



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: January 17, 2023

FILE NO.: SUB-22-01

REQUEST: Approval of an SB458 Expedited Land Division for Four Lots to Accommodate an HB2001 Detached-Quadplex Development 1575 6th Street

PLANNER: Darren Wyss, Planning Manager

Planning Manager

DSW

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GENERAL INFORMATION

APPLICANT/ OWNER:	6 th Street West Linn, LLC (Aaron O’Neal) 2111 N. Willis Blvd., Apt. 333 Portland, OR 97217
CONSULTANT:	Sisul Engineering (Tom Sisul) 375 Portland Ave. Gladstone, OR 97027
SITE LOCATION:	1575 6 th Street (Portion of Lot B, Block 10, Willamette and Tualatin Tracts)
SITE SIZE:	0.57 Acres (24,856 square feet)
LEGAL DESCRIPTION:	Portion of Lot B, Lot 10, Willamette and Tualatin Tracts (Clackamas County Assessor Map 2S 1E 35DD Tax Lot 1700)
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
APPROVAL CRITERIA:	Oregon Revised Statute 92.031
120-DAY RULE:	The application became complete on November 16, 2022. The 63-day period for an expedited land division ends January 18, 2023.
PUBLIC NOTICE:	Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Willamette Neighborhood Associations as required by Oregon Revised Statute 197.365. The notice was also posted on the City’s website on November 21, 2022. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

The 1575 6th Street property is a 24,856 sq. ft., legal lot of record at the corner of 6th Street and Willamette Falls Drive. The property is zoned R-10, Residential and the applicant will construct a detached quadplex as permitted by West Linn Community Development Code Chapter 11.030.1(c), which was adopted as part of the City's HB2001 code amendment package (Ordinance 1736). The applicant has proposed to divide the property under SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting lot will contain one dwelling unit of the detached quadplex. The existing home and accessory structures will remain on Lot 4.

Proposed Lot Sizes

Lot 1 – 2,618 sq. ft.

Lot 2 – 4,006 sq. ft.

Lot 3 – 7,013 sq. ft.

Lot 4 – 10,643 sq. ft.

The property is not located within the Willamette River Greenway (WRG) nor any FEMA flood hazard area. An existing stormwater drainage, located between the north property boundary and Willamette Falls Drive, is regulated by the West Linn Water Resource Area (WRA) Map. The stormwater drainage is piped for approximately 100 feet from the west boundary of the property. Piped sections are exempt from WRA requirements (Community Development Code (CDC) Chapter 32.040.F(2)). The remaining unpiped portion of the stormwater drainage requires a 65 foot buffer per CDC 32.060(D). A portion of the existing home, an accessory structure, and a portion of the existing driveway are located within the 65 foot WRA. No new development is proposed in the WRA.

The property has 114.5 feet of frontage on 6th Street, which has a functional classification of Local Street, and 212 feet of right-of-way frontage on Willamette Falls Drive, which has a functional classification of Minor Arterial. The stormwater drainage separates the property's north boundary from the physical improvements of Willamette Falls Drive. Access to Lots 2, 3, and 4 will be via a shared driveway/access easement from 6th Street. Lot 1 will take access directly from 6th Street.

The 6th Street right-of-way is 40 feet wide. The applicant will dedicate five-feet of additional right-of-way adjacent to the property on 6th Street and pay a fee-in-lieu of street improvements. A fee-in-lieu is being accepted because of the limited impact from three additional dwelling units, the complexity of the improvements with overhead powerline poles and guywires, and uncertainty on the ultimate design of the street. No right-of-way dedication or street improvements are required for Willamette Falls Drive as it is a regional facility. Sanitary sewer and water mains are located in the 6th Street right-of-way to provide service to the dwelling units.

Public comments:

The City received one public comment prior to the closing of the public comment period. The full text of the comment can be found in Exhibit PD-3. Below staff has summarized the comment and provided a response.

Jo McMahon Email 11.30.2022

1. *Will the project include sidewalk and road improvements extending the length of 6th Street?*

Staff Response: Case law limits the improvements the City can exact from a development. Any exactions must be roughly proportional to the impact from the development. In this case, three new dwelling units will generate roughly 30 new vehicle trips a day. The applicant has proposed to dedicate five-feet of additional right-of-way along 6th Street and pay a fee-in-lieu of improvements. The City finds this exaction to be roughly proportional to the impacts. The City will utilize the fee-in-lieu to help pay for future improvements if additional development takes place that requires a reconfiguration of 6th Street.

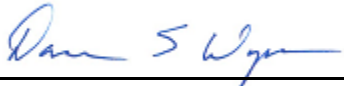
DECISION

The Planning Manager (designee) approves this application (SUB-22-01) for an expedited land division under the rules of SB458 based on: 1) the applicant proposes to construct middle housing on the property; 2) the findings submitted by the applicant, which are incorporated by this reference; 3) supplementary staff findings included in the Addendum; and 4) the addition of conditions of approval below. With these findings, the applicable approval criteria of ORS 92.031 are met. The conditions are as follows:

1. **Preliminary Plat.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Plat dated 11/10/2022 (Exhibit PD-1).
2. **Compliance with Oregon Residential Specialty Code.** The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff prior to final plat approval from the City.
3. **Compliance with Siting and Design Standards.** The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval from the City.
4. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval. Public Works may coordinate with the applicant to complete additional, voluntary, off-site improvements.
5. **Utility Easement.** The applicant shall show the private storm drain and utility easements on the face of the final plat and submit a copy of the recorded easements to confirm the newly created parcels have legal rights to locate, access, replace, and service all utilities within the easement prior to final plat approval by the City. The applicant shall show an eight-foot public utility easement along the 6th Street right-of-way frontage on the face of the plat prior to final plat approval by the City.

6. **Egress/Ingress Easement.** The applicant shall show the private access easement on the face of the final plat and submit a copy of the recorded access easement to confirm the newly created parcels have legal access rights to 6th Street prior to final plat approval by the City.
7. **Final Plat Notation.** The applicant shall include on the face of the plat the notation “This middle housing land division approval was given under the provisions of SB458. Further division of the resulting parcels is prohibited”.
8. **Required Street Improvements.** The applicant shall pay a fee-in-lieu of constructing half-street improvements along the property’s frontage with 6th Street in the amount of \$68,700.00 or install the improvements to meet West Linn Public Works Design Standards prior to final plat approval by the City.
9. **6th Street ROW Dedication.** The applicant shall dedicate five-feet of right-of-way along the 6th Street property frontage and show on the face of the plat prior to final plat approval by the City.
10. **Final Plat Recording.** The approval of the tentative plat (SUB-22-01) shall be void if the applicant does not record the final partition plat within three years of approval.

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



Darren Wyss, Planning Manager

January 17, 2023
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date and include a \$300 deposit for costs. An appeal of an expedited land division is decided by a referee that is not an employee or official of the City of West Linn. The appeal must be filed by the applicant or an individual who has established standing by submitting comments prior to the public comment deadline date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 18th day of January, 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on February 1, 2023.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
SUB-22-01**

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

ORS 92.031 Middle housing land division; conditions of approval.

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

ORS 197.758(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

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

Staff Finding 1: The subject property is zoned Residential, R-10 and permits the construction of a single-family detached dwelling. ORS 197.758(2)(a) requires the City of West Linn to allow a quadplex, one type of middle housing, in areas zoned for residential use that allows for the development of detached single-family dwellings. The applicant proposes the construction of a detached quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(c). CDC Chapter 2 defines a quadplex as "Four attached or detached dwelling units on a lot or parcel in any configuration". Therefore, the proposed division of the lot, which allows the development of middle housing, is permitted. The criteria is met.

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

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

ORS 197.178(5) 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.

Staff Finding 2: The applicant proposes the construction of a detached quadplex, which qualifies as a middle housing type (see Staff Finding 1). The applicant did not submit building plans for the detached quadplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff

prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

Staff Finding 3: The applicant proposes the construction of a detached quadplex, which qualifies as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing, including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The siting and design regulations are reviewed by West Linn Planning staff during building permit review. Minimum property line setbacks and maximum lot coverage will be applied and calculated based on the subject property boundary and total area. Sidewall transitions and maximum building height will be reviewed based on building plans. The applicant did not submit building plans for the detached quadplex with this application. The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval by the City per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

Staff Finding 4: The City has adopted protective measures pursuant to statewide land use planning goals for the Willamette River Greenway (Goals 5 and 15), Water Resource Areas (Goals 5, 6, and 7), and Floodplain Management Areas (Goal 7). The City regulates the protective measures through CDC Chapters 27, 28, and 32. The subject property is not located within the Willamette River Greenway nor a Floodplain Management Area. The subject property contains a Water Resource Area associated with the stormwater drainage north of the property. A portion of the existing home, an accessory structure, and a portion of the existing driveway are located within the 65 foot WRA. No new development is proposed in the WRA. The criteria are met.

(b) Separate utilities for each dwelling unit;

Staff Finding 5: The applicant proposes the construction of a detached quadplex with separate utility connections for each dwelling unit. Utilities shall be installed in compliance with West Linn municipal code requirements per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

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

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

Staff Finding 6: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. The applicant proposes a storm drainage and utility easement on the north side of the property to contain sanitary sewer connections for Lots 2, 3, and 4, as well as water service for Lots 3 and 4. Stormwater from all four lots, and the shared driveway, will also utilize the easement. An additional storm drainage and utility easement, for the benefit of Lots 1, 2, and 3, will be located between the three lots. The City franchise agreements require an eight-foot public utility easement along 6th Street. The applicant shall show the utility easements on the face of the final plat and submit a copy of the private utility easements to confirm the newly created parcels have legal rights to locate, access, replace, and service all utilities within the easement prior to final plat approval by the City per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 7: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. Lots 1 and 2 will have direct pedestrian access to 6th Street, a public street. Lots 3 and 4 will have pedestrian access to 6th Street, a public street, via a shared driveway located in a proposed access easement. The applicant shall show the shared access easement on the face of the final plat and submit a copy of the private access easement to confirm the newly created parcels have legal access rights to 6th Street prior to final plat approval by the City per Condition of Approval 6. Subject to the Conditions Approval, the criteria are met.

