

Tom and Kaaren Pixton  
5070 Linn Lane  
West Linn, Oregon 97068  
503-968-2020 (office)

City of West Linn  
Planning and Building Department  
Zoning change application  
22500 Salamo Road  
West Linn, Oregon 97068

RE: Request for zone change  
6085 Holmes Street  
Tom and Kaaren Pixton

**Zoning requested: R-7**

**Introduction:**

We request a zone change from R-10 to R-7 in connection with a proposed two-lot partition for property located at 6085 Holmes Street in West Linn. This is currently a 15,037 square foot site adjacent to the old Bolton Plat which is mostly divided into 5000 square foot lots. A zone change to higher density would be in character with the adjoining properties and neighborhood.

Our home on this lot is situated on the north portion of the lot leaving the south part of the lot looking as if it were vacant. The rhythm of homes along Holmes Street appears interrupted by a gap of about 80 feet between our home and the next residence to the south.

Ordinarily a zone change for this lot would be to R-5 to be consistent with the abutting R-5 zone, but in this case, going to R-7 is sufficient to allow the requested two-lot partition and avoids a comprehensive plan amendment. We plan construction on the new lot that would be in harmony with the neighborhood architecture.

We met with staff (Peter Spir) and the neighborhood association president (Sally McLarty) in a pre-application conference November 17, 2006.

**Comprehensive Plan (CDC 105.050 C.1.)**

We do not seek an amendment of the Comprehensive Plan. The proposed zone change will be consistent with the current Comprehensive Plan.

**Inconsistency in Zoning Map as it relates to the property which warrants zone change:  
(CDC 105.050 B.1.)**

1. This lot is surrounded by smaller lots with the exception of 6090, directly across the street.
2. Lots immediately adjacent to the north are zoned R5.
3. The city drainage easement immediately adjacent to the north lies on the boundary

between R5 and R10 (subject lot) but has not been maintained, it has been encroached upon by lot owners buildings and does not provide any sort of natural dividing line that may have at one time made sense to zoning planners in the distant past.

4. The subject property is one of only two lots between the current R5 boundary on the north and the Bolton School property on the south.

5. R-5 zoning would be consistent with rest of neighborhood to north and consistent with Metro in-fill policy.

6. Hiway 43 would be more natural boundary for R5.

NOTE: These comments address the inconsistency in the zoning map with relation to the surrounding R-5 lots, but we are seeking R-7 zoning which will accomplish architectural consistency in this neighborhood.

**Public need for the change or that the change. (CDC 105.050 C. 2.)**

1. Metro policy of in-fill is easily applied to this lot which is bounded by R5 to the north and only one lot next to Bolton School.

2. The lot is large and apparently intended at some point in the past to be divided because existing residence sits on the north edge of lot leaving a large empty space on south side of lot large enough to accommodate an R7 lot and building. A curb cut out and gravel driveway are already in place.

**The change can be demonstrated to be in the interest of the present and future community. (CDC 105.050 C.2.)**

1. Re-zoning the subject lot to R-7 complies with Metro policy and prevents further urban sprawl.

2. Existing empty lot can easily accommodate another residence without demolition of any existing residence.

3. R-7 on the subject lot would allow another potential family within walking distance of Bolton Elementary.

4. One of our own children is more likely to build there and to afford a home in this community.

**The change will not adversely affect the health, safety and welfare of the community. (CDC 105.050 C.3.)**

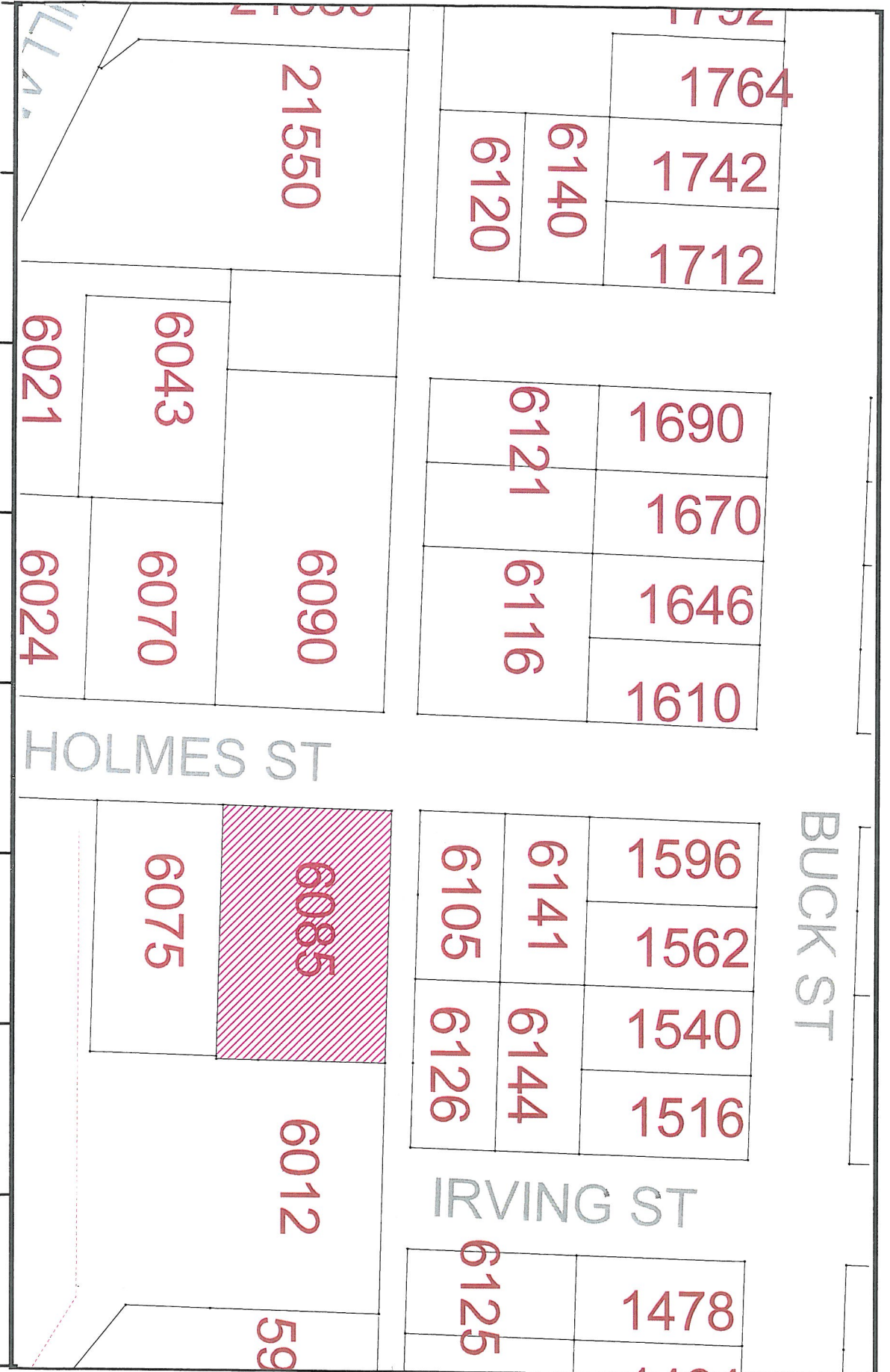
1. We desire to divide and create one (1) additional building lot on the subject property. The current residence will remain in place and a new residence can be built in harmony with the architectural styles of this charming Bolton neighborhood.

