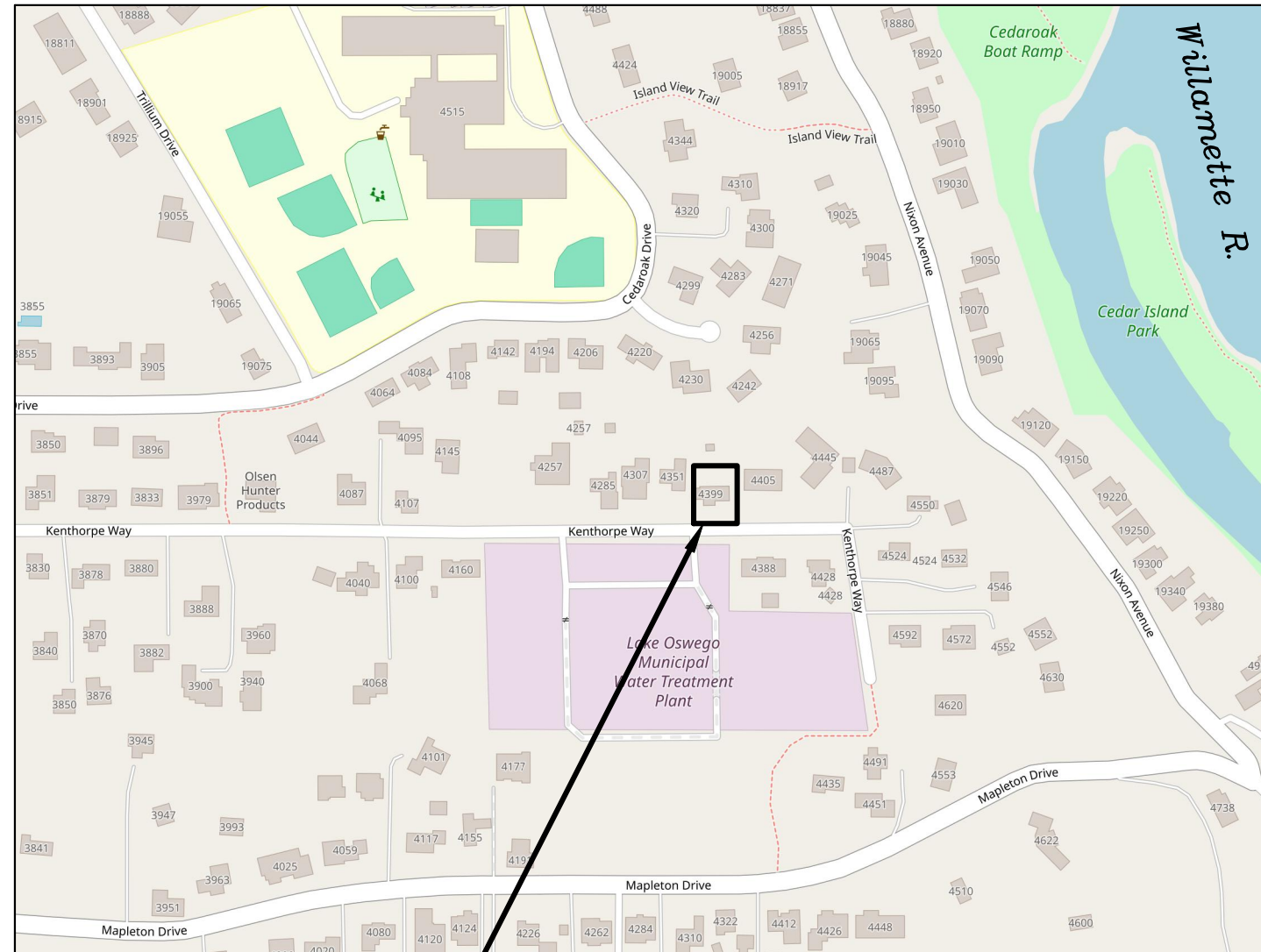
Job File: 23-034

Scale: 1"=20'

Drawn By: BWP 12/09/23

4399 KENTHORPE WAY DEVELOPMENT

4399 KENTHORPE WAY WEST LINN, OREGON



PROJECT SITE

VICINITY MAP
N.T.S.

OWNERS/DEVELOPERS

OWNER: ALEX SHAH - HOUSING SOLUTIONS
OWNER ADDRESS: 225 SW CARSON ST
PORTLAND OR 97219

LAND SURVEYOR

BRASS & STONE LAND SURVEYING
1132 HERITAGE LOOP
STAYTON, OR 97383

CIVIL ENGINEER

DL CONSULTING WA, LLC
500 WEST 8TH ST, SUITE 45B
VANCOUVER, WA 98660
PHONE: (360) 567-6466
CONTACT: GARY DARLING, P.E.

SITE INFORMATION

SITE ADDRESS - 4399 KENTHORPE WAY, WEST LINN, OREGON
JURISDICTION - CITY OF WEST LINN
ZONING - R10
TAX LOTS - 2480, 2476, 2466, 2456
LOCATION - NW 1/4 OF SECTION 24, T.2S., R.1E., W.M.,
CITY OF WEST LINN, WASHINGTON COUNTY, OREGON.
SITE AREA - 0.45 AC
DISTURBED AREA - 19,856 SF

UTILITIES/SERVICES

SITE WORK AND ROADS

CITY OF WEST LINN
22500 SALAMO ROAD
WEST LINN, OR 97068
CONTACT: JAMESON LUMPKIN
PHONE: (503) 722-4739
EMAIL: JLUMPKIN@WESTLINNOREGON.GOV

GAS

NW NATURAL
220 NW 2ND AVENUE
PORTLAND, OR 97209
PHONE: (503) 226-4211
EMERGENCY: (800) 882-3377

FIRE

TUALATIN VALLEY FIRE & RESCUE - STATION 58
6050 FALLING STREET
WEST LINN, OR 97068
PHONE: (503) 649-8577

WATER, STORM, SEWER

CITY OF WEST LINN
22500 SALAMO ROAD
WEST LINN, OR 97068
CONTACT: JAMESON LUMPKIN
PHONE: (503) 722-4739
EMAIL: JLUMPKIN@WESTLINNOREGON.GOV

