



PLANNING DIRECTOR DECISION

DATE: December 19, 2025

FILE NO.: ELD-25-07

REQUEST: Approval of a Middle Housing Land Division to divide an existing lot with a single-family residence at 3815 Poseidon Court into 2 lots; and construct a second unit of a detached duplex.

PLANNER: Aaron Gudelj, Associate Planner

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GENERAL INFORMATION

APPLICANT:	Mary Prier 3815 Poseidon Court West Linn, OR 97068
CONSULTANT:	Emerio Design 1500 Valley River Drive, Suite 100 Eugene, OR 97401
SITE LOCATION:	3815 Poseidon Court
SITE SIZE:	18,830 square feet
TAXLOT ID:	21E25BB00145
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Residential
APPROVAL CRITERIA:	Oregon Revised Statute 92.031
63-DAY RULE:	The application became complete on October 20, 2025. The 63-day period for an expedited land division ends December 22, 2025.
PUBLIC NOTICE:	Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Rosemont Summit Neighborhood Association on October 24, 2025 as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on October 24, 2025. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

The subject property is a 18,830 square foot property and a legal lot of record at 3815 Poseidon Court. The property is zoned R-10; Residential and currently contains an existing residence on the site. The applicant has proposed to keep the existing residence and construct an additional detached dwelling unit (detached duplex) while dividing the existing lot under ORS 92.031 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting lot will contain one dwelling unit of the detached duplex.

Proposed Lot Sizes

Lot 1 – 12,771

Lot 2 – 6,059

The property is not located within the Willamette River Greenway (WRG), the FEMA flood hazard area, or a Water Resource Protection Area. Public water, sewer, and stormwater facilities are accessible via an existing public utility easement along the front of the subject lot.

Each of the 2 lots will take access from Poseidon Court. The Poseidon Court right-of-way (ROW) is approximately 50 feet wide adjacent to the subject property, and consistent with the prevailing ROW pattern along Poseidon Court and Apollo Road and does not require any ROW dedication. Street improvements are required as part of this application since an increase in dwelling unit density is proposed on the site and verification of compliance with street improvement construction standards will be verified during the building-related permit review process.

Public comments:

The City received the following comments regarding the subject application:

10.27.2026 Ellie Hubbard Email

- *Opposes an added dwelling*
- *Does not benefit the neighborhood; more vehicles/traffic, tree removal, underground water/stream*

11.06.2025 Antonio Padilla Written Comment

- *Underground water/stream*

11.07.2025 Ketih and Debi Meyers Email

- *Lot frontage is small, street parking not available.*

Staff Response: The proposed increase in dwelling unit density from one unit to two units is allowed via ORS 92.031 and the construction of a detached duplex is a permitted use in the underlying R-10 zone. The increase in one dwelling unit is anticipated to increase trips to the site by 9 visits per day according to the ITE Trip Generation Manual. Poseidon Court is classified as a local street and has not been identified as being substandard in regard to traffic flow; the

increase in one dwelling unit is not anticipated to impact the traffic flow according to the Trip Generation Manual published by the Institute of Transportation Engineers.

The property does not have any designated Water Resource Areas and an existing stormwater line along the frontage will be utilized by the new detached dwelling unit for installation of utilities.

DECISION

The Planning Director approves this application (ELD-25-07) for an expedited land division under the rules of ORS 92.031 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 substantially conform to the Preliminary Plat dated 9/30/25 (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. **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 ORS 92.031. Further division of the resulting parcels is prohibited".

6. **Final Plat Recording.** The approval of the tentative plat (ELD-25-07) shall be void if the applicant does not record the final partition plat within three years of approval.
7. **Final Plat.** The final plat shall show a reciprocal access easement and mutual maintenance agreement between the two lots. The easement recording number shall be on the final plat.
8. **Street Improvements.** Street improvements are required to be complete prior to Final Plat approval.

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

Aaron Gudelj
Aaron Gudelj, Associate Planner

December 19, 2025
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 19th day of December 2025.
Therefore, the 14-day appeal period ends at 5 p.m., on January 2, 2025.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
ELD-25-07

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 197A.420 (2) or (3).

ORS 197A.420 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*
- (b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.*

Staff Finding 1: The subject property is zoned Residential, R-10 and permits the construction of a detached duplex. ORS 197A.420 requires the City of West Linn to allow detached duplexes, one type of middle housing, in areas zoned for residential use that allows for the development of single-family dwellings. The applicant proposes the construction of detached duplex with each dwelling unit on its own lot as permitted by West Linn Community Development Code (CDC) Chapter 11.030. CDC Chapter 2 defines a detached duplex as "*Two attached or detached dwelling units on a lot or parcel in any configuration.*". The proposed division of the subject lots, 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 197A.420 (5);*

Staff Finding 2: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). The detached duplex will consist of an existing dwelling unit on the subject lot to remain and a newly constructed detached dwelling unit on the newly created lot to the east. The applicant did not submit building plans for the detached duplex with this application, however a plot plan with lot dimensions and building footprint was provided. The applicant shall submit building plans and obtain approval of compliance with the Oregon Residential Specialty Code from West Linn Planning Staff prior to Final Plat approval by the City per Condition of Approval 2. As conditioned, the criteria are met.

Staff Finding 3: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing,

including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The siting and design regulations are reviewed by West Linn Staff during building permit review. Minimum property line setbacks and maximum lot coverage will be applied and calculated based on the subject property boundary and total area. Sidewall transitions and maximum building height will be reviewed based on building plans. The applicant did not submit building plans for the detached duplex with this application, however a plot plan with lot dimensions and approximate building footprint was provided. 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. As conditioned, the criteria are met.

(b) Separate utilities for each dwelling unit;

Staff Finding 4: The applicant proposes the construction of a detached duplex with separate utility connections for each dwelling unit. The existing residence will remain on the westerly lot and will maintain operation of their current individual utility facilities. Additional utilities shall be installed for the new dwelling unit on the easterly lot and can be directly accessed via the Poseidon Court frontage. 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 5: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by ORS 92.031. A shared vehicle access is discussed in the application along Poseidon Court and the project is conditioned to require an access easement and mutual maintenance to be recorded and shown on the Final Plat between the two lots. The existing residence will maintain operation of their current individual utility facilities and additional utilities for the new dwelling unit will be located in the existing public utility easement along the Poseidon Court frontage. As conditioned, the criteria are met.

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

Staff Finding 6: The applicant proposes the construction of a detached duplex on the subject property, including the division of the parcel as allowed by ORS 92.031. All dwellings will have direct access to Poseidon Court, a public street. The criteria are met.

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

Staff Finding 7: The applicant does not propose any common use areas or shared building elements; no easements have been identified at this time. The criteria are met.

(D) Any dedicated driveways or parking; and

Staff Finding 8: The applicant proposes the construction of a detached duplex on the subject property, including the division of the parcel as allowed by ORS 92.031. A shared driveway for vehicle access is proposed, and Condition 7 requires recording of an access easement and mutual

maintenance agreement between the two lots to be recorded and shown on the Final Plat. No shared parking areas are proposed. As conditioned, the criteria are met.

(E) Any dedicated common area;

Staff Finding 9: 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 10: The applicant proposes the construction of a detached duplex as permitted by West Linn Community Development Code (CDC) Chapter 10.030. The existing dwelling unit will remain as-is on the westerly lot, and a new detached dwelling unit on the newly created easterly lot is proposed. CDC Chapter 2 defines a duplex as "*Two attached or detached dwelling units on a lot or parcel in any configuration.*" The proposed division of the subject lot, which allows the development of middle housing, is permitted. 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 11: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type. The applicant did not submit building plans for the duplex with this application, however a plot plan with site dimensions and approximate building footprint was provided as part of the applicants submittal. 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 12: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by ORS 92.031. The applicant shall include on the face of the plat a notation prohibiting the further division of the resulting parcels under the provisions of ORS 92.031 per Condition of Approval 5. 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 13: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by ORS 92.031. The applicant shall include on the face of the plat a notation indicating the approval was given under the provisions of ORS 92.031 per Condition of Approval 5. 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 14: Please see Staff Findings 23 to 50. 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 197A.420.*

Staff Finding 15: The subject lots have approximately 93 ft of frontage (Westerly Lot = 73' & Easterly lot = 20') along Poseidon Court, which is classified as a Local Street. Street improvements are required as part of this application pursuant to CDC Chapter 96, since the applicant proposes an increase in dwelling unit density on the site and Poseidon Court. Condition 8 requires street improvements to be complete prior to Final Plat approval. As conditioned, 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 16: The City has not applied any approval criteria except as provided in this section. 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 17: 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 18: 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. As conditioned, 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 19: The subject property is adjacent to Poseidon Court, a public right-of-way (ROW) and a Local Street. The existing Poseidon Court ROW measures approximately 50 feet in width. The proposed project does not require a right-of-way dedication. The criteria do not apply.

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

Staff Finding 20: The applicant proposes the construction of a detached duplex on the subject property, including the division of the lot as allowed by ORS 92.031. The type of middle housing proposed, detached duplex, will not be altered by the land division. The criteria are met.