2. The proposed additional lot will occupy otherwise "empty" space currently unused and fully adequate to site another modest residence. (See photo of "empty lot").

3. Average density of the surrounding neighborhood will not be changed.

4. No building will be removed.

# WEST LINN GIS



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

## MAP DISCLAIMER:

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

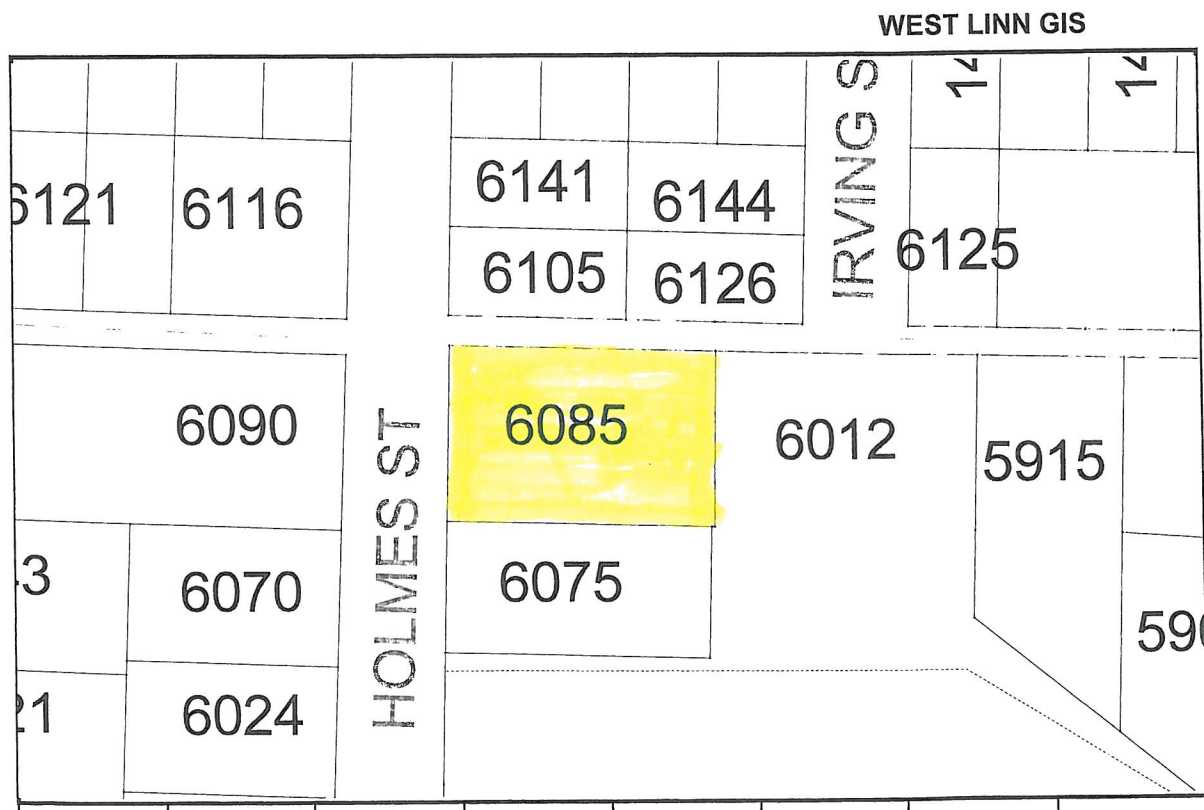
Distance between lines: approx. 101 Feet

150' x 100' = 15000 sq'