POWER

PORTLAND GENERAL ELECTRIC
121 SW SALMON STREET
PORTLAND, OR 97204
CONTACT: SERVICE COORDINATOR
PHONE: (503) 323-6700

CABLE

COMCAST CABLE COMM. MNGMT, LLC
PORTLAND, OR
PHONE: (800) 934-6489

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 | 800-882-3377 |
| PORTLAND GENERAL ELECTRIC | 503-464-7777 |
| CENTURYLINK | 800-573-1311 |
| CITY WATER & SEWER | 503-635-0238 |



DL CONSULTING WA INC.
500 West 8th Street
Suite 45B
Vancouver, WA 98660
(360) 567-6466



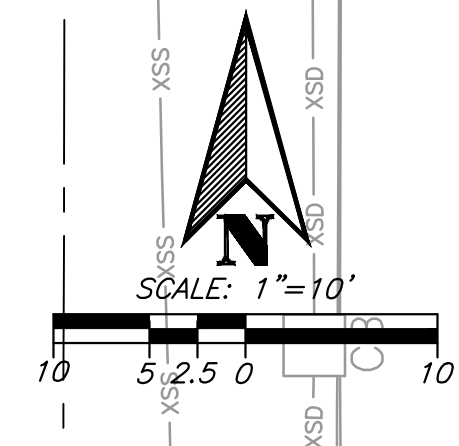
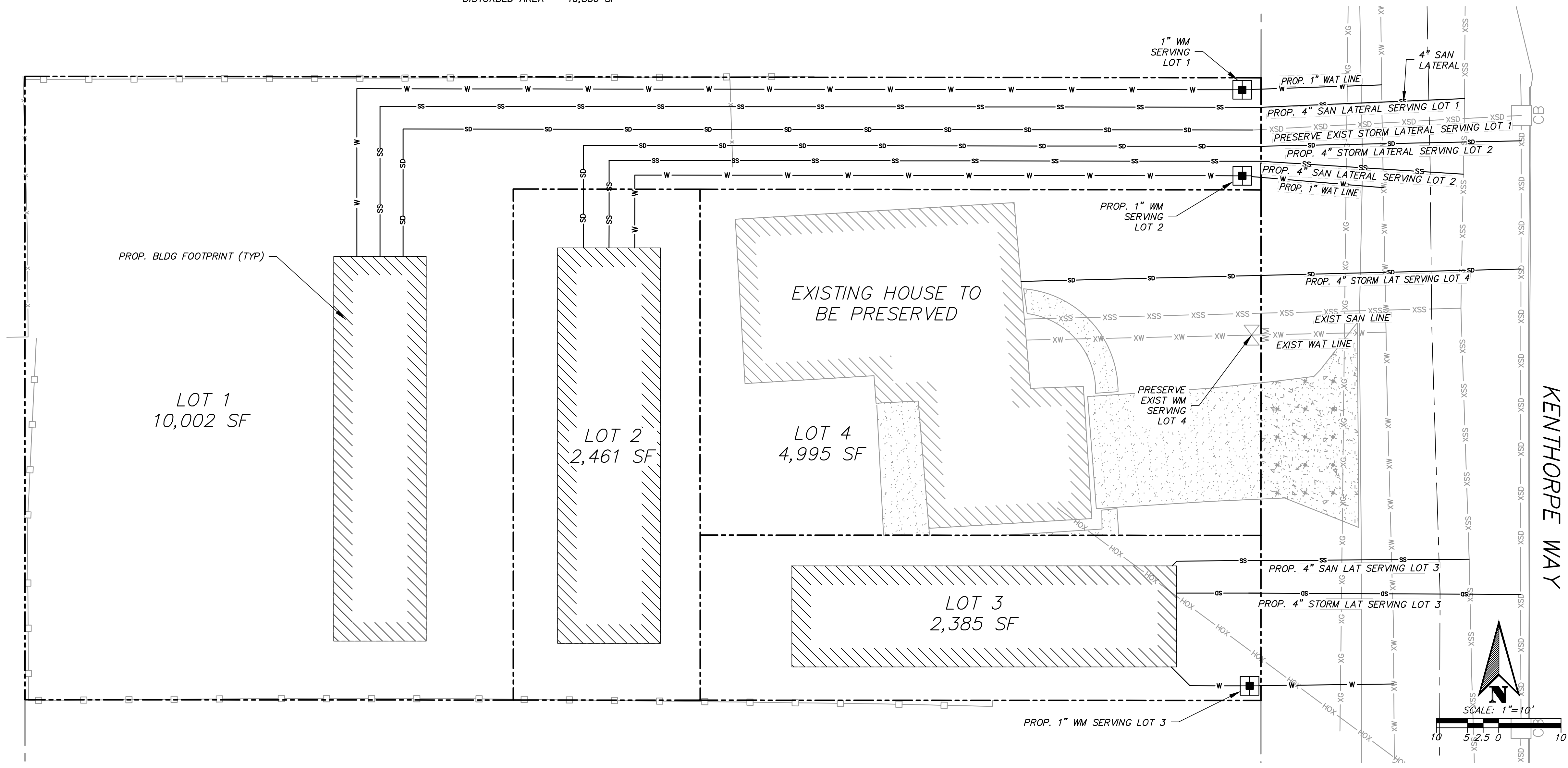
4399 KENTHORPE WAY DEVELOPMENT
WEST LINN, OREGON
PRELIMINARY UTILITY PLAN

| REV. | DATE | BY |
|------|------|----|
| | | |
| | | |
| | | |
| | | |
| | | |

PROJECT NUMBER: SHA004
Date: 12/21/2023
Scale: AS SHOWN
Drawn By: SAD
Designed By: GID
Checked By: GID

1/1

W:\SHA004\PRELIMINARY UTILITY PLAN.DWG



SITE PLAN
SCALE: 1" = 10'

Narrative

The intent of this proposal is to apply for a minor land partition utilizing SB458 to create three new child lots. Each lot will have one unit on it. There will be four units total. One unit per lot. new units will be part of a detached fourplex. Each unit will have its own utility connection to water, and sewer. storm laterals will be connected to the city mains in Kenthorpe way ROW. An easement will be given where its needed for sewer and storm laterals. Each unit will have vehicle or pedestrian access. Three new detached dwellings will be built on the new middle housing lots and the existing home will remain, resulting in a detached fourplex. The Carport structure currently attached to the existing house will be demolished to make room for lot 3. Applicant is requesting if there is any street improvements required that a FIL option is also offered.

