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CITY OF  
**West Linn**

**PLANNING DIRECTOR DECISION**

DATE: March 13, 2026

FILE NO.: MISC-25-05

REQUEST: Approval for 612 square foot expansion of a non-conforming structure at 4685 Riverview Ave.

PLANNER: Aaron Gudelj, Associate Planner

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## GENERAL INFORMATION

<b>APPLICANT:</b>	Dave Spitzer 2325 NE 19 <sup>th</sup> Ave Portland, OR 97212
<b>OWNER:</b>	Rosa Bendezu 4685 Riverview Ave West Linn, OR 97068
<b>SITE LOCATION:</b>	4685 Riverview Ave
<b>SITE SIZE:</b>	4,005 square feet
<b>TAXLOT #:</b>	21E36AA07700
<b>COMP PLAN DESIGNATION:</b>	Medium Density Residential
<b>ZONING:</b>	Residential, R-4.5
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 14: Residential R-4.5, Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses; Chapter 66: Non-Conforming Structures; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.
<b>120-DAY RULE:</b>	The application became complete on December 15, 2025. The 120-day period therefore ends on April 14, 2024.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 300 feet of the subject property and to the Sunset neighborhood association on December 19, 2025. A sign was placed on the property on December 19, 2025. The notice was also posted on the City's website on December 19, 2025. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant requests approval for the enlargement of a non-conforming single-family residence containing a conforming use located at 4685 Riverview Ave. The existing single-family residence is a two-story building that is located 3 feet from the easterly side property line - which does not meet the 5-foot setback required by the underlying R-4.5 zone and is 6 feet from the front property line and does not meet the 20 ft minimum of the underlying R-4.5 zone.

The applicant proposes remodel and 612 square foot addition to an existing single family residence including conversion of the lower-level garage to living space and a 372 sq. ft. lower-level addition for an accessory dwelling unit, and a 250 square foot addition on the second level/street level and a rooftop patio. The existing lower level and second/street level of the building is setback from the easterly side yard property line 3-feet, which is less than the 5 feet required by the underlying R-4.5 zone. The lower-level addition will be setback 5-feet from the easterly side yard property line while a portion of the nonconforming 3-foot setback will be converted from garage space to living space and will maintain the 3-foot setback from the easterly property line. The second level addition of 250 square feet will be setback from the westerly side property line by 8 feet, and the second level roof patio will maintain the existing nonconforming 3-foot setback from the Easterly side yard property line.

### **Public Comments:**

The City received comments via email from two neighboring property owners. These comments have been included as Attachment PD-3 of this report and are summarized below with Staff Responses.

#### **Natalie Mann and Robert Stout Email – 01/12/2026**

Summary: Oppose the project due to concerns about traffic and safety conditions on the street (Riverview Ave), pedestrian safety, parking limitations, stormwater impacts, and increased residential density.

#### **Hugo Matus Email – 12/31/2025**

Summary: Oppose the project because of traffic; surrounding properties include a rental complex and apartment complex; non-conforming structure adds footprint and more density; neighborhood less safe and less livable; water runoff concerns with expanded footprint – drainage assessment should be part of the review.

**Staff Response:** The proposed Accessory Dwelling Unit, addition and remodel does not propose to alter any existing public vehicle and/or pedestrian patterns or conditions.

Off-street parking spaces for a residential single family residence and accessory dwelling unit are not required per West Linn CDC Chapter 46. Local street-related concerns can be directed towards the Traffic Safety Committee [streets@westlinnoregon.gov](mailto:streets@westlinnoregon.gov).

Stormwater requirements are reviewed/verified for compliance with the Stormwater Management Manual during the building/development review process.

[https://westlinnoregon.gov/sites/default/files/fileattachments/public\\_works/page/57057/west\\_linn\\_stormwater\\_management\\_manual\\_and\\_appendices.pdf](https://westlinnoregon.gov/sites/default/files/fileattachments/public_works/page/57057/west_linn_stormwater_management_manual_and_appendices.pdf)

Pursuant to West Linn CDC Chapter 34.030, Accessory Dwelling units are allowed in conjunction with an existing single family residence. The applicant proposes an attached Accessory Dwelling

Unit that conforms with the size and height standards of CDC Chapter 34 and the underlying zone standards of the R-4.5 zone.

### **DECISION**

The Planning Director approves this application (MISC-25-05), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

- 1. Site Plan, Elevations, and Narrative. The project shall substantially conform to the submitted plans, elevations, and narrative submitted in Exhibit PD-1 dated December 15, 2025.**

The provisions of the Community Development Code Chapter 99 have been met.

\_\_\_\_\_  
Aaron Gudelj, Associate Planner

March 13, 2026  
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 13<sup>th</sup> day of March, 2026.

Therefore, the 14-day appeal period ends at 5 p.m., on March 27<sup>th</sup>, 2026.

## ADDENDUM

### APPROVAL CRITERIA AND FINDINGS MISC-25-05

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

*14.030 PERMITTED USES*

*The following are uses permitted outright in this zoning district:*

1. *Single-family attached or detached residential unit.*
  - a. *Duplex residential units.*
  - b. *Triplex residential units.*
  - c. *Quadplex residential units.*
2. *Cottage cluster.*
3. *Family day care.*

...

*14.040 ACCESSORY USES*

*Accessory uses are allowed in this zone as provided by Chapter 34 CDC. (Ord. 1745 § 1 (Exh. A), 2023)*

**Staff Finding 1: The applicant proposes to expand an existing non-conforming structure – single family residence, with a non-compliant side yard and front yard setback, by 612 square and convert the garage into an accessory dwelling unit totaling 730 square feet. The single-family residence and accessory dwelling unit are permitted uses within the R-4.5 zone. The criteria are met.**

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

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

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>ADDITIONAL NOTES</b>
<i>Minimum lot size</i>		
<i>For single-family detached units</i>	<i>4,500 sf</i>	<i>No yard shall be required between units.</i>
<i>For single-family attached units</i>	<i>4,000 sf</i>	
<i>Average minimum lot or parcel size for a townhouse project</i>	<i>1,500 sf</i>	
<i>Minimum front lot line Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>ADDITIONAL NOTES</b>
Average minimum lot width	35 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks		Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC <u>41.010</u> shall apply
Interior side yard	5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
Street side yard	15 ft	
Rear yard	20 ft	

....

**Staff Finding 2:** The subject property is 4,005 square feet in area with a 50-foot front lot line. The applicant proposes an enlargement of an existing single-family residence by 612 square feet via a 372 square foot addition on the lower level and a 250 square foot addition on the second/street level. The lower-level garage will be converted to livable space – a portion will be dedicated as an entryway for the existing primary residence, and a portion will be utilized by the lower-level accessory dwelling unit. The existing front yard setback is 6-feet – less than the 20-foot minimum required by the R-4.5 zone - and will not be altered or disturbed as part of the proposed project. The existing structure is 8.17 feet (at its closest point) from the westerly side yard and will maintain compliance with the minimum 5.0 feet required by the R-4.5 zone. The existing structure is 3 feet from the easterly side yard property line at the lower level and second/street level, and the project will modify portions of the nonconforming setback along the easterly side. The lower-level existing nonconforming garage setback will be reconstructed to habitable space and will reconstruct the building to the existing 3-foot setback. The lower-level addition will be constructed with a 5-foot setback as required by the underlying R-4.5 zone. The existing nonconforming rooftop patio will be reconstructed at the existing nonconforming 3-foot setback. Findings for nonconforming structures are found later in this report, Finding 5. The criteria are met.

*Chapter 34 ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES*

*34.030 ACCESSORY DWELLING UNITS (ADUs)*

A. One accessory dwelling unit (ADU), either attached or detached, may be allowed in conjunction with an existing primary single-family detached dwelling (excluding duplexes, triplexes and quadplexes) by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. *Public services can serve both dwelling units.*
2. *The maximum size of an ADU shall be:*
  - a. *One thousand square feet when attached to the primary dwelling.*
  - b. *One thousand square feet or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure.*
3. *The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.*
4. *The maximum height of a detached ADU shall be the greater of:*
  - a. *The height of the primary structure; or*
  - b. *Twenty-six feet. (Ord. 1463, 2000; Ord. 1742 § 1 (Exh. A), 2023)*

**Staff Finding 3: The 720 square foot Accessory Dwelling Unit is proposed to be attached to the existing single-family residence. Public services such as stormwater, water, sanitary sewer are directly available along Riverview Ave and building height of the proposed ADU is less than the height of the existing structure. Setbacks for the ADU will comply with the underlying R-4.5 zone; staff notes that the nonconforming building setbacks that will be reconstructed as a result of the remodel/addition are for portions of the building dedicated to the primary single-family residence and not the ADU. Findings for nonconforming structures can be found later in this report, findings 4 and 5. The criteria are met.**

*66.040 DETERMINATION OF STATUS*

*A. The Planning Director shall make a determination regarding non-conforming status without giving notice.*

...

**Staff Finding 4: The Planning Director determined the existing structure is non-conforming based on its proximity to the Eastern side lot line and northerly front lot line. The criteria are met.**

*66.080 Enlargement of or Alteration to a Non-Conforming Structure: Process and Approval Standards*

...

*B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:*

...