6085 Holmes Street  
Subject Property



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

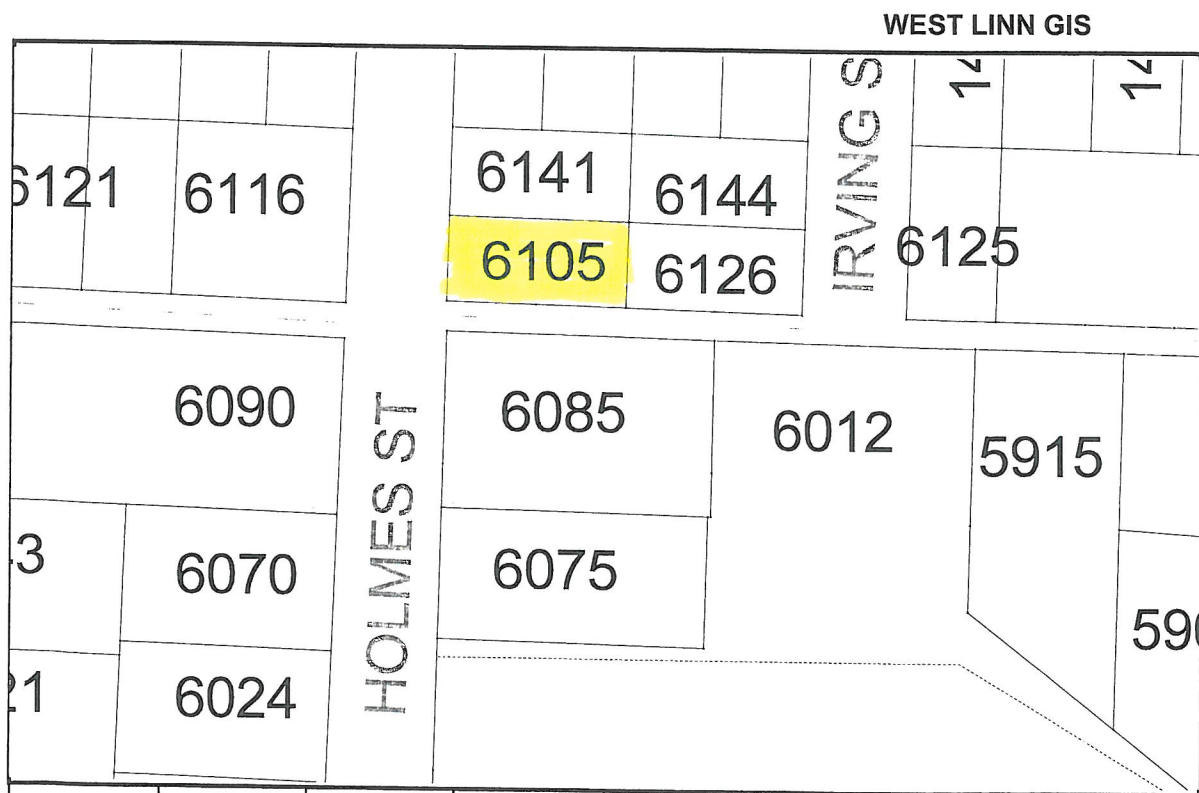
Distance between lines: approx. 083 Feet

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6105 Holmes Street

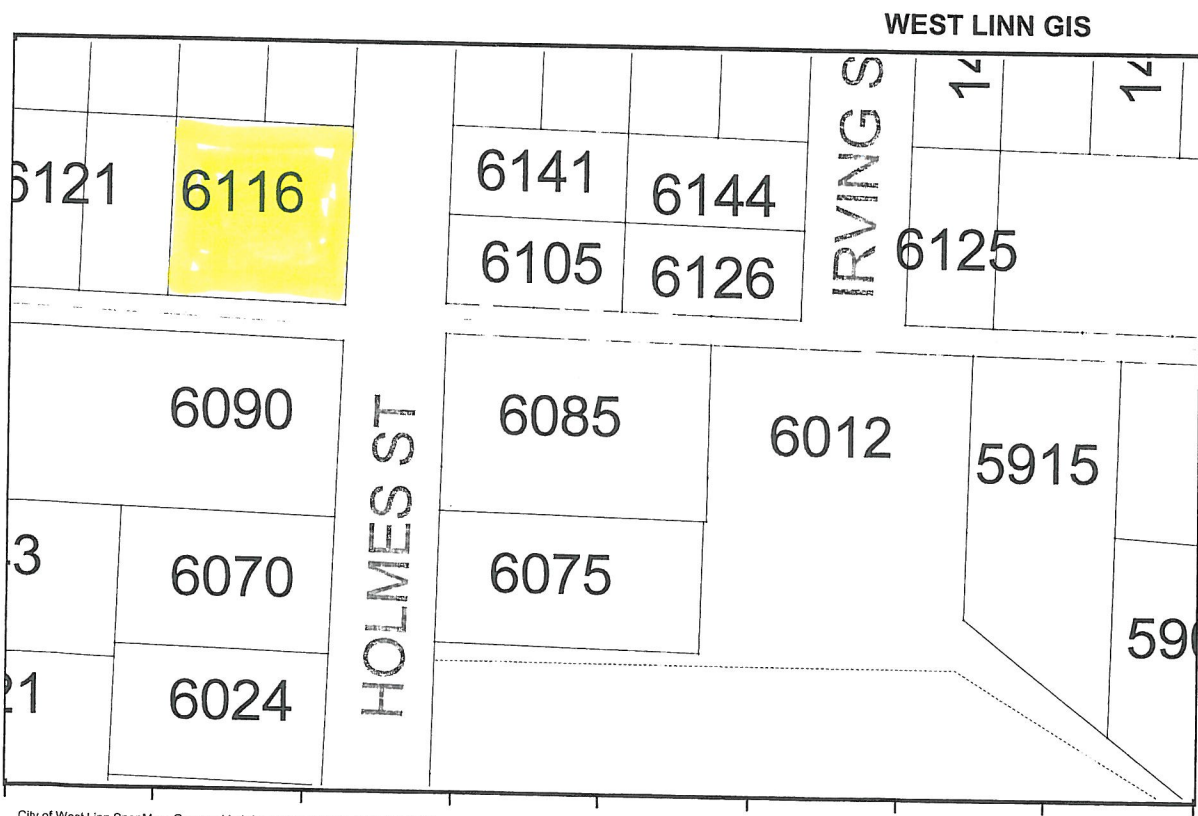


City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

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Distance between lines: approx. 083 Feet