Lot 1 Please see building plans for lot 1.

2000 sq ft footprint and 3000 sq ft of living area.

Lot 2 lot 1 and 2 will have the or similar home built on them. Please see plans

Lot 3 will have a skinny house 15' wide 7.5' from the side property line and 3' from the property line abutting lot 4. A fire detail will be provided for this house. Footprint will be 15x60 2.5 story 2100 sq foot home. House will be under 35' tall

Lot 4 will have the existing house on it. It will only be 2' from the property line on both sides so it will have a fire detail provided. All fire details will be provided before building permits are issued and before final plat is signed off by the City of West linn. Home is one story and 1800 sq ft

The parent lot size is 20,037 sq ft

In the R-10 Zone

Allowed FAR: .60 /12022.2sq ft Actual proposed FAR: .44 OR 8900sq ft

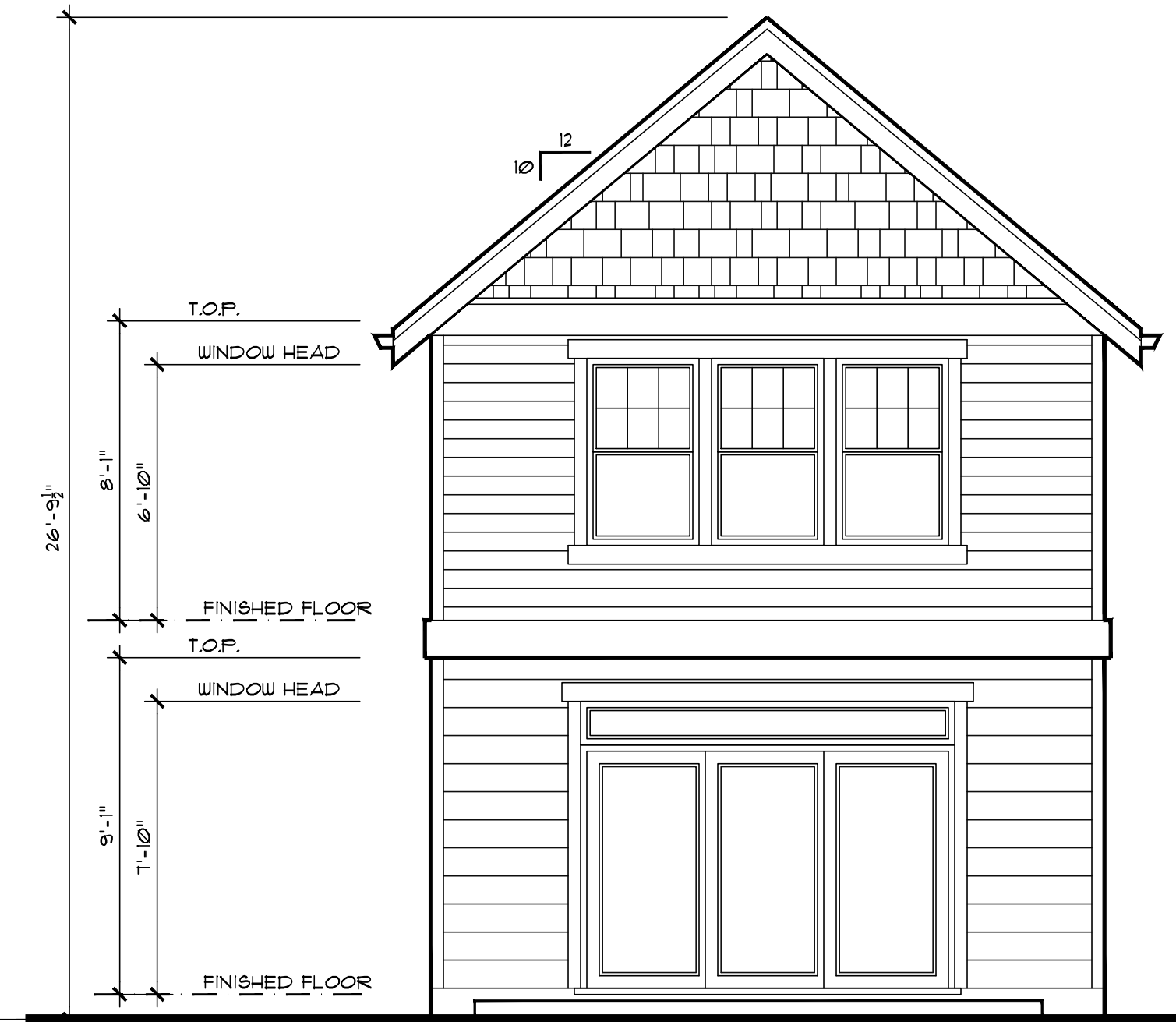
Lot coverage: 35% / 7012sq ft Actual proposed lot coverage: 27.9% 5600sq ft