*2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.*

- a. *The enlargement or alteration will not change the non-conformity; and*
- b. *All other applicable ordinance provisions will be met.*

**Staff Finding 5: The proposed alteration is an enlargement of an existing non-conforming structure containing a conforming use. The proposed enlargement of a total of 612 square feet will involve conversion of the existing garage to livable space, a 372 square foot addition on the lower level for an accessory dwelling unit, and a 250 square foot second level addition for the single-family residence. The existing 3-foot Easterly side yard setback is less than the 5-foot minimum required by the underlying R-4.5 zone and the proposed addition/remodel will reconstruct portions of the nonconforming building with the existing 3-foot setback. The**

existing nonconforming lower-level garage will be converted to livable space for the primary residence and accessory dwelling unit and reconstructed with the existing nonconforming 3-foot setback while the 372 lower-level addition for the accessory dwelling unit will be setback from the easterly side lot line by 5 feet. The existing nonconforming second level roof patio is currently 3 feet from the easterly side property line and will be removed and reconstructed at 3 feet from the easterly side lot line. The proposed remodel/addition will reconstruct portions of the existing nonconforming 3-foot easterly side yard setback but will not change or extend the non-conformity beyond its existing footprint. The lower-level addition will be constructed at 5 feet from the easterly side yard lot line, compliant with the minimum 5-foot standard of the underlying R-4.5 zone. Existing linear and square feet of nonconforming building elements will not increase or change. The criteria are met.

*Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL*  
*99.060 APPROVAL AUTHORITY*

...

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

- 1. Approve, deny, or approve with conditions the following applications:*

...

*h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).*

...

- 4. Make the initial determination regarding the status of the following:*
  - a. Non-conforming structure (Chapter 66 CDC).*

**Staff Finding 6: The Planning Director determined the existing structure is non-conforming. See Staff Finding 4. The proposed scope is the enlargement of a non-conforming structure containing a conforming use. The criteria are met.**

*99.080 NOTICE*

*Notice shall be given in the following ways:*

...

B. *Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:*

- 1. At least 14 days prior to the decision date, a notice shall be sent by mail to:*
  - a. The applicant or their agent;*
  - b. The affected recognized neighborhood association or citizens advisory committee;*  
*and*
  - c. All property owners of record within 300 feet of the site perimeter;*
- 2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Community Development Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.*
- 3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.*
- 4. At the conclusion of the land use action the signs shall be removed.*

...

<i>LAND USE ACTION</i>	<i>TYPE OF NOTICE</i>
...	...
<i>Enlarge or Alter Non-conforming Use/Structure:</i>	...
...	...
<i>Single-Family Residential</i>	<i>B</i>
...	...

**Staff Finding 7: A Class B Notice was prepared. The notice was sent via mail to the applicant, the affected neighborhood association, and all property owners within 300 ft. of the site perimeter of 4685 Riverview Avenue on 12/19/25. A sign detailing the property’s status as being the subject of a land use decision with case details was placed on the property on 12/19/25. An affidavit of mailing of notice and posting of notice was filed in the land use case record. The sign was removed at the conclusion of the action. The criteria are met.**

**EXHIBIT PD-1: APPLICANT SUBMITTAL**

## DEVELOPMENT REVIEW APPLICATION

*For Office Use Only*

STAFF CONTACT	PROJECT NO(S) <b>MISC-25-05</b>	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) <b>\$1,200</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$1,200</b>

**Type of Review** (Please check all that apply):

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

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

Site Location/Address: <b>4685 RIVERVIEW AVE WEST LINN, OR 97068</b>	Assessor's Map No.: <b>21E36AA</b> Tax Lot(s): <b>21E36AA07700</b> Total Land Area: <b>4,005 sf</b>
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**Brief Description of Proposal:**

Add primary bedroom to existing house on main floor. Add ADU on Lower Level attached to rear of existing house

Applicant Name*: <b>Dave Spitzer</b> Address: <b>2325 NE 19th ave</b> City State Zip: <b>Portland, OR 97212</b>	Phone: <b>503 307 4644</b> Email: <b>dave@dmsarchitects.com</b>
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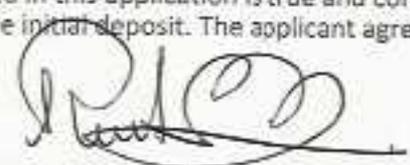
Owner Name (required): <b>Rosa Bendezu</b> Address: <b>4685 SW Riverview Ave</b> City State Zip: <b>West Linn, OR 97068</b>	Phone: <b>253 208 9711</b> Email: <b>ragroriente@gmail.com</b>
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Consultant Name: Address: City State Zip:	Phone: Email:
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. **\*The applicant is financially responsible for all 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.

**DAVE SPITZER**      **10.9.25**  
 Applicant's signature      Date

  
 Owner's signature (required)      Date **10/12/25**

Subject



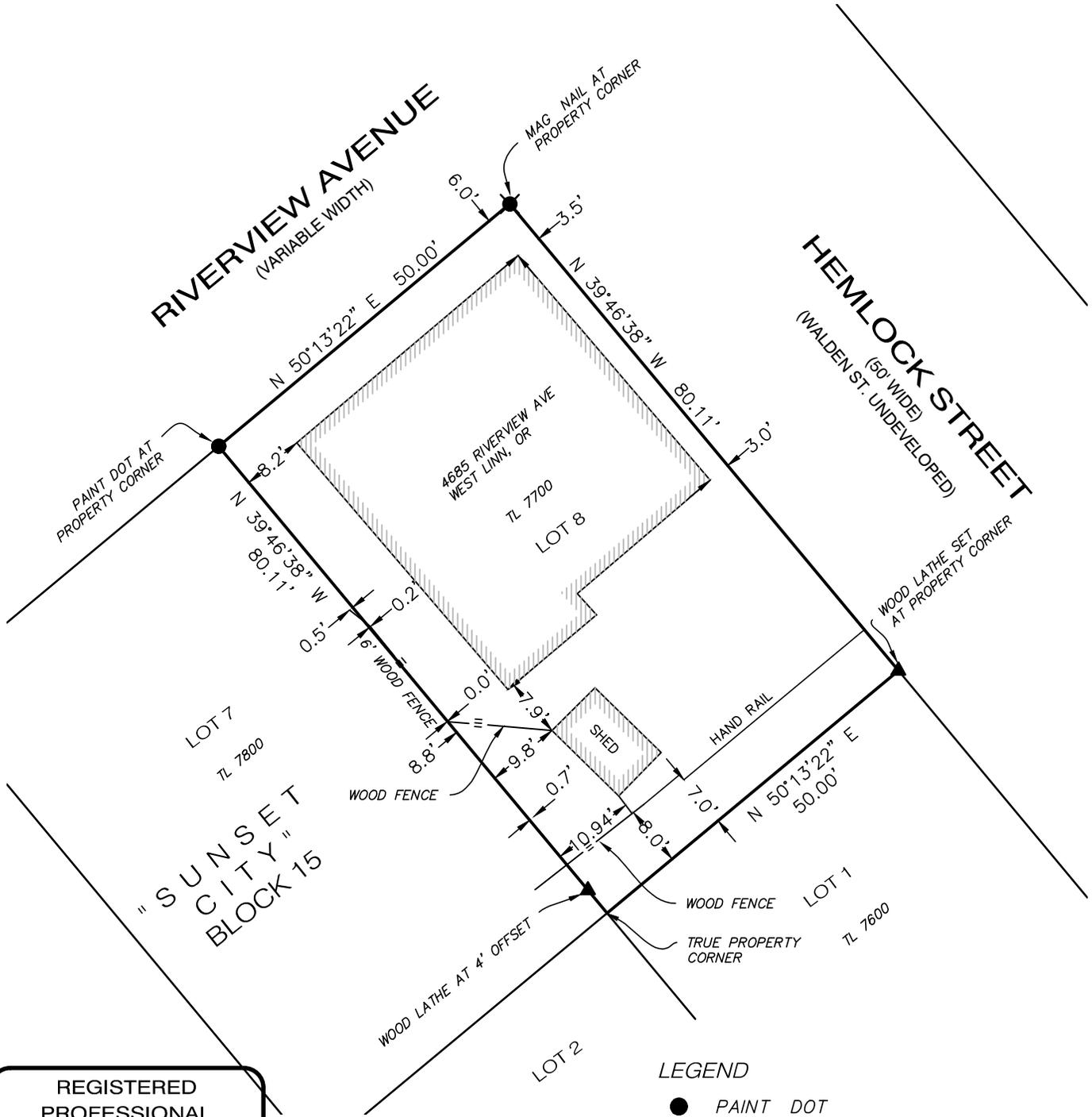
[Small](#) | [Best fit](#) | [Original size](#) | [Edit alt text](#) | [Remove](#)

Sans Serif

Send



SURVEY SKETCH  
 LOT 8, BLOCK 15, "SUNSET CITY"  
 NE 1/4 SEC. 36, T. 2 S., R. 1 E., W.M.  
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
 FOR: ROSA BENDEZU

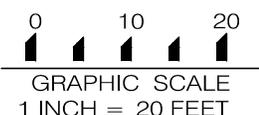


REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Brian Leggs*

OREGON  
 SEPTEMBER 10, 2019  
**BRIAN LEGGS**  
 77667PLS

RENEWS: DEC. 31, 2026



- LEGEND
- PAINT DOT
  - ⊗ MAG NAIL
  - ▲ WOOD STAKE

**ANDY PARIS AND ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 15450 BOONES FERRY ROAD, SUITE 7  
 LAKE OSWEGO, OREGON 97035  
 503-636-3341 WWW.ANDYPARIS.COM  
 DRAWN: AR 9/26/2025 | PROJECT: 25299 | DWG: 25299SK1

DATE: 10-10-25

TO: West Linn Planning Department

FROM: Dave Spitzer

SUBJECT: 4685 Riverview Ave – West Linn – Non-Conforming Development Approval Criteria.