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

Staff Finding 8: The applicant does not propose any common use areas or shared building elements, therefore no easements are required. The criteria are met.

(D) Any dedicated driveways or parking; and

Staff Finding 9: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. The proposal does not include any parking areas needing an easement. Access to Lot 1 will be a private driveway connected directly to 6th Street. Lots 2, 3, and 4 will have access to 6th Street, a public street, via a shared driveway located in a proposed access easement. The applicant shall show the shared access easement on the face of the final plat and submit a copy of the private access easement to confirm the newly created parcels have legal access rights to 6th Street prior to final plat approval by the City per Condition of Approval 6. Subject to the Conditions Approval, the criteria are met.

(E) Any dedicated common area;

Staff Finding 10: The applicant does not propose any dedicated common use area, therefore no easements are required. The criteria are met.

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

Staff Finding 11: The applicant proposes the construction of a detached quadplex as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(c). CDC Chapter 2 defines a quadplex as *“Four attached or detached dwelling units on a lot or parcel in any configuration”*. The division of the lot under SB458 rules will result in one dwelling unit on each resulting parcel. No common areas are proposed. The criteria are met.

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

Staff Finding 12: The applicant proposes the construction of a detached quadplex, which qualifies as a middle housing type. The applicant did not submit building plans for the detached duplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

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

(a) Prohibit the further division of the resulting lots or parcels.

Staff Finding 13: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. The applicant shall include on the face of the plat a notation prohibiting the further division of the resulting parcels under the provisions of SB458 per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

Staff Finding 14: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. The applicant shall include on the face of the plat a notation indicating the approval was given under the provisions of SB458 per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.

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

(a) Shall apply the procedures under ORS 197.360 to 197.380.

Staff Finding 15: Please see Staff Findings 24 to 51. The criteria are met.

(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.

Staff Finding 16: The subject property has 114.5 feet of frontage along 6th Street, a Local Street, and 212 feet of frontage on Willamette Falls Drive, a Minor Arterial. The City may exact street frontage improvements that are roughly proportional to the impact from the development (Dolan vs. City of Tigard, 1994). The proposed development of three new dwelling units on the subject property will contribute approximately 30 new vehicle trips a day. The 2016 West Linn Transportation System Plan shows average daily trips on Willamette Falls Drive to be about 7,000/day at the Tualatin River and about 12,000/day at West A Street. A TriMet bus stop is located on Willamette Falls Drive approximately 50 feet east of the 6th Street intersection.

The applicant proposes a five-foot right-of-way dedication along 6th Street and to pay a fee-in-lieu of constructing street improvements along the property's frontage with 6th Street. The City finds the applicant proposal for right-of-way dedication and street improvements on 6th Street to be

roughly proportional to the impacts from the construction of three additional dwelling units on the property. Willamette Falls Drive is a regional facility and the development will contribute approximately 0.3 percent of daily trips, therefore improvements to Willamette Falls Drive is not roughly proportional to the impact and not required.

The City finds the applicant proposal is roughly proportional as, 1) the right-of-way width of 6th Street is currently inadequate for full street improvements and the five-foot right-of-way dedication will create space to install the improvements adjacent to the property; 2) a TriMet bus stop is located on Willamette Falls Drive adjacent to the property and a sidewalk will provide for safe pedestrian access along 6th Street; 3) overhead utility lines and poles, utility boxes, a fire hydrant, and a utility pole guy wire next to the property along 6th Street complicate installing street improvements without a full build out of the east side of 6th Street from Willamette Falls Drive to 5th Avenue; and 4) full street improvements along 6th Street will be necessary as additional properties develop to the south and use 6th Avenue as access to Willamette Falls Drive.

Community Development Code Chapter 96.010.A(4), which was applicable at time of application, provides for the City to accept a fee equal to the estimated cost for construction of the improvements. The City of Portland has an adopted fee of \$600.00 per lineal foot, which is based on a Kittelson and Associates study of costs to construct street improvements on roadways that do not have an existing curb. 6th Street does not have an existing curb. The City of West Linn, being located in the same metropolitan region as Portland, will apply the \$600.00 per lineal foot to the 114.5 lineal feet of 6th Street right-of-way adjacent to the property. The applicant shall pay the fee-in-lieu or install the half-street improvements that meet West Linn Public Works Design Standards per Condition of Approval 8. Subject to the Conditions of Approval, the criteria is met.

(c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

Staff Finding 17: The City has not applied any approval criteria except as provided in this section. The applicant has proposed utilizing a shared driveway for access to Lots 2, 3, and 4. The criteria are met.

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

Staff Finding 18: The City has not applied any approval criteria that are inconsistent with this section or ORS 197.360 to 197.380. The criteria are met.

(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

Staff Finding 19: The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, the criteria are met.

(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.

Staff Finding 20: The subject property is adjacent to the 6th Street public right-of-way (ROW) and to the Willamette Falls Drive public ROW. The existing 6th Street ROW measures 40-feet in width. The applicant has proposed dedicating five-feet of additional ROW along 6th Street to accommodate a 28-foot Local street cross-section. No additional ROW is required for Willamette Falls Drive. The applicant shall include on the face of the plat the five-foot right-of-way dedication per Condition of Approval 9. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 21: The applicant proposes the construction of a detached quadplex on the subject property, including the division of the lot as allowed by SB458. The type of middle housing, detached quadplex, will not be altered by the land division. The criteria are met.

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

Staff Finding 22: The applicant does not propose an accessory dwelling unit on any lot resulting from the land division. The criteria are met.

(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

Staff Finding 23: The approval of the tentative plat (SUB-22-01) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 10. Subject to the Conditions of Approval, the criteria are met.

197.360 "Expedited land division" defined; applicability.

(1) As used in this section:

(a) "Expedited land division" means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:

Staff Finding 24: The applicant proposes a middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The criteria are met.

(A) Includes only land that is zoned for residential uses and is within an urban growth boundary.

(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

Staff Finding 25: The subject property is zoned Residential, R-10 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of a detached quadplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.

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

- (i) Open spaces, scenic and historic areas and natural resources;*
- (ii) The Willamette River Greenway;*

Staff Finding 26: The subject property is not located within the Willamette River Greenway. The subject property contains a Water Resource Area (WRA) associated with the stormwater drainage north of the property. A portion of the existing home, an existing accessory structure, and a portion of the existing driveway are located within the 65 foot WRA. No new development is proposed in the WRA. The criteria are met.

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

Staff Finding 27: The subject property does not contain any estuarine resources, coastal shorelands, or beaches and dunes. The criteria are met.

(D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

Staff Finding 28: Existing development patterns prohibit street connectivity in the vicinity of the subject property. The 2016 West Linn Transportation System Plan does not include any connectivity projects adjacent to the subject property. The criteria are met.

- (E) Will result in development that either:*
- (i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or*
 - (ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.*

Staff Finding 29: The subject property is approximately 24,856 sq. ft. and zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow two dwelling units (24,856 sq. ft. divided by 10,000 sq. ft. = 2.5 dwelling units) as calculations are rounded down.

The applicant proposes a detached quadplex middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division.

The middle housing development will result in four dwelling units, which is 200 percent of the maximum density currently permitted on the subject property. The criteria are met.

(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.

Staff Finding 30: The applicant proposes an expedited land division that creates four lots as permitted under ORS 92.031. The proposal meets the criteria set forth in paragraph (a), see Staff Findings 24 to 29. The criteria are met.

(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

Staff Finding 31: The City and applicant acknowledge an expedited land division is not a land use decision or limited land use decision under ORS 197.015 or a permit under ORS 215.402 or ORS 227.160. The criteria are met.

(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

Staff Finding 32: The applicant proposes middle housing on the subject property through the construction of a detached quadplex, including the division of the lot as allowed by SB458. The City has applied the approval criteria of ORS 92.031, including the physical characteristics of the development (see Staff Finding 3), the dimensions of the parcels to be created (see Staff Findings 6, 7, 9, and 29), and required facilities and services necessary for the proposed development (see Staff Findings 5, 6, 7, 9, 16, and 20). The criteria are met.

(4) An application for an expedited land division submitted to a local government shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section.

Staff Finding 33: The application was submitted on October 31, 2022 and deemed complete by the City on November 16, 2022. The criteria are met.

197.365 Application; notice to neighbors; comment period.

Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:

(1)(a) If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and

allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

Staff Finding 34: The applicant did not request to use the procedures outlined in the West Linn Community Development Code, therefore the City processed the application as an expedited land division. The application was submitted on October 31, 2022 and deemed complete by the City on November 16, 2022. The criteria are met.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

Staff Finding 35: The application was submitted on October 31, 2022 and deemed complete by the City on November 16, 2022. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on October 31, 2022. The criteria are met.

(2) The local government shall provide written notice of the receipt of the completed application for a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

Staff Finding 36: The City provided written notice of the receipt of a completed application to all state agencies, local governments, and special districts responsible for providing public facilities or services on November 17, 2022. The City provide written notice to property owners within 100 feet of the entire contiguous site, compiled from the most recent property owner information available, on November 17, 2022. The City provide written notice to the Willamette Neighborhood Association on November 21, 2022. The affidavit of public notice is found in Exhibit PD-5. The criteria are met.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

- (d) State the place, date and time that comments are due.*
- (e) State a time and place where copies of all evidence submitted by the applicant will be available for review.*
- (f) Include the name and telephone number of a local government contact person.*
- (g) Briefly summarize the local decision-making process for the land division decision being made.*

Staff Finding 37: The City provided written notice in compliance with subsection (3). A copy of the notice is found in Exhibit PD-5. The criteria are met.

- (4) After notice under subsections (2) and (3) of this section, the local government shall:*
- (a) Provide a 14-day period for submission of written comments prior to the decision.*

Staff Finding 38: The City provided written notice under subsections (2) and (3) on November 17 and 21, 2022, with a deadline for submission of written comments on December 5, 2022. This provided a 14-day period. A copy of the notice is found in Exhibit PD-5. The criteria are met.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

Staff Finding 39: The application was submitted on October 31, 2022 and deemed complete by the City on November 16, 2022. The City approved the application with conditions on January 18, 2023, the 63rd day after deeming the application complete. The criteria are met.