plans for lot 1 and 2



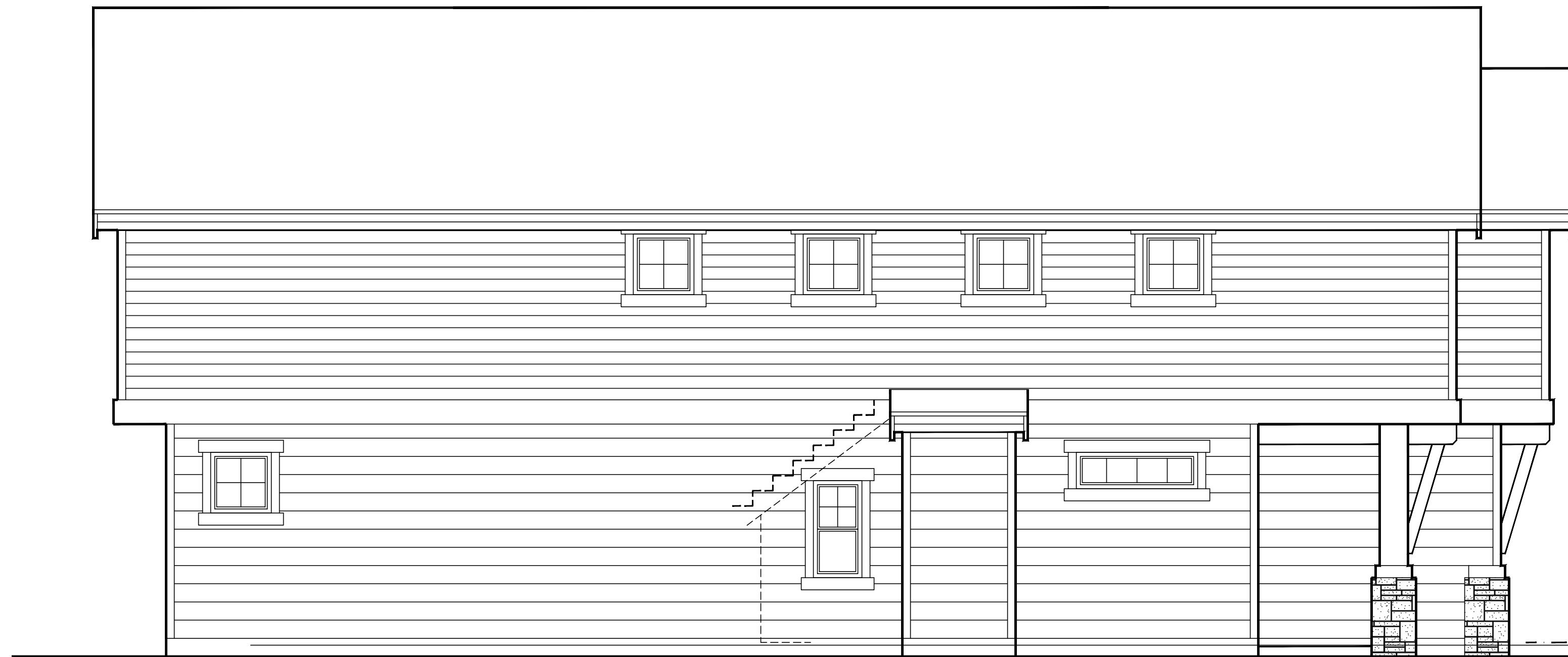
RIGHT ELEVATION

SCALE :1/4" = 1'-0"



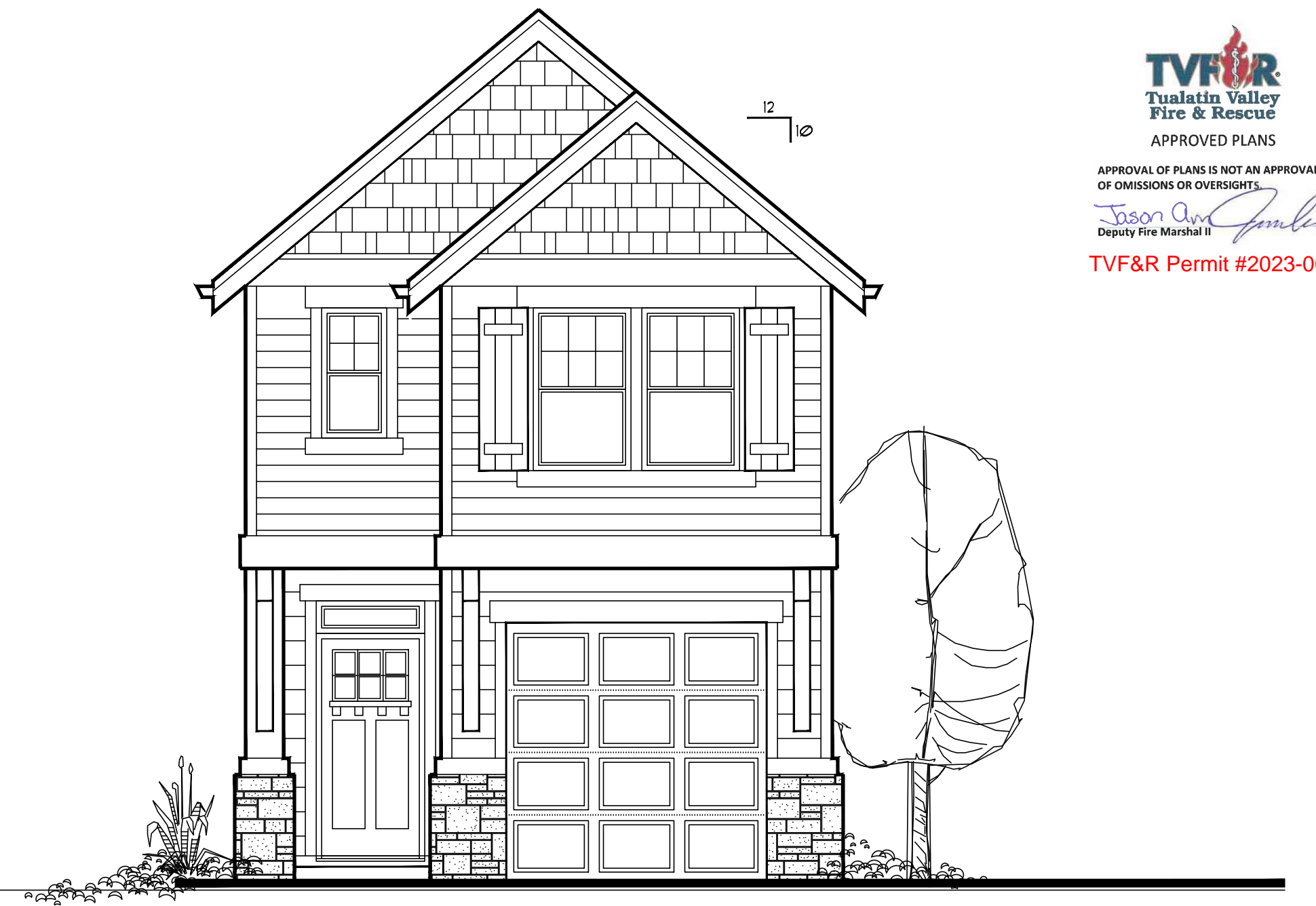
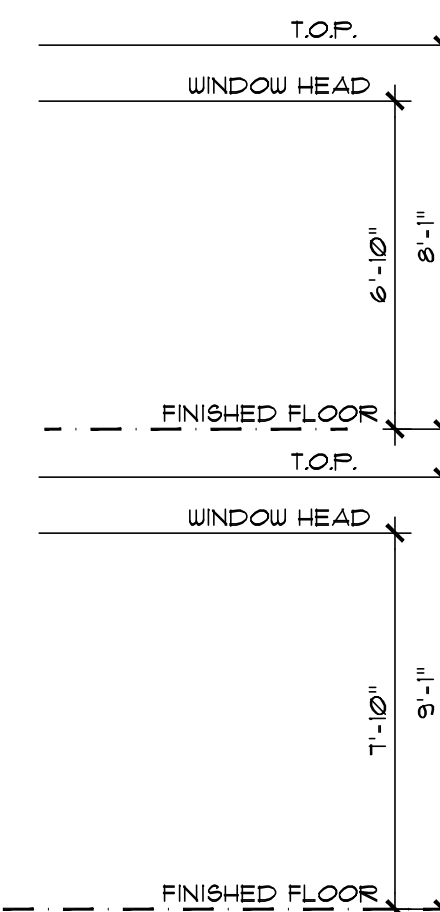
REAR ELEVATION