2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.

a. The enlargement or alteration will not change the non-conformity; and

*The proposed structure will not change the existing non-conforming setback along Hemlock Street. The existing house is setback 3'-0" to 3'-6" (slight angle) along Hemlock. Our proposed addition will be setback further from Hemlock and will be 5'-0" at the minimum for the side street setback.*

*In addition our proposed addition is only 1 story in height and 16' in length along Hemlock – it's new massing will impose a fairly small massing 5'+ from that property line.*

b. All other applicable ordinance provisions will be met. (Ord. 1192, 1987)

*We feel that besides the reduced side street setback that we can meet all other provisions in the code.*

Respectfully,

Dave Spitzer, Architect

DATE: 10-10-25

TO: West Linn Planning Department

FROM: Dave Spitzer

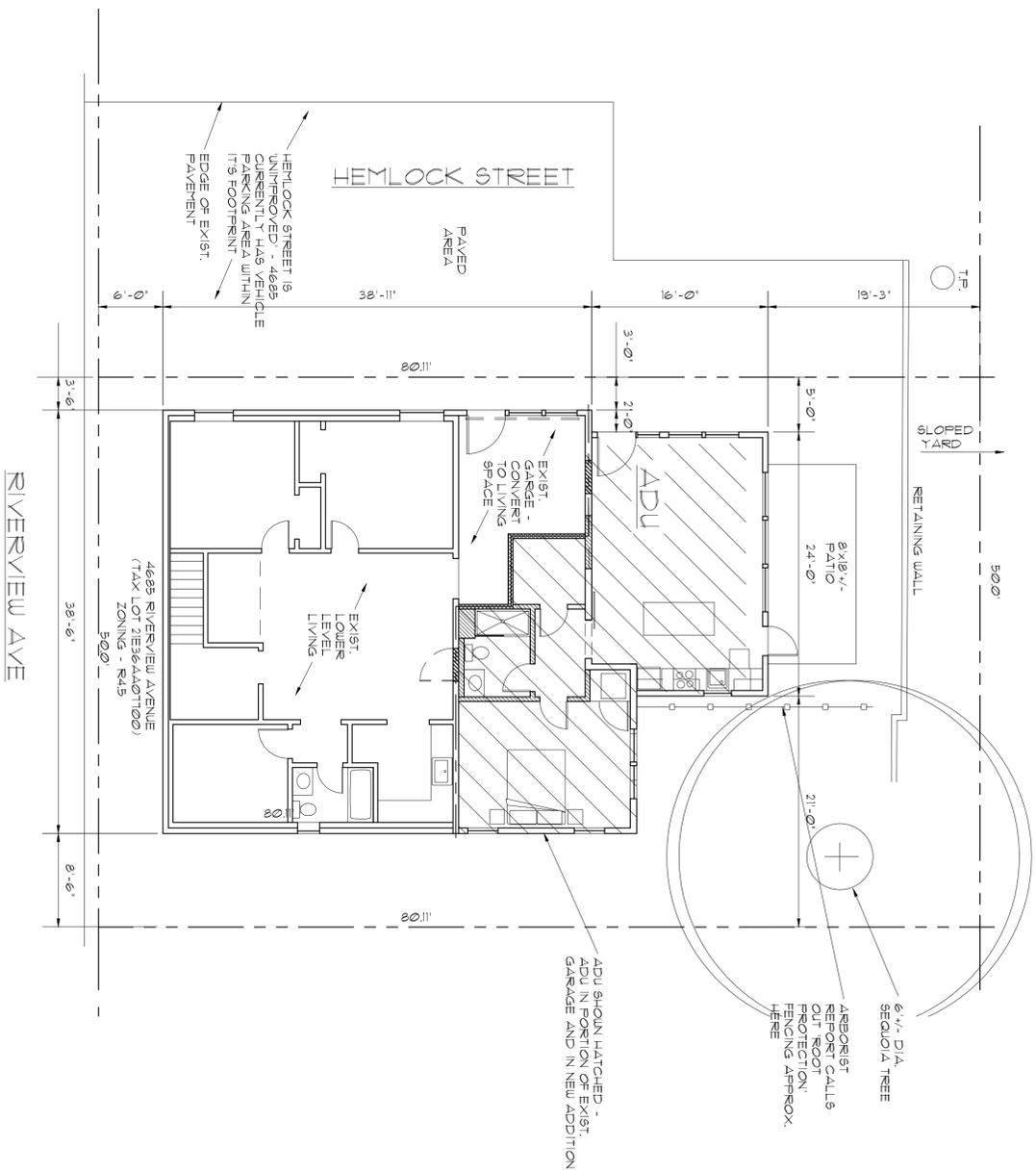
SUBJECT: 4685 Riverview Ave – West Linn – Non-Conforming Development Review Written Narrative.

Hello, the current Owner recently purchased this property and would like to do a couple additions to make the house more functional for her and her family. A brief summary of the existing house and proposed projects is as follows:

- The main non-conforming issue with this house is its close proximity to the NE property line which is the unimproved Hemlock Street. We just had a survey done (see attached) and it shows the existing house varies from 3'-0" to 3'-6" to this property line. The required setback to a side street in this zone is 20'.
- We would like to add an addition on the rear of the house that is just 6' from the NE property line along Hemlock Street. The addition will be just one story and will be on the rear of the house. The addition will be setback 3' from the existing houses NE wall along Hemlock Street.
- In addition – we want to add a primary bedroom on the main (street level) floor plan of the house. The new bedroom will be on the rear of the house and appears to meet all setbacks, heights, etc. It should be approvable as is with no special reviews

Respectfully,

Dave Spitzer, Architect

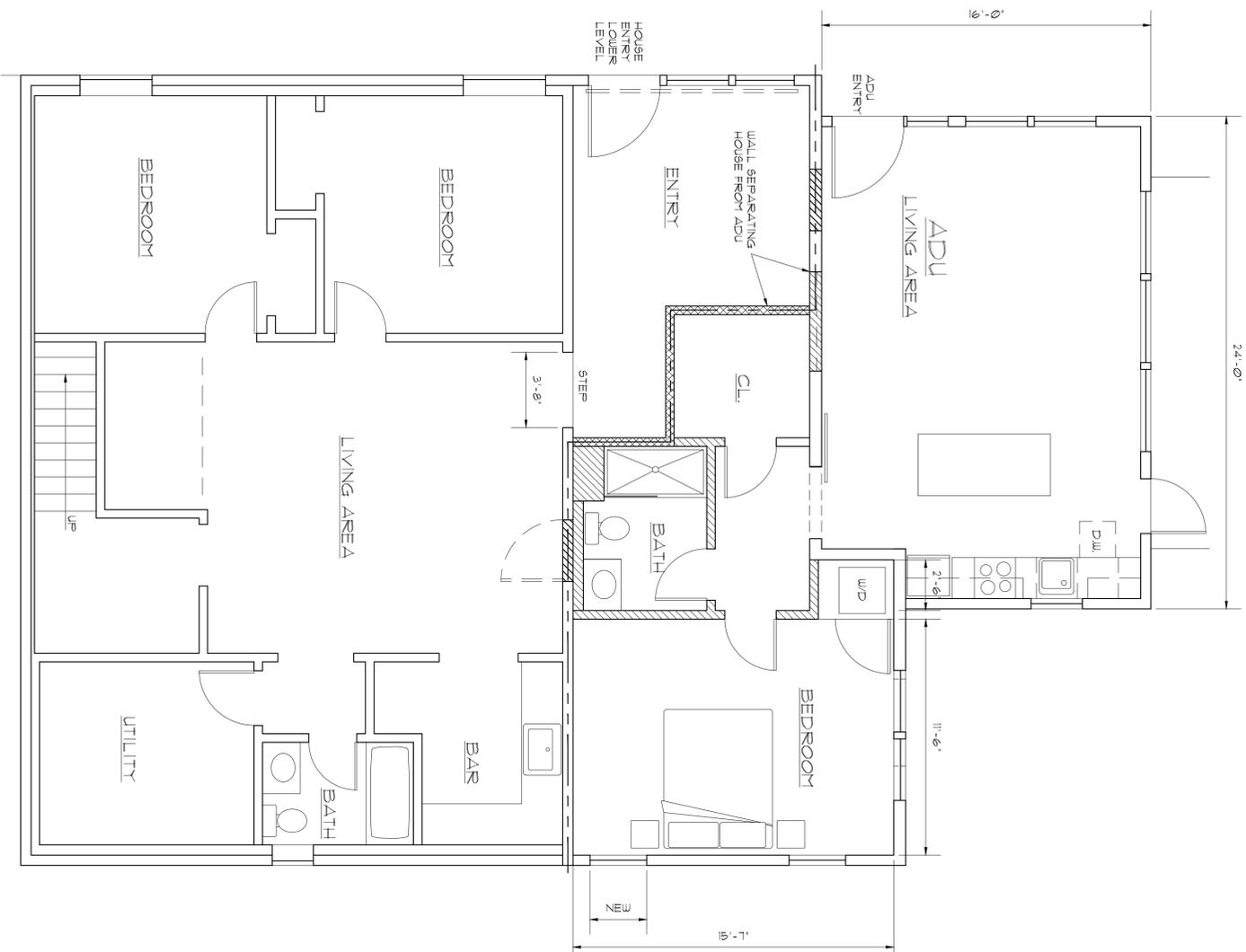


1 SITE PLAN

1/8" = 1'-0"

