

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S). MIP-22-04	PRE-APPLICATION NO. PA-22-01, 02
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) \$2,800	TOTAL \$2,800

Type of Review (Please check all that apply): Expedited Land Division

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal and Review (AP)
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation
<input type="checkbox"/> Final Plat or Plan (FP)
<input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Historic Review
<input type="checkbox"/> Legislative Plan or Change
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)
<input type="checkbox"/> Modification of Approval
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses
<input type="checkbox"/> Time Extension
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change |
|--|---|---|

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

Site Location/Address: Part of (Tract C) 1220 9th Street	Assessor's Map No.: 31E02AC
	Tax Lot(s): Part of TL 300 (Tract C)
	Total Land Area: 33,467 Sq. Ft.

Brief Description of Proposal:

Divide Tract C into two parcels in conjunction with development of detached duplexes (middle housing) on each parcel.

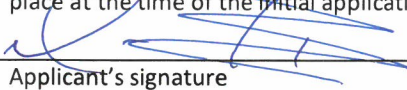

Applicant Name: Icon Construction & Development, LLC <small>(please print)</small>	Phone: (503) 657-0406
Address: 1969 Willamette Falls Dr., Suite 260	Email: darren@iconconstruction.net
City State Zip: West Linn, OR 97068	

Owner Name (required): Same as applicant <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

Consultant Name: Rick Givens, Planning Consultant <small>(please print)</small>	Phone: 503-351-8204
Address: 292 W Sunrise Vista Dr.	Email: rickgivens@gmail.com
City State Zip: Green Valley, AZ 85614	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. Submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner(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. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

		
Applicant's signature	Date	Owner's signature (required)
	10/20/22	Date
		10/20/22

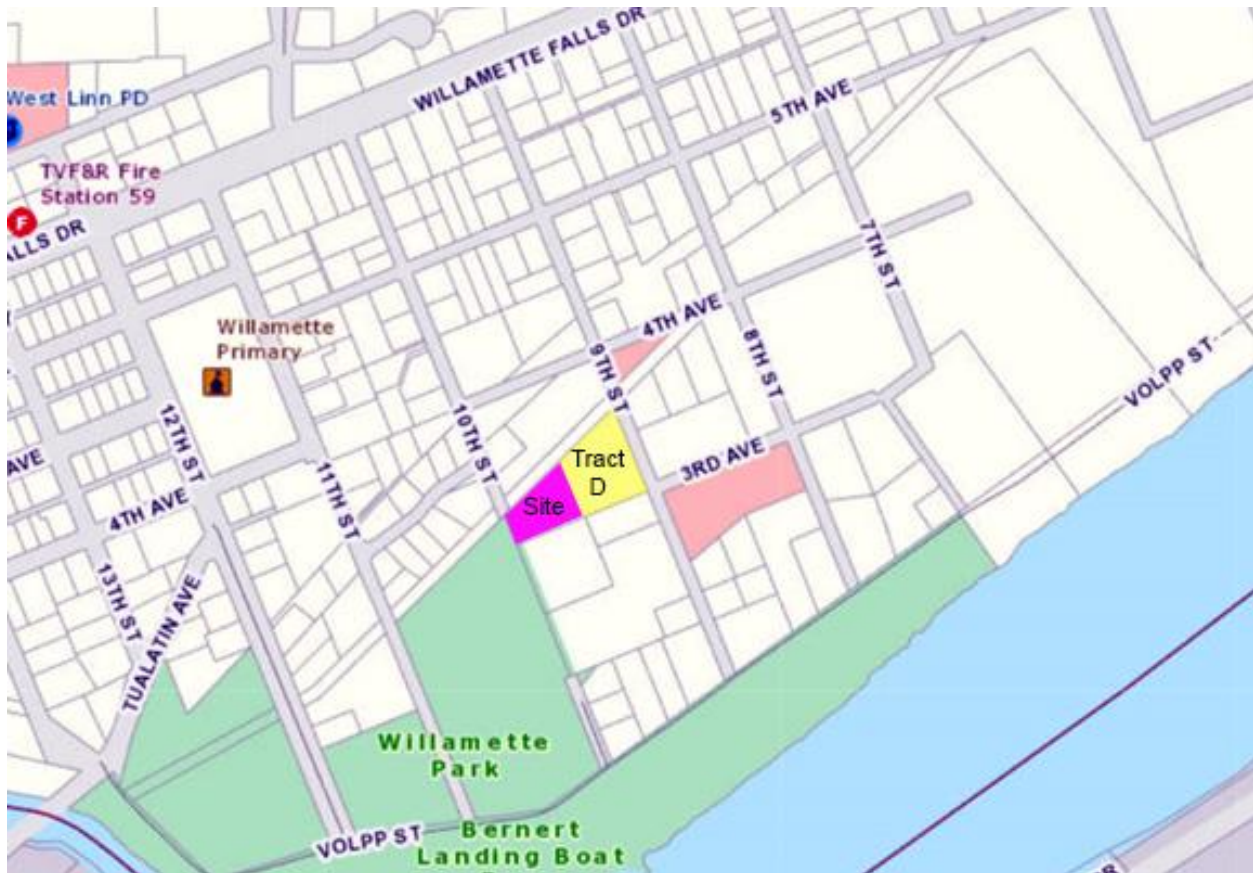
1220 9th Street (Tract C) ELD Partition

Icon Construction & Development, LLC

Introduction:

This application requests approval of a middle housing land division, pursuant to the provisions of SB 458, to divide Tract C of TL 31E02AC 300 into two parcels. Each parcel will contain one unit of a detached duplex. Note that TL 300 is comprised of two legal lots of record, Tract C and Tract D, and that a partition was approved earlier this year to divide Tract D into three parcels (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01). That decision also approved a Water Resource Area Permit that established a modified wetlands buffer that is applicable to both Tracts C and D.

Consistent with the provisions of SB 458, this proposed middle housing land division application will make use of the Expedited Land Division procedures set forth in ORS 197.360. The subject property is accessed via a private driveway from 9th Street on the vacated former right-of-way of 3rd Avenue. This driveway also serves Parcel 3 of the Tract D partition and an existing single-family home on property to the south of the subject property. This private driveway will be extended to serve the two new parcels.



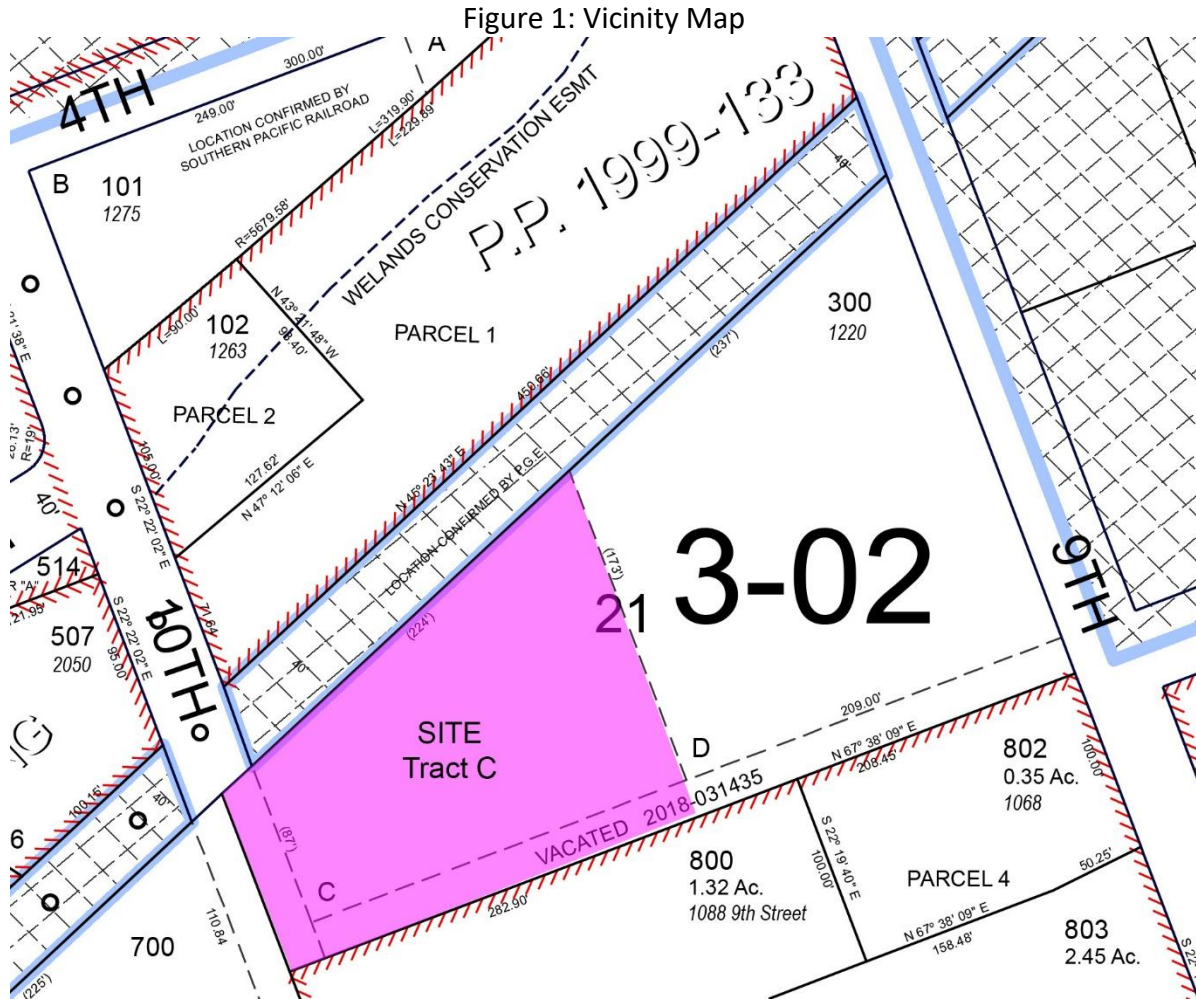


Figure 2: Assessor's Map

Compliance with Approval Criteria:

The approval criteria relevant to this application are found in Section 2 of SB 458.

SECTION 2.

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

Comment: This application involves detached duplexes, one of which will be located on each lot. Duplexes are middle housing pursuant to the definitions in ORS 197.758(1). The proposed partition is located on property that allows for the development of middle housing under standards adopted by the City of West Linn.

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

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

Comment: The proposed parcels will be developed with detached duplex units. Application for building permits will be submitted separately and they will demonstrate compliance with the Oregon residential specialty code.

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.”

Comment: The City of West Linn adopted Ordinance 1736 this year to provide for compliance with state requirements for middle housing. The new standards allow for middle housing in all residential districts, including the R-10 district applicable to the subject property. The only limitations provided in the updated standards are dimensional requirements that do not discourage development of middle housing. The dimensional standards are:

STANDARD	REQUIREMENT	ADDITIONAL NOTES	COMMENT
Minimum lot size	10,000 SF	For a single-family attached or detached unit.	Not applicable to detached duplexes, but both parcels exceed 10,000 sq. ft.
Average min. Lot or Parcel size for a Townhouse Project	1,500 SF		Not applicable to detached duplexes.
Minimum lot width at front lot line	35 ft.	Does not apply to Townhouses or Cottage Clusters.	The minimum lot width at the front lot line is 67.5 feet (Parcel 1).