SCALE :1/4" = 1'-0"



LEFT ELEVATION

SCALE :1/4" = 1'-0"



FRONT ELEVATION

SCALE :1/4" = 1'-0"

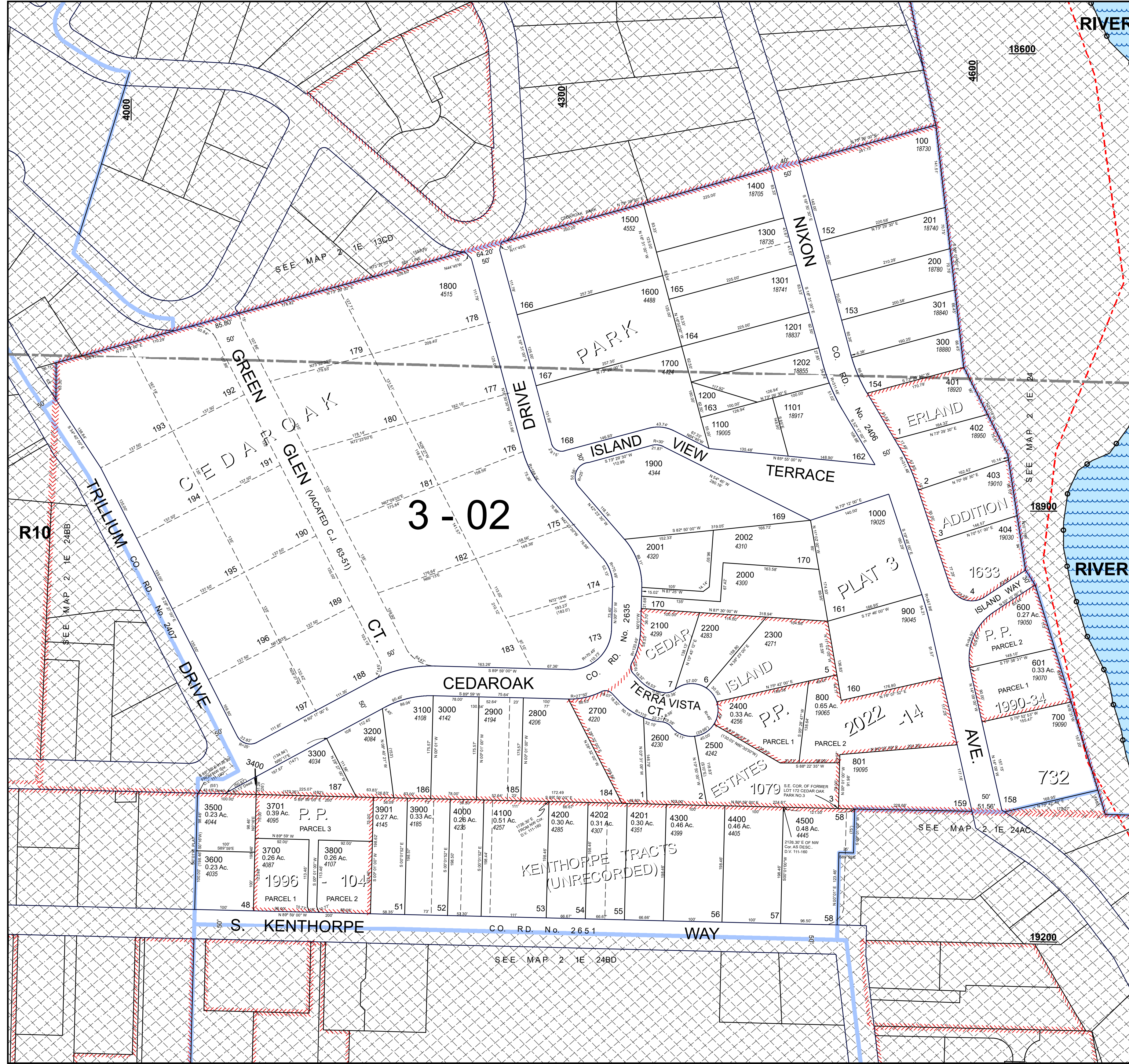
TVF&R
Tualatin Valley
Fire & Rescue
APPROVED PLANS
APPROVAL OF PLANS IS NOT AN APPROVAL
OF OMISSIONS OR OVERSIGHTS
Jason A. Smith
Deputy Fire Marshal II
TVF&R Permit #2023-0064

* HANDGRIP SECTION
BTUN 1 1/2" x 4 2"