SITE NOTES:

- LOT COVERAGE: 4,025 SF
- LOT AREA: 10,000 SF
- EXIST. LOWER LEVEL LIVING: 502 SF
- EXIST. LOWER LEVEL GARAGE: 1,003 SF
- EXIST. STREET LEVEL: 1,003 SF
- EXIST. TOTAL: 2,508 SF
- NEW STREET LEVEL BR ADD: 250 SF
- NEW LOWER LEVEL ADU ADD: 373 SF
- TOTAL EXIST. AND NEW: 3,156 SF
- TOTAL HOUSE SIZE: 2,426 SF
- TOTAL ADU SIZE: 130 SF
- TOTAL EXIST. AND NEW: 3,156 SF



2 LOWER LEVEL FLOOR PLAN

1/4" = 1'-0"

PRELIMINARY

BENDEZU RESIDENCE

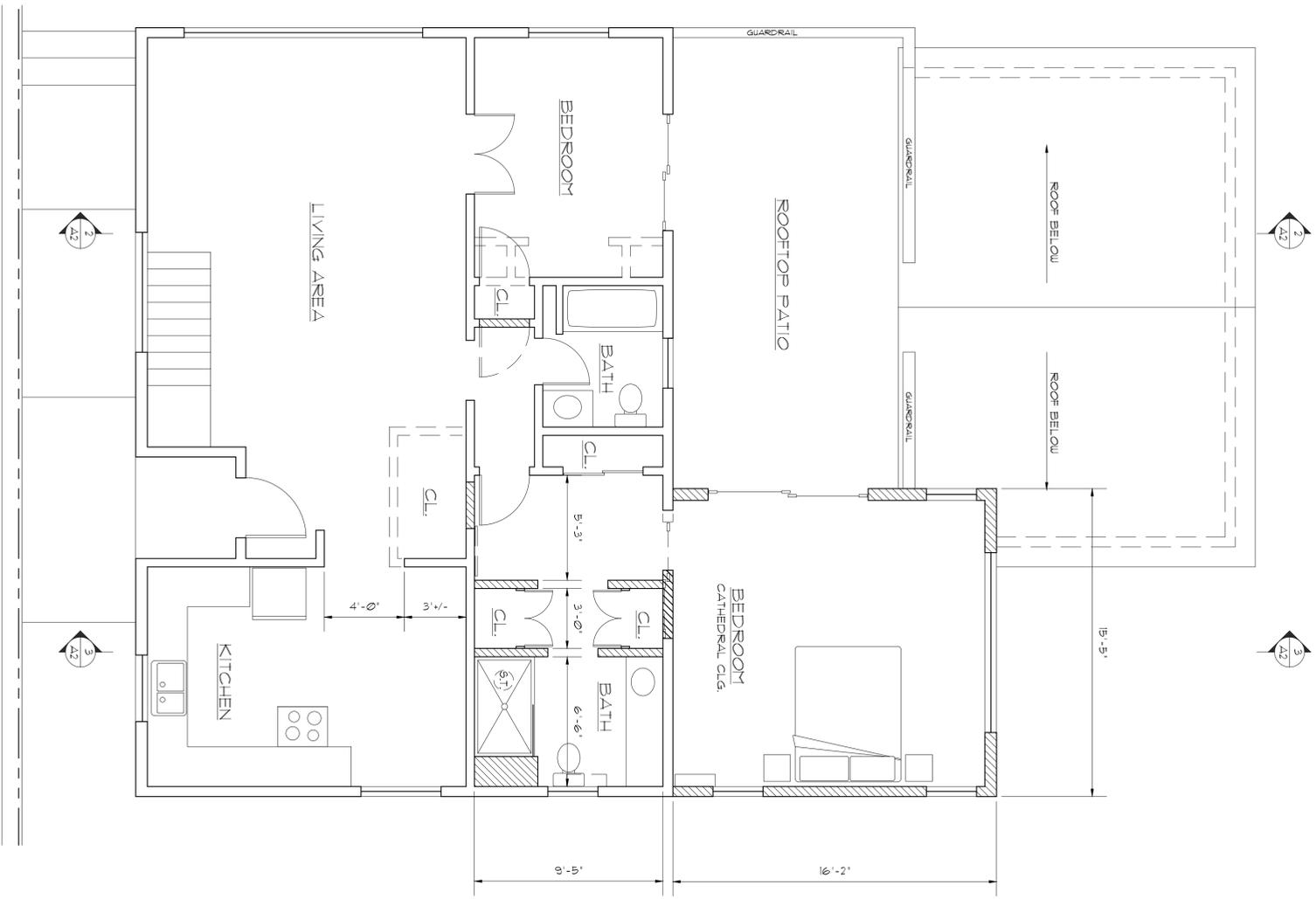
4685 RIVERVIEW AVENUE  
WEST LINN, OR 97068