- (A) Shall not hold a hearing on the application; and*
- (B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.*

Staff Finding 40: The City did not hold a hearing on the application. The City issued the Planning Manager decision with a summary statement explaining the determination. The criteria are met.

- (c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:*
- (A) The summary statement described in paragraph (b)(B) of this subsection; and*
- (B) An explanation of appeal rights under ORS 197.375.*

Staff Finding 41: The City provided notice of the decision to the applicant and those who received notice under subsection (2) on January 18, 2023, the 63rd day after deeming the application complete. The notice of decision included the summary statement and an explanation of appeal rights. The criteria are met.

197.370 Failure of local government to timely act on application.

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

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

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

Staff Finding 42: The City acted in a timely manner and made the decision within the 63 day time period. The criteria are met.

197.375 Appeal of local government to referee; Court of Appeals.

(1) An appeal of a decision made under ORS 197.360 and 197.365 or under ORS 92.031 and 197.365 shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4) and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 92.031 or 197.360 to 197.380 and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

Staff Finding 43: The applicant acknowledges and understands the appeal rights and process. If appealed, the City will follow the expedited land division appeal process and criteria. The criteria are applicable upon appeal.

(2) The local government shall appoint a referee to decide the appeal of a decision made under this section. The referee may not be an employee or official of the local government. However, a local

government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.

Staff Finding 44: The applicant acknowledges and understands the appeal procedures. If appealed, the City will follow the expedited land division appeal process and criteria, including the appointment of a referee to decide the appeal.

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

Staff Finding 45: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.

(4)(a) The referee shall apply the substantive requirements of the applicable land use regulations and ORS 92.031 or 197.360. If the referee determines that the application does not qualify as an expedited land division or a middle housing land division, as defined in ORS 92.031, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) For an expedited land use division, the referee may not reduce the density of the land division application.

(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

Staff Finding 46: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

Staff Finding 47: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

Staff Finding 48: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 92.031 or 197.360 to 197.380.

Staff Finding 49: The applicant acknowledges and understands the Land Use Board of Appeals does not have jurisdiction over this decision.

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

(a) That the decision does not concern an expedited land division as described in ORS 197.360 or middle housing land division as defined in ORS 92.031 and the appellant raised this issue in proceedings before the referee;

(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or

(c) That the decision is unconstitutional.

Staff Finding 50: The applicant acknowledges and understands the right to seek judicial review of the referee's decision.

197.380 Application fees.

Each city and county shall establish application fees for an expedited land division and a middle housing land division, as defined in ORS 92.031. The fees must be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 92.031 and 197.360 to 197.380.

Staff Finding 51: The City has an adopted fee schedule, including for expedited land divisions. The applicant paid the fee at the time of submittal. The criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT Wyss	PROJECT NO(S). SUB-22-01	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) \$5,200	TOTAL \$5,200

Type of Review (Please check all that apply):

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

1575 6th Street

Assessor's Map No.: 2 1E 35DD

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) **6th Street West Linn, LLC (Aaron O'Neal)**
Address: **2111 N Willis Blvd, Apt 333**
City State Zip: **Portland, OR 97217**

Phone: **503-330-4799**
Email: **stonemanagement@gmail.com**

Owner Name (required):

(please print) **6th Street West Linn, LLC**
Address: **2111 N. Willis Blvd, Apt 333**
City State Zip: **Portland, OR 97217**

Phone: **503-330-4799**
Email: **stonemanagement@gmail.com**

Consultant Name:

(please print) **Sisul Engineering (Tom Sisul)**
Address: **375 Portland Avenue**
City State Zip: **Gladstone, OR 97027**

Phone: **503-657-0188**
Email: **tomsisul@sisulengineering.com**

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 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.

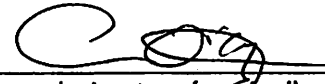
Applicant's signature

Date

Owner's signature (required)

Date

10/14/22



10/14/22

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

APPLICANT: Aaron O'Neal
6th Street West Linn, LLC
2111 N. Willis Blvd., Apt. 333
Portland, OR 97217
503-330-4799

OWNERS: Aaron O'Neal
6th 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 6th Street
Map number 2-1E-35DD, Tax Lots 1700

ZONING: R-10

LOT AREA: 24,856 SF



1575 6TH 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 Average minimum lot or parcel size for a townhouse project	10,000 sf 1,500 sf	For a single-family attached or detached unit <i>Parent parcel meets the 10,000 SF standard.</i>
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters <i>Each parcel will have at least 35 feet of frontage on a street ROW line.</i>
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		<p>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.</p> <p><i>The site does not lie in the Willamette Historic District.</i></p>
Front yard	20 ft	<p>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply <i>Setbacks of at least 20 feet are proposed from ROW lines.</i></p>

Interior side yard	7.5 ft	<p>Townhouse common walls that are attached may have a 0-ft side setback. <i>As noted above interior and other side yards, must only meet the applicable building code requirements.</i></p>
Street side yard	15 ft	
Rear yard	20 ft	
Maximum building height	35 ft	<p>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</p> <p><i>Building heights will not exceed 35 feet.</i></p>

Maximum lot coverage	35%	<p>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.</p> <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport. <p><i>The maximum lot coverage is only proposed to be approximately 21% of the overall site's area of 24,861 SF.</i></p>
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	<p><i>The minimum accessway width will be 20 feet as proposed.</i></p>
Maximum floor area ratio	0.45	<p>Maximum FAR does not apply to cottage clusters. <i>A cottage cluster is not being applied for.</i></p>

Duplex, triplex, and quadplex	0.60	<p>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 non-conforming structures permit under Chapter 66 CDC.</p> <p><i>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.</i></p> <p><i>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.</i></p>
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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 known 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.

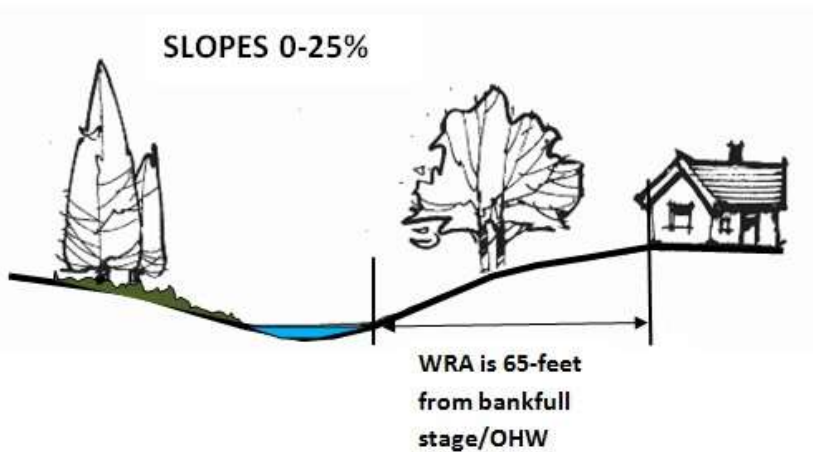
B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning

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:

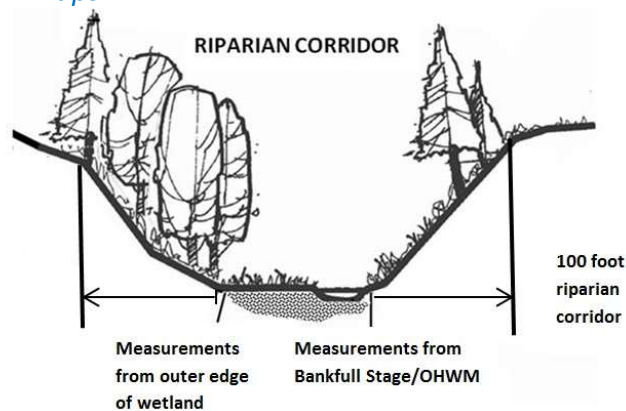
1. The existence of a WRA;
2. The exact location of the WRA; and/or
3. Whether the proposed development, activity or use is within the WRA boundary.

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. [1623](#) § 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 [32.040](#) (B)(2), 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. Daylighting Piped 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 drainage way 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 6th 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