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

Staff Finding 21: 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 22: The approval of the tentative plat (ELD-25-07) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 6. As conditioned, 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 23: 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 24: The subject property is zoned Residential, R-10 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of a detached duplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.

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

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

(ii) *The Willamette River Greenway;*

Staff Finding 25: The subject property is not located within the Willamette River Greenway or any other natural resource area. The criteria are met.

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

Staff Finding 26: 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 27: Existing development patterns meet street connectivity standards in the vicinity of the subject property. The 2016 West Linn Transportation System Plan (TSP) does not include any street connectivity projects adjacent to the subject property. The pedestrian plan within the TSP does not include any pedestrian related projects. 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 28: The subject lot is approximately 18,030 sq. ft. and zoned Residential, R-10. The applicant proposes a detached duplex middle housing development (Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The middle housing development will result in two total dwelling units, which is 100 percent of the maximum density currently permitted by the underlying R-10 zone. 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 29: The applicant proposes an expedited land division that creates two lots as permitted under ORS 92.031. The proposal meets the criteria set forth in paragraph (a), see Staff Findings 23 to 28. 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 30: 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 31: **The applicant proposes middle housing on the subject property through the construction of a detached duplex, including the division of the lot as allowed by ORS 92.031. The City has applied the approval criteria of ORS 92.031, including the physical characteristics of the development (Staff Finding 3), the dimensions of the lots to be created, and required facilities and services necessary for the proposed development (see Staff Findings 4, 5, 6, 8, 15, and 19, 28). 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 32: **See Staff Findings 23 to 31. 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 33: **The applicant did not request to use the procedures outlined in the West Linn Community Development Code, therefore the City processed the application as an Expedited Land Division. The application was submitted and deemed complete by the City on October 20, 2025. 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 34: **The application was submitted on September 30, 2025 and deemed complete by the City on October 20, 2025. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on September 30, 2025. 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 35: 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 October 24, 2025. 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 October 24, 2025. The City provided written notice to the Rosemont Summit Neighborhood Association on October 24, 2025. The affidavit of public notice is found in Exhibit PD-3. 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 36: The City provided written notice in compliance with subsection (3). A copy of the notice is found in Exhibit PD-3. 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 37: The City provided written notice under subsections (2) and (3) on October 24, 2025 with a deadline for submission of written comments on November 7, 2025. This provided a 14-day comment period. A copy of the notice is found in Exhibit PD-4. 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 38: The application was submitted deemed complete by the City on October 20, 2025. The City approved the application with conditions on December 19, 2025, the 60th 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 39: The City did not hold a hearing on the application. The City issued the Planning Director 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 40: The City provided notice of the decision to the applicant and those who received notice under subsection (2) on December 19, 2025 the 60th day after deeming the application complete. The notice of decision included the summary statement and an explanation of appeal rights. The criteria are met.

197.370 Failure of local government to timely act on application.

(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division or a middle housing land division, as defined in ORS 92.031, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 92.031 or 197.360. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division or a middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 92.031 and 197.360 to 197.380, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

Staff Finding 41: 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 42: 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 43: 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 44: 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 45: 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 46: 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 47: 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 48: 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 49: 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 50: 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



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656.3535 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

STAFF CONTACT Aaron Gudelj	FOR OFFICE USE ONLY PROJECT No(s): ELD-25-07	PRE-APPLICATION No. n/a
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

<input type="checkbox"/> Annexation (ANX)	<input type="checkbox"/> Final Plat (FP) Related File #	<input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Appeal (AP)	<input type="checkbox"/> Flood Management Area (FMA)	<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> CDC Amendment (CDC)	<input type="checkbox"/> Historic Review (HDR)	<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Code Interpretation (MISC)	<input type="checkbox"/> Lot Line Adjustment (LLA)	<input type="checkbox"/> Right of Way Vacation (VAC)
<input type="checkbox"/> Conditional Use (CUP)	<input type="checkbox"/> Minor Partition (MP)	<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Design Review (DR)	<input type="checkbox"/> Modification of Approval (MOD)	<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Tree Easement Vacation (MISC)	<input type="checkbox"/> Non-Conforming Lots, Uses & Structures	<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input checked="" type="checkbox"/> Expedited Land Division (ELD)	<input type="checkbox"/> Planned Unit Development (PUD)	<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Extension of Approval (EXT)	<input type="checkbox"/> Street Vacation	<input type="checkbox"/> Zone Change (ZC)

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

Site Location/Address: 3815 Poseidon Court	Assessor's Map No.: 2-1e-25BB
	Tax Lot(s): 145
	Total Land Area: 0.41 acre

Brief Description of Proposal:

Application for middle housing land division to divide one parcel into two lots.

Applicant Name*: **Mary Prier**
Address: **3815 Poseidon Court, West Linn, Oregon 97068**
City State Zip:

Phone: **503-422-1612**
Email: **prierme@yahoo.com**

Owner Name (required): **Same as applicant**
Address:
City State Zip:

Phone:
Email:

Consultant Name: **Emerio Design**
Address: **1500 Valley River Drive Suite 100, Eugene, Oregon**
City State Zip: **97401**

Phone: **503-446-8812**
Email: **jarnold@emeriodesign.com**

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. *The applicant is financially responsible for all application costs.
2. All information provided with the application is considered a public record and subject to disclosure.
3. The owner/applicant or their representative should attend all public hearings related to the application.
4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
5. Submit this form, application narrative, and all supporting documents as a single PDF through the 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. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Applicant's signature

Date

Owner's signature (required)

Date

Poseidon Court Middle Housing Land Division

Prepared for:

Mary Prier
3815 Poseidon Court
West Linn, Oregon 97068

Prepared by:



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

September 5, 2025

Revised: October 7, 2025

20 of 49

Planning Director Decision

Project Summary

Request:	Application for Middle Housing Land Division to divide one parcel into two lots.	
Location and Map Number:	3815 Poseidon Court, West Linn, Oregon 97068 Clackamas County Assessor's Map No. 2-1e-25BB, Tax Lot 145	
Applicant/Owner:	Mary Prier 3815 Poseidon Court West Linn, Oregon 97068 Phone: 503-422-1612 Email: prierme@yahoo.com	
Engineer/Planner:	Emerio Design, LLC 1500 Valley River Drive Suite 100 Eugene, OR 97401 503-746-8812 Engineer: Keelan Smith, PE keelan@emeriodesign.com	Planner: Jennifer Arnold jarnold@emeriodesign.com

Exhibits:

A – County Assessor's Map

B – Aerial Photograph

C – Zoning Map

I. Project Description

Mary Prier, the owner and applicant, is proposing a middle housing land division to create two lots from a single parcel identified as Clackamas County Assessor's Map No. 2-1e-25BB, Tax Lot 145; the parcel can also be identified by its address, 3815 Poseidon Court, West Linn, Oregon 97068. The base zone applied to the property is Residential, R-10.

The proposed development conforms to all applicable sections of the Oregon Revised Statutes (ORS) and the City of West Linn Community Development Code (CDC). This application provides findings of fact that demonstrate conformance with all applicable standards of the previously mentioned governing regulations. Applicable criteria of the ORS and CDC will appear in *italics* followed by the applicant's responses in **bold** font.

II. Existing Conditions

The subject property is approximately 18,830 square feet and contains an existing dwelling, driveway, and other supporting infrastructure. The subject property has frontage on Poseidon Court, an improved local street under the City of West Linn's jurisdiction. Sidewalk, curb, gutter, and driveway cuts already exist and are available to serve development of the proposed lot. Elevations on the subject property range from 476 feet near the east property boundary to 500 feet above mean sea level near the northwest corner. There are no significant natural features located within the boundaries of the subject properties.

For adjacent zones and land uses refer to Exhibit B for an aerial photograph and Exhibit C for a zoning map. All surrounding uses are detached single-dwelling units zoned R10.

III. Middle Housing Land Division; Conditions of Approval (ORS 92.031)

- (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 197A.420 (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 197A.420 (5);*

Response: The applicant is proposing a middle housing land division to create two lots from one parent parcel to construct a single-family detached residential unit. The subject property is zone R-10 and per CDC 11.030(1) single-family detached residential units are an outright permitted use.

Compliance with the applicable Oregon Residential Specialty Code regulations will be demonstrated during the Building Permit review process. This element of the criterion will be addressed at a future date and time. As for the local land use regulations applicable to this project, ORS 197.758(5) states:

"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."

The City of West Linn has the authority to regulate siting and design of middle housing units. These standards include minimum property line setbacks, sidewall transitions, maximum floor-area-ratio, lot coverage, and building height. These standards, however, are traditionally reviewed under the Building Permit review process. Consequently, this element of the criterion will also be addressed at a future date and time.

(b) *Separate utilities for each dwelling unit;*

Response: As illustrated by the attached utility plan, separate utilities will be provided for the existing and proposed dwelling units. Therefore, this criterion is satisfied.

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

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

Response: There is an existing public utility easement along the frontage of the subject property. No new easements are required for locating, access, replacing, or servicing utility systems. Therefore, this criterion is satisfied.