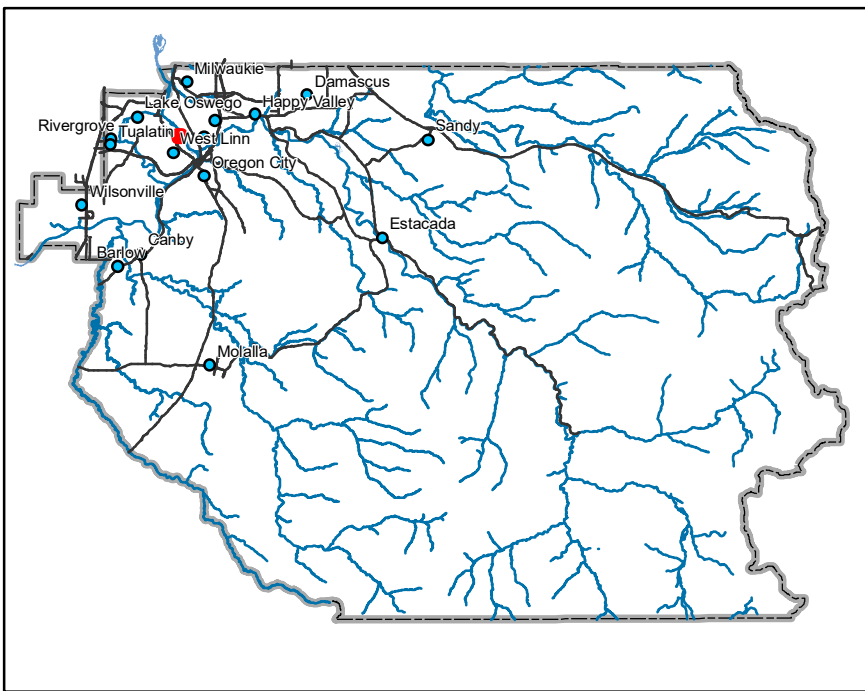
EXHIBIT PD-2 PROPERTY MAPS

D. L. C.
GEORGE WALLING NO. 62

Cancelled Taxlots
400
500
701



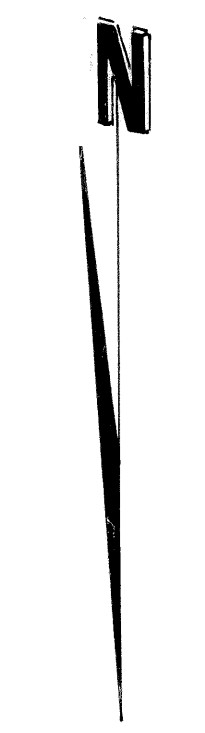
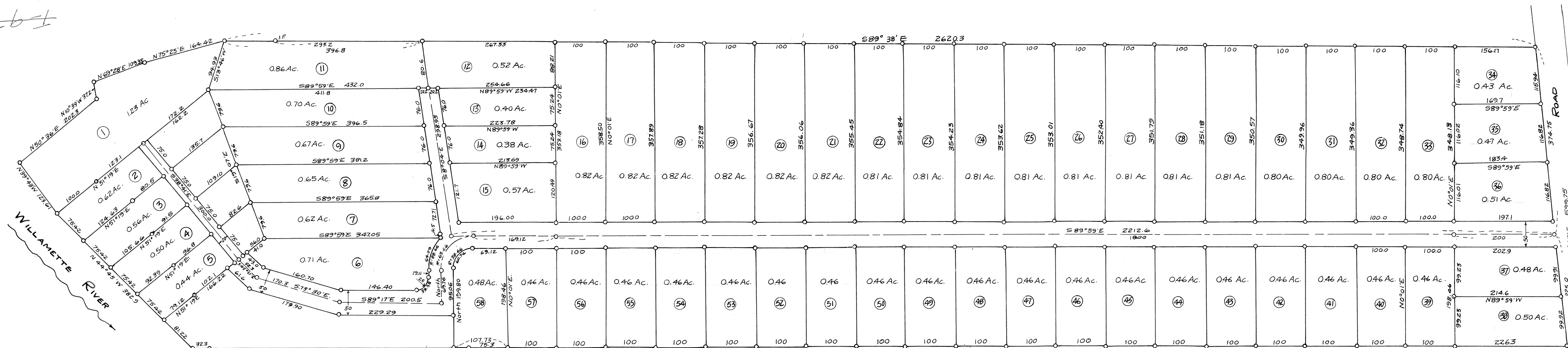
- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- Railroad Centerline
- Tax Code Lines
- ⊞ Map Index
- Water Lines
- Land Use Zoning
- ▨ Plats
- Water
- ⊙ Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- - - DLC Line
- - - Meander Line
- - - PLSS Section Line
- ⊗ Historic Corridor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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

2/22/2022

6-1



SCALE 1 in. = 100 ft.

KENTHORPE TRACTS

NORTHWEST CORNER OF THE
ALEXANDER CHRISTIE TRACT
BOOK III PAGE 160 CLACKAMAS COUNTY RECORDS
SECTION 24 T2S, R1E, W.M.
CLACKAMAS COUNTY, OREGON



212
25
22
23
13
71

SN1-007 T-97

EXHIBIT PD-3 PUBLIC COMMENTS

Myers, Chris

From: Denne Burns <dennelg@gmail.com>
Sent: Tuesday, January 30, 2024 4:56 PM
To: Myers, Chris
Subject: Fwd: 4399 Kenthorpe Way File # ELD-23-08

You don't often get email from dennelg@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

----- Forwarded message -----

From: **Denne Burns** <dennelg@gmail.com>
Date: Tue, Jan 30, 2024 at 4:47 PM
Subject: 4399 Kenthorpe Way File # ELD-23-08
To: <cmeyers@westlinnoregon.gov>

My name is Dannel Burns and I am writing in response to File # ELD-23-08, which is proposing middle density housing at 4399 Kenthorpe Way. I have lived next door at 4351 Kenthorpe Way since May 1984 and I have concerns about the city approving "middle housing" next door and in my neighborhood.

