

Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068 Telephone 503.656-3535 • westlinnoregon.gov

## **DEVELOPMENT REVIEW APPLICATION**

|   | For Office Use Only  |  |   |
|---|--|--|---|
| STAFF CONTACT Ben Gardner   | PROJECT NO(s). SUB-22-01   |  | PRE-APPLICATION NO.   |
| NON-REFUNDABLE FEE(S)   | REFUNDABLE DEPOSIT(S) \$5,200  | TOTAL \$5  | ,200  |
| Appeal and Review (AP)  Code Interpretation  Conditional Use (CUP)  Design Review (DR)  Tree Easement Vacation  Final Plat or Plan (FP)  Legis  Lot I  Mod  Non-  | oric Review slative Plan or Change Line Adjustment (LLA) or Partition (MIP) (Preliminary Plat or Pl lification of Approval -Conforming Lots, Uses & Structures ned Unit Development (PUD) et Vacation , Addressing, and Sign applications re | Water Resource A Water Resource A Willamette & Tus Zone Change | Area Protection/Single Lot (WA<br>Area Protection/Wetland (WAP<br>alatin River Greenway (WRG) |
| Site Location/Address:  |  | Assessor's Map No.   | ∴ 2 1E 35DD   |
| 1575 6th Street   |  | Tax Lot(s): 1700   |   |
|   |  | Total Land Area: 24,   | 856 SF  |
| Brief Description of Proposal:  |  |  |   |
| To divide the parcel into 4 lots, under   | SB 458 and HB 2001.  |  |   |
| Applicant Name: (please print) Address: City State Zip: 6th Street West Linn, L 2111 N Willis Blvd, Apt Portland, OR 97217  |  |  | 30-4799<br>nanagement@gmail.c   |
| Owner Name (required): (please print) Address: City State Zip:  6th Street West L 2111 N. Willis Blv Portland, OR 97  | rd, Apt 333  |  | 30-4799<br>management@gmail.  |
| Consultant Name: Sisul Engineering (Ton Address: 375 Portland Avenue Gladstone, OR 97027  |  | Phone: 503-65<br>Email: tomsis<br>om                           | 57-0188<br>ul@sisulengineering.   |
| <ol> <li>All application fees are non-refundable (</li> <li>The owner/applicant or their representa</li> <li>A decision may be reversed on appeal. T</li> <li>Submit this form and supporting document https://westlinnoregon.gov/planning/submi</li> </ol> | tive should be present at all pu<br>he permit approval will not be effe<br>ents through the <u>Submit a Land Us</u>  | blic hearings.<br>ctive until the appeal pe                    | eriod has expired.  |
| The undersigned property owner(s) hereby author hereby agree to comply with all code requirement complete submittal. All amendments to the Comapproved shall be enforced where applicable. Applicant's signature  | orizes the filing of this application, and its application. According to my application. According to the munity Development Code and to ot  | eptance of this application her regulations adopted            | n does not infer a<br>after the application is  |

## Narrative for Proposed 4 lot Subdivision Under SB 458 and HB 2001

**APPLICANT:** Aaron O'Neal

6<sup>th</sup> Street West Linn, LLC 2111 N. Willis Blvd., Apt. 333

Portland, OR 97217

503-330-4799

**OWNERS:** Aaron O'Neal

6<sup>th</sup> Street West Linn, LLC 2111 N. Willis Blvd., Apt. 333

Portland, OR 97217

503-330-4799

**CONSULTANT:** Tom Sisul

Sisul Engineering 375 Portland Avenue Gladstone, OR 97027

503-657-0188

**REQUEST:** A four lot subdivision under Middle Housing regulations of SB 458 and HB

2001 to allow for 3 new dwelling units to be created on new legal lots of

record to be created via this request.

**LOCATION:** 1575 6<sup>th</sup> Street

Map number 2-1E-35DD, Tax Lots 1700

**ZONING:** R-10

**LOT AREA:** 24,856 SF



1575 6<sup>TH</sup> Street - is noted in blue above.

## Chapter 11 RESIDENTIAL, R-10

### 11.030 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.

A quadplex is proposed. Under City of West Linn Development Chapter 02.030 Specific Words and Terms, Quadplex is defined as "Quadplex residential units. Four attached or detached dwelling units on a Lot or Parcel in any configuration." The quadplex in this case will be the one existing home on the parcel and 3 new detached dwellings.