2325 NE 19TH AVE.  
PORTLAND, OR 97212

OFFICE 503 335 9840  
DAVE@DMSARCHITECTS.COM

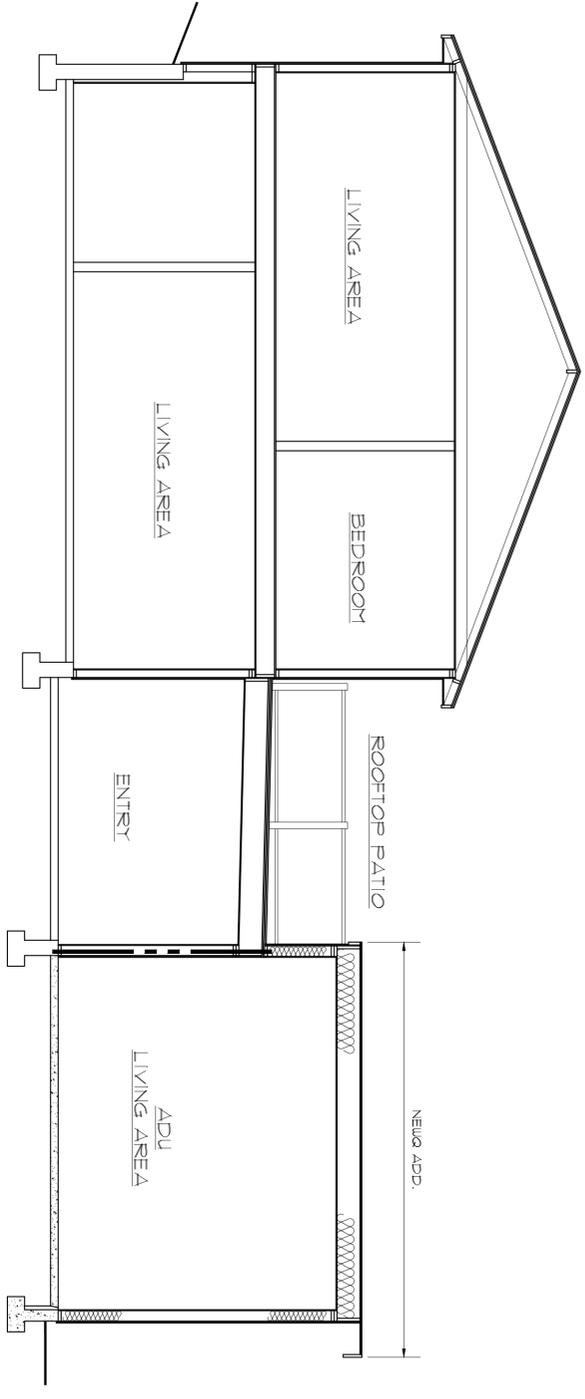


SHEET	A1 of 4
REVISIONS	
DATE	10-8-25
SHEET CONTENT	SITE PLAN FLOOR PLAN



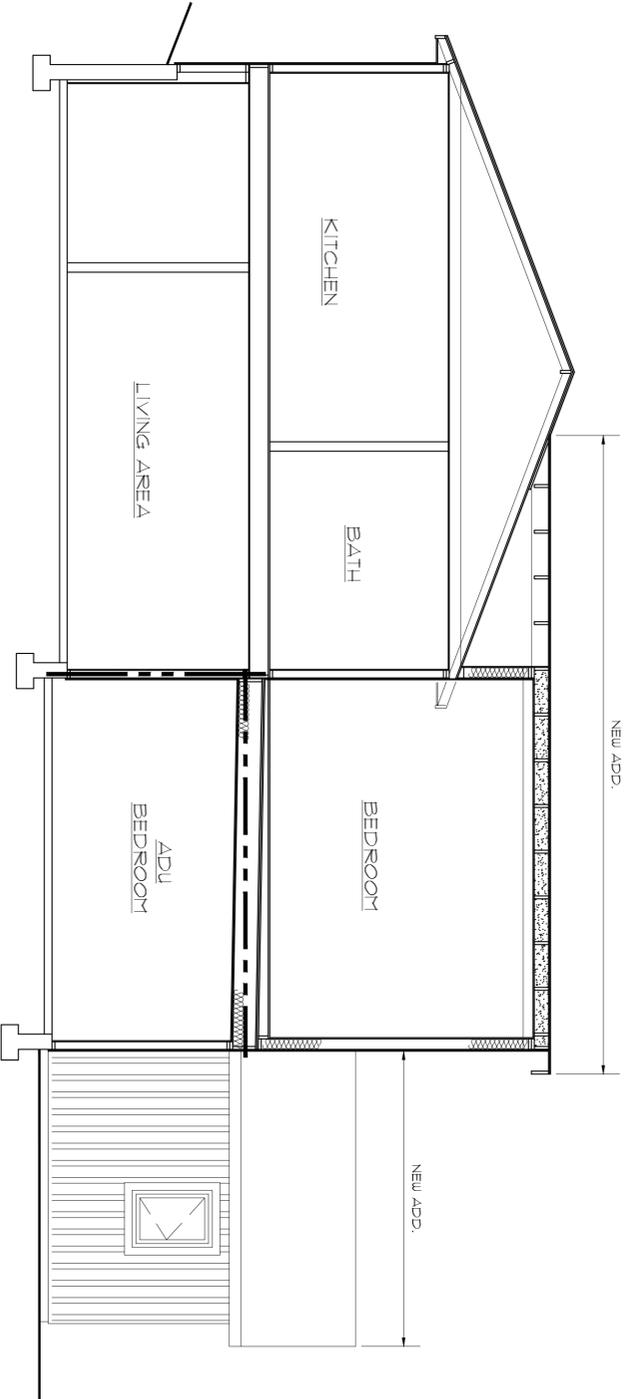
1 STREET LEVEL FLOOR PLAN

1/4" = 1'-0"



2 CROSS SECTION

1/4" = 1'-0"



3 CROSS SECTION

1/4" = 1'-0"

BENDEZU RESIDENCE

4685 RIVERVIEW AVENUE  
WEST LINN, OR 97068

2325 NE 19TH AVE.  
PORTLAND, OR 97212

OFFICE 503 335 9840  
DAVE@DMSARCHITECTS.COM

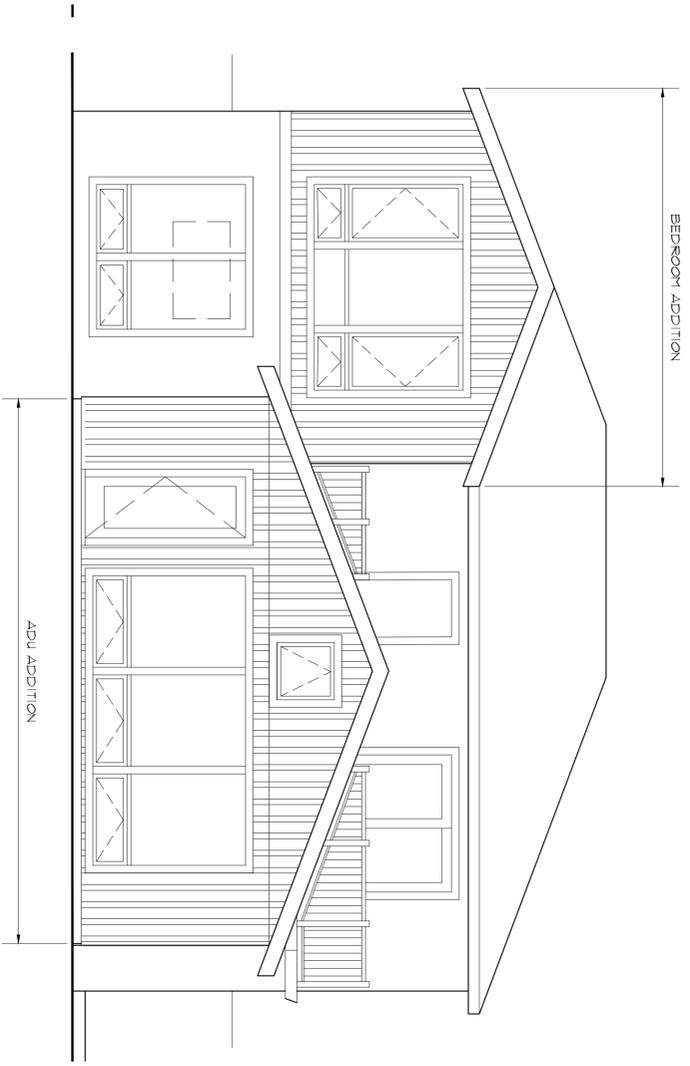


SHEET CONTENT  
SECOND FLOOR PLAN  
FLOOR PLAN

DATE 10-8-25

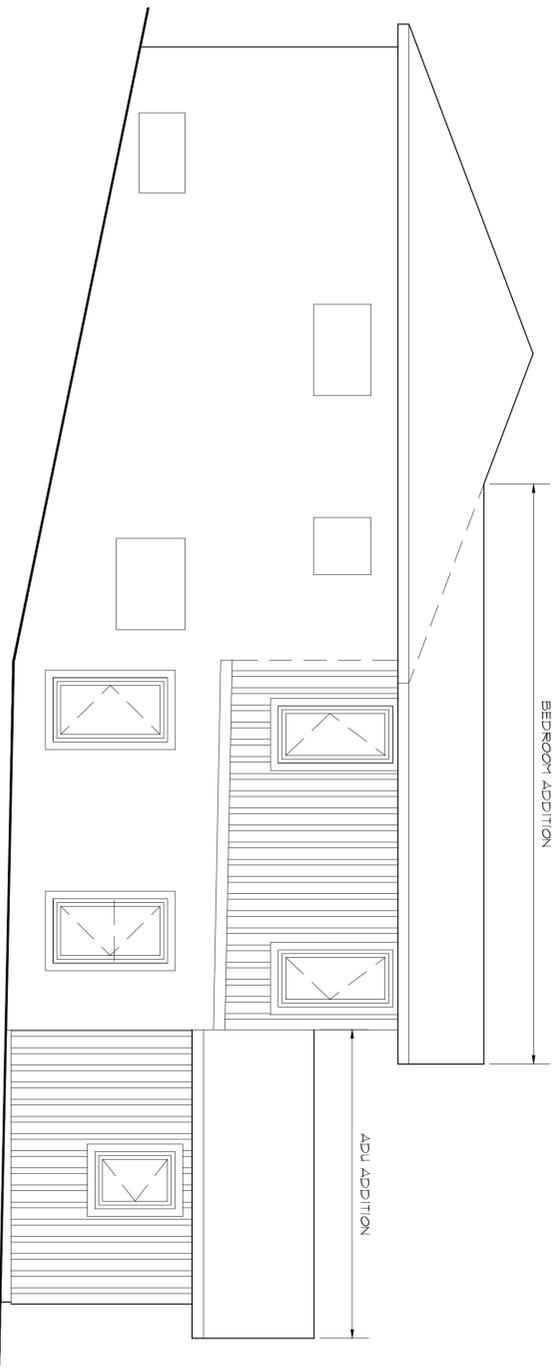
REVISIONS

SHEET  
A2 of 4



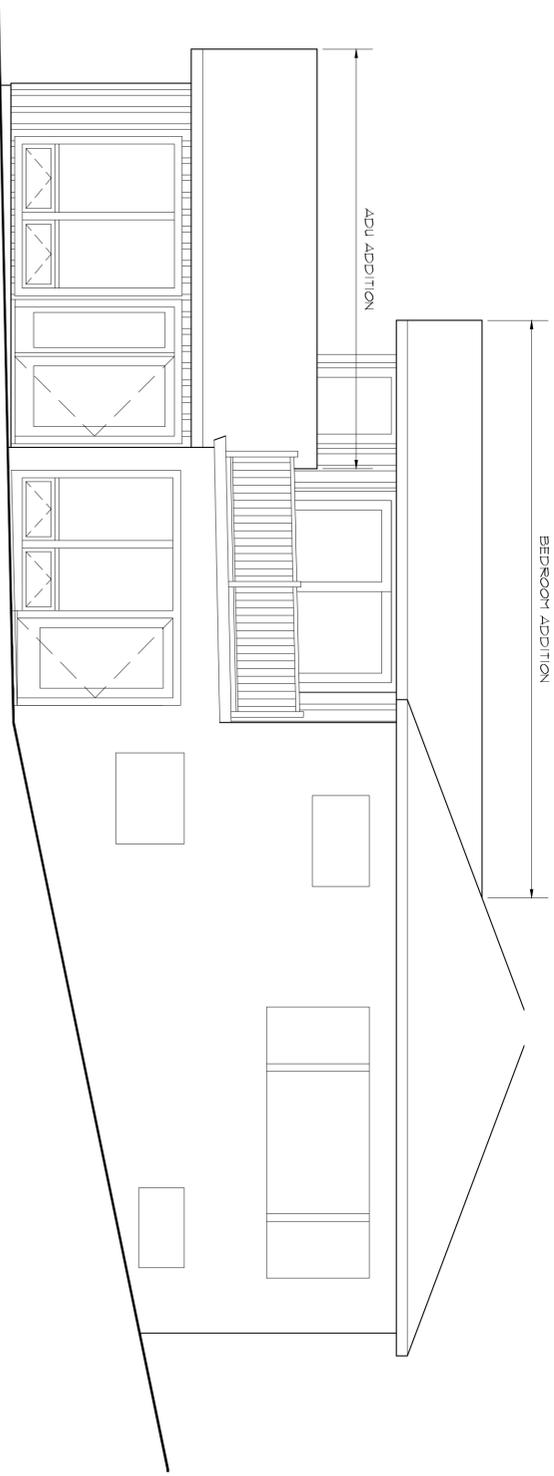
1 SE ELEVATION  
A3

1/4" = 1'-0"