1. Kenthorpe Way, and the surrounding neighborhood, is zoned R-10, low density. I have not located any reference to Kenthorpe Way being rezoned and am unaware of any similar housing being built in our area.
2. The house on lot #3, as proposed, will run along our current shared fence line. At 35 feet tall, it will block all morning sun coming into my house, and will overshadow the house at all times throughout much of the day..
3. There is a discrepancy as to how close the house on lot #3 will be to the fence dividing my property from the lot. On page 4 of the development application, (E) (e) "Response" states that the home on lot #3 will be 3 feet from the property line that abuts the existing house. While on page 14 of the same document "Lot 3 will have a skinny house 15 feet wide, 7.5 feet from the side property line, and abutting lot #4.
4. Is there precedent in West Linn, for such a high density building being approved in low density housing?
5. This has been my neighborhood for nearly 40 years. I have become friends with many of the neighbors, some who have lived here longer than me. I treasure the ambience and beauty of the neighborhood including the deer and the many birds. We have more foot traffic than car traffic on Kenthorpe Way, particularly since a path was placed between Mapleton and our street that is used to access Mary S Young Park as well as Cedaroak primary school. The increased street parking and car traffic is a concern to me.

I would like to invite you down to see the neighborhood that this proposal will affect. Having the proposed "middle housing" placed across the fence will be similar to having an apartment house next door, both in appearance as well as traffic and noise. I feel it will change the personality of the neighborhood.

I request that you deny this application for middle housing in this low density neighborhood.

Dennel Burns
4351 Kenthorpe Way
West Linn, or
503.819.3486
dennelg@gmail.com

Myers, Chris

From: BETHANNE FELDER <solaror@comcast.net>
Sent: Monday, February 5, 2024 9:27 AM
To: Myers, Chris
Subject: File No ELD-23-08

You don't often get email from solaror@comcast.net. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Mr. Myers,

This email concerns the subdivision of the lot at 4399 Kenthrope Way. While I am against this lot being subdivided into four houses I am not completely against it being subdivided into two. The reasons I am against the subdivision as proposed follows.

1. It will change the atmosphere of the neighborhood by squishing four houses on a lot where one currently stands. All the other houses on the street have yards. If this lot is subdivided so that four house are on the property they will be almost no green space. Just buildings.
2. It will increase the number of cars on the street. This street is used frequently by people walking for exercise and walking dogs.
3. Street parking, especially at the end of the street, is already difficult. Greatly increasing the number of houses at this location can only increase this issue.
4. Building more houses on this lot will not result in more affordable housing. These houses, due to their size, will cost > \$700,000.
5. This builder has already demonstrated he is not a good neighbor. He is currently remodeling the house that is on the lot. He has left piles of debris, including glass and other hazardous materials for weeks unconfined in the front yard. Not only is this is an eyesore but materials have blown around the neighborhood.
6. While I am sure you cannot consider this when making a decision about this matter, this street has already put up with expansion of the water treatment plant and all the traffic, trucks, noise and inconvenience that occurred. We deserve to keep our quiet street.

Regards,
Bethanne Felder
4572 Kenthrope Way

Myers, Chris

From: duanefunk@comcast.net
Sent: Wednesday, January 31, 2024 11:01 AM
To: Myers, Chris
Subject: Planning Manager Decision File No. EID-23-08

You don't often get email from duanefunk@comcast.net. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

I am Duane H Funk, and this is in response to the Notice of upcoming Planning Manager Decision File No. EID-23-08 on the property at 4399 Kenthorpe Way. I have lived next door at 4405 Kenthorpe Way for nearly thirty two years.

1. I am very concerned about the city pushing “middle housing” into this neighborhood. It looks to me like apartment style homes are being shoehorned into an area of single family homes.
2. My understanding is that this area is zoned R-10, and I am at a loss to understand how such a subdivision can be legal. I certainly have not received any notification of a zone change.
3. The application appears to show a driveway running along my property line. I fear that the large trees on that property line will suffer fatal root damage during construction.. The trees were the main reason I bought the property. I have lost too many over the years, and I do not want to lose any more of them.
4. I walk Kenthorpe on a daily basis. And, I am not alone. There is more foot traffic than car traffic on Kenthorpe Way, particularly since the path was put in over to Mapleton. Many use our street to get to Mary S Young Park and Cedaroak primary school. The increased street parking and car traffic worries me.

For the aforesaid reasons I request that this application be denied.

Duane H Funk
4405 Kenthorpe Way
West Linn, OR
503 635 6662
duanefunk@comcast.net

Myers, Chris

From: Emily Wale <emilylwale@gmail.com>
Sent: Monday, February 5, 2024 1:57 PM
To: Myers, Chris
Subject: 4399 Kenthorpe Way - Inquiry and Concern

You don't often get email from emilylwale@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello,

My name is Emily Wale, and my family lives at 4107 Kenthorpe Way. I am writing to you in regard to File # ELD-23-08.

I was recently informed that there is a motion to create middle housing on the street. We purchased our current house nearly eight years ago, and were under the impression the street was considered low density housing.

I, among many neighbors, have followed along the middle housing updates for West Linn and have not seen our street nor neighborhood included in the zones approved for consideration.

Can you please point me to where this was formally changed? I can speak for several neighbors when I say we are confused and highly concerned with the proposal shared. We currently have a very quiet, dead-end street with low vehicle traffic but high foot traffic - especially for children walking to Cedaroak Primary School. We are worried this proposal would set in motion a precedent that goes against the feel of our community.

Thank you,
Emily

EXHIBIT PD-4 COMPLETENESS LETTER



CITY OF
West Linn

January 19, 2024

Alexander Shah
18531 S Upper Highland Rd.
Beavercreek, OR. 97068

SUBJECT: ELD-23-08 – Application for a middle-housing subdivision to separate a detached quadplex onto individual lots at 4399 Kenthorpe Way.

Dear Mr. Shah,

You submitted application materials on January 9, 2024. The Planning and Engineering Departments determined that the application is now **complete**.

The application proposes a SB458 expedited land division for HB2001 middle housing development. Per SB458, the City is required to process the application under the procedures outlined in Oregon Revised Statute 197.360 to 197.380. The City has 63 days to make a decision to approve or deny the application; that period ends March 19, 2024.