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

Response: The existing and proposed dwellings will have pedestrian access to Poseidon Court, a public street, via dedicated driveways. Therefore, this criterion is satisfied.

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

Response: The proposed land division does not create any common areas or shared building elements. Therefore, no easements are required, and this criterion is met.

(D) *Any dedicated driveways or parking; and*

Response: The existing driveway cut will be used to provide access to the existing dwelling and a new driveway will be constructed to serve the proposed lot. Therefore, this criterion will be satisfied in the future.

(E) *Any dedicated common area;*

Response: The proposed land division will not create dedicated common use areas. Therefore, no easements are required, and this criterion is met.

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

Response: No single parcel will contain more than one dwelling unit. This land division does not create common lots, parcels, or tracts. Therefore, this criterion is satisfied.

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

Response: Building setbacks are shown on the submitted site plan, which demonstrates compliance with the appropriate standards outlined the West Linn CDC. Compliance with the applicable Oregon Residential Specialty Code regulations will be demonstrated during the Building Permit review process. Therefore, this element of the criterion will be addressed at a future date and time.

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

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

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

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

- (a) *Shall apply the procedures under ORS 197.360 to 197.380.*
- (b) *May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197A.420.*
- (c) *May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.*
- (d) *May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.*
- (e) *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*
- (f) *May require the dedication of right of way if the original parcel did not previously provide a dedication.*

Response: The applicant acknowledges and understands this application will be processed according to the procedures under ORS 197.360 to 197.380. Compliance with this portion of the criterion will occur through completion of the land use process.

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

Response: The proposed land division does not create any conflicts with the existing dwelling. All existing setbacks and restrictions are met, and all newly created setbacks can be met. Therefore, this criterion is met.

(6) *Notwithstanding ORS 197A.425 (1), 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.*

Response: The applicant acknowledges and understands that the city is not required to allow accessory dwelling units now or in the future.

(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.*

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

IV. Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the Oregon Revised Statutes Chapter 92, Subdivisions and Partitions, and the City of West Linn Community Development Code are satisfied.

Exhibit A – Clackamas County Assessor Map

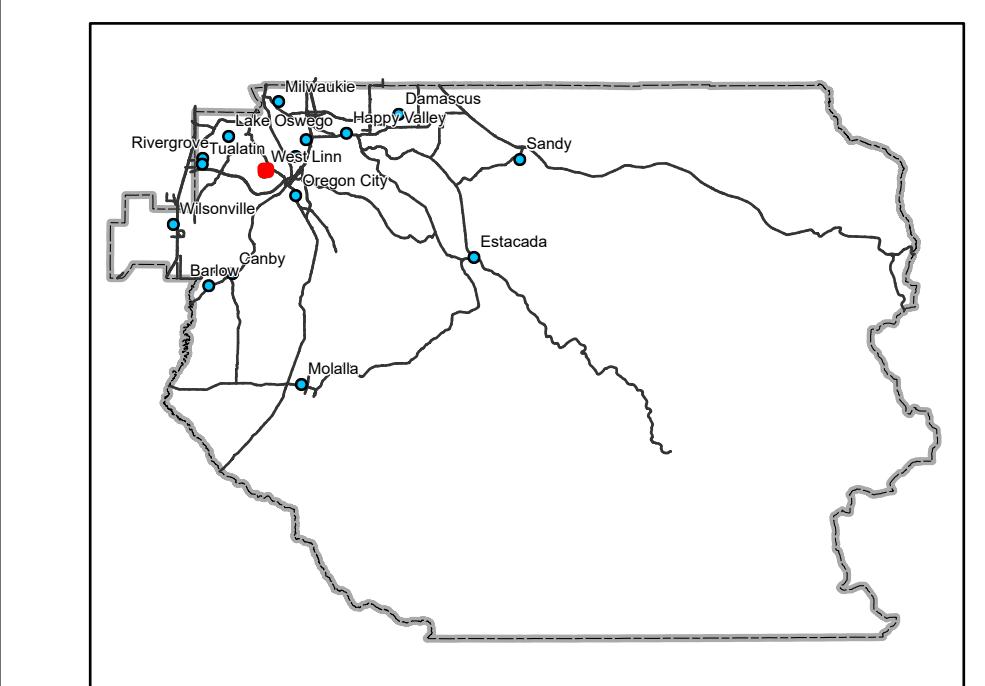
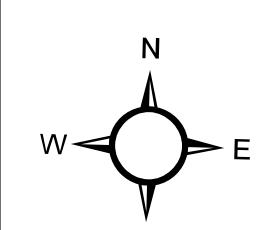
2 1E 25BB
WEST LINN

N.W.1/4 N.W.1/4 SEC.25 T.2S. R.1E. W. M.
CLACKAMAS COUNTY

1" = 100'