# 11.070 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:

| STANDARD   | REQUIREMENT | ADDITIONAL NOTES   |
|--|-------------|--|
| Minimum lot size   | 10,000 sf   | For a single-family attached or detached unit  |
| Average minimum lot or parcel size for a townhouse project | 1,500 sf    | Parent parcel meets the 10,000 SF standard.  |
| Minimum lot width at front lot line                        | 35 ft       | Does not apply to townhouses or cottage clusters Each parcel will have at least 35 feet of frontage on a street ROW line.  |
| Average minimum lot width                                  | 50 ft       | Does not apply to townhouses or cottage clusters <i>The average lot widths of all 4 lots combined will exceed 50 feet.</i> |

| STANDARD   | REQUIREMENT | ADDITIONAL NOTES   |
|--|-------------|--|
| 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 in 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.  The site does not lie in the Willamette Historic District. |
| Front yard   | 20 ft       | Except for steeply sloped lots where the provisions of CDC 41.010 shall apply Setbacks of at least 20 feet are proposed from ROW lines.  |
| Interior side yard                                   | 7.5 ft      | Townhouse common walls that are attached may have a 0-ft side setback. As noted above interior and other side yards, must only meet the applicable building code requirements.   |
| Street side yard                                     | 15 ft       |  |
| Rear yard  | 20 ft       |  |
| Maximum building height                              | 35 ft       | Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.  Building heights will not exceed 35 feet.  |

| Maximum lot coverage  | 35%   | Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. |
|---|-------|---|
|   |       | This does not include   |
|   |       | detached garages, carports, or accessory structures.  |
|   |       | A developer may deduct up   |
|   |       | to 200 sf for an attached garage or carport.  |
|   |       | The maximum lot coverage is only proposed to be approximately 21% of the overall site's area of 24,861 SF.  |
| Minimum accessway width to a lot which does not abut a street or a flag lot | 15 ft | The minimum accessway width will be 20 feet as proposed.  |
| Maximum floor area ratio  | 0.45  | Maximum FAR does not apply to cottage clusters. A cottage cluster is not being applied for.   |

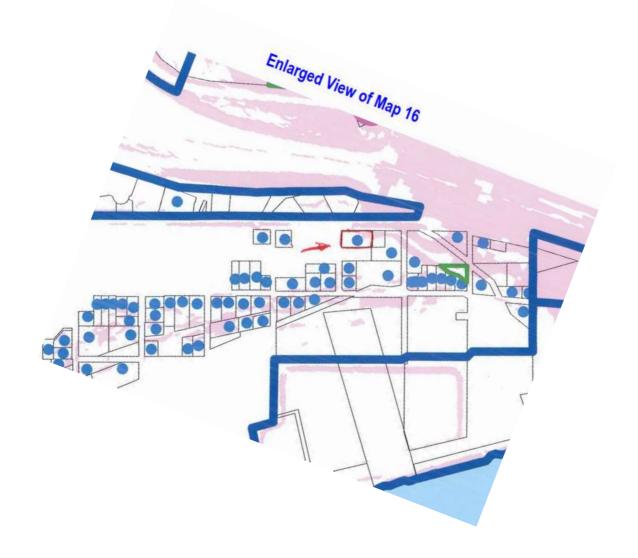
| Duplex, triplex, and quadplex | 0.60 | Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based 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 nonconforming structures permit under Chapter 66 CDC.  A floor area ratio of the entire lot area is proposed to be 0.35 as noted in the table on Sheet SP-01 as part of the application documents.  While City documents indicate that portions of the site are impacted by environmental overlays of Chapter 32, we note in Chapter 32 below how this site does not meet the requirements of being labeled Type I or II lands. |
|-------------------------------|------|--|
|-------------------------------|------|--|

# Definitions of Type I and Type II lands as stated in the definition section of Chapter 2

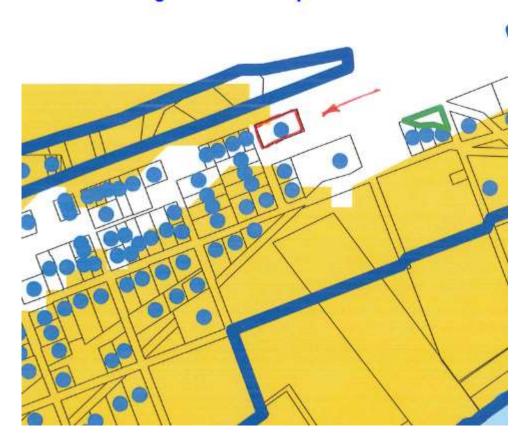
Types of land. Lands are categorized into one of four types (I, II, III or IV), depending on their features including slope, drainage and geology. In considering slope of the site, lands shall be classified into the steepest category for which they qualify.

Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in one or more of the following areas:

- 1. Slope: Land that has slopes of 35 percent or more over more than 50 percent of the site, as shown on the RLIS topography GIS layer. *This is not applicable to the site, as while some of the site exceeds 35%, it is much less than 50% of the overall site.*
- 2. Drainage: All lands within the designated floodway as shown on the appropriate FEMA flood panel. *This is not applicable as none of the site lies within the FEMA flood plain.*
- 3. Geological hazard: All landslide areas shown on the City's Natural Hazard Mitigation Plan ("NHMP") and identified as "landslide potential exists" on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area. *A small portion of the parcel lies with the highlighted area on Map 16 and a portion of highlighted area of as noted on Map 17 touches the parcel, but these highlighted areas are outside the improvement area of the proposed development.*



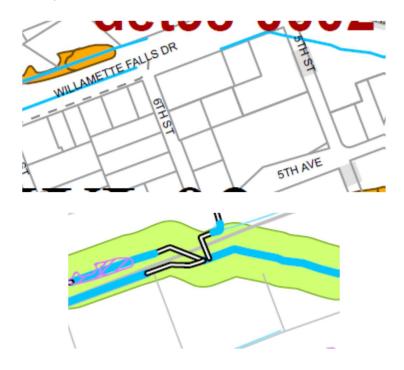
# **Enlarged View of Map 17**



Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in one or more of the following areas:

- 1. Slope: Land that has slopes over 25 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer. *This is not applicable as while the site has some portions of it with slopes exceeding 25%, it is far less than 50%.*
- 2. Drainage: All drainage courses identified on the water resource area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100-year floodplain. None of the site lies within the 100 year flood plain. The site does not have any Goal 5 Wetlands, as per a clip from the City's local wetland inventory map noted below. This leaves only a drainage course identified on the water source area maps. Per the lower clip below from the City's Significant Riparian Corridor

map, indicates the site could lie within a significant resource area. The specific code requirements from Chapter 32 are addressed below.



3. Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources. *No know mineral and aggregate deposits are identified in this area.* 

## **Chapter 32 WATER RESOURCE AREA PROTECTION**

### 32.020 APPLICABILITY

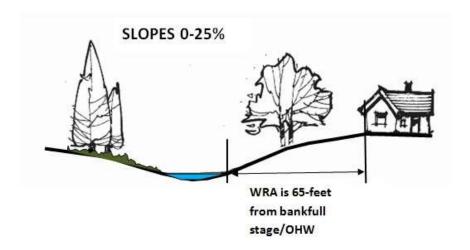
- A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.
- B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning

Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:

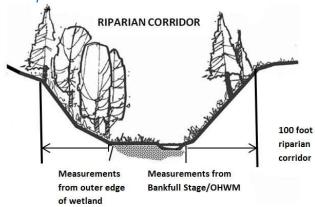
- 1. The existence of a WRA;
- 2. The exact location of the WRA; and/or
- 3. Whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense. (Ord. <u>1623</u> § 1, 2014)

Based on information provided us by the City Planning staff, we understand that for smaller culvert outflow that is not a part of the WRA mapping, the condition depicted below is applicable, and a 65 foot buffer is needed from that part of the stream corridor.



The Water Resource Riparian Corridor most appropriate to the conditions on the site is that condition as shown in detail below. In this is applicable to the 48 inch pipe outfall that crosses under Willamette Falls Drive and we have shown the 100 foot corridor beyond the drainageway on the application maps.



#### F. Roads, driveways and utilities.

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:

Based on the information that the WRA boundary will be 65 feet from the small outlet adjacent to the site and 100 from the larger outlet that cross under Willamette Falls Drive, we do not believe that there will be any, or very little impact in the WRA area.

a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.

No crossing of a riparian area is proposed.

b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.

Most of driveway is proposed is 14.5 feet, to minimize impacts.

- c. Road and utility crossings shall avoid, where possible:
  - 1) Salmonid spawning or rearing areas;

No salmonid spawning or rearing areas are known in the area.

2) Stands of mature conifer trees in riparian areas;

The driveway adjustments would get near, but the intent would not to disturb are trees in the riparian area.

3) Highly erodible soils;

The soils on site are not defined as highly erodible.

4) Landslide prone areas;

The proposed improvement areas are not within landslide prone areas according to City mapping.

5) Damage to, and fragmentation of, habitat; and

The habitat will not be fragmented or damage by the proposed improvements.

6) Wetlands identified on the WRA Map.

There are not any known wetlands identified on the City WRA map on this parcel.

2. Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.

No crossing of fish bearing streams or riparian corridors is proposed.

3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.