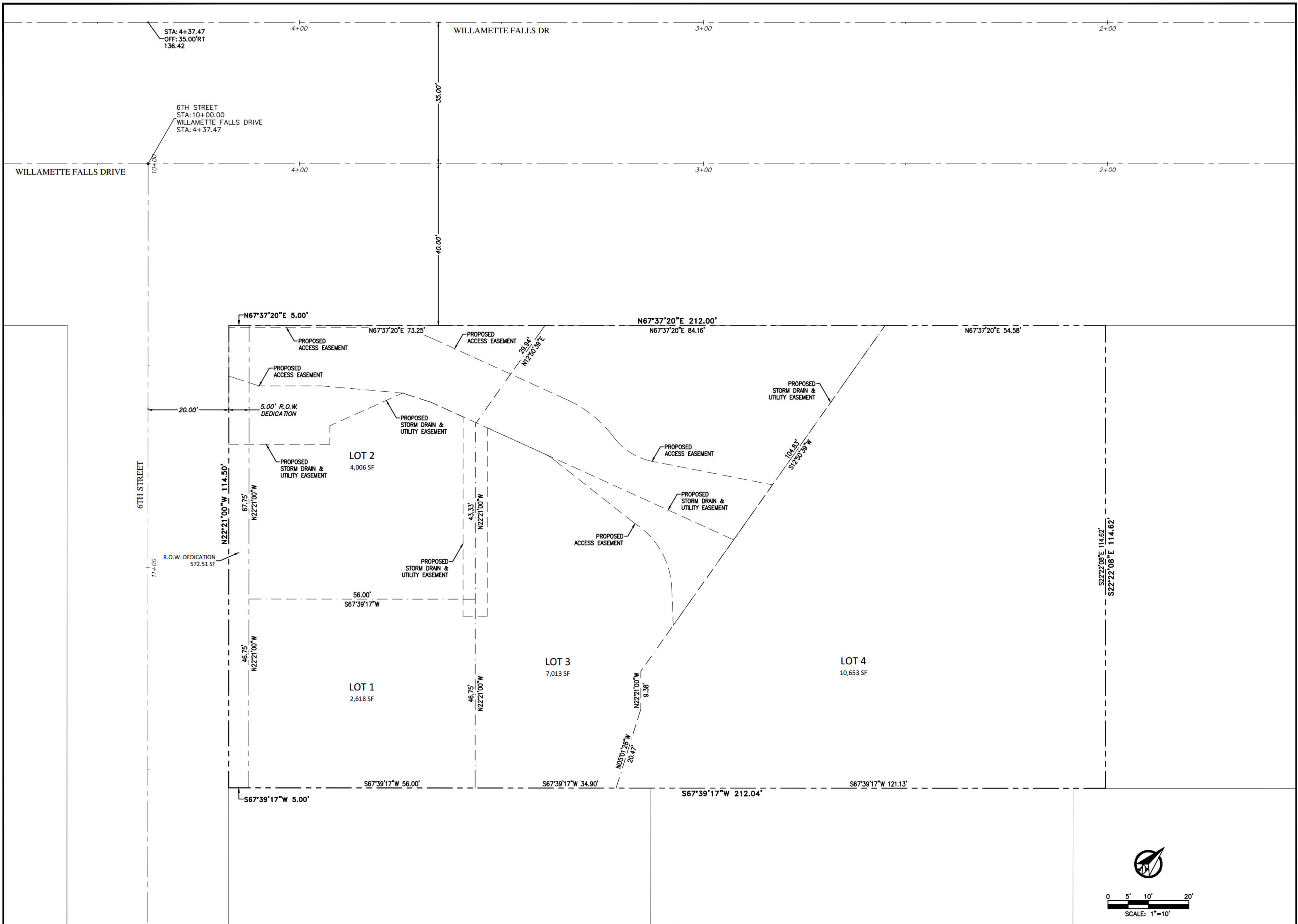
To the best of our knowledge there must be at least 6 feet separation between buildings per the Oregon Residential Specialty Code, and such separation will be met with a minimum of 6 feet between the proposed buildings on interior lot lines. We are not aware of any other Oregon Residential Specialty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

From: kntzig001@aol.com
To: "Tom Sisul"; Wyss, Darren
Cc: slonemanagement@gmail.com
Subject: Re: WL fees for application
Date: Tuesday, November 15, 2022 12:44:02 PM

Hi Darren,

Per our telephone conversation today regarding the offsite road and utility improvements for our middle housing project on SE 6th Street we propose the following. We will dedicate an additional five feet of our road frontage land to the City for ROW purposes. In addition, since there are existing electrical power poles that may need to be relocated we agree to pay a fee-in-lieu to the City for our proportional share of the costs to improve said road. This infrastructure improvement could be done in conjunction with any other offsite road improvements that will be conditioned on a much larger project located closer to the Willamette River.

Thanks, Kent



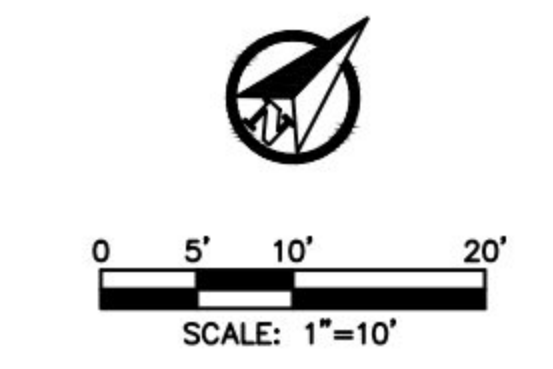
REVISIONS	BY

1575 6TH STREET
 6TH STREET WEST LINN, LLC.

PRELIMINARY PLAT

ISUL ENGINEERING
 37E PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 667-0188

DATE	11/10/2022
SCALE	1" = 10'
DRAWN	SH
JOB	SGL22-050
SHEET	PP-00
OF 01	SHEETS 5



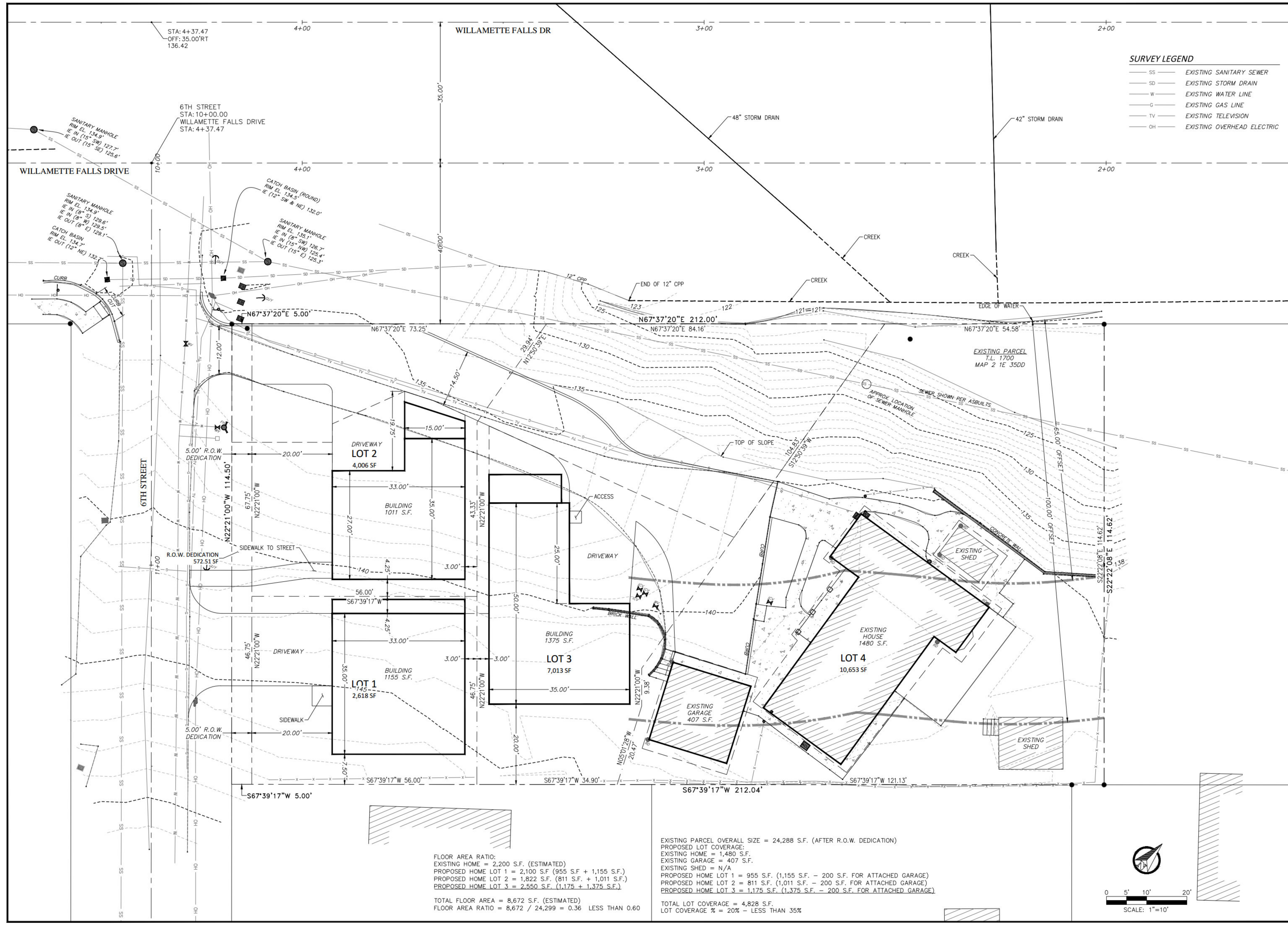
REVISIONS	BY

1575 6TH STREET
6TH STREET WEST LNN, LLC.

PRELIMINARY SITE PLAN

SISUL ENGINEERING
 375 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 657-0188

DATE 11/10/2022
 SCALE 1" = 10'
 DRAWN SH
 JOB SGL22-050
 SHEET
SP-01
 OF 1 SHEETS 5



SURVEY LEGEND

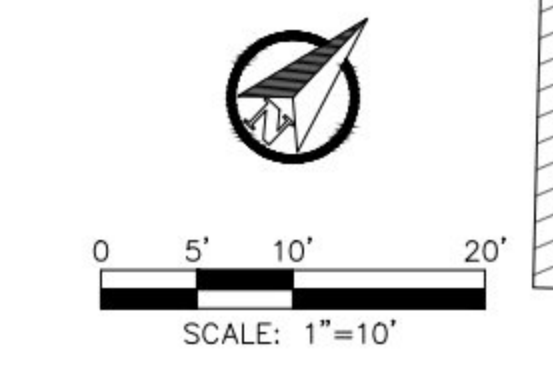
SS	EXISTING SANITARY SEWER
SD	EXISTING STORM DRAIN
W	EXISTING WATER LINE
G	EXISTING GAS LINE
TV	EXISTING TELEVISION
OH	EXISTING OVERHEAD ELECTRIC

FLOOR AREA RATIO:
 EXISTING HOME = 2,200 S.F. (ESTIMATED)
 PROPOSED HOME LOT 1 = 2,100 S.F. (955 S.F. + 1,155 S.F.)
 PROPOSED HOME LOT 2 = 1,822 S.F. (811 S.F. + 1,011 S.F.)
 PROPOSED HOME LOT 3 = 2,550 S.F. (1,175 + 1,375 S.F.)