D. L. C.
SAMUEL W. SHANNON NO. 70

Cancelled
200
300
400
501
346
402
101
103
147
148
5200
102
104
126



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

2 1E 25BB
WEST LINN

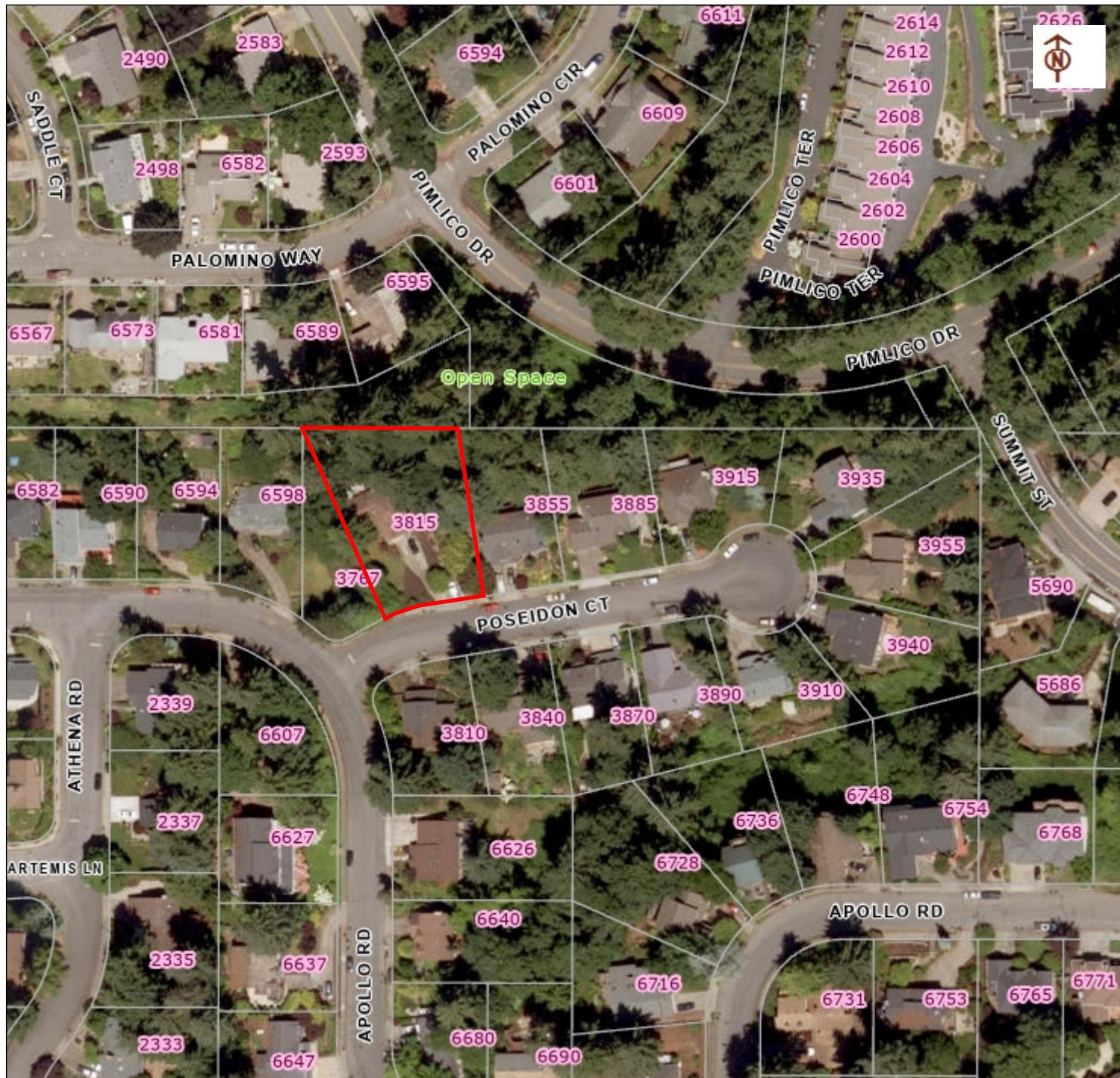
Print Date: 4/4/2024

Planning Director Decision

3-02



Exhibit B – Aerial Photograph



Legend

Addresses

dissolved 0-5K

Points of Interest

Fire Station

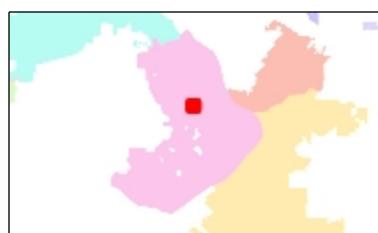
City Hall

Police Station

Public School

Named Parks and OS

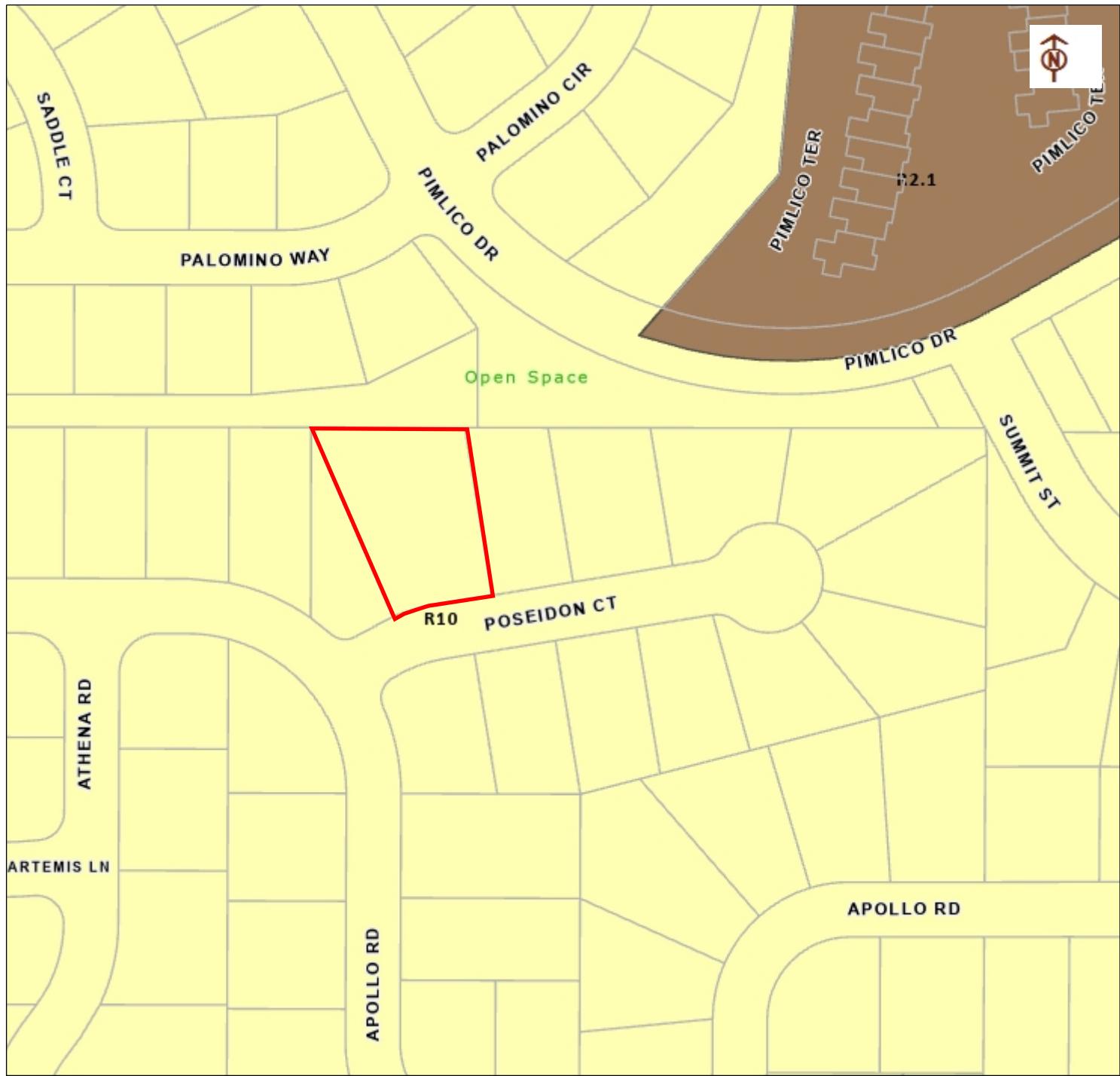
0 0.03 0.06 Miles
1: 2,257



Notes

This map was automatically generated using Geocortex Essentials.
Planning Director Decision

Exhibit C – West Linn Zoning Map



Legend

Zoning

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

dissolved 0-5K

Points of Interest

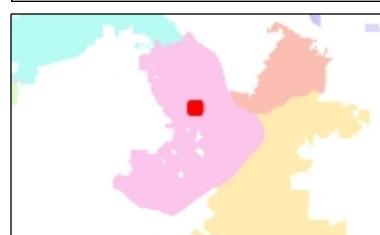
- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

River Label

0 0.03 0.06 Miles

1: 2,257



Notes

This map was automatically generated using Geocortex Essentials. Planning Director Decision

**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 Elligen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Mary Prier

Address: 3815 Poseidon Court, West Linn, OR 97068

Phone: _____

Email: prierme@yahoo.com

Site Address: 3815 Poseidon Court

City: West Linn, Oregon 97068

Map & Tax Lot #: Map 2-1e-25BB, Lot 145

Business Name: _____

Land Use/Building Jurisdiction: City of West Linn

Land Use/ Building Permit #: _____

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 land division to divide one parcel into two lots.

Permit/Review Type (check one):

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)
 * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
 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 # 2025-0164

Permit Type: SPP - West Linn

Submittal Date: 8-28-25

Assigned To: DFM Arn

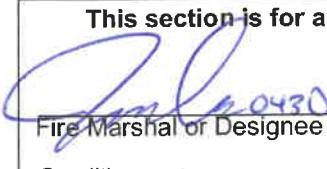
Due Date: NA

Fees Due: 0

Fees Paid: 0

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

This section is for application approval only

 0430
Fire Marshal or Designee

9-10-25
Date

Conditions: See approved fire service plans.

See Attached Conditions: Yes No

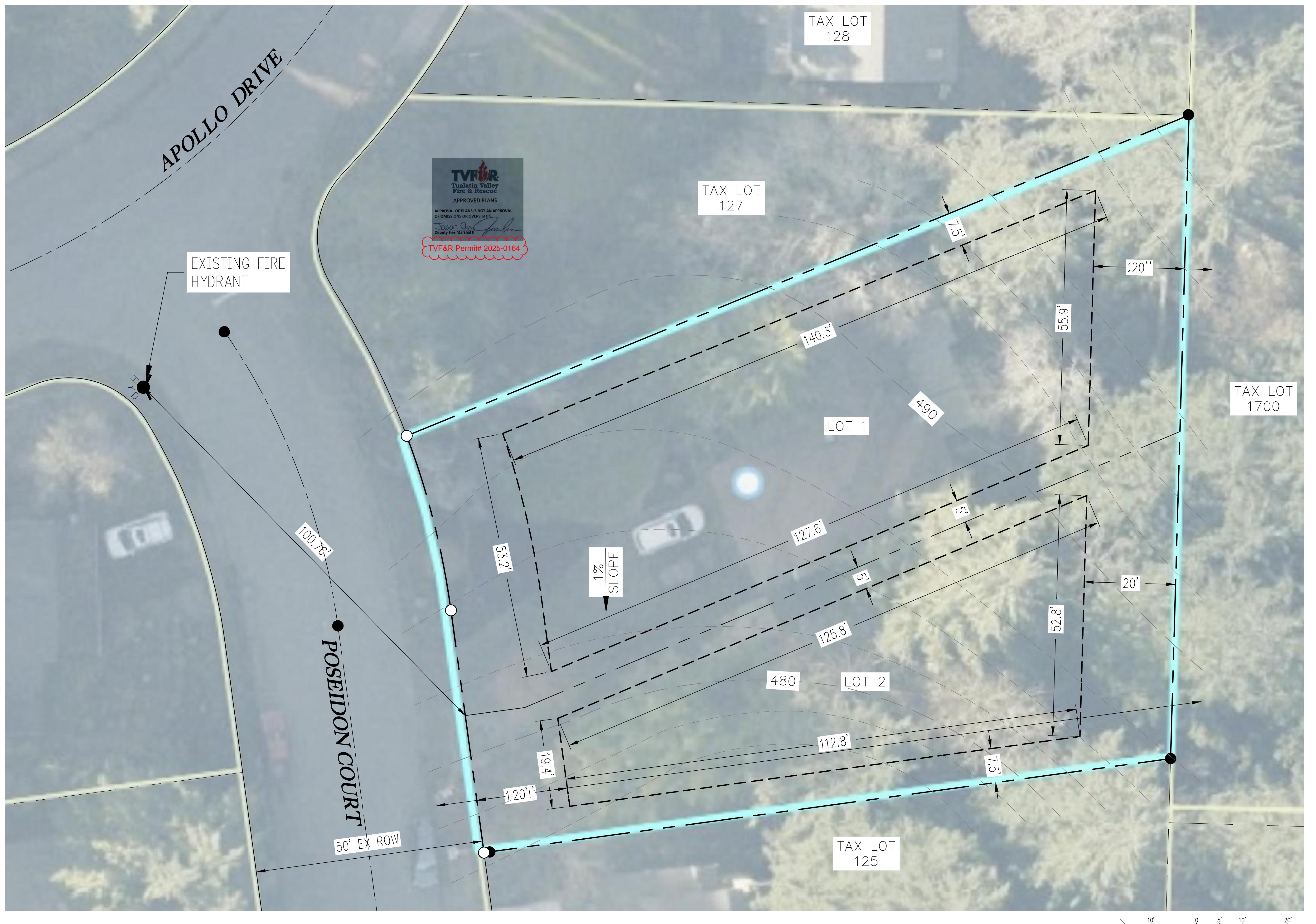
Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID

Date



3815 POSEIDON COURT
TAXLOT 145
WEST LINN
CLACKAMAS COUNTY, OREGON

FS-1

REVISIONS

EMERIO

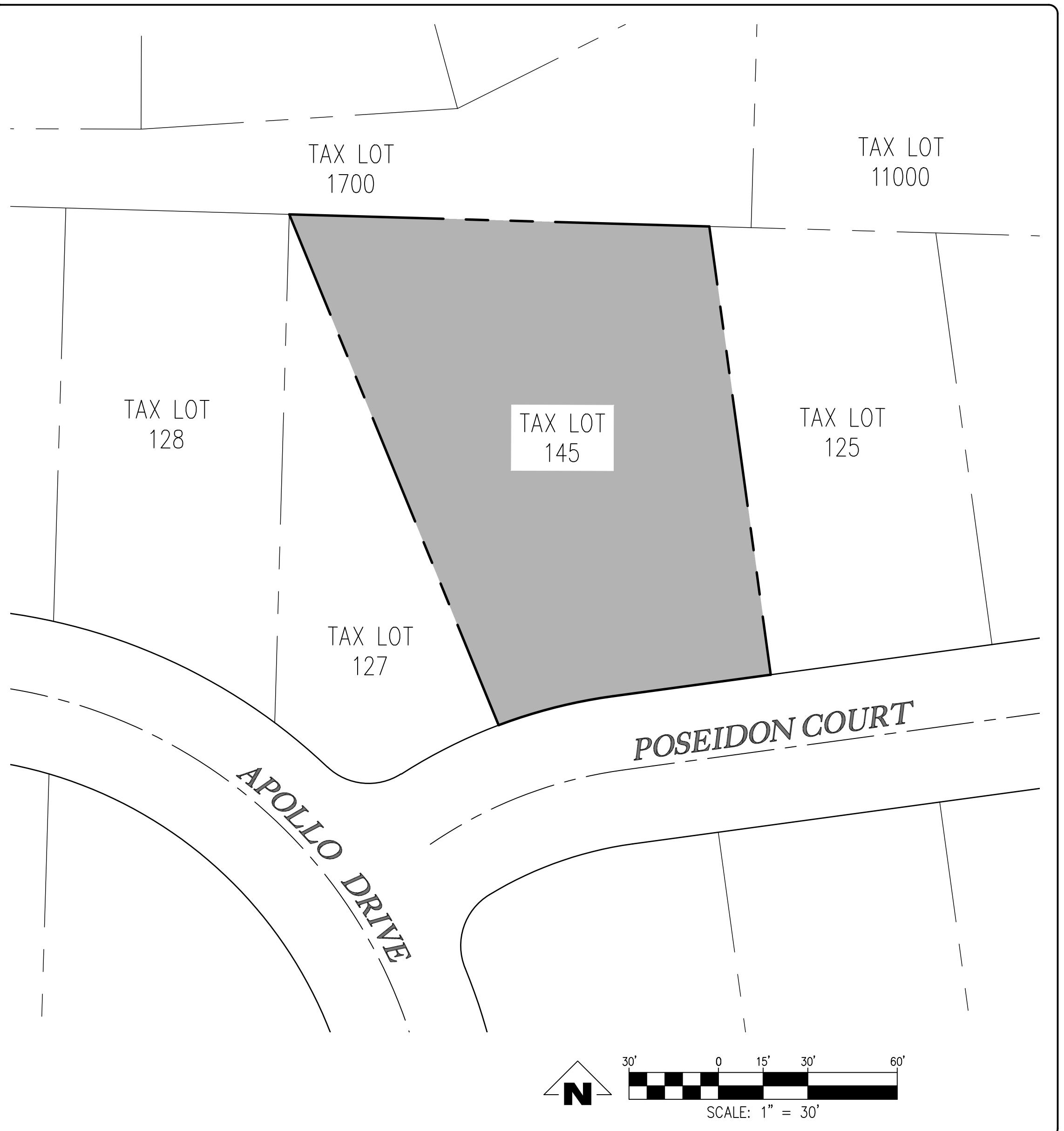
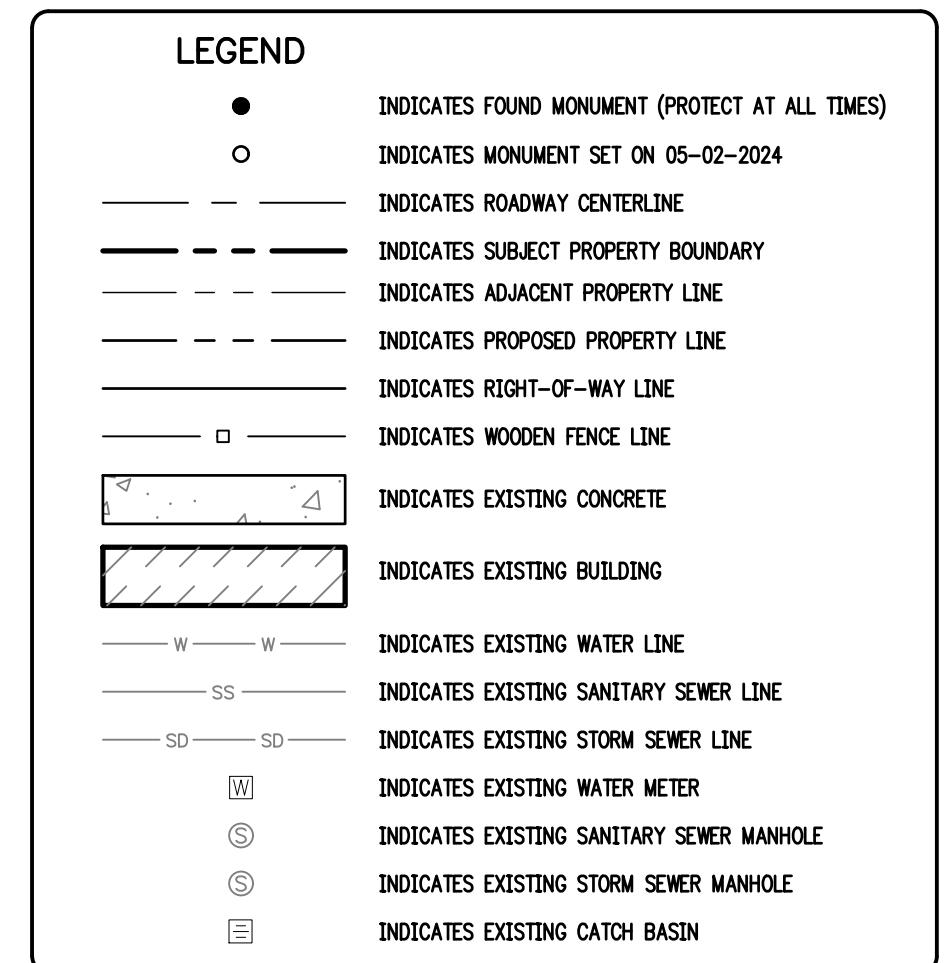
ENGINEERING - SURVEYING - DESIGN

100 VALLEY RIVER DRIVE, STE 100
EUGENE, OREGON 97401
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

EEF: P:\2054-002\3815 Poseidon Ct - Phase 2\dwg\plan\20554-002 055\VER / avout: 05 SITE PI AN Plot Date: 8/27/2025 1:53 PM by Brandy Smaw

3815 POSEIDON COURT

TAX MAP 21E25BB
N.W. 1/4 N.W. 1/4 SECTION 25 T.2S. R.1E. W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



PROJECT CONTACTS

OWNER:
CONTACT: MARY PRIER
3815 POSEIDON COURT
WEST LINN, OR 97068

SURVEYOR:
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OR 97008
CONTACT: SCOTT GRUBBS, PLS
(503) 746-8812 (P)