City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

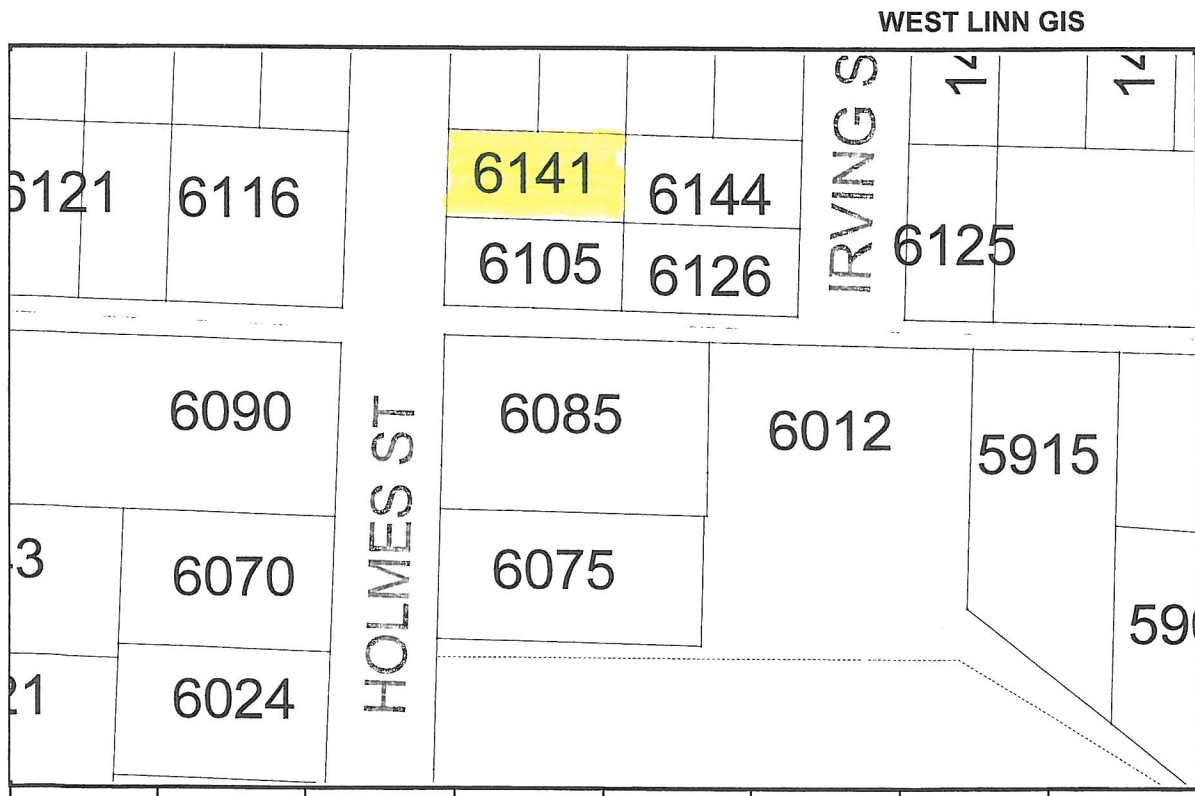
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Distance between lines: approx. 083 Feet





6141 Holmes Street



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

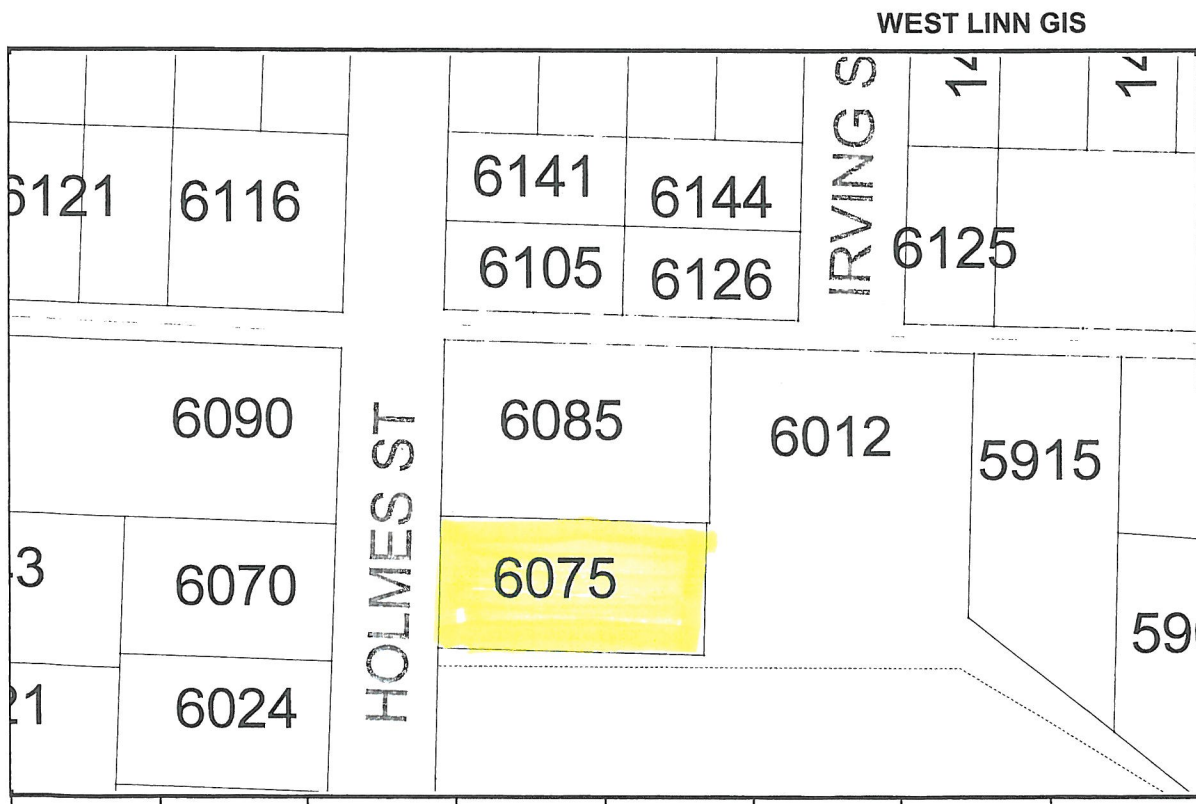
Distance between lines: approx. 0.83 Feet