Average Minimum lot width	50 ft.	Does not apply to Townhouses or Cottage Clusters.	The minimum average lot width proposed is 67.5 feet (Parcel 1).
Minimum Yard Dimensions or Minimum building setbacks		Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for in a Cottage	

		<i>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.</i>	
<i>Front Yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</i>	The proposed minimum front yard setback is 20 feet.
<i>Interior Side Yard</i>	<i>7.5 ft</i>	<i>Townhouse common walls that are attached may have a 0 ft side setback.</i>	This standard is not applicable to duplex units. A 5' setback is proposed.
<i>Street Side Yard</i>	<i>15 ft</i>		Not applicable. No street side yards exist in this proposal.
<i>Rear Yard</i>	<i>20 ft</i>		The minimum rear yards proposed exceed 20 feet.
<i>Maximum Building Height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>	The proposed dwelling units will conform to the maximum 35' height standard. This will be reviewed with the building permit application.
<i>Maximum Lot Coverage</i>	<i>35%</i>	<p><i>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> • <i>This does not include detached garages, carports, or accessory structures.</i> • <i>A developer may deduct up to 200 sf for an attached garage or carport.</i> 	Proposed building envelopes for both parcels are shown on the site plan. The maximum lot coverage for Parcel 1 is 27.3% and for Parcel 2 is 11.7%.
<i>Minimum Accessway Width to a lot which does not abut a street or a flag lot</i>	<i>15 ft</i>		The proposed accessway easement has a minimum width of 20 feet.
<i>Maximum Floor Area Ratio</i>	<i>0.45</i>	<i>Max FAR does not apply to cottage clusters.</i>	Not applicable to duplexes.
<i>Duplex, Triplex, and Quadplex</i>	<i>0.60</i>	<i>Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall</i>	The lot area, excluding Type I and II lands for Parcel 1 is 8,427 sq. ft. This means the maximum floor area allowed at an FAR of .6 would be 5,056 sq. ft. For Parcel 2, the non-Type 1 & 2 lot area is 9,124 sq. ft., yielding a maximum floor area of 5,474 sq. ft. Compliance will be

		<i>be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.</i>	demonstrated with the building permit application.
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(b) Separate utilities for each dwelling unit;

Comment: Each unit of the detached duplex will have separate utilities.

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

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

Comment: Each unit is on a separate lot and all utilities serving the homes are either on the proposed lots or within utility easements that protect the required access.

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

Comment: The access easements provide for pedestrian access to the private road serving these lots.

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

Comment: Not applicable. There will be no common use areas or shared building elements.