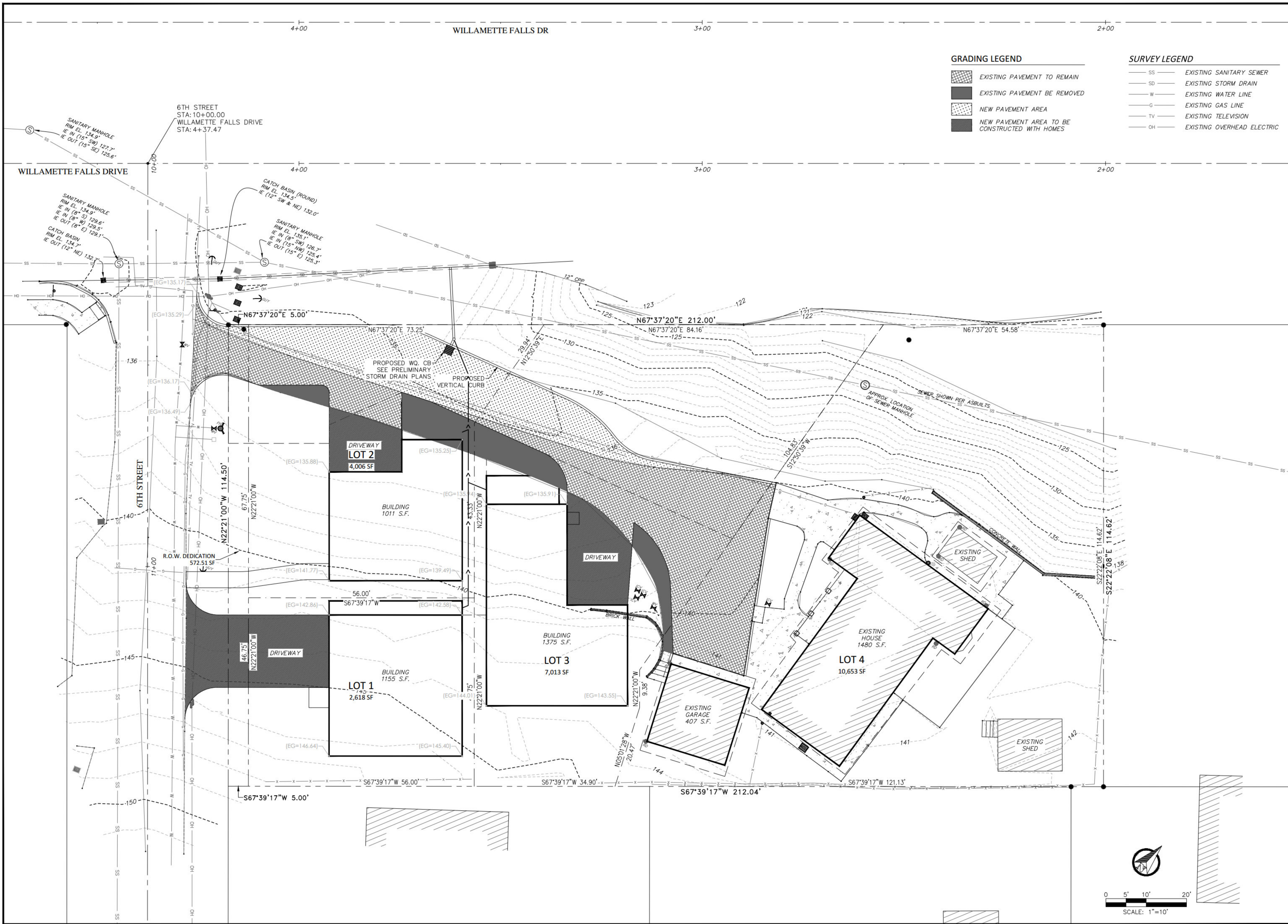
 TOTAL FLOOR AREA = 8,672 S.F. (ESTIMATED)
 FLOOR AREA RATIO = 8,672 / 24,299 = 0.36 LESS THAN 0.60

EXISTING PARCEL OVERALL SIZE = 24,288 S.F. (AFTER R.O.W. DEDICATION)
 PROPOSED LOT COVERAGE:
 EXISTING HOME = 1,480 S.F.
 EXISTING GARAGE = 407 S.F.
 EXISTING SHED = N/A
 PROPOSED HOME LOT 1 = 955 S.F. (1,155 S.F. - 200 S.F. FOR ATTACHED GARAGE)
 PROPOSED HOME LOT 2 = 811 S.F. (1,011 S.F. - 200 S.F. FOR ATTACHED GARAGE)
 PROPOSED HOME LOT 3 = 1,175 S.F. (1,375 S.F. - 200 S.F. FOR ATTACHED GARAGE)

 TOTAL LOT COVERAGE = 4,828 S.F.
 LOT COVERAGE % = 20% - LESS THAN 35%



REVISIONS	BY



GRADING LEGEND

- EXISTING PAVEMENT TO REMAIN
- EXISTING PAVEMENT BE REMOVED
- NEW PAVEMENT AREA
- NEW PAVEMENT AREA TO BE CONSTRUCTED WITH HOMES

SURVEY LEGEND

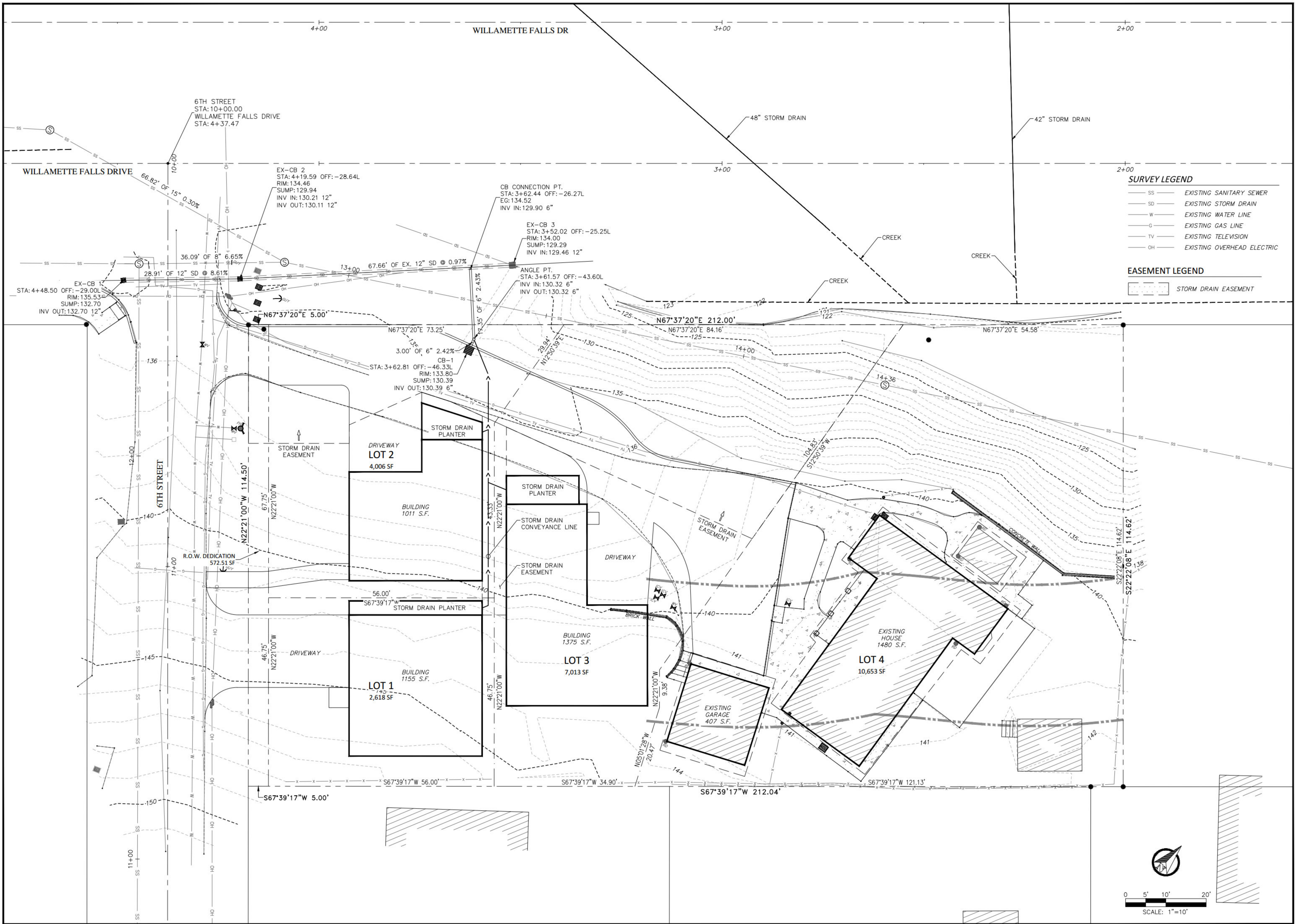
- EXISTING SANITARY SEWER
- EXISTING STORM DRAIN
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING TELEVISION
- EXISTING OVERHEAD ELECTRIC

1575 6TH STREET
 6TH STREET WEST LINN, LLC.