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6075 Holmes Street



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

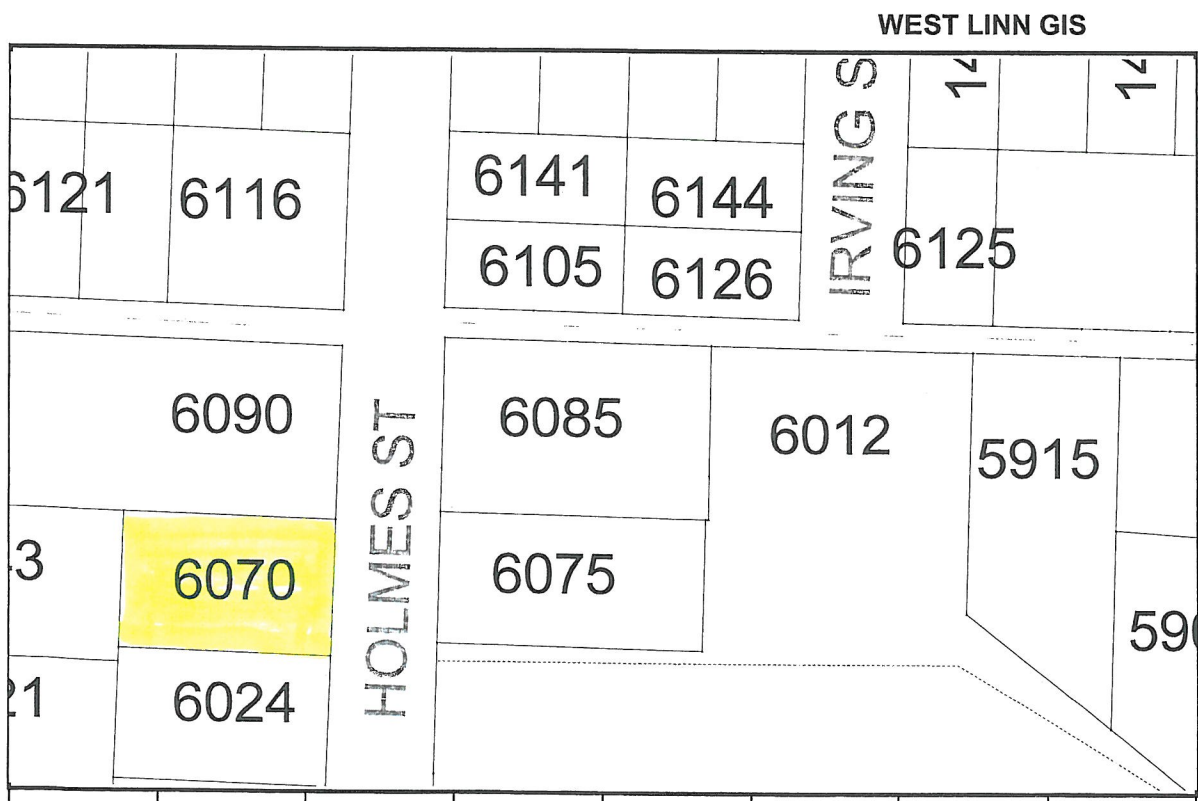
Distance between lines: approx. 083 Feet

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6070 Holmes Street



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2005

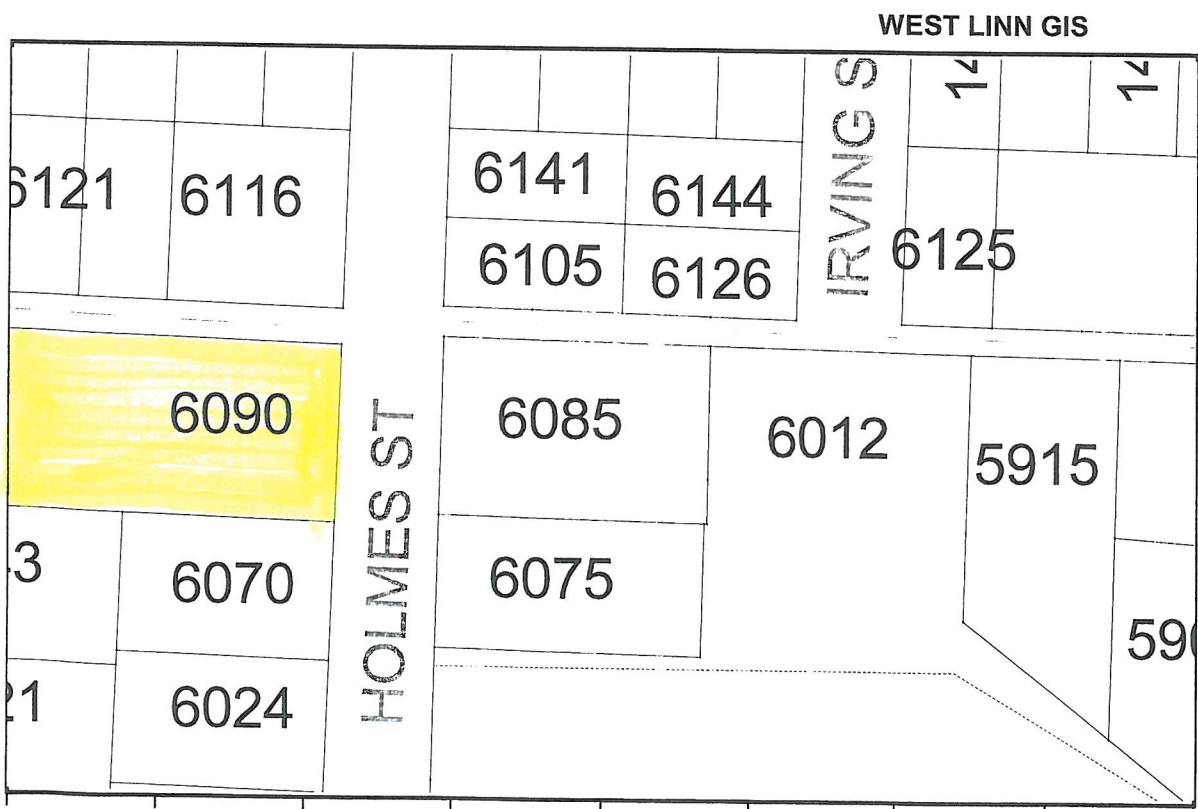
Distance between lines: approx. 083 Feet