(D) Any dedicated driveways or parking; and

Comment: Each parcel will have a driveway providing for parking for a minimum of two vehicles plus an attached garage providing parking for an additional two vehicles.

(E) Any dedicated common area;

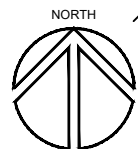
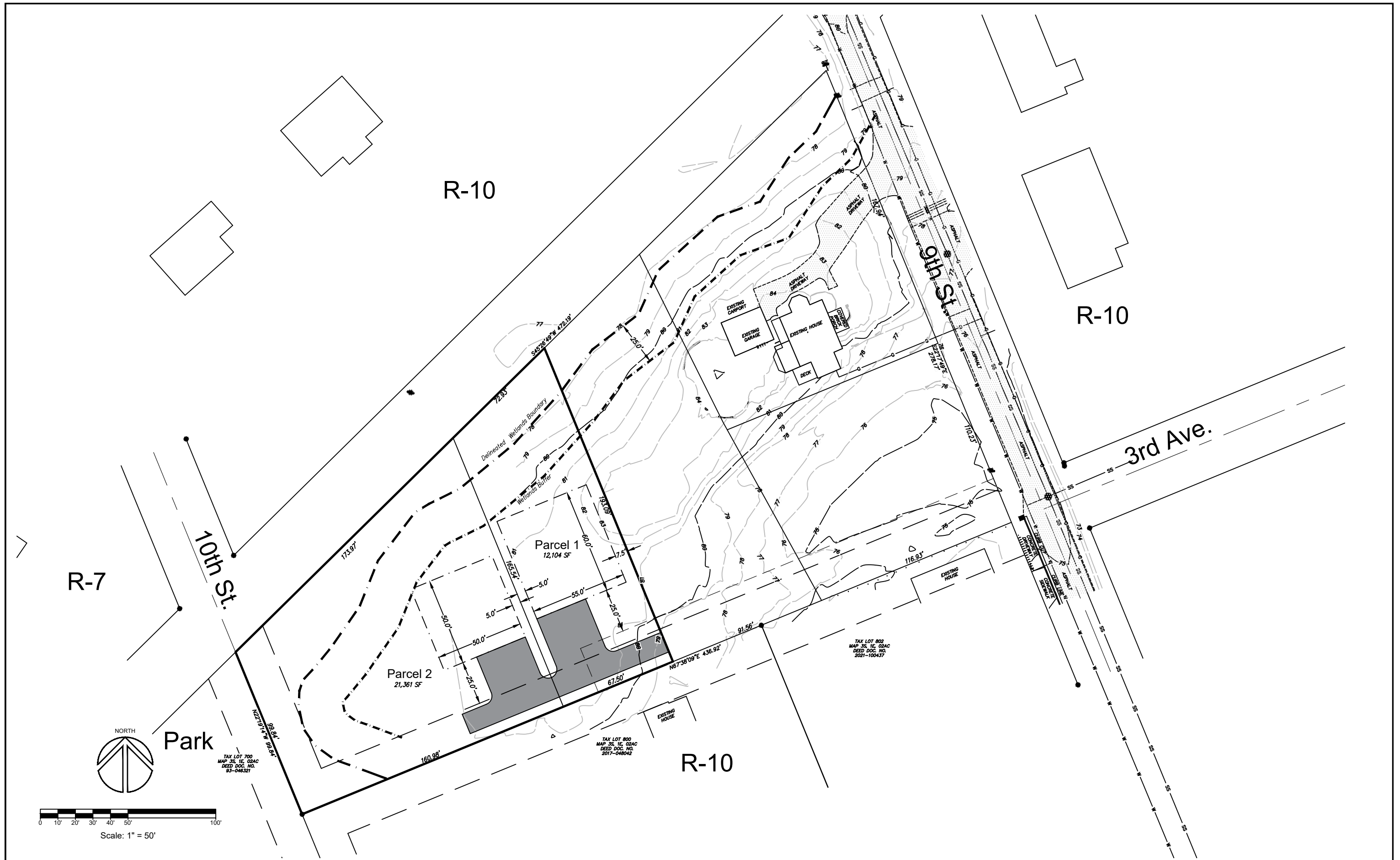
Comment: No dedicated common areas are proposed.

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

Comment: Both parcels will be developed with exactly one dwelling unit.

(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.

Comment: The plans and other materials required to demonstrate compliance with this requirement will be provided with the building permit applications.



Park

TAX LOT 700
MAP 35, 1E, 02AC
DEED DOC. NO.
93-048321



Scale: 1" = 50'

DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 50'			
DATE:	10-6-2022			
FILE:	21-ICN-105	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
1969 Willamette Falls Dr # 260
West Linn, OR 97068
PH: (503) 657-0406

1220 9th St. Tract C Partition
Tentative Plan

SHEET:
1/1