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-5 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-23-08**

Applicant's Name: **Alec Shah**

Development Name: **4399 Kenthorpe Way**

Scheduled Decision Date: **after February 5, 2024**

MAILED NOTICE

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

| | | |
|--|---------|----------------------|
| Alec Shah, applicant | 1/22/24 | <i>Lynn Schroder</i> |
| Property owners within 100ft of the site perimeter | 1/22/24 | <i>Lynn Schroder</i> |
| Robinwood Neighborhood Association | 1/22/24 | <i>Lynn Schroder</i> |
| WLWL SD | 1/22/24 | <i>Lynn Schroder</i> |
| Clackamas County | 1/22/24 | <i>Lynn Schroder</i> |
| PGE | 1/22/24 | <i>Lynn Schroder</i> |
| TriMet | 1/22/24 | <i>Lynn Schroder</i> |
| NW Natural Gas | 1/22/24 | <i>Lynn Schroder</i> |
| Comcast | 1/22/24 | <i>Lynn Schroder</i> |
| TVF&R | 1/22/24 | <i>Lynn Schroder</i> |
| Stafford-Tualatin CPO | 1/22/24 | <i>Lynn Schroder</i> |

EMAILED NOTICE

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

| | | |
|--------------------------|---------|----------------------|
| Metro | 1/22/24 | <i>Lynn Schroder</i> |
| Neighborhood Association | 1/22/24 | <i>Lynn Schroder</i> |
| Alec Shah, applicant | 1/22/24 | <i>Lynn Schroder</i> |

WEBSITE

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

| | |
|---------|----------------------|
| 1/22/24 | <i>Lynn Schroder</i> |
|---------|----------------------|

FINAL DECISION

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

| | |
|---------|----------------------|
| 3/12/24 | <i>Lynn Schroder</i> |
|---------|----------------------|

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-23-08**

The City of West Linn has received a complete application for an expediated land division (SB458) for middle housing at 4399 Kenthorpe Way (Tax Lot 21E24BA04300). The applicant is requesting approval of a land division to divide a proposed detached quadplex onto individual sublots with proposed size listed below:

Lot 1 – 10,330 square feet
Lot 2 – 2133 square feet
Lot 3 – 2295 square feet
Lot 4 – 5085 square feet

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/projects>. 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 February 5, 2024. 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.**

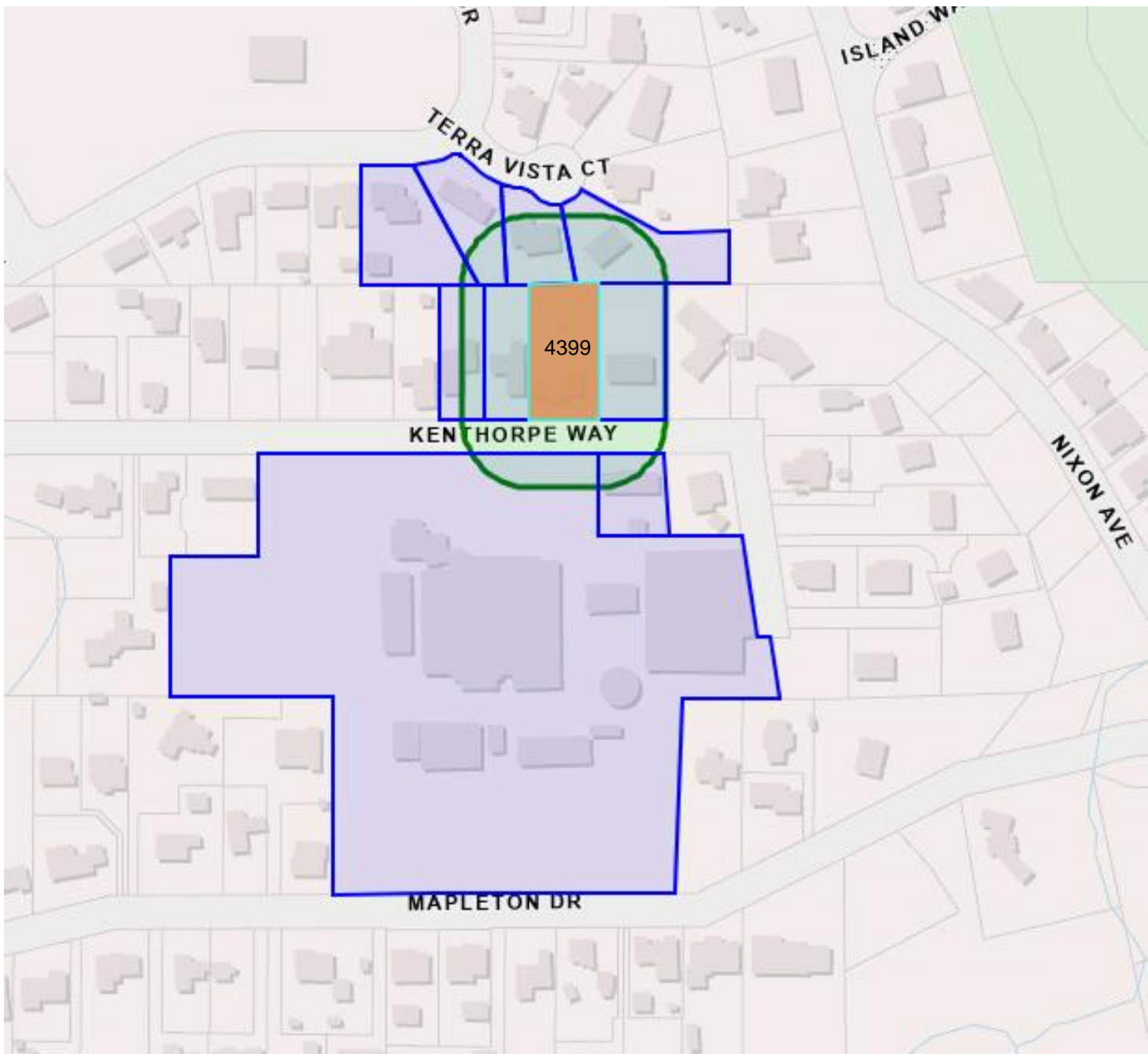
All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

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-23-08 - Notified Properties within 100 feet of 4399 Kenthorpe





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-08
MAIL: 1/22/2024 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.