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6090 Holmes Street



City of West Linn SnapMap, Geographic Information System, Date: 8/1/2006

Distance between lines: approx. 083 Feet

**MAP DISCLAIMER:**  
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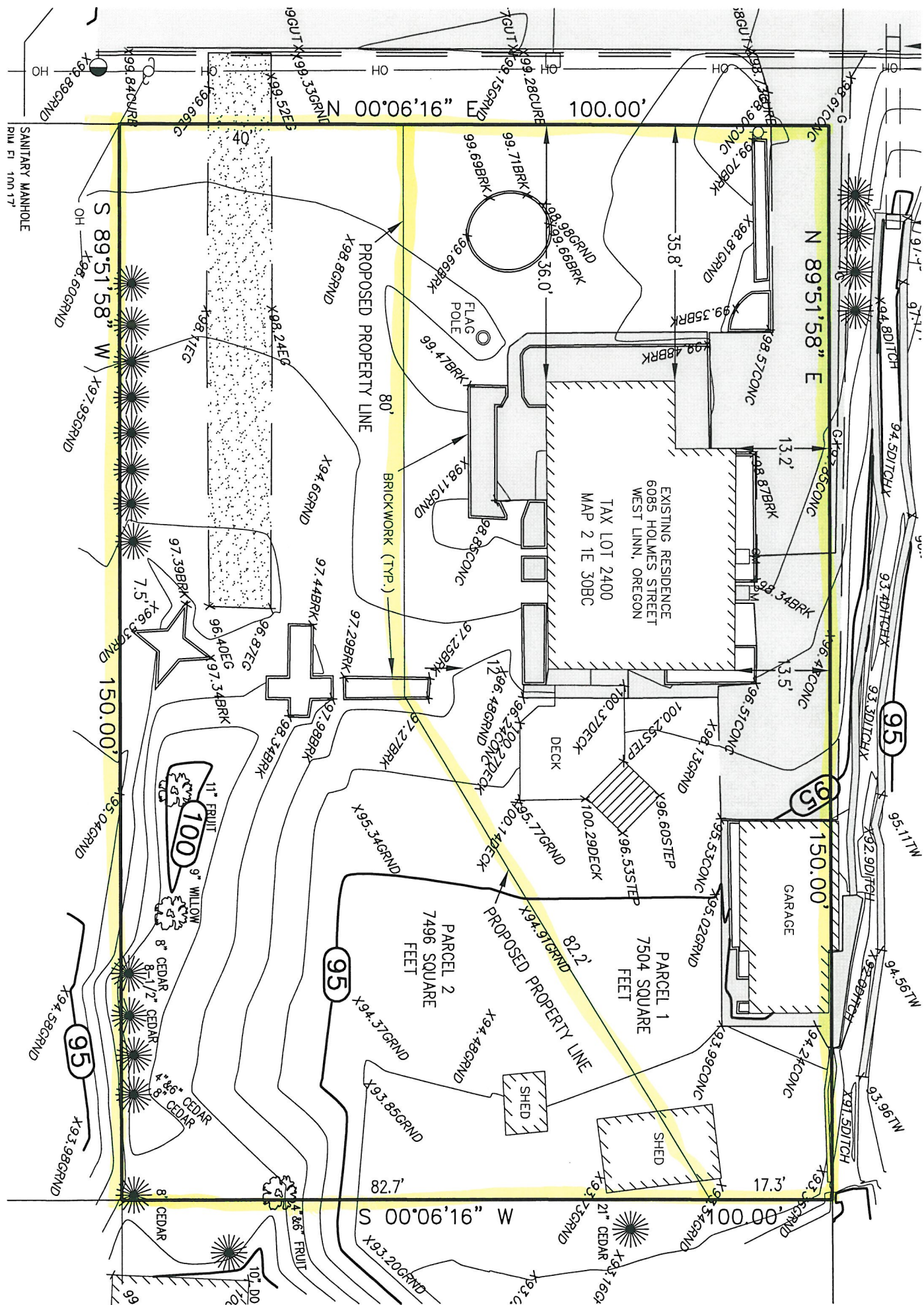
Address **6085 Holmes St**  
West Linn, OR 97068

To see all the details that are visible on the screen, use the "Print" link next to the map.