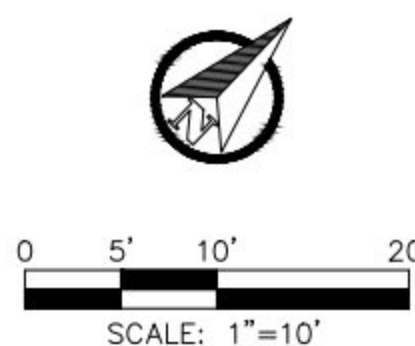
PRELIMINARY GRADING PLANS

SISUL ENGINEERING
 37E PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 657-0188

DATE 11/10/2022
 SCALE 1" = 10'
 DRAWN SH
 JOB SGL22-050
 SHEET **GD-02**
 OF 2 SHEETS 5



- SURVEY LEGEND**
- SS — EXISTING SANITARY SEWER
 - SD — EXISTING STORM DRAIN
 - W — EXISTING WATER LINE
 - G — EXISTING GAS LINE
 - TV — EXISTING TELEVISION
 - OH — EXISTING OVERHEAD ELECTRIC
- EASEMENT LEGEND**
- [Patterned Box] STORM DRAIN EASEMENT



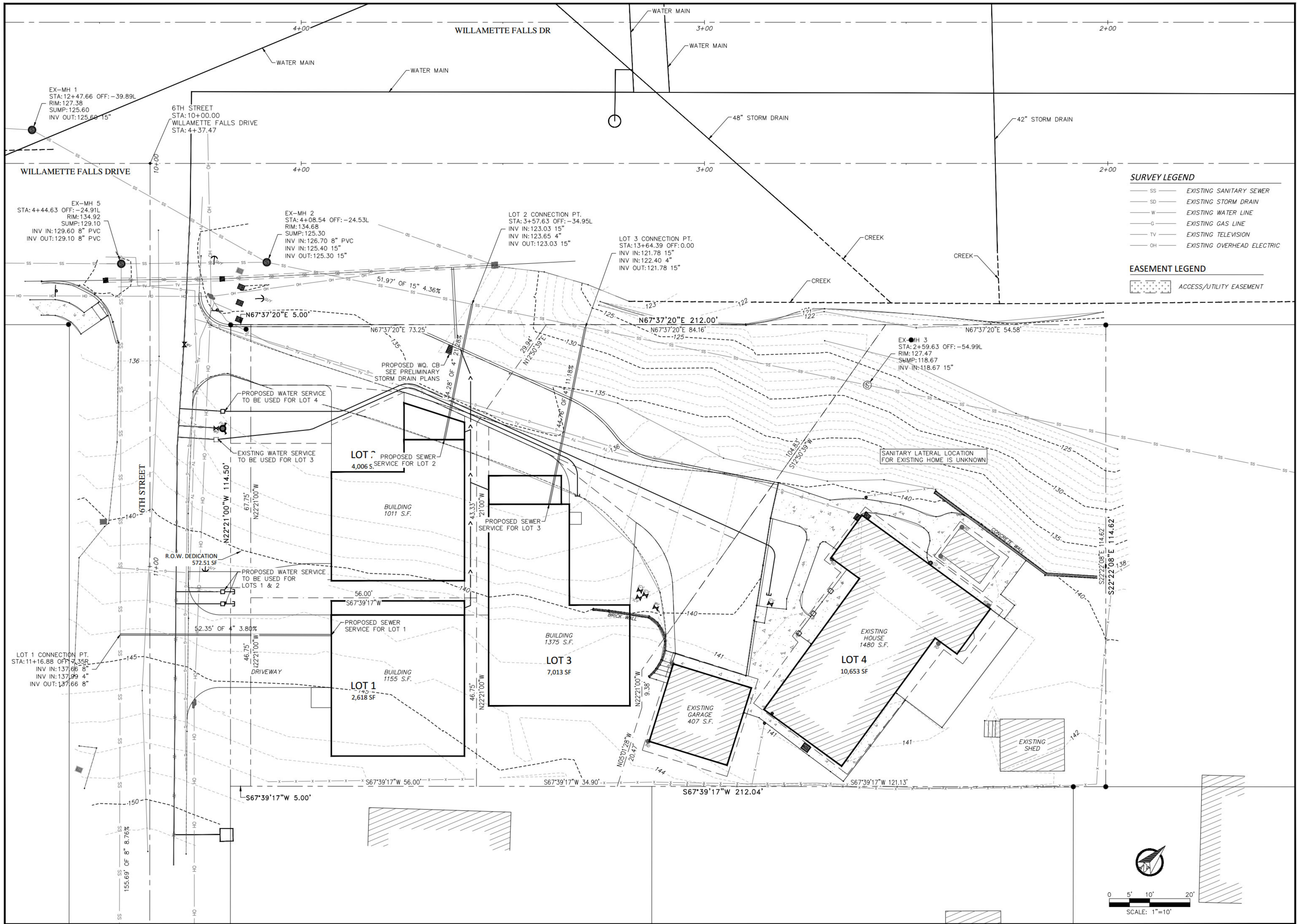
REVISIONS	BY

1575 6TH STREET
6TH STREET WEST LINN, LLC.

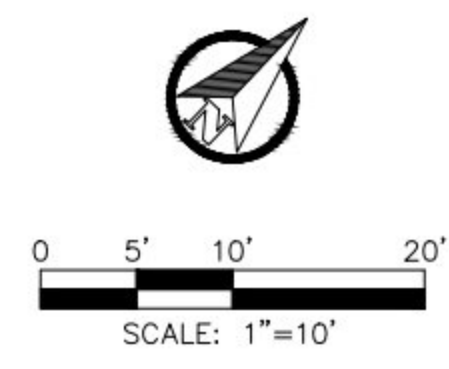
PRELIMINARY
STORM DRAIN PLANS

SISUL ENGINEERING
 375 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 657-0188

DATE 11/10/2022
 SCALE 1" = 10'
 DRAWN SH
 JOB SGL 22-050
 SHEET **SD-03**
 OF 3 SHEETS 5



- SURVEY LEGEND**
- SS — EXISTING SANITARY SEWER
 - SD — EXISTING STORM DRAIN
 - W — EXISTING WATER LINE
 - G — EXISTING GAS LINE
 - TV — EXISTING TELEVISION
 - OH — EXISTING OVERHEAD ELECTRIC
- EASEMENT LEGEND**
- [Pattern] ACCESS/UTILITY EASEMENT



REVISIONS	BY

1575 6TH STREET
6TH STREET WEST LNN, LLC.

PRELIMINARY UTILITY PLANS

SISUL ENGINEERING
 375 PORTLAND AVENUE
 CLATSOP COUNTY, OREGON 97027
 (503) 637-0188

DATE 11/10/2022
 SCALE 1" = 10'
 DRAWN SH
 JOB SGL22-050
 SHEET
UT-04
 OF 4 SHEETS 5

EXISTING CONDITIONS MAP

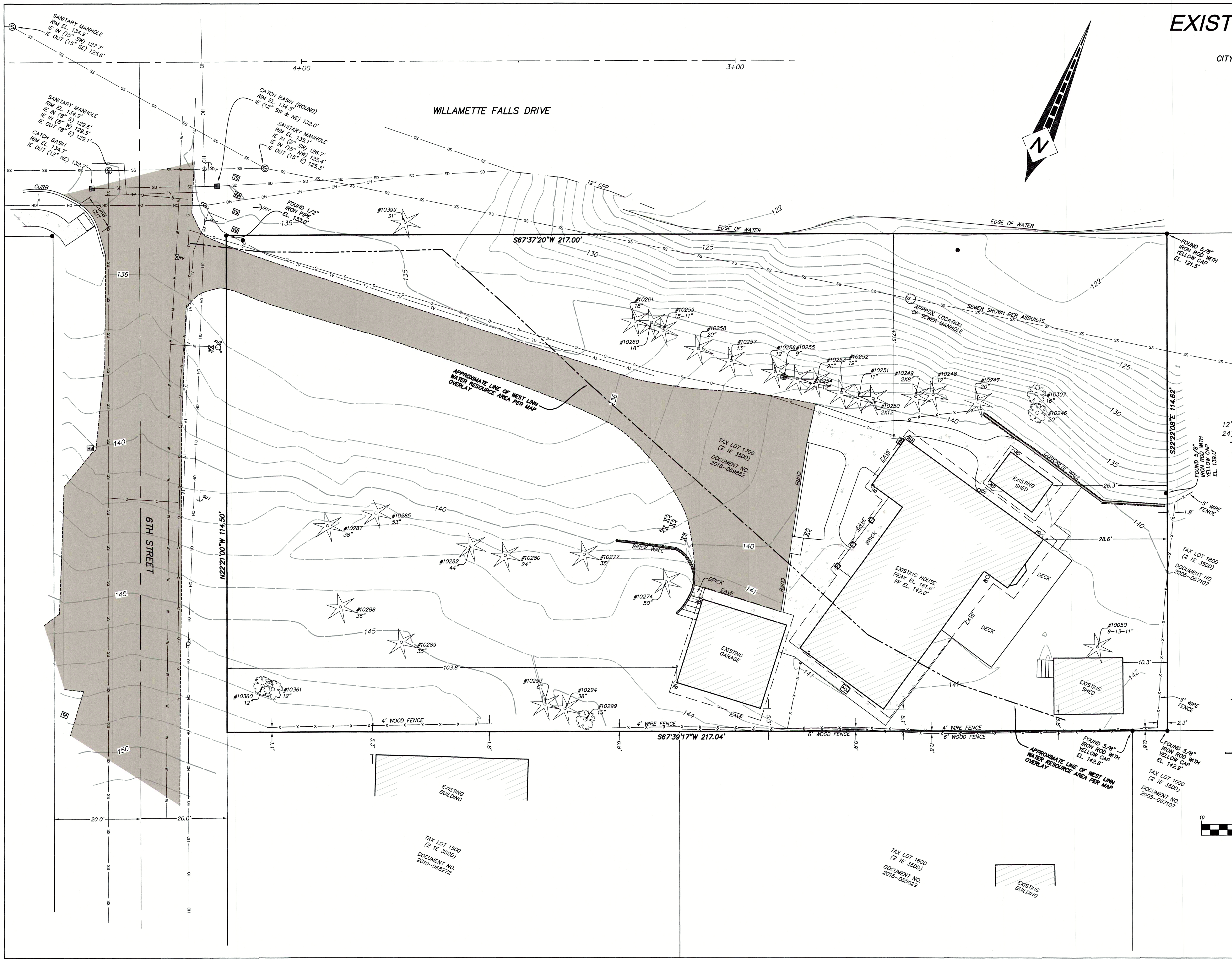
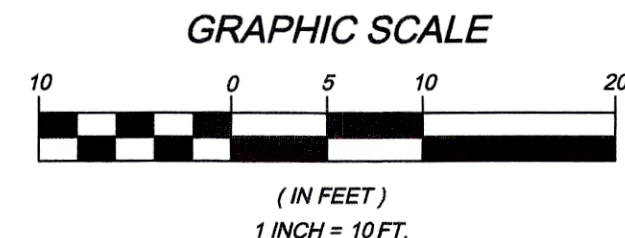
LOCATED IN THE
S.E. 1/4 SECTION 35, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
JULY 2, 2022 SCALE 1"=10'

SURVEY NOTES:
THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER PARTITION PLAT NO. 1992-68, RECORDS OF CLACKAMAS COUNTY.
NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.
NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

UTILITY NOTES:
THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP ARE SHOWN BASED ON A COMBINATION OF INFORMATION, INCLUDING VISIBLE ABOVE GROUND STRUCTURES, AVAILABLE AS BUILT AND GIS MAPPING FROM LOCAL JURISDICTIONS, AS WELL AS SURFACE MARKINGS BY ONE CALL TICKET NUMBER 22151853 DATED JUNE 9, 2022.
THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.
THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.
INVERT ELEVATIONS AND PIPE SIZES SHOWN ARE APPROXIMATE ONLY, BASED ON FIELD OBSERVATIONS AS WELL AS AVAILABLE AS-BUILT DATA. ALL PIPE SIZES SHALL BE FIELD VERIFIED BY THE OWNER, ENGINEER, CONTRACTOR, AND GOVERNING AGENCY PRIOR TO ANY CONSTRUCTION ACTIVITY. SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY PIPE SIZES SHOWN ON THIS SURVEY.