No utility crossing of fish bearing streams, or wetland is proposed.

4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, U.S. Army Corps of Engineers and Oregon Department of State Lands (DSL).

No fill or excavation is proposed within the ordinary high water mark of a water resource.

5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

No crossings are proposed.

G. Passive low impact or passive outdoor recreation facilities for public use including, but not limited to, multi-use recreation\_paths and trails, not exempted per CDC <u>32.040 (B)(2)</u>, viewing platforms, historical or natural interpretive markers, and benches in the WRA, are subject to the following standards:

No outdoor recreation area is proposed, this section is not applicable.

### H. <u>Daylighting Pip</u>ed Streams.

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be "daylighted" or opened. Once it is daylighted, the WRA will be limited to 15 feet on either side of the stream. Within that WRA, water quality measures are required which may include a storm water treatment system (e.g., vegetated bioswales), continuous vegetative ground cover (e.g., native grasses) at least 15 feet in width that provides year round efficacy, or a combination thereof.

There are no known pipe sections of drainageway on the parcel itself. Nearby pipe sections within adjacent ROW areas are needed to be pipe due to extensive fills for the streets within the ROW area.

- I. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:
  - 1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.

This is probably not practical to do on this site, as the soils are site are noted to have a slow infiltration rate.

2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

Water quality and water quality facilities will be a part of the development and will incorporate infiltration where possible.

3. Incorporate storm water management in road rights-of-way.

No public street improvements are expected to be required, and thus no improvements to stormwater facilities in the road rights-of-way is felt to be needed.

4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.

Rain gardens or planters will be utilized to the extent possible and practical. Generally for new roof areas, rain gardens or planters are thought to be feasible.

- 5. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems. *Curb and gutter systems will be minimized for the onsite driveway improvements.* 
  - 6. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.

Green roofs are unlikely to be feasible for standard pitched roof homes.

7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.

If feasible such will be incorporated, although we note that little rainfall occurs in the summer in northwest Oregon, when such techniques would have the most benefit.

8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.

Green vegetated facilities will be utilized to the extent practicable.

- 9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways. *The soils are not suitable for pervious surfacing.* 
  - 10. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.

Minimal sidewalks are proposed.

11. Use shared driveways.

Shared driveways are proposed.

- 12. Reduce width of residential streets and driveways, especially at WRA crossings. Driveways have been noted to the minimal thought acceptable and no WRA crossings are proposed.
- 13. Reduce street length, primarily in residential areas, by encouraging clustering. The goal of the middle housing criteria is to increase density and as such would reduce street length, in this case somewhere else within the City or in a future urban growth area.
  - 14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.

No cul-de-sac is proposed.

15. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.

In essence with the middle housing infill project are using a previously developed parcel to allow for increased density and reducing the need for impact areas beyond the present UGB limits.

16. Minimize the building, hardscape and disturbance footprint.

The best that can reasonably be done is being proposed, considering the goal is to have owner occupied ownership of the future homes.

17. Consider multi-story construction over a bigger footprint

Two level, possibly even 3 level single family dwellings are being proposed.

From State Senate Bill 458 with respect to Middle Housing, Section 2 below must be addressed with regards to the application.

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

- (2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:
- (a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

To the best of our knowledge the proposed development will in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original parcel.

(b) Separate utilities for each dwelling unit;

There will be separate sanitary and water services to each parcel as is required under DEQ and Health Division regulations, as well as City regulations.

(c) Proposed easements necessary for each dwelling unit on the plan for: (A) Locating, accessing, replacing and servicing all utilities;

The proposed easements to provide services for each dwelling unit will be provided cross other proposed lots as needed to serve lots that may need such easements for access or utilities. Those easements are shown on the application mapping for the utilities.

(B) Pedestrian access from each dwelling unit to a private or public road; (C) Any common use areas or shared building elements;

Pedestrian access from each dwelling unit to a public street will be allow, with two of the lots having direct access to  $6^{th}$  Street and the two easterly lots (Lot 3 and 4) will have access via the shared access with vehicle accessway.

(D) Any dedicated driveways or parking; and

There will not be dedicated shared parking areas but there will be shared driveway access to serve Lots 2, 3 and 4. This driveway will be covered by an access easement.

(E) Any dedicated common area;

No dedicated common area is proposed.

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

One dwelling unit is proposed per lot.

(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

To the best of our knowledge there must be at least 6 feet separation between buildings per the Oregon Residential Specialty Code, and such separation will be met with a minimum of 6 feet between the proposed buildings on interior lot lines. We are not aware of any other Oregon Residential Specialty Codes that are applicable to the site.