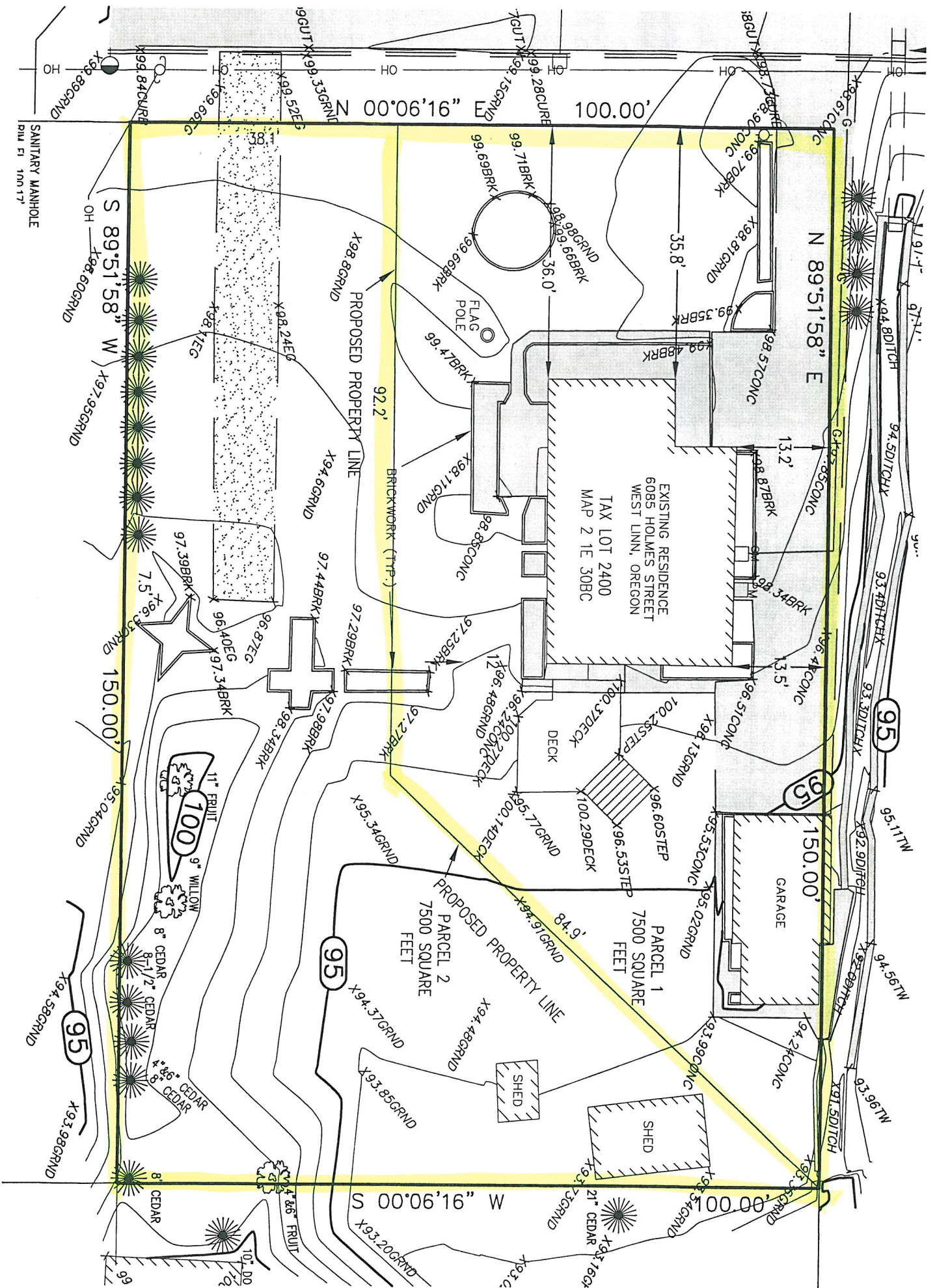


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**Tom at Pixton Family**

**From:** "Tom at Pixton Family" <tom@pixtonfamily.com>  
**To:** "Tom at home" <tom@pixtonfamily.com>  
**Sent:** Monday, December 11, 2006 5:21 PM  
**Attach:** header.htm  
**Subject:** Fw: preapsumry-11-17-06-PIXTON-MIP.doc

Tom Pixton  
 THE PIXTON LAW FIRM  
 Kruse Woods One, Suite 377  
 5285 SW Meadows Road  
 Lake Oswego, Oregon 97035  
 503-968-2020  
 503-803-7510 cell  
 503-624-1929 fax  
 ----- Original Message -----

**From:** Spir, Peter  
**To:** tom@pixtonfamily.com  
**Sent:** Monday, November 27, 2006 12:08 PM  
**Subject:** preapsumry-11-17-06-PIXTON-MIP.doc

City of West Linn  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
 November 17, 2006

**SUBJECT:** Zone Change and Minor partition at 6085 Holmes Street

**ATTENDEES:** Tom and Karen Pixton (Applicant)  
 Peter Spir (Planning Staff)  
 Sally McLarty (Bolton Neighborhood Representative)

*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are **PRELIMINARY** in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

### Project Details

The applicants are interested in rezoning their property from R-10 to R-7. This would allow the 15,037 square foot site to be partitioned into two lots. The site is adjacent to the old Bolton Plat, which divided most of this area into 5,000 square foot lots. Although some property owners in the Bolton Plat built their homes straddling two lots, the majority of homes occupy just the original 5,000 square foot lots. Thus a zone change to higher density would be in character with the adjoining properties and neighborhood.

Staff observed that Mr. Pixton's home is situated on the north portion of the lot leaving the south part looking vacant. Also the rhythm of homes along the street is one every 20 feet; then when one gets to Mr. Pixton's house, there is this gap of 80 feet to the house to the south. Mrs. McLarty stated that she did not think the pattern

issue was as important as the scale of the new home and that the new house should be built to fit into the neighborhood. Staff agreed that a rezone is appropriate. Ordinarily the zone change would be to R-5 for consistency with the abutting R-5 zone. But in this case, going to R-7 allows the partition, limits it to just two lots, and avoids a comprehensive plan amendment and a hearing before the City Council.

There is a natural drainageway on the north property line, which, according to Mr. Pixton, carries a fair amount of water. It is listed on the Storm Water Master Plan as a major open channel and therefore a natural drainageway permit is required. The drainageway permit requires compliance with the provisions of CDC Chapter 32. Because the proposed new lot is so far removed from the drainageway, the drainageway setbacks required by CDC Chapter 32 would not have any adverse impact on development of a house on the proposed new lot.

Staff discussed the proportions of the proposed new lot. Apart from both lots having to have 7,000 square feet, the "two and a half times rule" applies. That rule states that the length of the lot cannot be more than 2.5 times the width. This is supposed to discourage narrow dysfunctional lots. The applicant will have to be creative in the dividing lot line to meet this rule. Otherwise a Class II Variance would be required.