- LEGEND:**
Some Symbols shown may not be used on map
- | | | |
|------------------------|--|-------------------------|
| 12" EVERGREEN TREE | STORM SEWER MANHOLE | SSP TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | CATCH BASIN | UTILITY POLE |
| DEAD TREE | CURB INLET | LIGHT POLE |
| GUY WIRE | AREA DRAIN | ELECTRIC BOX |
| TRANSFORMER | DITCH INLET | ELECTRIC RISER |
| ELECTRIC RISER | SANITARY SEWER CLEANOUT | HEAT PUMP |
| SANITARY SEWER MANHOLE | FIRE HYDRANT | GATE POST |
| CABLE TV BOX | WATER MANHOLE | CABLE TV RISER |
| CABLE TV RISER | WATER METER | OVERHEAD LINE |
| OVERHEAD LINE | WATER VALVE | GAS LINE |
| GAS LINE | HOSE BIB | ELECTRICAL LINE |
| ELECTRICAL LINE | IRRIGATION CONTROL VALVE | COMMUNICATIONS LINE |
| COMMUNICATIONS LINE | GAS VALVE | SANITARY SEWER LINE |
| SANITARY SEWER LINE | GAS METER | STORM DRAIN LINE |
| STORM DRAIN LINE | MAILBOX | WATER LINE |
| WATER LINE | UTILITY RISER | FENCE LINE |
| FENCE LINE | UTILITY BOX | HANDRAIL |
| HANDRAIL | TELEPHONE MANHOLE | ARBORVITAE ROW |
| ARBORVITAE ROW | TELEPHONE RISER | CONCRETE SURFACE |
| CONCRETE SURFACE | STORM OUTFALL | ASPHALT SURFACE |
| ASPHALT SURFACE | SIGN | |
| | BOLLARD | |
| | FOUND MONUMENT | |
| | DOWN SPOUT TO STORM SYSTEM | |
| | DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION | |

SIGNED ON: 7-5-2022
REGISTERED PROFESSIONAL LAND SURVEYOR
NOVEMBER 10, 2007
JAMES BURTON BROWN
60379
RENEWS: DECEMBER 31, 2023



CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189
PLOTTED IN: \PROJECTS\6TH STREET WEST LINN-6TH ST-1575\DWG\ECM-C3D.dwg

EXHIBIT PD-2 PROPERTY MAPS

SN2022-189

RECORD OF SURVEY

PORTIONS OF LOTS 'A' AND 'B', BLOCK 10,
 "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198
 LOCATED IN THE
 S.E. 1/4 SECTION 35, T.2S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 AUGUST 11, 2022 SCALE 1"=30'

SURVEY PERFORMED FOR:
 6TH STREET WEST LINN LLC

CLACKAMAS COUNTY SURVEYOR
 RECEIVED: 8-2-2022
 ACCEPTED FOR FILING: 8-16-2022
 SURVEY NUMBER: SN2022-189

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED AS DOCUMENT NO. 2018-069882, CLACKAMAS COUNTY DEED RECORDS, BEING PORTIONS OF LOTS A AND B, BLOCK 10, "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198, CLACKAMAS COUNTY PLAT RECORDS.

FOR MY BASIS OF BEARINGS, AND THE SOUTHWEST LINE OF SAID BLOCK 10, BEING THE NORTHEAST RIGHT OF WAY LINE OF 6TH STREET (A 40.00 FOOT WIDE RIGHT OF WAY), I HELD NORTH 22°21'00" WEST BETWEEN FOUND MONUMENTS "A" AND "B" PER SURVEY NO. 2652 AND PARTITION PLAT NO. 1992-68 (BEARING SOURCE).

FOR THE NORTHEAST LINE OF THE SUBJECT TRACT, BEING THE SOUTHWEST RIGHT OF WAY LINE OF WILLAMETTE FALLS DRIVE, AKA 7TH AVENUE, I HELD RECORD ADJUSTMENT AND STATION AND OFFSET DATA FOR FOUND MONUMENTS "C", "D", "E", AND "F" PER SURVEY NO. 2020-189.

I HELD FOUND MONUMENTS "I" AND "G" FOR THE NORTHEAST LINE OF THE SUBJECT TRACT PER SURVEY NO. 28060.

I HELD FOUND MONUMENTS "O" AND "H" AND RECORD DEED DISTANCE SOUTH FROM THE ESTABLISHED NORTHWEST CORNER TO ESTABLISH THE SOUTHWEST LINE OF THE SUBJECT TRACT.

LEGEND:

- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON AUGUST 11, 2022
- FOUND MONUMENT AS NOTED

(XXX(X)) = RECORD DISTANCES & BEARINGS
 IR = IRON ROD IP = IRON PIPE
 FD = FOUND W/ = WITH
 YPC = YELLOW PLASTIC CAP
 R/W = RIGHT OF WAY
 P/L = PROPERTY LINE
 UD = UNKNOWN ORIGIN
 COPR = CLACKAMAS COUNTY PLAT RECORDS
 DOC. NO. = DEED DOCUMENT NUMBER
 CLACKAMAS COUNTY DEED RECORDS
 SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS

S1 = SN 28060
 S2 = SN 2623
 S3 = SN 2020-189
 S4 = SN 5981
 S5 = SN 8783
 P1 = "WILLAMETTE TUALATIN TRACTS", COPR
 P2 = PARTITION PLAT NO. 1992-68, COPR
 D1 = DOC. NO. 2018-069882

SIGNED ON: 15 August

REGISTERED PROFESSIONAL LAND SURVEYOR

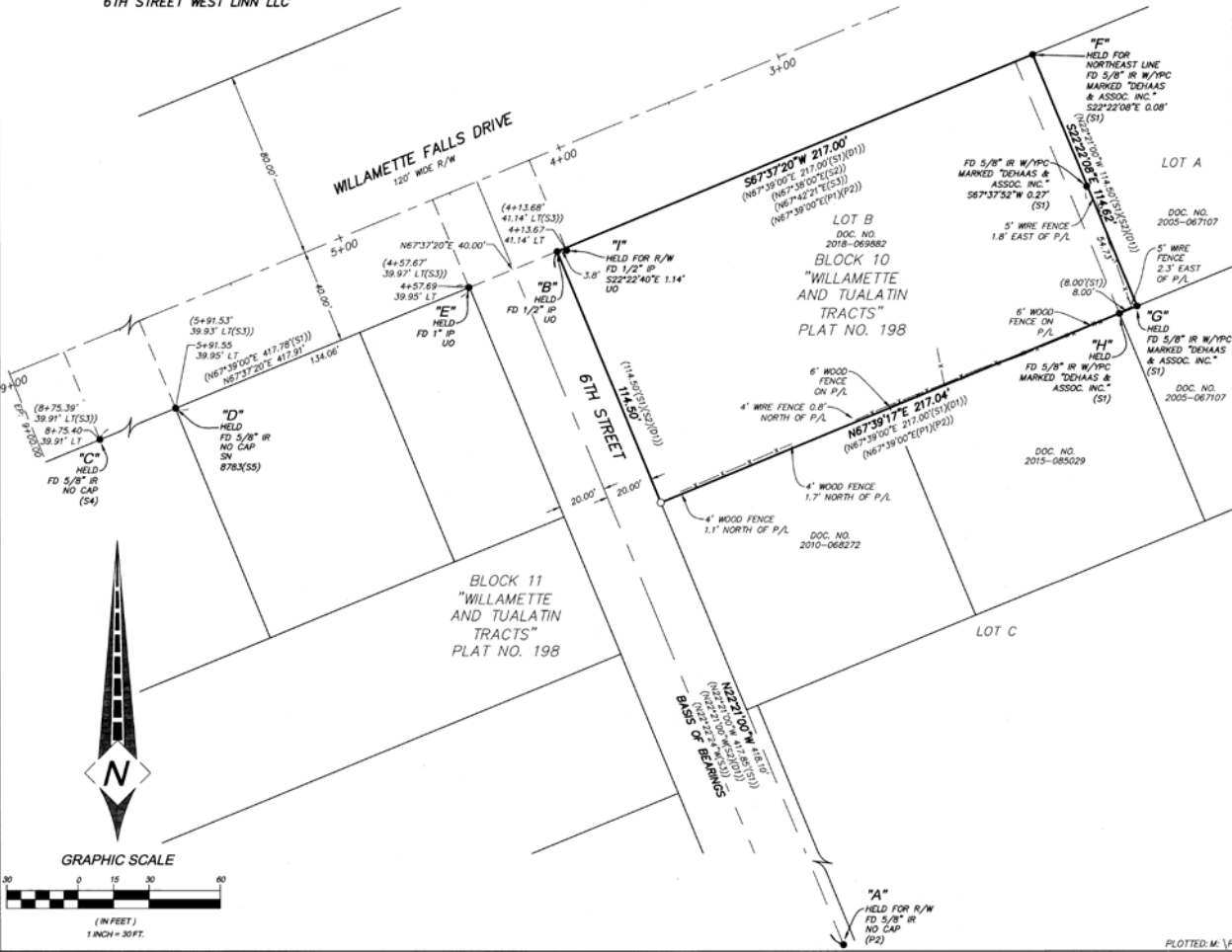
OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2023