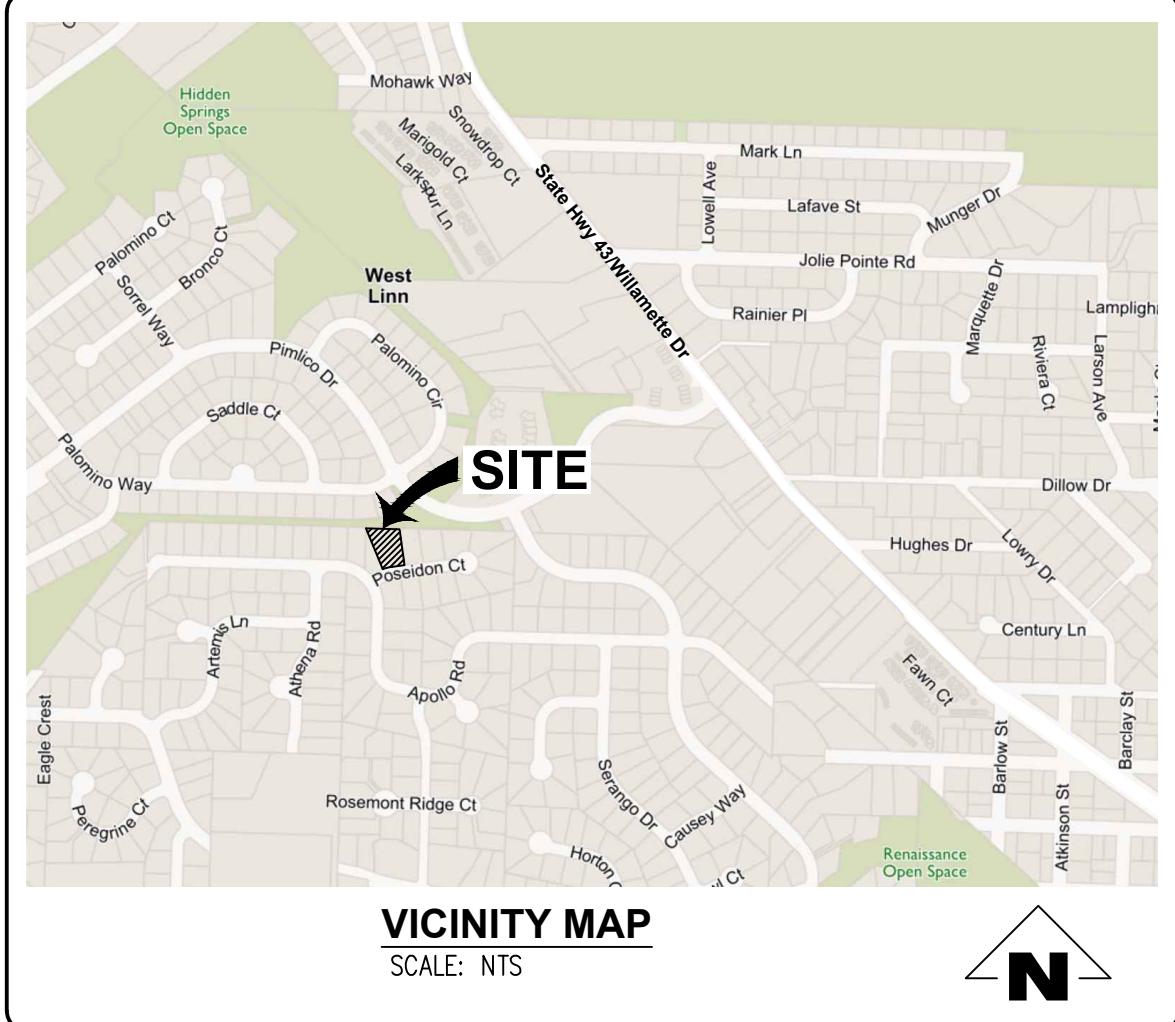
CIVIL ENGINEER:
EMERIO DESIGN, LLC
1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OR 97401
CONTACT: KEELAN SMITH, PE
(503) 746-8812 (P)

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

POTENTIAL UNDERGROUND FACILITY OWNERS

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

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



SITE DATA

SITE AREA: 0.41 AC
CURRENT ZONING: R-10
TAXLOT: 145
NO OF LOTS: 2

BENCHMARK INFORMATION

THE VERTICAL DATUM FOR THIS SURVEY IS BASED UPON NAVD88, CITY OF WEST LINN BENCHMARK NO. AJ8196, BEING A BRONZE CAP SET IN A MONUMENT BOX AT THE CENTER OF SALAMO ROAD, SOUTH OF HOODVIEW AVENUE AND 12' NORTH OF THE CONCRETE MEDIAN. ELEVATION=962.585'.

DRAWING INDEX

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

ENGINEER'S NOTE TO CONTRACTOR

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

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

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

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

EMERIO
ENGINEERING • SURVEYING • DESIGN

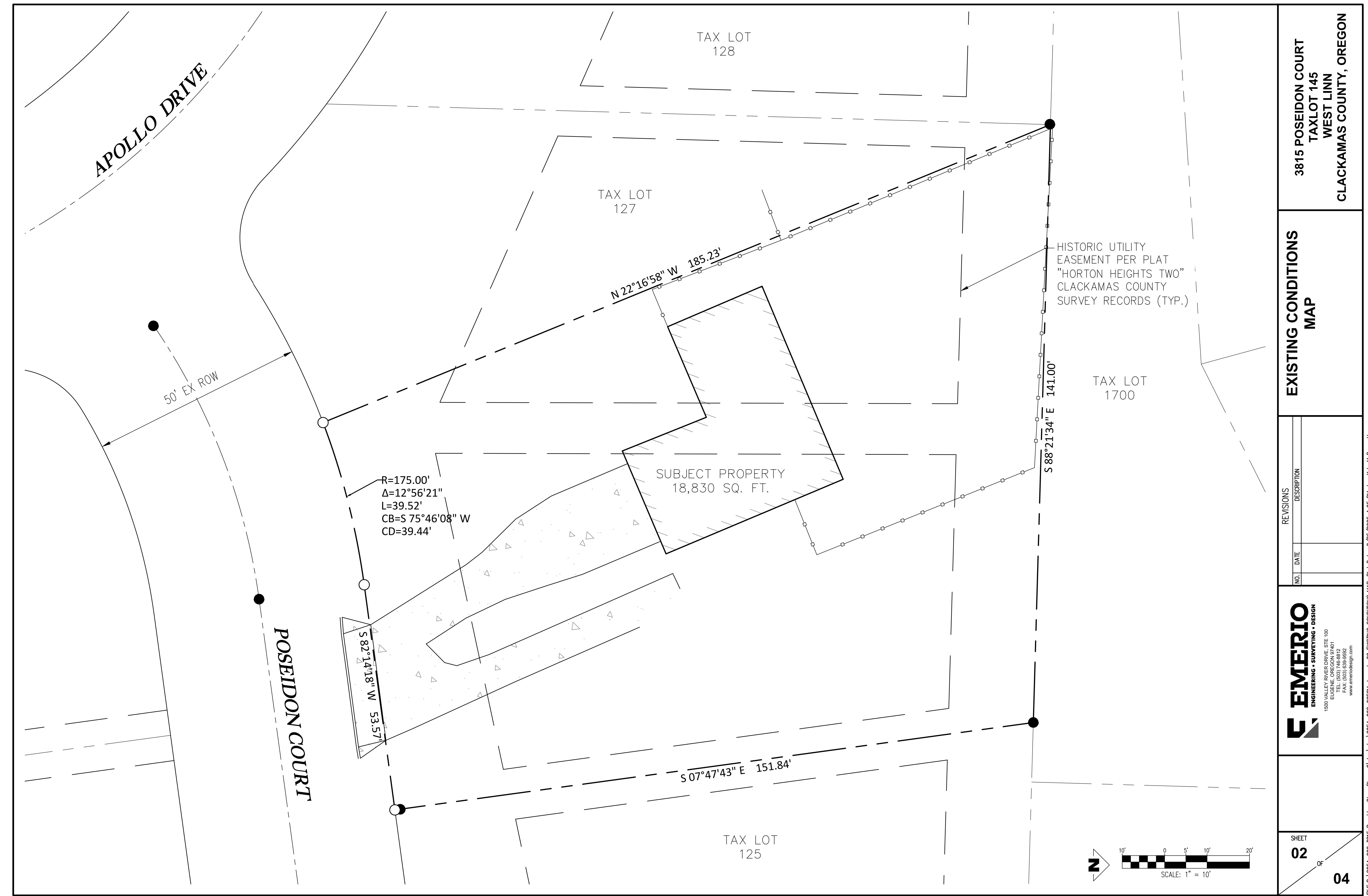
1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OREGON 97401
TEL: (503) 639-0552
FAX: (503) 639-0552
www.emeriodesign.com

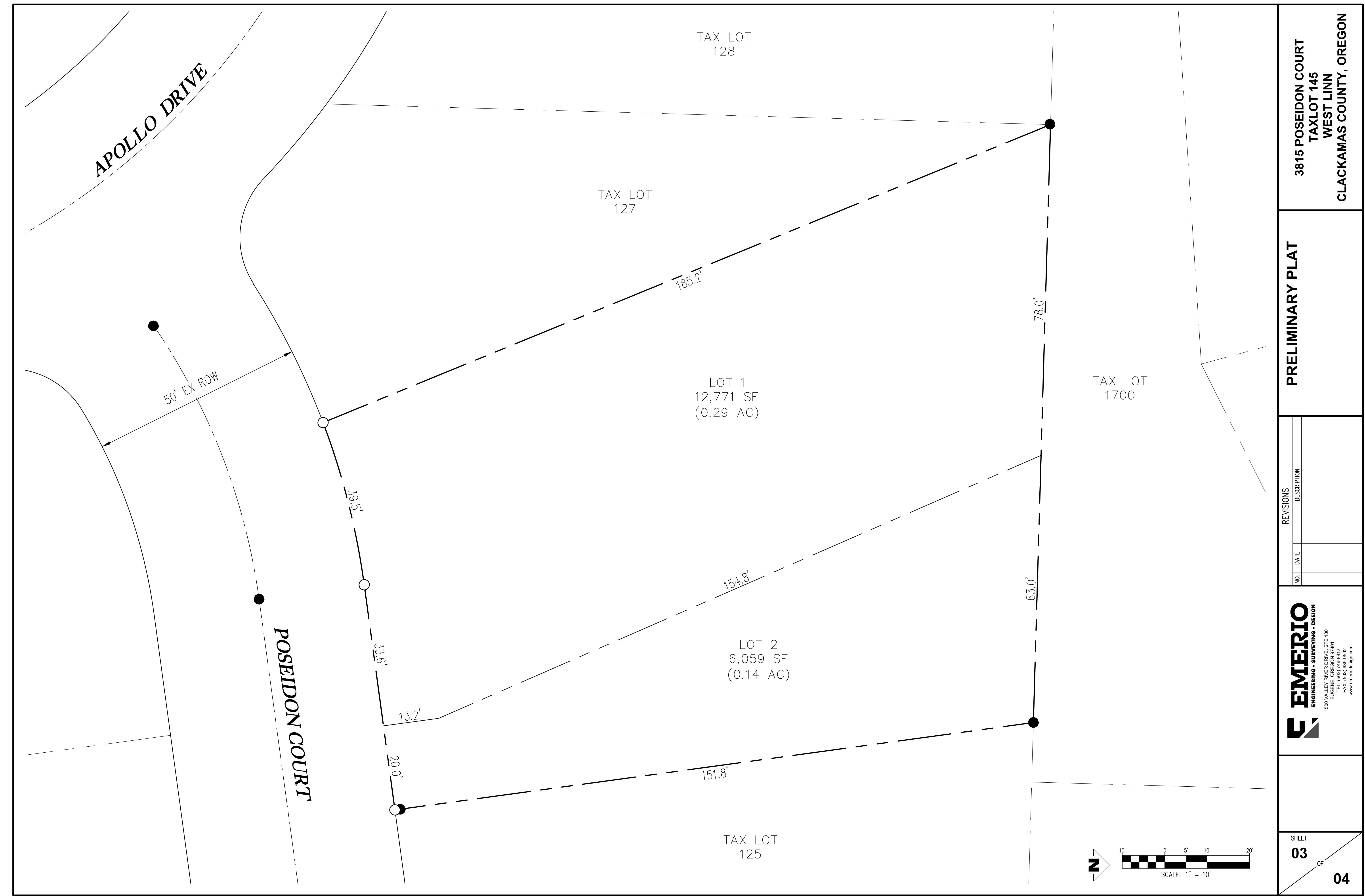
COVER SHEET

REVISIONS

NO. DATE DESCRIPTION

SHEET
01
OF
04





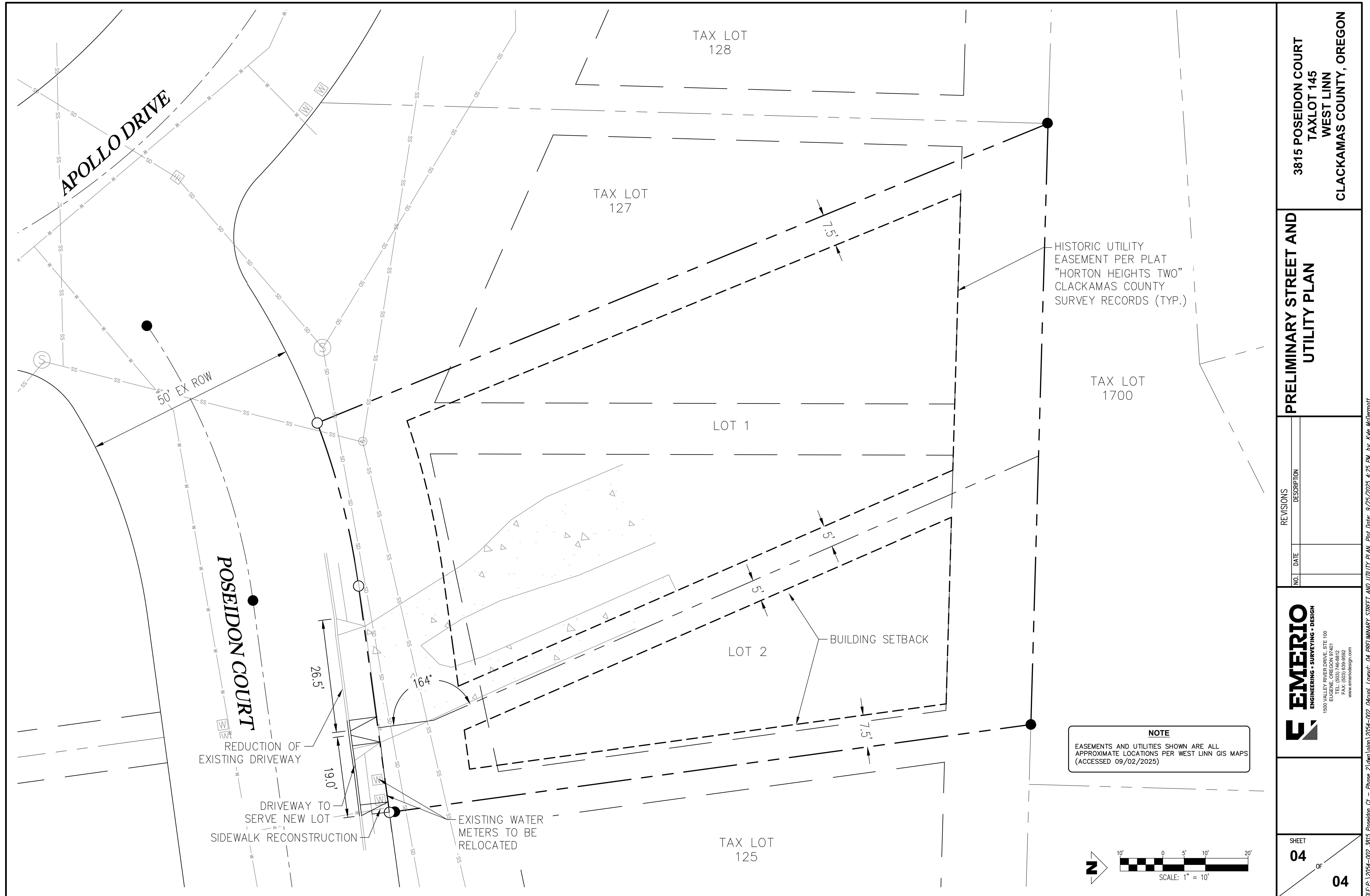


EXHIBIT PD-2 COMPLETENESS LETTER



October 20, 2025

Mary Prier
3815 Poseidon Court
West Linn, OR 97068

Subject: ELD-25-07 Completeness Determination

Dear Mary Prier:

The application submitted on September 30, 2025 for a two-lot Middle Housing Land Division at 3815 Poseidon Court has been reviewed by the Planning Department and deemed **complete**. The City has 63 days to review the application, with a final decision due no later than December 22, 2025.

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 December 22, 2025.

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 503-742-6057, or by email at agudelj@westlinnoregon.gov if you have any questions about the process.

Sincerely,

Aaron Gudelj

Aaron Gudelj, Associate Planner

PD-3 PUBLIC COMMENTS

From: [Ellie Hubbard](#)
To: [Gudelj, Aaron](#)
Subject: RE: 3815 Poseidon Court
Date: Monday, October 27, 2025 4:34:50 PM
Attachments: [Screenshot 2025-10-27 at 3.59.23 PM.png](#)

You don't often get email from elliehubbard31@gmail.com. [Learn why this is important](#)

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Hi Aaron,
We spoke this afternoon regarding the lot division on 3815 Poseidon Court.

I don't think that this is a good idea and it will NOT benefit the neighborhood. It will only benefit the owner and will possibly be a detriment to the entire neighborhood. The advantage of moving to an older established neighborhood is that there is more distance between homes and people are not packed together like they are in newer construction.

As we discussed I own the property to the west of 3815 Poseidon Court (to the left as you face the property from the street). If the proposed dwelling was being added next to my property I would be VERY UNHAPPY AND WOULD ABSOLUTELY OPPOSE this added dwelling.

In addition to making the neighborhood more crowded there will be more vehicles and traffic where parking is already scarce. I am also assuming that some trees will need to be removed in order to build. That would be very sad since there is a lovely riding trail behind these homes and the neighborhood is lovely with established trees.

Also, there is a spring that runs under our properties. See attached photo. I am concerned about new construction affecting the flow of this spring and causing water issues with the surrounding properties.

I'm not sure if you can prevent this land division and the building of a new residence but I hope you can.

Sincerely,
Ellie Hubbard
Owner of 6598 Apollo Road
West Linn, OR. 97068

ATTENTION AARON GUTTADJ

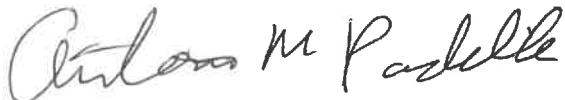
Hidden Springs

There is a hidden spring of water traversing in front of the home on 3815 Poseidon Court. The underground springs seems to flow at a angle downward and toward the middle of Poseidon Court. Spring water frequently emerges in front of 3890 Poseidon Court. Please refer to attached drawing supplied by the City of West Linn modified to depict a rough approximation of the underground water flow.

In the past, the city of West Linn was involved in mitigating the underground flooding of home located @ 3940 Poseidon Court. However, the underground water still flows through the area.

The previous owner @ 3815 Poseidon Court installed drains to mitigate the water accumulation that frequently occurred on their property.

With the proposed development on the property, we expect that our foundations (3855 Poseidon Court) will not be weakened or subjected to any damage caused by any redirection of the underground water caused by proposed development.



Antonio Padilla

3855 Poseidon Court

From: [diane.p](#)
To: [Gudelj, Aaron](#)
Subject: director decision ELD-25-07
Date: Thursday, November 6, 2025 12:45:11 PM
Attachments: [Hidden Springs D.pdf](#)

You don't often get email from ddp750@hotmail.com. [Learn why this is important](#)

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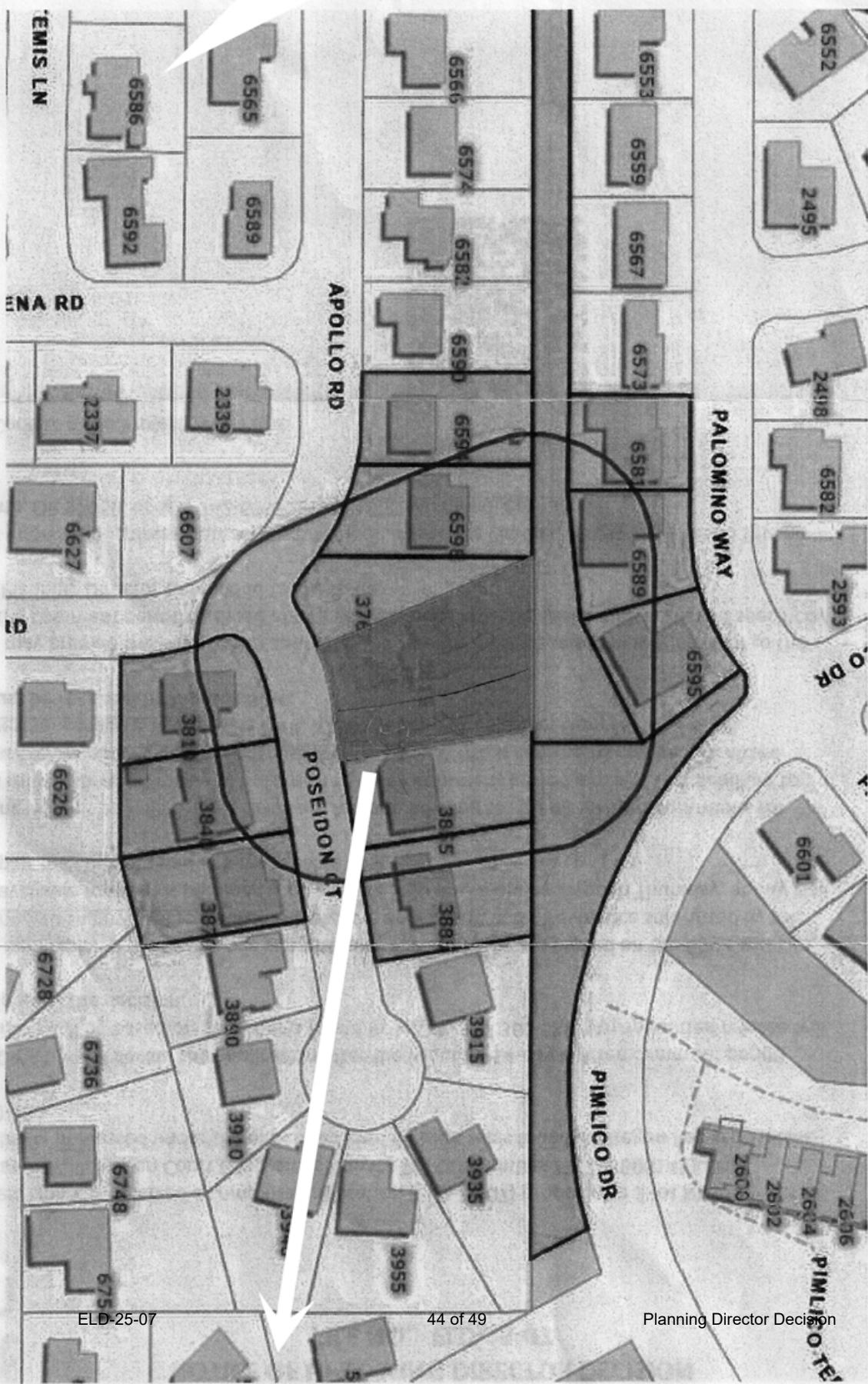
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Antonio Padilla

3855 Poseidon Court

ELD-25-07 - Notified Properties within 100 ft of 3815 Poseidon Court



From: [Keith & Debi Meyers](#)
To: [Gudelj, Aaron](#)
Subject: File No ELD-25-07
Date: Friday, November 7, 2025 1:16:30 PM

You don't often get email from meyers3870@gmail.com. [Learn why this is important](#)

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We received the Notice of Upcomming Director Decision regarding proposing a 2-lot Middle House Land Division at 3815 Poseidon Ct.

We own the dwelling at 3870 Poseidon Ct., directly opposite the proposed application. We reviewed the submitted application via the city's website and have reservations regarding the addition of a new dwelling unit. The primary concern is that the proposed lot's frontage on Poseidon Ct. is only 17', hardly enough for a driveway. Therefore, any street parking for a resident would be in front of another property owner on the cul de sac. The street already has several cars parked on the street at any time and additional vehicles will add additional burden to the street. In addition, the proposed additional lot does not appear to be large enough for a dwelling similar to those in this neighborhood, so some restrictions regarding size and appropriate design would be appreciated.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

Keith H Meyers and Debra L Meyers, homeowners.
503-789-1819

EXHIBIT PD-4 AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
PLANNING DIRECTOR 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-25-07**

Applicant's Name: **Mary Prier/Emerio Design**

Development Name: **3815 Poseidon Court**

Scheduled Decision Date: **no later than December 22, 2025**

MAILED NOTICE

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

Mary Prier, applicant	10/24/25	<i>Lynn Schroder</i>
Emerio Design, applicant representative	10/24/25	<i>Lynn Schroder</i>
WLWL SD	10/24/25	<i>Lynn Schroder</i>
Clackamas County	10/24/25	<i>Lynn Schroder</i>
TVF&R	10/24/25	<i>Lynn Schroder</i>
PGE	10/24/25	<i>Lynn Schroder</i>
TRI-Met	10/24/25	<i>Lynn Schroder</i>
Comcast	10/24/25	<i>Lynn Schroder</i>
NW Natural Gas	10/24/25	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	10/24/25	<i>Lynn Schroder</i>
Rosemont Summit Neighborhood Association	10/24/25	<i>Lynn Schroder</i>

EMAILED NOTICE

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

Rosemont Summit Neighborhood Association	10/24/25	<i>Lynn Schroder</i>
Mary Prier, applicant	10/24/25	<i>Lynn Schroder</i>
Emerio Design, applicant consultant	10/24/25	<i>Lynn Schroder</i>
Metro	10/24/25	<i>Lynn Schroder</i>
Stafford CPO	10/24/25	<i>Lynn Schroder</i>

WEBSITE

Notice of Upcoming Planning Director Decision was posted on the City's website at least 14 days before the decision.

10/24/25	<i>Lynn Schroder</i>
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FINAL DECISION

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

12/19/2025	<i>Lynn Schroder</i>
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**NOTICE OF UPCOMING DIRECTOR DECISION
FILE NO. ELD-25-07**

The City of West Linn has received a complete application (ELD-25-07) proposing a 2-lot Middle Housing Land Division at 3815 Poseidon Court (Clackamas County Tax Lot Number 21E25BB00145). The application is being processed under the expedited land division rules found in Oregon Revised Statute (ORS) 197.360-380.

The Planning Director will decide the application after the required 14-day written comment period ends. The decision will be based on the criteria found in ORS 197.360-380. 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 November 7, 2025. Written comments can be submitted to agudelj@westlinnoregon.gov or to 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 Director to respond to the issue.

For additional information, please contact Aaron Gudelj, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6057 or agudelj@westlinnoregon.gov.

Scan this QR Code to go to Project Web Page:



ELD-25-07 - Notified Properties within 100 ft of 3815 Poseidon Court