2 SW ELEVATION  
A3

1/4" = 1'-0"



3 NE ELEVATION  
A2

1/4" = 1'-0"

BENDEZU RESIDENCE

4685 RIVERVIEW AVENUE  
WEST LINN, OR 97068

2325 NE 19TH AVE.  
PORTLAND, OR 97212

OFFICE 503 335 9840  
DAVE@DMSARCHITECTS.COM

DMS



SHEET CONTENT  
ELEVATIONS

DATE 10-8-25

REVISIONS

SHEET

A3 of 4



## Arborist Report 8/19/25

Prepared For

**Rosa Bendezu**

4685 Riverview Ave  
West Linn, OR 97068  
ragroriente@gmail.com

Prepared by

Joshua Goode

ISA Board Certified Master Arborist

ISA Tree Risk Assessment Qualified

**ISA #MA 5752B**

503.358.8754

josh@monkeymans.com

CCB #: 206934



CCB #: 206934



## Arborist Report

Species Name	DBH	Permit	Location
<i>Sequoia giganteum</i>	79"	n/a	45.358109663000214, -122.62173819948623
Condition	Concern	On Site Arborist Required?	
Good	Future construction	For root pruning	

### Tree Description

This report concerns the 79" *Sequoiadendron giganteum* located at the rear of the property, positioned between the client's house and the neighboring structure. The specimen is in good overall health.

The canopy displays minor asymmetry, and several limbs are becoming overextended in the space between the two houses. Reduction pruning is advised to alleviate end weight in this area. Specifically, recommend making approximately (6–10) reduction cuts, each targeting limbs 2–4" in diameter.

A previously installed clothesline is beginning to be engulfed by the trunk on the northeast (NE) side of the tree. In addition, visible surface girdling roots are present—particularly on the south and southeast (SE) sides. It is recommended to use an Air Spade in the fall or winter to expose and selectively remove these girdling roots. Depending on the number and severity of the roots encountered, this work may need to be phased to minimize stress on the tree.

A shed has been constructed beneath the tree's NE dripline. It is strongly advised that this structure be dismantled by hand to avoid the use of heavy equipment within the root zone. To further protect the tree, all construction activity should be avoided beneath its dripline.

The most effective protection measure would be the installation of a 6–10' tall chain-link fence with steel posts spaced no more than 10' apart. This fence should extend just in front of the existing shed (see attached photo) and be positioned approximately 26' from the southeast corner of the driveway.

To support the tree's health during this process, the application of a bio-root stimulant is recommended prior to any construction activity.

A proposal for girdling root pruning and bio-root stimulant application will accompany this report.

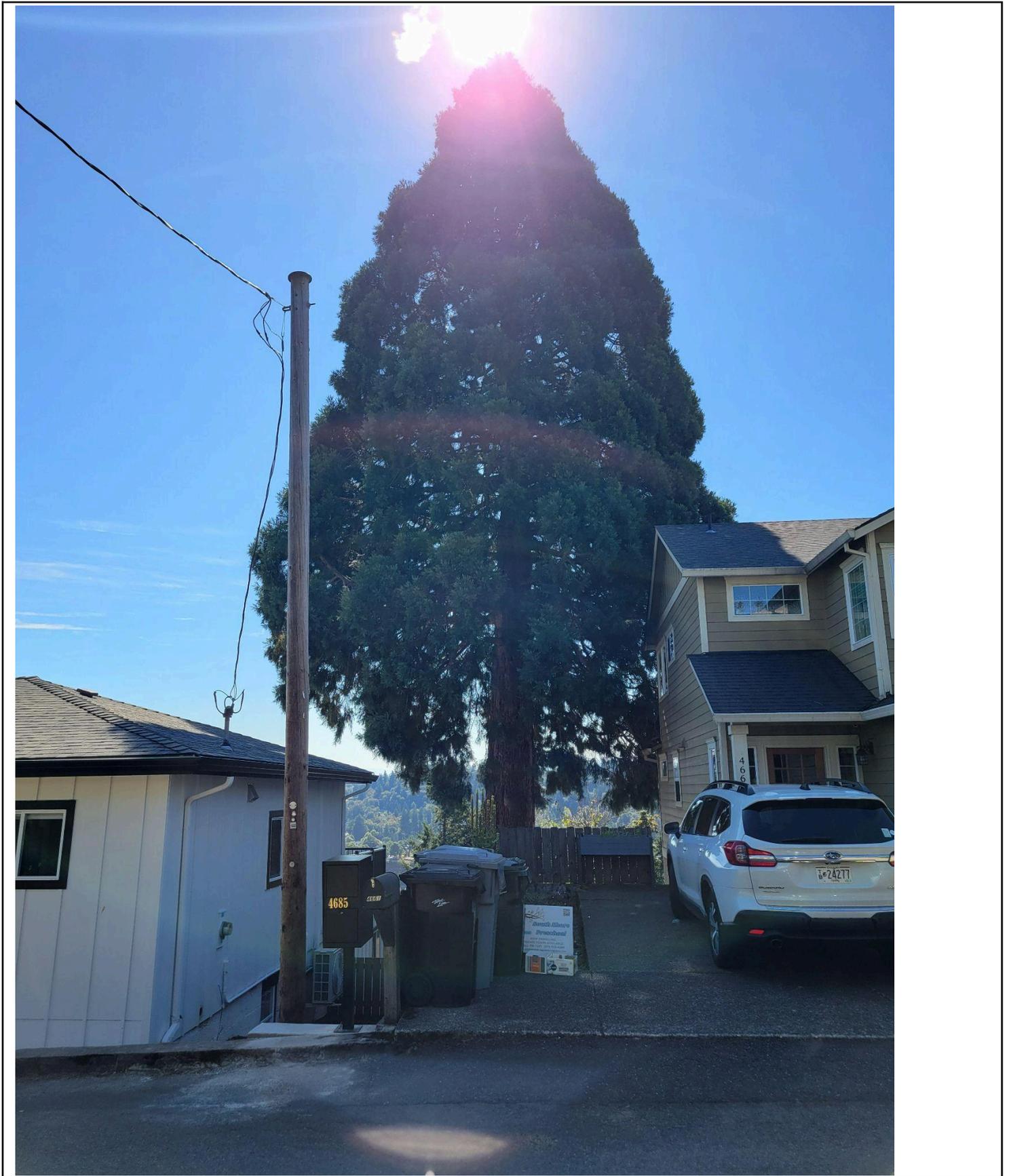
Photos:

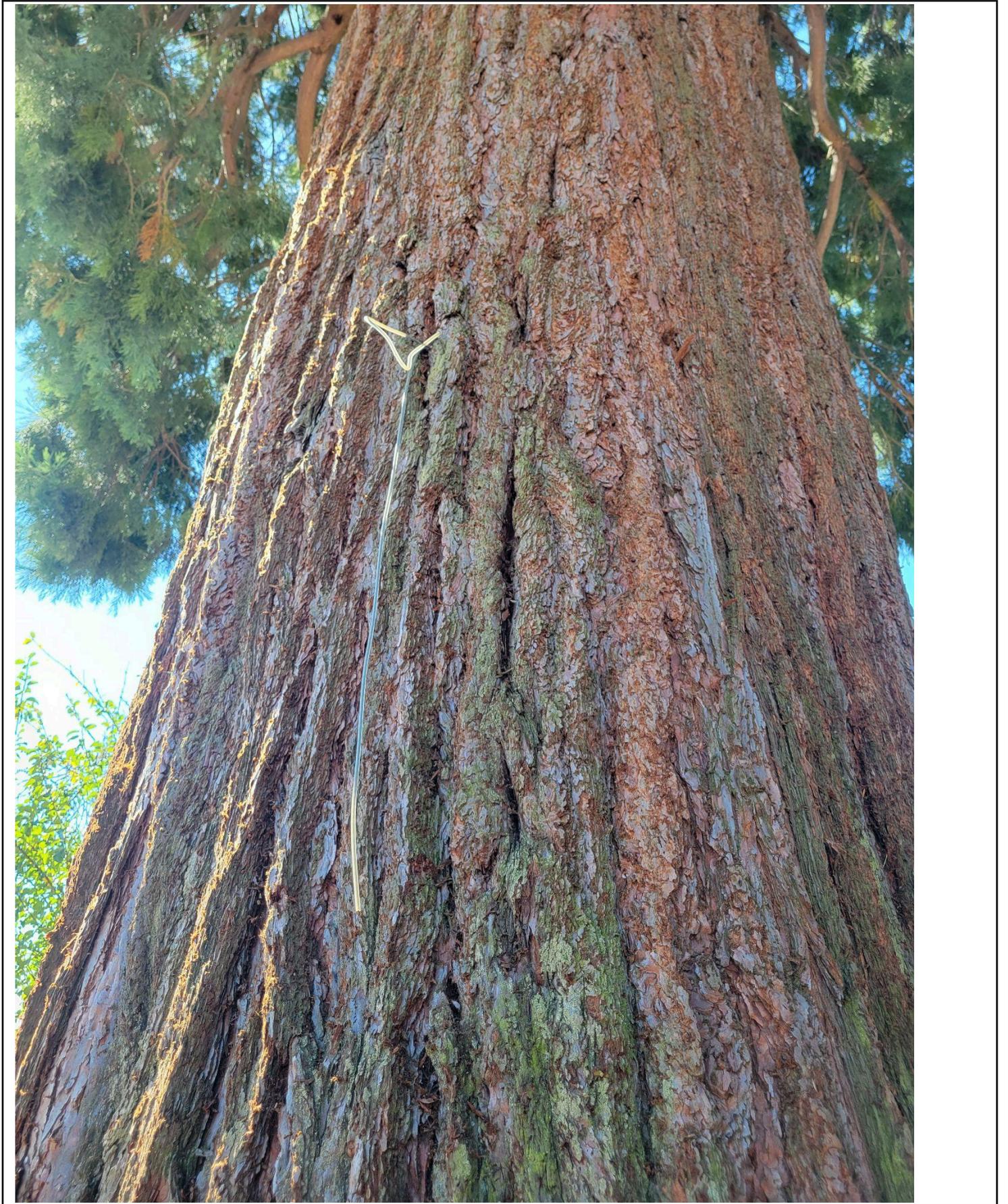


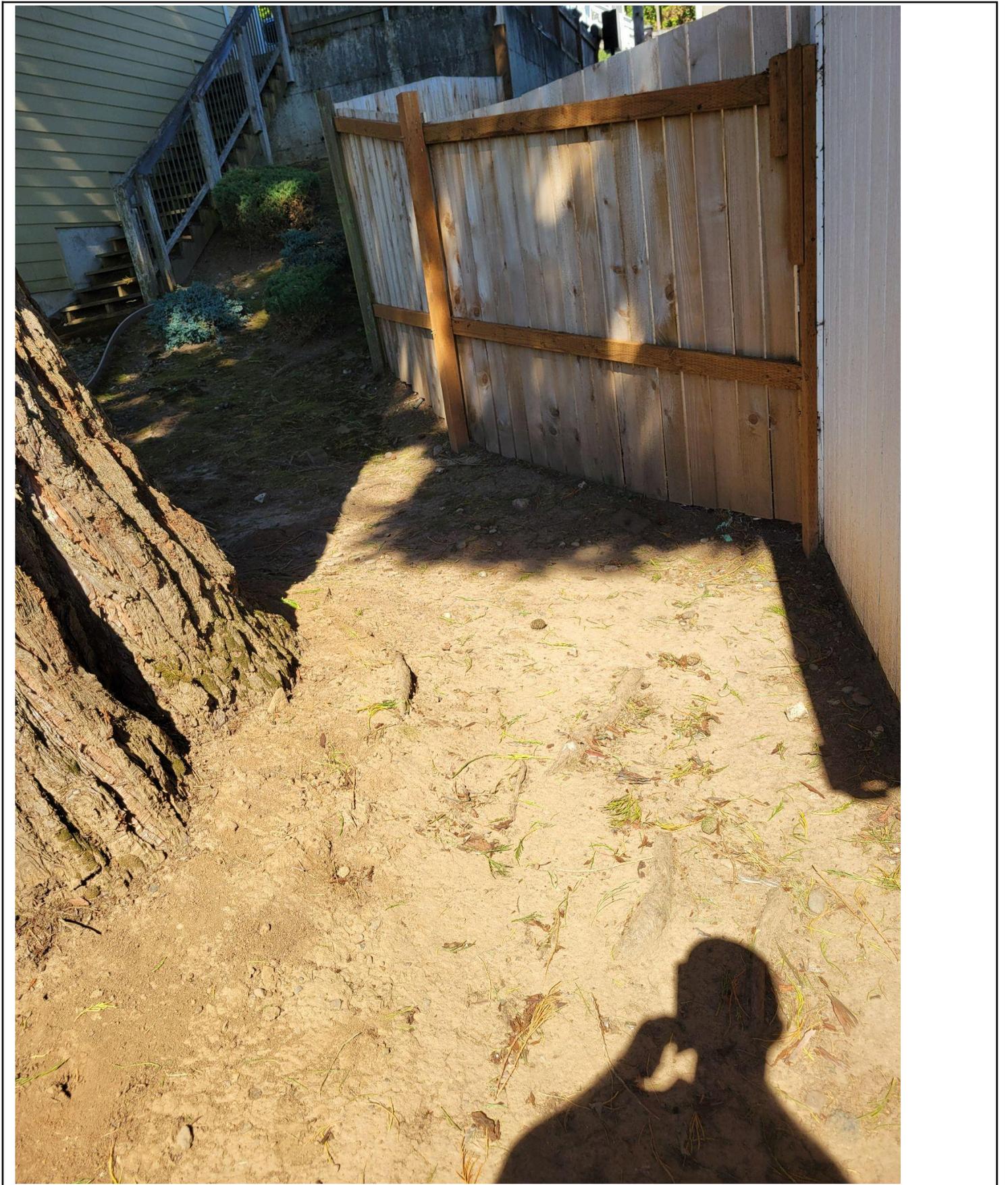
Appx fence location



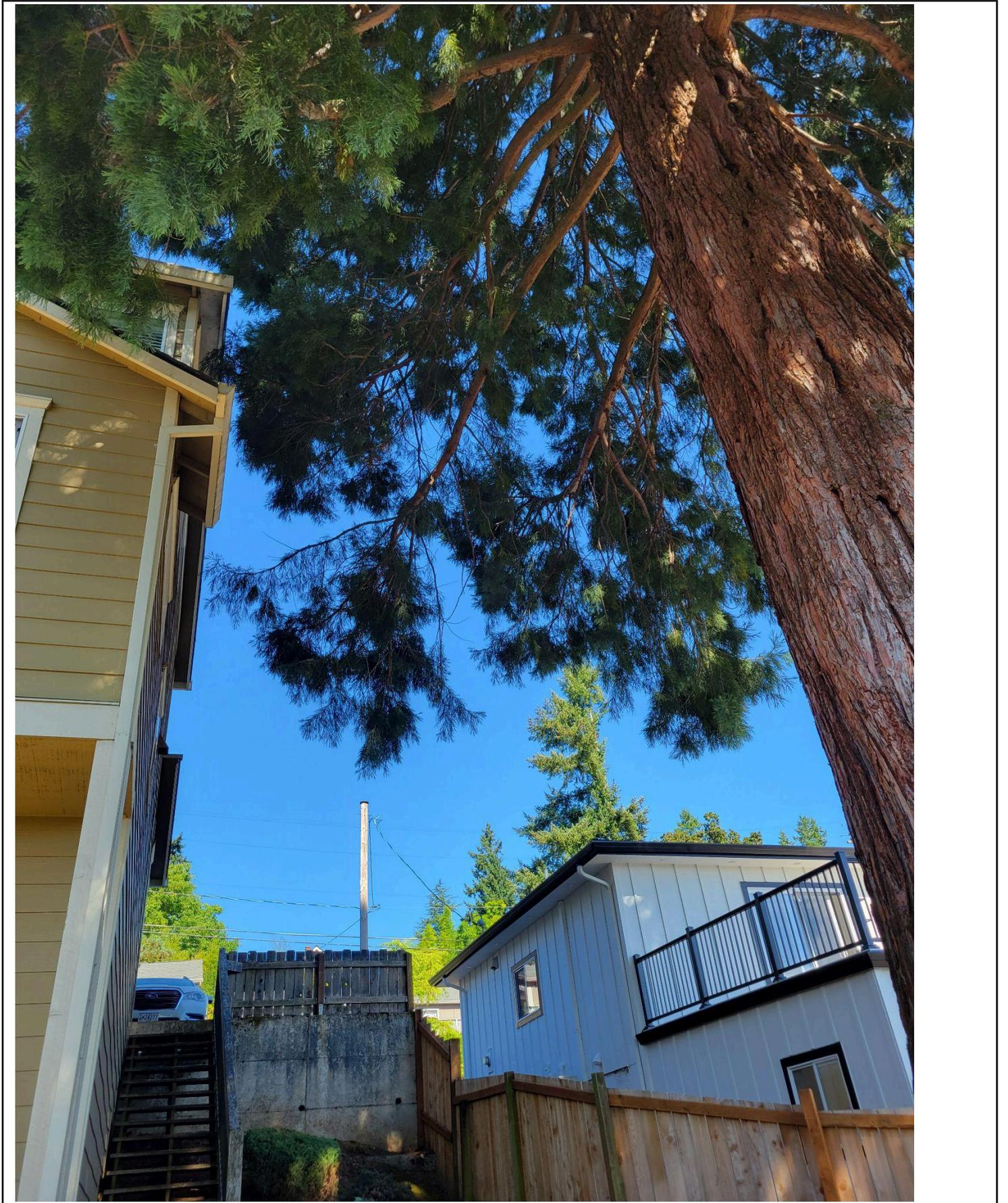
Advised fencing location











## CERTIFICATION OF PERFORMANCE

We Certify:

That a consultant of Monkeyman's has inspected the tree(s) and/or the property referred to in this report.

That Monkeyman's has no current or prospective interest in the vegetation or the property that is the subject of this report and Monkeyman's has no interest or bias with respect to the parties involved.

That Monkeyman's compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or stipulated results or the occurrence of any subsequent events.