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

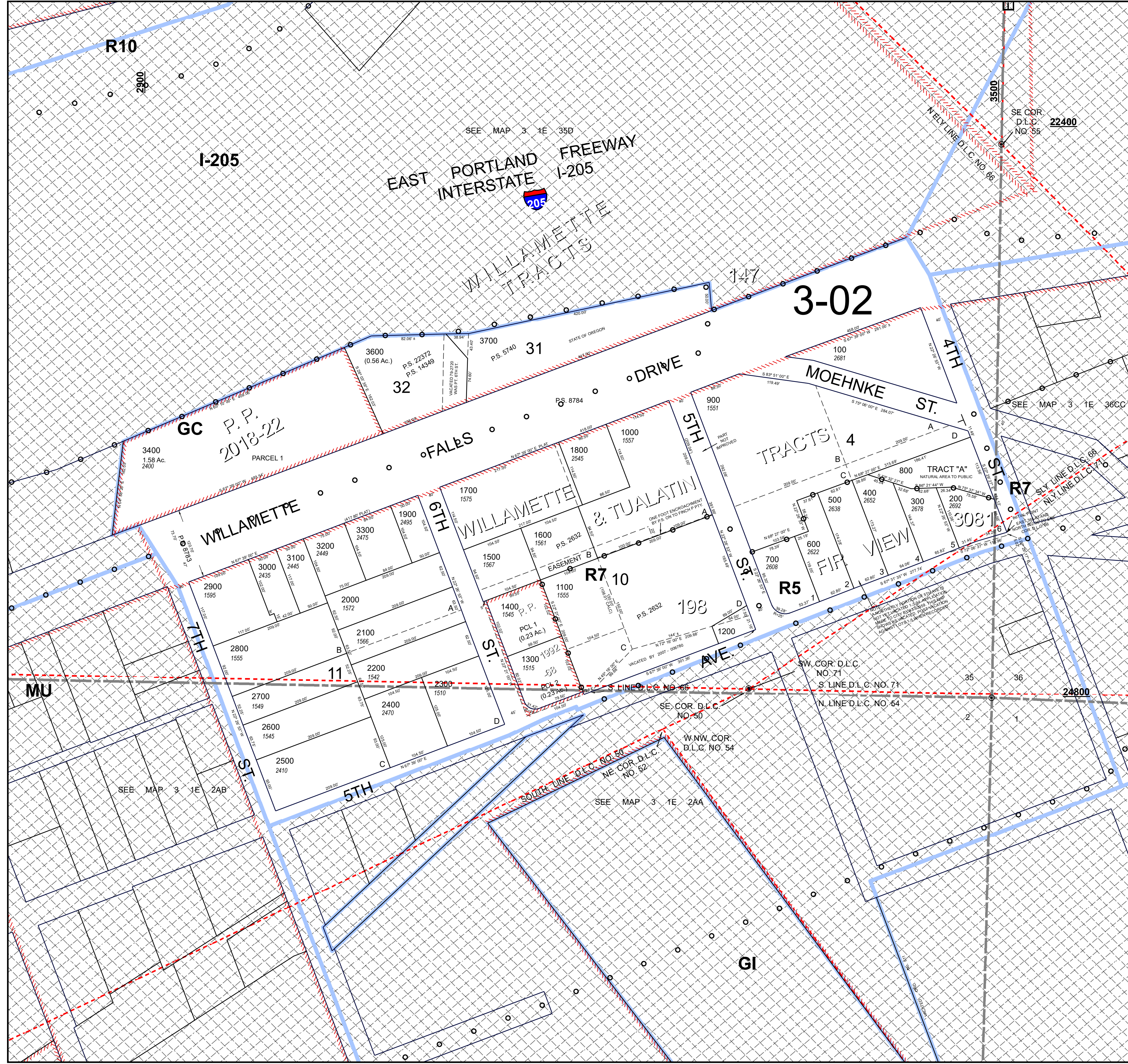
19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\6TH STREET WEST LINN-6TH ST-1575\DWG\ROS-C30.dwg

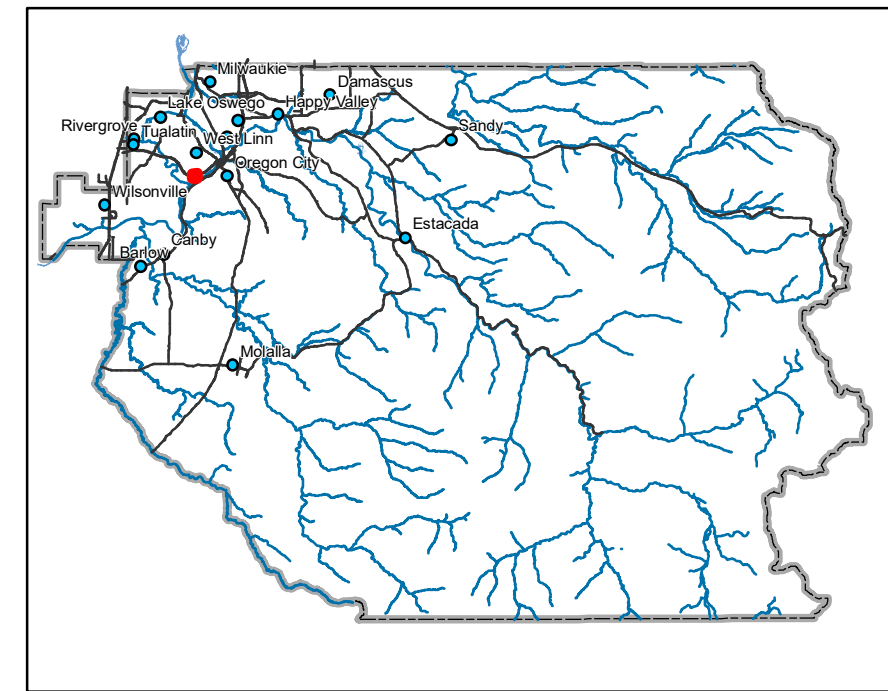


S.E. 1/4 S.E. 1/4 SEC. 35 T. 2S. R. 1E. W.M.
CLACKAMAS COUNTY
1" = 100'

Cancelled Taxlots
3500



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- Railroad Centerline
- Tax Code Lines
- ⊞ Map Index
- Water Lines
- Land Use Zoning
- ▨ Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- - - DLC Line
- - - Meander Line
- - - PLSS Section Line
- ⊗ Historic Corridor 40'
- ⊗ Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

EXHIBIT PD-3 PUBLIC COMMENTS

From: [JO MCMAHON](#)
To: [Wyss, Darren](#)
Subject: project 1575 6th street, west Linn
Date: Wednesday, November 30, 2022 9:58:58 PM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi, I own the home at 1515 6th street. I am wondering if the changes to 6th street will include sidewalk and road improvements extending the length of 6th street.
Jo McMahon

EXHIBIT PD-4 COMPLETENESS LETTER



CITY OF
West Linn

November 16, 2022

6th Street West Linn, LLC
2111 N. Willis Blvd., Apt. 333
Portland, OR 97217

SUBJECT: SB458 Expedited Land Division (SUB-22-01) for middle housing at 1575 6th Street (21E 35DD Tax Lot 1700)

Mr. O'Neal,

You submitted this application on October 31, 2022. The Planning and Engineering Departments determined that the application is now **complete**.

The application proposes a SB458 expedited land division for HB2001 middle housing development. Per SB458, the City is required to process the application under the procedures outlined in Oregon Revised Statute 197.360 to 197.380. The City has 63 days to make a decision to approve or deny the application; that period ends January 18, 2023.

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

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss
Planning Manager

EXHIBIT PD-5 AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
PLANNING MANAGER 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.: **SUB-22-01**

Applicant's Name: **6th St West Linn, LLC**

Development Name: **1575 6th St**

Scheduled Decision Date: **Planning Manager Decision no earlier than Dec 5, 2022**

MAILED NOTICE

Notice of Upcoming Decision was mailed at least 14 days before the hearing to:

6th Street West Linn, LLC, applicant	11/17/22	<i>Lynn Schroder</i>
Tom Sisul, Sisul Engineering, applicant representative	11/17/22	<i>Lynn Schroder</i>
Metro	11/17/22	<i>Lynn Schroder</i>
WVLW SD	11/17/22	<i>Lynn Schroder</i>
Clackamas County	11/17/22	<i>Lynn Schroder</i>
PGE	11/17/22	<i>Lynn Schroder</i>
Comcast	11/17/22	<i>Lynn Schroder</i>
TRIMET	11/17/22	<i>Lynn Schroder</i>
NW Natural	11/17/22	<i>Lynn Schroder</i>
TVF&R	11/17/22	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	11/17/22	<i>Lynn Schroder</i>
Willamette NA	11/21/22	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 14 days before the decision.

11/21/22	<i>Lynn Schroder</i>
----------	----------------------

FINAL DECISION

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

11/18/2023	<i>Lynn Schroder</i>
------------	----------------------

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. SUB-22-01**

The City of West Linn has received a complete application (SUB-22-01) proposing a four-lot Expedited Land Division (SB458) for Middle Housing (HB2001) at 1575 6th Street (Clackamas County Tax Assessor Map 21E 35DD Tax Lot 1700).

The Planning Manager will make the decision after expiration of the required 14-day written comment period. The decision will be based on the criteria found in Oregon Revised Statute 92.031. Any appeal of the decision will be reviewed by an appointed referee.

The complete application and all evidence submitted by the applicant is posted on the City's website <https://westlinnoregon.gov/planning/1575-6th-street-sb458-expedited-land-division>. Alternatively, the application and all evidence submitted by the applicant are available for review between the hours of 8:00am and 5:00pm, Monday through Thursday, 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 written comments for consideration must submit all material prior to the expiration of the 14-day comment period. The deadline to submit written comments is 4:00 p.m. on December 5, 2022. Written comments can be submitted to dwyss@westlinnoregon.gov or to City Hall, 22500 Salamo Road, West Linn, OR 97068. All comments must be received by the deadline.**

All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

For additional information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6062 or dwyss@westlinnoregon.gov.

SUB-22-01 Notified Property Owners within 100 feet of 1575 6th Street





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # SUB-22-01
MAIL: 11/17/2022 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.