In the event that a land division is pursued the first step is to determine if there are any significant trees on the site. Thus a tree inventory is required. Once the applicant has inventoried the trees by location, size and type and tagged them in the field, Mike Perkins, the City Arborist, will need to visit the site to determine if the trees are significant. It is possible that tree conservation easements will be required as conditions of approval. Up to 20 % of the site may be set aside for tree protection. But even if there were significant trees the site has ample room for construction on the new lot.

#### Engineering Issues

##### Streets:

- Fee-in-lieu for frontage improvements.
- Street SDC based upon Trip Generation Manual

##### Storm:

- Storm drainage treatment required for all impervious areas on site.
- After treatment, stormwater may be discharged into the drainageway adjacent to applicant's property in manner approved by City Engineer.
- Stormwater design and construction criteria contained in City's Public Works Standards available on line.
- Stormwater SDC

##### Water:

- Water pressure zone: Bolton
- Water service available in Holmes Street via a 6-inch ductile iron water line along the property frontage. Water service currently sufficient to site to support development.
- Water transmission satisfactory. Water storage not available for build-out. Approximately 252 Water Meter Equivalents (WMEs) available for development. Removing all previously approved subdivisions from last four years, approximately 60 WMEs remain available. Water meters available on a first come-first serve basis.
- Water SDC \$\$

##### Sanitary Sewer:

- System capacity sufficient to serve development.
- Service available in Holmes Street along property frontage.



- SS SDC \$\$

Other Utilities:

- If overhead utilities along property frontage, utilities must be undergrounded or fee-in-lieu paid to City for future undergrounding. No new overhead utility poles may be installed. If additional poles required, utility lines must be undergrounded. All new utilities shall be undergrounded.

Process

A zone change with no comprehensive plan amendment is decided by the Planning Commission. The Planning Commission will also hear the minor partition and natural drainageway permit. The first step is full and complete response to the approval criteria of CDC section 105.050 for the zone change, for the minor partition submittal requirements are found in CDC sections 85.150-85.170 and approval criteria 85.200 of CDC Chapter 85; and, for the Natural Drainageway permit the approval criteria is found in CDC section 32.050. N/A is not an acceptable response. The submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. Submit the application to the Planning Department with fees. The deposit fee is \$2,800 for a partition. Final plat deposit fees of \$1,410 are also charged. Zone change deposit fee is \$2,170 and the deposit fee for the Natural Drainageway is \$1,850. Staff bills hours against the deposit fee and returns any surplus at the conclusion of the process, regardless of whether it is approved or denied.

The City has 30 days to determine if the application is complete or not (most applications are incomplete). The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals.

Staff prepares public notice and schedules the hearing. The first hearing is usually four weeks from the date the application is deemed complete. The Planning Commission holds a hearing and renders a final decision. The decision may be appealed to the City Council (or Planning Commission if a Planning Director decision). If appealed, the City Council hearing is 6-8 weeks from the Planning Commission hearing date. Subsequent appeals go to LUBA.

Once approved, the applicant has three years to have the plat recorded before approval lapses and is void.

Typical land use applications can take 6-10 months from beginning to end.

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Also, pre-application conference notes have a limited "shelf life". As new codes and regulations are introduced, they may impact this application.

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West  
Linn

# DEVELOPMENT REVIEW APPLICATION

1  
ZC -09-01  
MP -09-01

CDL  
changed  
Feb  
2007

TYPE OF REVIEW (Please check all boxes that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Annexation  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures        |
| <input type="checkbox"/> Appeal and Review *                                   | <input type="checkbox"/> One-Year Extension *                          |
| <input type="checkbox"/> Conditional Use                                       | <input type="checkbox"/> Planned Unit Development                      |
| <input type="checkbox"/> Design Review   | <input checked="" type="checkbox"/> <u>Pre-Application Meeting</u> *   |
| <input type="checkbox"/> Easement Vacation                                     | <input checked="" type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities                    | <input type="checkbox"/> Street Vacation                               |
| <input type="checkbox"/> Final Plat or Plan                                    | <input type="checkbox"/> Subdivision                                   |
| <input type="checkbox"/> Flood Plain Construction                              | <input type="checkbox"/> Temporary Uses *                              |
| <input type="checkbox"/> Hillside Protection and Erosion Control               | <input type="checkbox"/> Tualatin River Greenway                       |
| <input type="checkbox"/> Historic District Review                              | <input type="checkbox"/> Variance                                      |
| <input type="checkbox"/> Legislative Plan or Change                            | <input type="checkbox"/> Water Resource Area Protection/Wetland        |
| <input checked="" type="checkbox"/> Lot Line Adjustment * / **                 | <input type="checkbox"/> Willamette River Greenway                     |
| <input checked="" type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc                                    |

Tom@Paxton  
law.com

Home Occupation / Pre-Application / Sidewalk Use Application \* / Permanent Sign Review \* / Temporary Sign Application  
require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT \_\_\_\_\_

\* No CD required / \*\* Only one copy needed

Tom & Karen Paxton 5070 Linn Lane W.L. 97068 503-968-2020

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
<u>Tom Paxton</u>	<u>5070 Linn Lane</u>	<u>W.L.</u>	<u>97068</u>	<u>503-656-1334</u> <u>503-968-2020</u>
APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
<u>/</u>				

CONSULTANT	ADDRESS	CITY	ZIP	PHONE
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SITE LOCATION 6085 Holmes St West Linn

Assessor's Map No.: \_\_\_\_\_ Tax Lot(s): \_\_\_\_\_ Total Land Area: 15037

1. All application fees are non-refundable (excluding deposit).
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X

SIGNATURE OF APPLICANT(S)

X

Date 12-28-09

Date 4

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY.  
ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL.  
COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

**PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068;  
PHONE: 656-4211 FAX: 656-4106**