That the analysis, opinions and conclusions that were developed as part of this report have been prepared according to commonly accepted arboricultural practices.

A qualified arborist has overseen the gathering of tree related data.

## ASSUMPTIONS AND LIMITING CONDITIONS

Any legal description provided to the consultant is assumed to be correct. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations. No responsibility is assumed for legal matters.

Care has been taken to obtain all information from reliable sources. However, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including additional fees.

This report and any values expressed herein represent the opinion of the consultant, and the consultant fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Drawings and information contained in this report may not be to scale and are intended to be used as points of reference only. The reproduction of information generated by other consultants is for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, as to the sufficiency or accuracy of the information.

Unless expressed otherwise, information in this report covers only items that were examined and reflects the condition of those items at the time of report. The report is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.

There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

The consultant's role is only to make recommendations; actions or inactions on the part of the client or contractor are not the responsibility of the consultant.

Loss or alteration of any part of this report invalidates the entire report.

**EXHIBIT PD-2: COMPLETENESS LETTER**



## CITY OF West Linn

December 15, 2025

Dave Spitzer  
2325 NE 19<sup>th</sup> Avenue  
Portland, OR 97212

Subject: MISC-25-05 – 4685 Riverview Avenue

Dear Dave Spitzer:

The re-submitted application for a MISC-25-05 at 4685 Riverview Avenue has been deemed **complete**. The City has 120 days to review the application, with a final decision due no later than April 14, 2026.

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

The decision for this application will be made by the Planning Director.

Please contact me at 503-742-6057, or by email at [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) -if you have any questions about the process.

Sincerely,

*Aaron Gudelj*

Aaron Gudelj  
Associate Planner

**EXHIBIT PD-3: PUBLIC COMMENTS**

**From:** [Hugo Matus](#)  
**Sent:** Wednesday, December 31, 2025 9:07 AM  
**To:** Gudelj, Aaron  
**Cc:** [Hugo Matus](#)  
**Subject:** Comments (Opposition) on Project MISC-25-05 (4685 Riverview Ave).

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[You don't often get email from hugomatus@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Aaron [Gudelj](#),

I am writing as a property owner 300 feet away from 4685 Riverview [A](#)venue to oppose this project. I already have serious concerns about the traffic situation on our street. We currently experience a high level of pass-through traffic. There is a small rental complex directly in front of this property, and down the hill at the back of my property there is another [ap](#)artment complex. It is already hard to get out of my driveway.

I understand this property is flagged as a "[Non](#)-Conforming Structure," which means it already doesn't meet current code standards. Instead of fixing these problems, this application wants to expand the footprint and add more density. This compounds the existing issues rather than solving them. Expanding a property that is already non-conforming should not be allowed if it makes the neighborhood less safe and less livable.

Extending the home and adding an ADU to this location will only make these problems worse. I live on a hill incline, and this property is directly beside me on a narrow inclined alley. Adding density here will increase traffic, parking demand, and safety risks for everyone on this street.

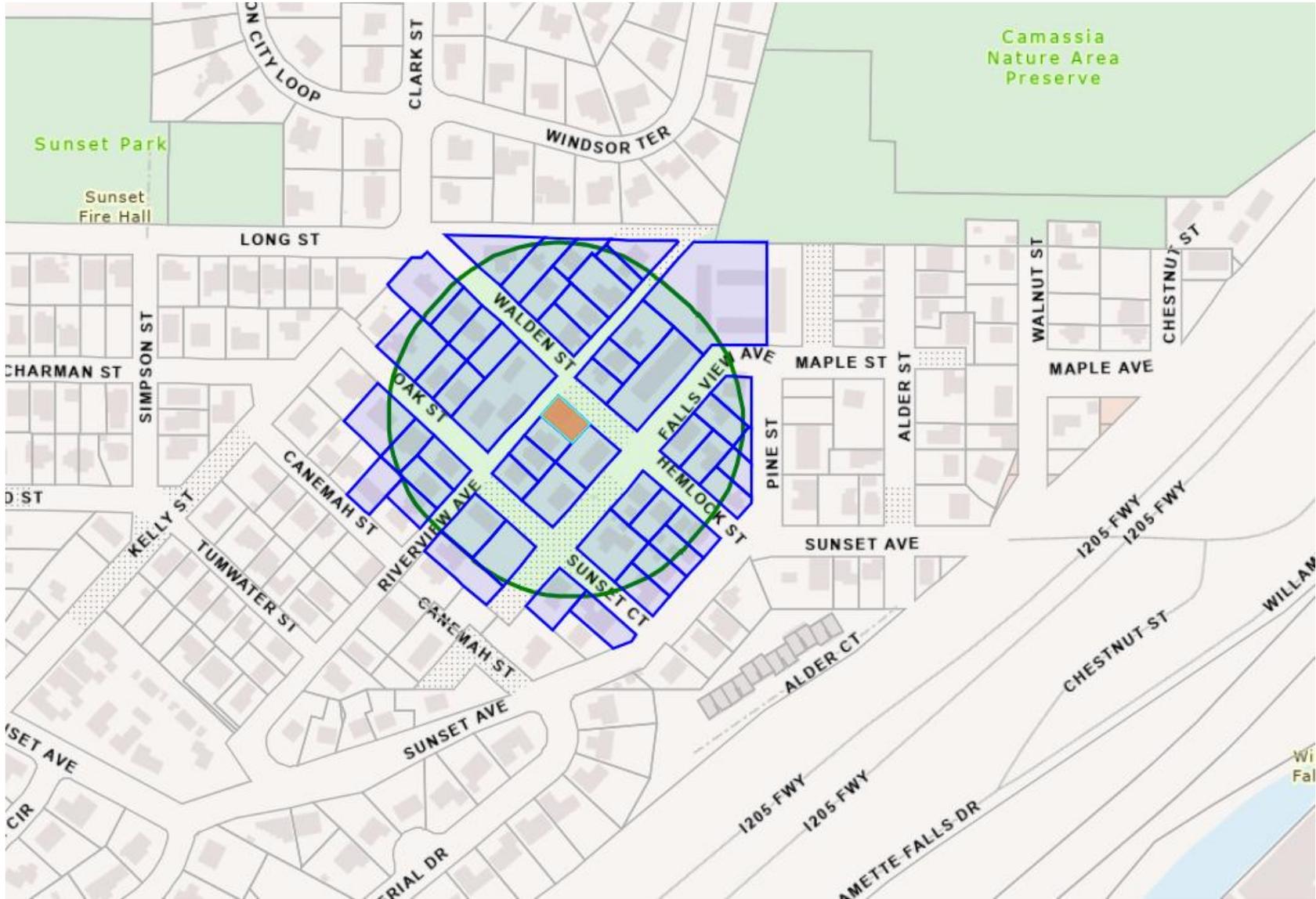
I also ask that the Planning Department consider the impact of water runoff. Expanding the building footprint will increase the amount of rainwater flowing down the hill instead of soaking into the ground. Please require a drainage assessment as part of your review to understand how this expansion will affect water flow on our steep slope. I urge the Planning Department to deny this application.

Regards,

Hugo Matus  
hugomatus@icloud.com

**EXHIBIT PD-4: AFFIDAVIT AND NOTICE PACKET**

MISC-25-05 – Notified Property Owners within 300 feet of 4685 Riverview Avenue



**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.: **MISC-25-05**

Applicant's Name: **Dave Spitzer/Rosa Bendezu**

Development Address: 4685 Riverview Ave

**Planning Director Decision no LATER than April 14, 2026**

**MAILED NOTICE**

Notice of Upcoming Planning Director Decision was mailed at least 14 days before the decision, per Section 99.080 of the CDC to:

<b>Dave Spitzer, applicant representative</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>
<b>Rosa Bendezu, property owner</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>
<b>Property owners within 300ft of the site perimeter</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>
<b>Sunset Neighborhood Association</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>

**EMAILED NOTICE**

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

<b>Sunset Neighborhood Association</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>
<b>Rosa Bendezu, owner</b>	<b>12/19/25</b>	<i>Lynn Schroder</i>
<b>Dave Spitzer, applicant</b>	<b>12/19/25</b>	<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.

<b>12/19/25</b>	<i>Lynn Schroder</i>
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**SIGN**

A sign for Upcoming Planning Director Decision was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

<b>12/19/2025</b>	<i>Aaron Gudely</i>
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**FINAL DECISION**

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

<b>3/13/2026</b>	<i>Lynn Schroder</i>
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**NOTICE OF UPCOMING  
PLANNING DIRECTOR DECISION**

**PROJECT # MISC-25-05  
MAIL: 12/17/25 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.



**NOTICE OF FINAL DECISION  
PLANNING DIRECTOR FILE NO. MISC-25-05**

The West Linn Community Development Director is considering an addition and remodel of a non-conforming structure at 4685 Riverview Ave. The applicant is requesting approval for a 612 square foot addition via conversion of an existing garage to habitable space and additional area to an existing nonconforming building.

You have been notified of this proposal because County records indicate that you own property within 300 feet of the property (Clackamas County Assessor's Map Tax Lot Number 21E36AA07700), or as otherwise required by CDC Chapter 99.080.

The Director will decide the application based on criteria in Chapters 14, 66, and 99. of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on Friday March 27, 2026 to [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or mail them to City Hall. All comments must be received by the deadline.**

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

For additional information, please contact Aaron Gudelj, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057.

Scan this QR Code to go to Project Web Page:



