



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: June 29, 2023

FILE NO.: ELD-23-02

REQUEST: Approval of an SB458 Expedited Land Division for a four-lot middle housing land division resulting in a detached quadplex with the existing home as one of the units.

PLANNER: Chris Myers, Associate Planner

Planning Manager

DSW

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GENERAL INFORMATION

**APPLICANT/
OWNER:**

Shah Housing Solutions LLC
18531 S Upper Highland Rd.
Beavercreek, OR. 97004

SITE LOCATION:

2480 Debok Rd

SITE SIZE:

0.272 Acres (11,832 square feet)

LEGAL

DESCRIPTION:

Lot 1, Nelson's Acre (Clackamas County Assessor Map 21E34AD Tax Lot 04200)

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 May 2, 2023. The 63-day period for an expedited land division ends July 4, 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 on May 16, 2023, as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on May 15, 2023. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

The 2480 Debok Road property is a 11,832 sq. ft., legal lot of record. 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(a), 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.

Proposed Parcel Sizes

Parcel 1 – 4046 sq. ft.

Parcel 2 – 2343 sq. ft.

Parcel 3 – 2212 sq. ft.

Parcel 4 – 2692 sq. ft.

The property is not located within the Willamette River Greenway (WRG) nor any FEMA flood hazard area. There is existing stormwater drainage on the northwest corner of the subject property and stormwater drainage is piped adjacent to the east property line of the subject property in Debok Road. Piped sections are exempt from WRA requirements (Community Development Code (CDC) Chapter 32.040.F(2)).

The property has approximately 125 feet of frontage on Debok road, which has a functional classification of Neighborhood Route. Each of the four lots will take access from private driveways adjacent to Debok Road.

The Debok Road right-of-way is 60 feet wide. The applicant will construct half-street improvements as detailed in Condition of Approval 8. No right-of-way dedication is required. Sanitary sewer and water mains are located in the Debok Road right-of-way to provide service to the proposed parcels.

Public comments:

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

Joe Sousa Email 5.24.23

- 1. Expressed concern that there will not be enough parking as each proposed unit will be constructed with a single-car garage and therefore residents will have to park on the street thus creating a safety hazard. A further concern expressed is that more effected people should be informed not simply those within 100 feet of the subject property.*

Staff Response: Parking vehicles on a public street is allowed and not part of the criteria for approval. The existing travel lane widths will remain in their current state. Transportation and street safety related issues are not applicable criteria and should be directed to the police non-emergency number.

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a quadplex on the subject property (see Staff Finding 1). The applicant proposes a detached quadplex (middle housing) on the subject property. The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a lot or parcel that contains middle housing, thus permitting each unit of a quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules. As part of HB 2001 the rules the Oregon Legislature set require that notice must be sent to property owners within 100 feet of the subject property.

Notice was sent to all property owners within 100 feet of the subject property on May 16, 2023, as required by ORS 197.365.

Klotz Email 5.30.23

2. *Expressed concern that the current state of the property is below the City of West Linn Standard. Further concern expressed over existing buildings that don't meet city setback standards.*

Staff Response: The applicant proposes to develop a middle housing type (detached quadplex) as permitted by the West Linn Community Development Code (see Staff Finding 1) and the land division process for middle housing types as found in SB458 (ORS 92.031).

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a quadplex on the subject property (see Staff Finding 1). The applicant proposes a detached quadplex (middle housing) on the subject property. The Oregon Legislature subsequently approved SB458 in 2021, requiring cities and counties to allow the division of a lot or parcel that contains middle housing, thus permitting each unit of a quadplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

Neither the current state of the property nor the setbacks for existing buildings is an applicable criteria for this land use application.

DECISION

The Planning Manager (designee) approves this application (ELD-23-02) 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 4/5/23 (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 Debok Road right-of-way frontage on the face of the plat prior to final plat approval by the City.
6. **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".

7. **Final Plat Recording.** The approval of the tentative plat (MIP-22-05) shall be void if the applicant does not record the final partition plat within three years of approval.

8. **Street Improvements.** The applicant shall construct half-street improvements for a neighborhood Route with parking and no bike lane. The street improvements shall include a 6' sidewalk, 6' planting strip and curb (5.5' planting strip and 0.5' curb), street trees, 8' parking lane, and 12-14' of new half-street pavement to the centerline of Debok Road. Further improvements include relocating the existing storm inlet along the frontage of the parent property into the new curb/gutter.

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

Chris J. Myers
Chris Myers, Associate Planner

June 29, 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 29th day of June, 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on July 13, 2023.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
ELD-23-02**

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

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(a). 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 proposed development will not impact any Water Resource Areas. 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 City franchise agreements require an eight-foot public utility easement along Debok Road. The applicant shall show the utility easement on the face of the final plat 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 parcel as allowed by SB458. All dwellings will have pedestrian access to Debok Road, a public street, via dedicated driveways for each lot, 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 parcel as allowed by SB458. The proposal does not include any parking areas needing an easement. Access to all parcels will come directly from Debok Road via dedicated driveways for each lot. 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(a). 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 lot. 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 quadplex 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 6. 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 6. 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 approximately 125 feet of frontage along Debok Road, a Neighborhood Route. 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 and the existing dwelling will contribute approximately 40 vehicle trips per day. The four lots will each have dedicated driveways approximately 18 feet wide per driveway. This amounts to approximately 57% of the total street frontage. The City will require half-street improvements as detailed in condition of approval *8 Street Improvements*. The street improvements match the standards for a Neighborhood Route as set forth in the West Linn Transportation System Plan *Exhibit 8, Neighborhood Route Cross Sections*. Subject to Conditions of Approval, the criteria are 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 driveway for each of the four proposed lots. 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 Debok road, public right-of-way (ROW). The existing Debok Road ROW measures approximately 60-feet in width. The proposed project does not require a right-of-way dedication. 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 parcel 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 (ELD-23-02) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 7. 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. No development is proposed in a Water Resource Area. 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 meet street connectivity standards 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 11,293 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 one dwelling unit.

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 400 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: See Staff Findings 24 to 32. 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 April 5, 2023 and deemed complete by the City on May 2, 2023. 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 April 5, 2023 and deemed complete by the City on May 2, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on April 5, 2023. 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 May 16, 2023. The City provided written notice to property owners within 100 feet of the entire contiguous site, compiled from the most recent property owner information available, on May 16, 2023. The City provided written notice to the Willamette Neighborhood Association on May 16, 2023. 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 May 16, 2023, with a deadline for submission of written comments on May 30, 2023. 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 April and deemed complete by the City on January 3, 2023. The City approved the application with conditions on March 7, 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 March 7, 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 John Floyd	PROJECT NO(S). ELD-23-02	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) \$5,000	TOTAL \$5,000

Type of Review (Please check all that apply):

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

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

Site Location/Address: 2480 debok rd west linn or	Assessor's Map No.:
	Tax Lot(s): 21E34AD04200
	Total Land Area: 0.272 ac

Brief Description of Proposal:

4 lot middle housing land divison resulting in a detached 4plex with the existng home remaining as one of the units.

Applicant Name*: Shah Housing Solutions LLC Address: 18531 S Upper Highland rd City State Zip: beavercreek or 97004	Phone: 9716781952 Email: Alec@shahhousingsolutions.com
---	---

Owner Name (required): Alec Shah and Victoria Rystadt Address: City State Zip: same as above	Phone: Email: same as above
---	---------------------------------------

Consultant Name: N/a Address: City State Zip:	Phone: Email:
---	------------------

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Alec Shah
Applicant's signature

Date **4/4/2023**

Victoria Rystadt
Alec Shah
Owner's signature (required)

Date **4/4/2023**

Narrative

The intent of this proposal is to apply for a minor land partition utilizing SB458 to create three new child lots. Each lot will have one unit on it. There will be four units total. One unit per lot. new units will be part of a detached fourplex. Each unit will have its own utility connection to water, and sewer. storm laterals will be connected to the city mains in the rear of the property near the existing shed. Water and sewer connection will be made to the water and sewer mains in debok rd as shown on site plan. An easement will be given where its needed for sewer and storm laterals. Each unit will have vehicle or pedestrian access. Three new detached dwellings will be built on the new middle housing lots and the existing home will remain, resulting in a detached fourplex.

SB458 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);

(b) Separate utilities for each dwelling unit;

Water will be brought from the mainline On Debok. Storm and sewer mains are available on the NW corner of the parent lot and also available in Debok. All necessary utilities are available. Please see site plan for how utilities will be connected.

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

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

Easement needed for storm system. Please see site plan

Please see site and storm plan for how utilities will be connected.

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

Response: No easement needed

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

Response: No common or share elements

(D) Any dedicated driveways or parking; and

Response: No easement needed

(E) Any dedicated common area;

Response: No easement needed

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

(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.

Response: Please see included site plan demonstrating compliance with the new unit to meet Oregon residential specialty

code.

(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.

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

(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.

(b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with

land use regulations implementing ORS 197.758.

Response: Please see included site plan, street has full improvements already on site

(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.

Response: Please see included site plan.

(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.

(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.

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

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

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

(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.

(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.

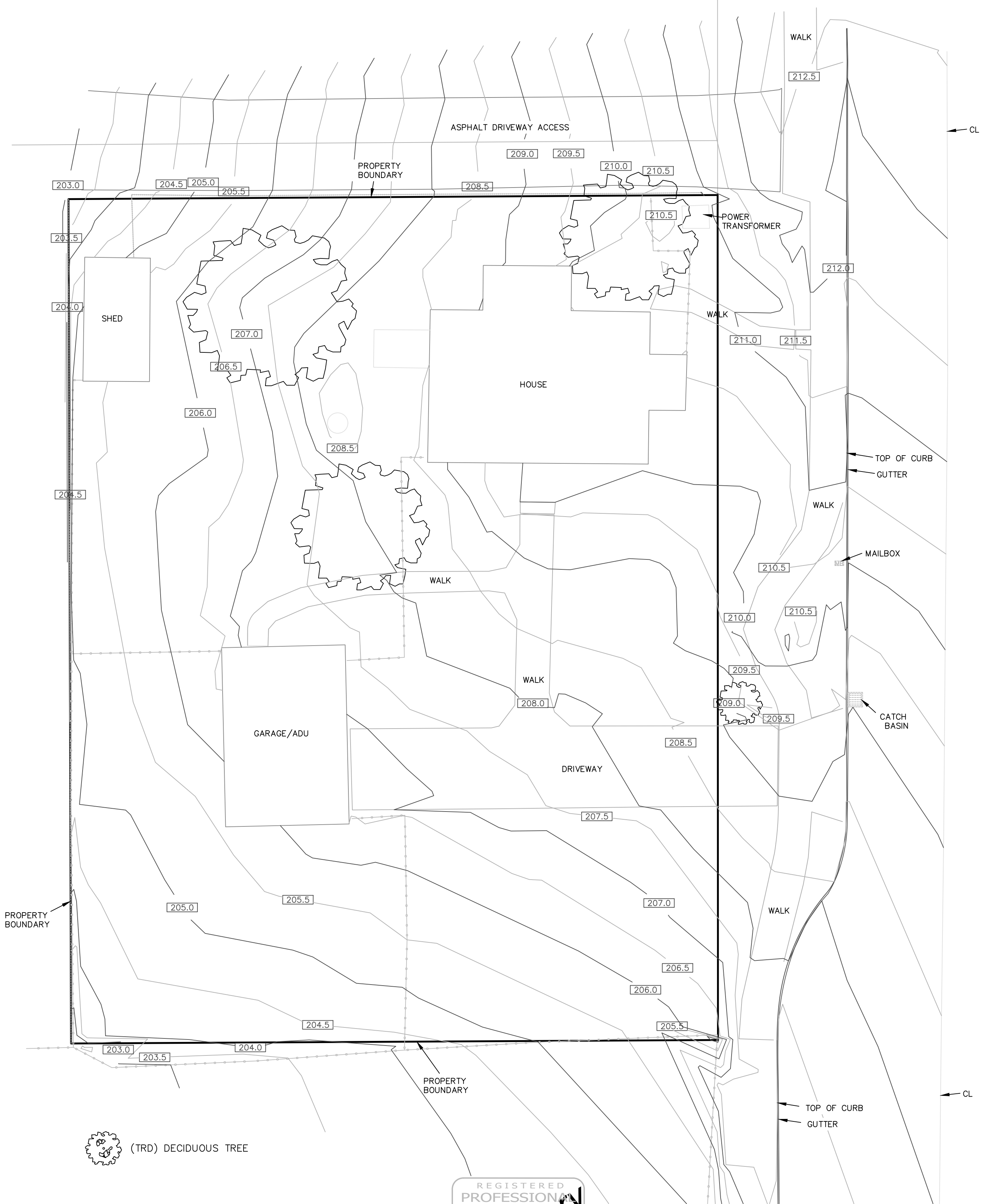
SECTION 2a. Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1,


2022.

TOPOGRAPHIC SURVEY

LOCATED IN THE NE ¼ OF SECTION 34, T.2S., R.1E., W.M.,
CITY OF WEST LINN, WASHINGTON COUNTY, OREGON.

Date: FEBRUARY 23, 2023



 (TRD) DECIDUOUS TREE

ELEVATION DATUM: NAVD88 PER GPS OBSERVATION
UTILIZING ODOT ORGN NETWORK (GEOID 12B).

BOUNDARY SURVEY IN PROGRESS. PROPERTY LINES
SUBJECT TO CHANGE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Preliminary
BRIAN W. PAULL
MARCH 13, 2018
89074
Expires 12/31/2024

 **BRASS & STONE**
LAND SURVEYING
503-871-0030

1132 Heritage Loop
Stayton, OR 97383

Job File: 23-002

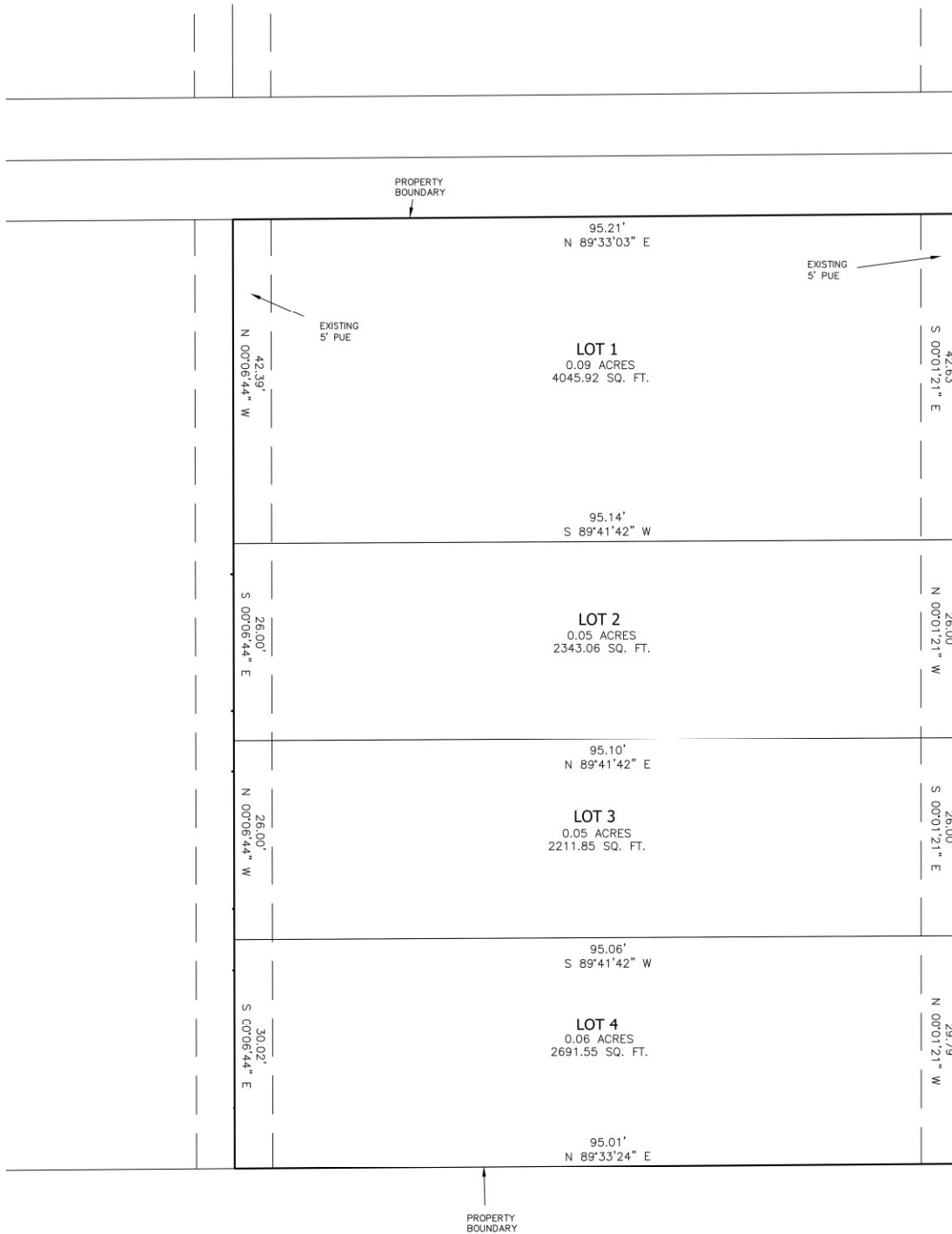
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Drawn By: BWP 02/23/23

PROPOSED REPLAT

REPLAT OF LOT 1, NELSON'S ACRE, LOCATED IN THE NE
 ¼ OF SECTION 34, T.2S., R.1E., W.M., CITY OF WEST LINN,
 WASHINGTON COUNTY, OREGON.

Date: MARCH 4, 2023



ELEVATION DATUM: NAVD88 PER GPS OBSERVATION
 UTILIZING ODOT ORGN NETWORK (GEOID 12B).

BOUNDARY SURVEY IN PROGRESS. PROPERTY LINES
 SUBJECT TO CHANGE.

REGISTERED
PROFESSIONAL
 LAND SURVEYOR

OREGON
 MARCH 13, 2018
BRIAN W. PAULL
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 Expires 12/31/2024

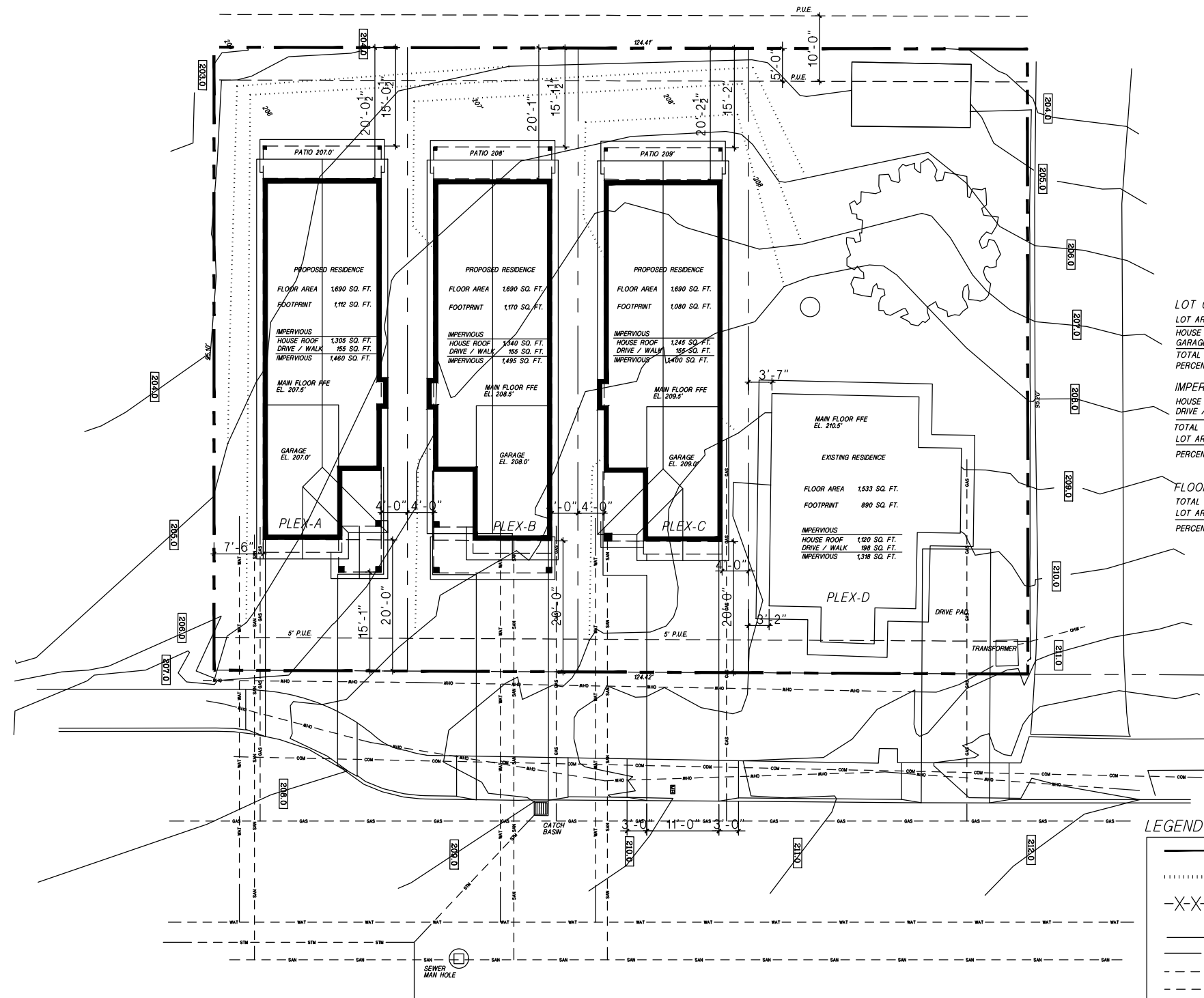


1132 Heritage Loop
 Stayton, OR 97383
 Job File: 23-002

Scale: 1"=10'

Drawn By: BWP 02/23/23





LOT COVERAGE

LOT AREA	11,815 SQ. FT.
HOUSE	4,282 SQ. FT.
GARAGE DEDUCTION	-200 SQ. FT.
TOTAL COVERAGE	4,082 SQ. FT.
PERCENTAGE	34.3 %

IMPERVIOUS COVERAGE

HOUSE ROOF	5,110 SQ. FT.
DRIVE / WALK	663 SQ. FT.
TOTAL	6,773 SQ. FT.
LOT AREA	11,815 SQ. FT.
PERCENTAGE	48.8 %

FLOOR AREA RATIO

TOTAL FLOOR AREA	6,603 SQ. FT.
LOT AREA	11,815 SQ. FT.
PERCENTAGE	55.8 %

LEGEND

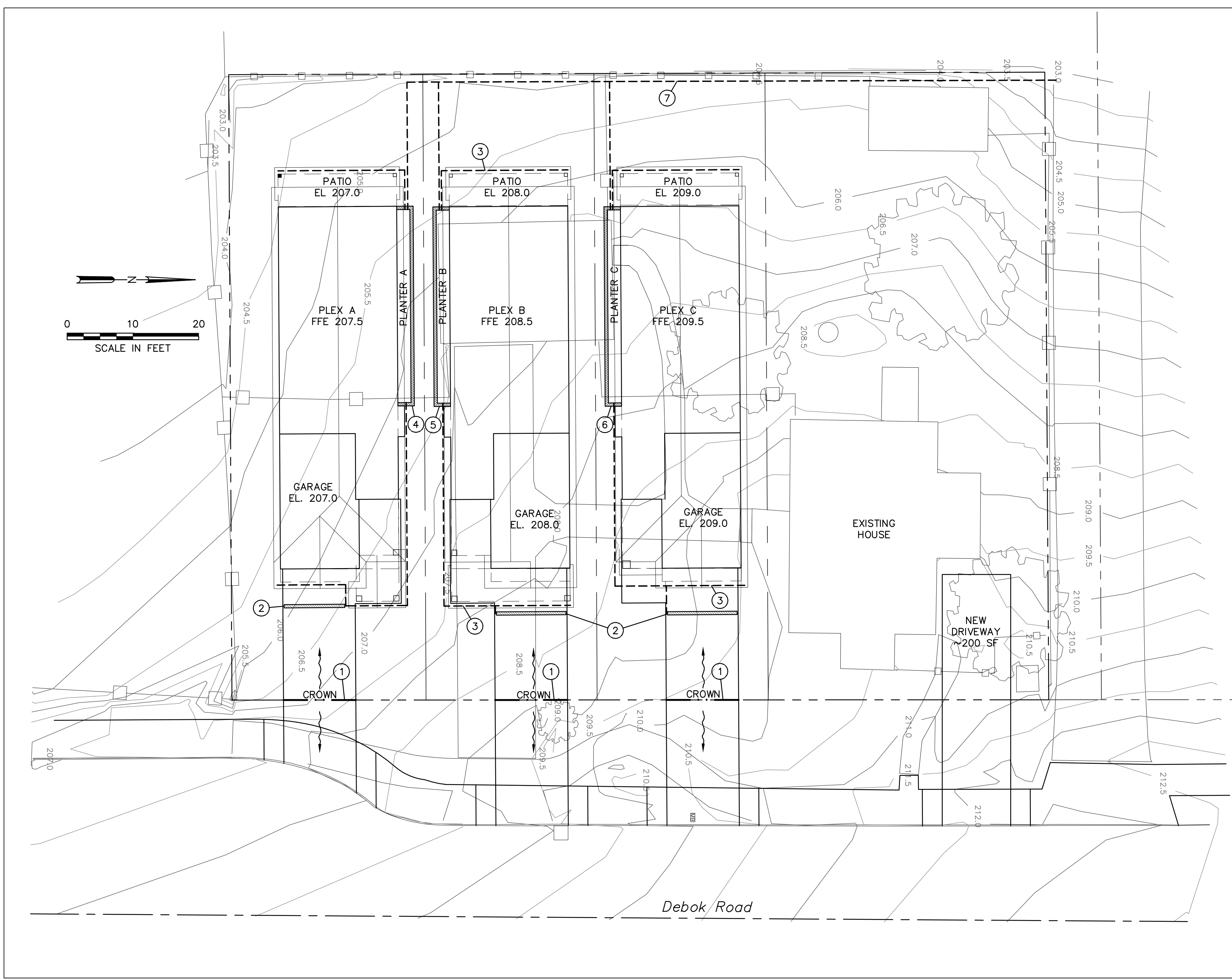
— — — — —	EXISTING GRADES
· · · · ·	PROPOSED GRADES
-X-X-X-X-X-X-X-	SILT FENCE
— — — — —	WATER LINE
— — — — —	COMM LINE
— — — — —	SANITARY SEWER LINE
— — — — —	GAS LINE
— — — — —	STORM DRAIN LINE
— — — — —	POWER LINE
⊗	STORM DRAIN MANHOLE

SITE PLAN
SCALE 1" = 20'-0"

<p>WATTON DESIGN WORKS, inc 1880 Williams Falls Drive 200-D West Linn, Oregon 97148</p>	<p>PROJECT: BUILDER: SHAH HOUSING SOLUTIONS ALEC SHAH 971-678-1952 ALEC@SHAHHOUSINGSOLUTIONS.COM</p>	<p>SITE INFORMATION: ADDRESS: 2480 DEBOK STREET WEST LINN, OR. 97068 CITY OF WEST LINN, CLACKAMAS COUNTY</p>	<p>JOB No. 23063 5-1-2023 SITE</p>
	<p>WATTON DESIGN WORKS, INC. WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SITE PLAN. THE USER OF THIS SITE PLAN SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION ON THE SITE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR ANY POTENTIAL FIELD MODIFICATIONS.</p>		



WHITE PELICAN CONSULTING IS NOT LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FILL PLACED ON THE SITE, AND INFORM OWNERS OF ANY POTENTIAL FIELD MODIFICATIONS.



GENERAL NOTES:

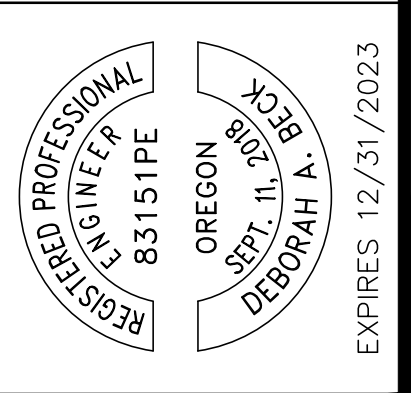
- CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL UTILITIES PRIOR TO CONSTRUCTION AND SHALL NOTIFY ENGINEER IMMEDIATELY OF ANY CONFLICTS WITH THESE PLANS UPON DISCOVERY.
- THE CONTRACTOR SHALL PREVENT SEDIMENT LADEN WATER FROM LEAVING THE SITE. ALL ADJACENT DOWNSTREAM STORM DRAIN INLETS SHALL BE PROTECTED FROM SILTATION.
- THE CONTRACTOR SHALL NOT ALLOW ANY WASH WATER OR DEBRIS TO ENTER NEW PIPES OR CHANNELS DURING CONSTRUCTION.
- THE CONTRACTOR SHALL AT ALL TIMES PROVIDE AND MAINTAIN AMPLE MEANS AND DEVICES TO REMOVE AND DISPOSE OF ALL WATER ENTERING THE TRENCH EXCAVATION DURING THE PROCESS OF LAYING THE PIPE.
- INSTALL CONTINUOUS INSULATED COPPER TRACER WIRE OR MAGNETIC TAPE AS REQUIRED BY THE OREGON PLUMBING SPECIALTY CODE.
- UNLESS OTHERWISE NOTED, ALL STORM DRAIN PIPES ARE TO HAVE A MINIMUM 1% DOWNSLOPE TO THE NEAREST STORMWATER FACILITY. STORM DRAIN PIPES ARE TO BE PVC SCHEDULE 40, ABS SCHEDULE 40, OR CAST IRON AND FOLLOW OREGON PLUMBING SPECIALTY CODE.
- ALL STORM WATER PIPE CONNECTIONS TO CATCH BASINS, MANHOLES, PLANTERS AND OTHER RELATED STRUCTURES SHALL BE WATER TIGHT AS PER OREGON PLUMBING SPECIALTY CODE.
- STORMWATER FACILITIES, STRUCTURES, AND PIPING SHOWN ARE INTENDED TO BE FOR SCHEMATIC PURPOSES ONLY. THE CONTRACTOR SHALL ADJUST THE ALIGNMENT AND GRADE OF THE STORMWATER SYSTEM AS NECESSARY TO ACCOMMODATE THE NEW CONSTRUCTION AND TOPOGRAPHY, WHILE MAINTAINING MINIMUM SLOPE REQUIREMENTS.
- ALL COMPONENTS OF THE PRIVATE STORMWATER SYSTEM SHALL BE CONSTRUCTED PER OREGON PLUMBING SPECIALTY CODE REQUIREMENTS.

CONSTRUCTION NOTES:

1. CROWN OR OTHERWISE SLOPE DRIVEWAY AT PROPERTY LINE TO PREVENT STORMWATER IN R.O.W. FROM ENTERING DRIVEWAY.
2. DRIVEWAY TRENCH DRAIN DISCHARGING TO 4 INCH STORM DRAIN LINE. TRENCH TO BE FULL WIDTH OF DRIVEWAY, OR DRIVEWAY EDGES TO SLOPE TO TRENCH TO ALLOW TRENCH TO CAPTURE RUNOFF FLOWING DOWN THE DRIVEWAY.
3. STORM DRAIN LINE DISCHARGING TO PLANTER. 3" PIPE REQUIRED FOR FACILITIES DRAINING UP TO 1500 SF, OTHERWISE 4" MINIMUM PIPE. CONVEYANCE PIPE MUST BE CAST IRON, ABS SCHEDULE 40, OR PVC SCHEDULE 40 AND HAVE MINIMUM 1% GRADE AND FOLLOW OREGON PLUMBING SPECIALTY CODE. PIPE INVERT AT DISCHARGE TO BE ABOVE SOIL IN THE PLANTER. NOTE PLANTER SOIL IS ONLY 14 INCHES FROM TOP OF PLANTER WALL. STORM DRAIN LINE MUST DISCHARGE ABOVE THE SOIL IN THE PLANTER.
T.O.W. ±206.25
TOP OF SOIL ±205.1
EXIT PIPE INVERT ±203.45
4. PLANTER A: LINED FLOW-THROUGH PLANTER. MINIMUM INTERIOR FOOTPRINT OF 58 SQ. FT. INTERIOR DIMENSIONS OF 2 FT X 29 FT. TYPICAL 6 INCH WALLS AND BASE. PLACE RIPRAP OR ROCK SPLASH GUARDS AT EACH INFLOW POINT. PLANTER IS DESIGNED TO EVENLY DISTRIBUTE AND FILTER FLOWS. SURFACE LONGITUDINAL SLOPES SHOULD BE LESS THAN 0.5%. FOLLOW DESIGN DETAILS AND PLANTER LAYER DEPTHS AS NOTED IN PLANTER SECTION DETAILS. PLANT PER PLANTING TABLE.
T.O.W. ±207.25
TOP OF SOIL ±206.1
EXIT PIPE INVERT ±204.45
5. PLANTER B: LINED FLOW-THROUGH PLANTER. MINIMUM INTERIOR FOOTPRINT OF 58 SQ. FT. INTERIOR DIMENSIONS OF 2 FT X 29 FT. TYPICAL 6 INCH WALLS AND BASE. PLACE RIPRAP OR ROCK SPLASH GUARDS AT EACH INFLOW POINT. PLANTER IS DESIGNED TO EVENLY DISTRIBUTE AND FILTER FLOWS. SURFACE LONGITUDINAL SLOPES SHOULD BE LESS THAN 0.5%. FOLLOW DESIGN DETAILS AND PLANTER LAYER DEPTHS AS NOTED IN PLANTER SECTION DETAILS. PLANT PER PLANTING TABLE.
T.O.W. ±207.25
TOP OF SOIL ±206.1
EXIT PIPE INVERT ±204.45
6. PLANTER C: LINED FLOW-THROUGH PLANTER. MINIMUM INTERIOR FOOTPRINT OF 58 SQ. FT. INTERIOR DIMENSIONS OF 2 FT X 29 FT. TYPICAL 6 INCH WALLS AND BASE. PLACE RIPRAP OR ROCK SPLASH GUARDS AT EACH INFLOW POINT. PLANTER IS DESIGNED TO EVENLY DISTRIBUTE AND FILTER FLOWS. SURFACE LONGITUDINAL SLOPES SHOULD BE LESS THAN 0.5%. FOLLOW DESIGN DETAILS AND PLANTER LAYER DEPTHS AS NOTED IN PLANTER SECTION DETAILS. PLANT PER PLANTING TABLE.
T.O.W. ±208.25
TOP OF SOIL ±207.1
EXIT PIPE INVERT ±205.45
7. PLANTER DRAIN PIPE DISCHARGING STORM SEWAR LINE. 4 INCH SOLID CONVEYANCE PIPE MUST BE CAST IRON, ABS SCHEDULE 40, OR PVC SCHEDULE 40 AND HAVE MINIMUM 1% GRADE AND FOLLOW OREGON PLUMBING SPECIALTY CODE.

WHITE PELICAN CONSULTING
 PORTLAND, OREGON
 503-847-9455
 www.whitepelicanconsulting.com
 email: dbeck@whitepelicanconsulting.com

RESIDENCE
 2480 DEBOK ROAD
 WEST LINN, OREGON 97088
STORMWATER MANAGEMENT
SITE PLAN



DATE 5/1/23	
SCALE 1"=10'	PROJ. NO.
DRAWN BY TRT	CHECKED BY DAB

SW1

**FIRE CODE / LAND USE / BUILDING REVIEW
APPLICATION**



North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Alec Shah
Address: 2480 Debok Rd West Linn or _____
Phone: 971-678-1952 _____
Email: Alec@shahsolutions.com _____
Site Address: 2480 Debok Rd
City: West Linn
Map & Tax Lot #: _____
Business Name: NA
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # not available yet

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

Permit/Review Type (check one):

- Land Use / Building Review - Service Provider Permit
- Emergency Radio Responder Coverage Install/Test
- LPG Tank (Greater than 2,000 gallons)
- Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
 - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- Explosives Blasting (Blasting plan is required)
- Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- Temporary Haunted House or similar
- OLCC Cannabis Extraction License Review
- Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2023-0064
Permit Type: SPP-West Linn
Submittal Date: 4-26-23
Assigned To: DFM Arn
Due Date: NA
Fees Due: NA
Fees Paid: \$0

Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

This section is for application approval only

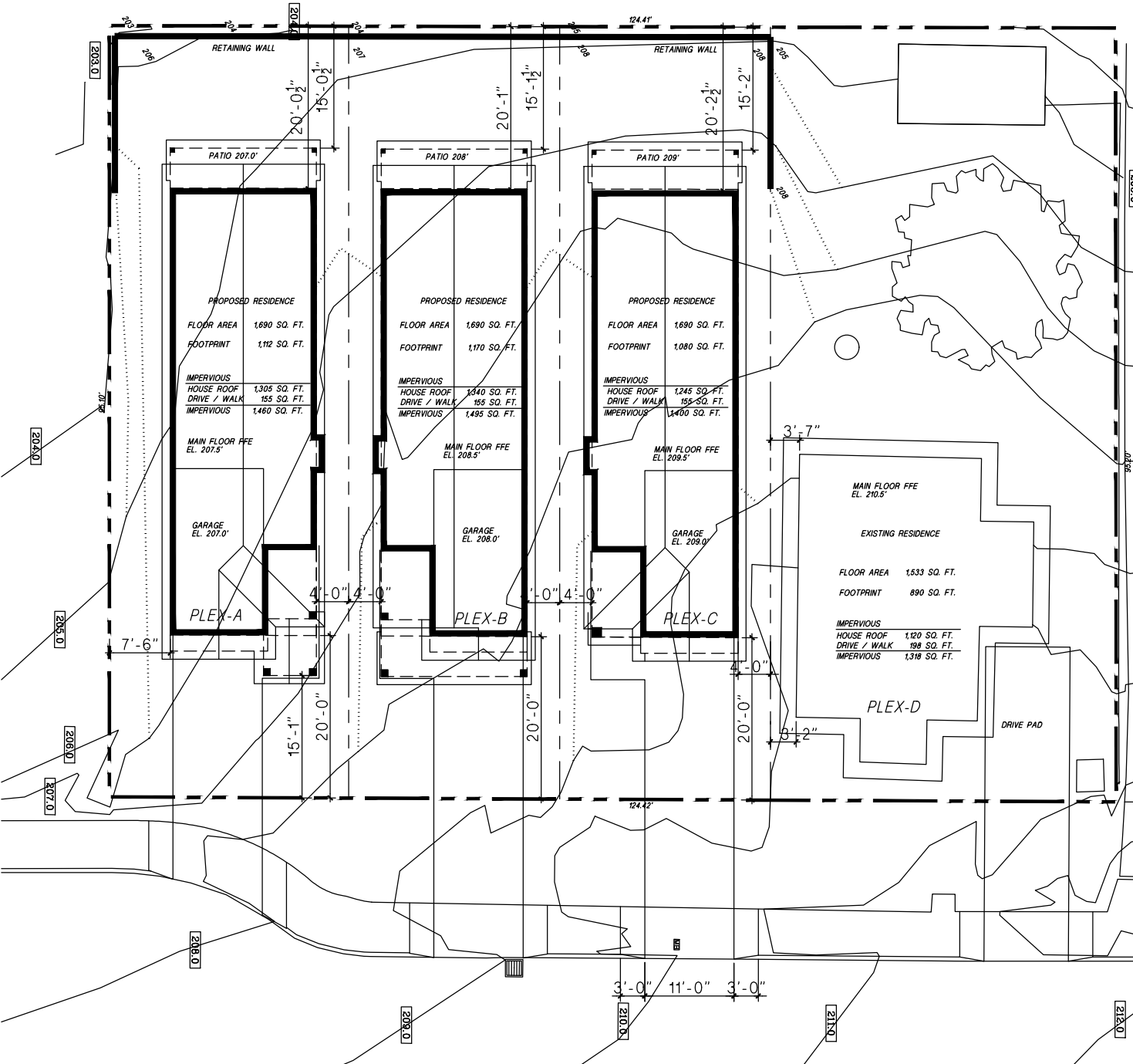
[Signature] 4-27-23
Fire Marshal or Designee Date
Conditions: None

See Attached Conditions: Yes No
See FS Plans
Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____



LEGEND

- EXISTING GRADES
- PROPOSED GRADES
- X-X-X- SILT FENCE

LOT COVERAGE

LOT AREA	11,815 SQ. FT.
HOUSE	4,252 SQ. FT.
GARAGE DEDUCTION	-200 SQ. FT.
TOTAL COVERAGE	4,052 SQ. FT.
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IMPERVIOUS COVERAGE

HOUSE ROOF	5,110 SQ. FT.
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FLOOR AREA RATIO

TOTAL FLOOR AREA	6,603 SQ. FT.
LOT AREA	11,815 SQ. FT.
PERCENTAGE	55.8 %



APPROVED PLANS

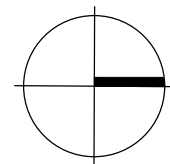
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Jason Ann Jander
Deputy Fire Marshal II

TVF&R Permit # 2023-0064

LEGEND

- EXISTING GRADES
- PROPOSED GRADES
- X-X-X-X- SILT FENCE



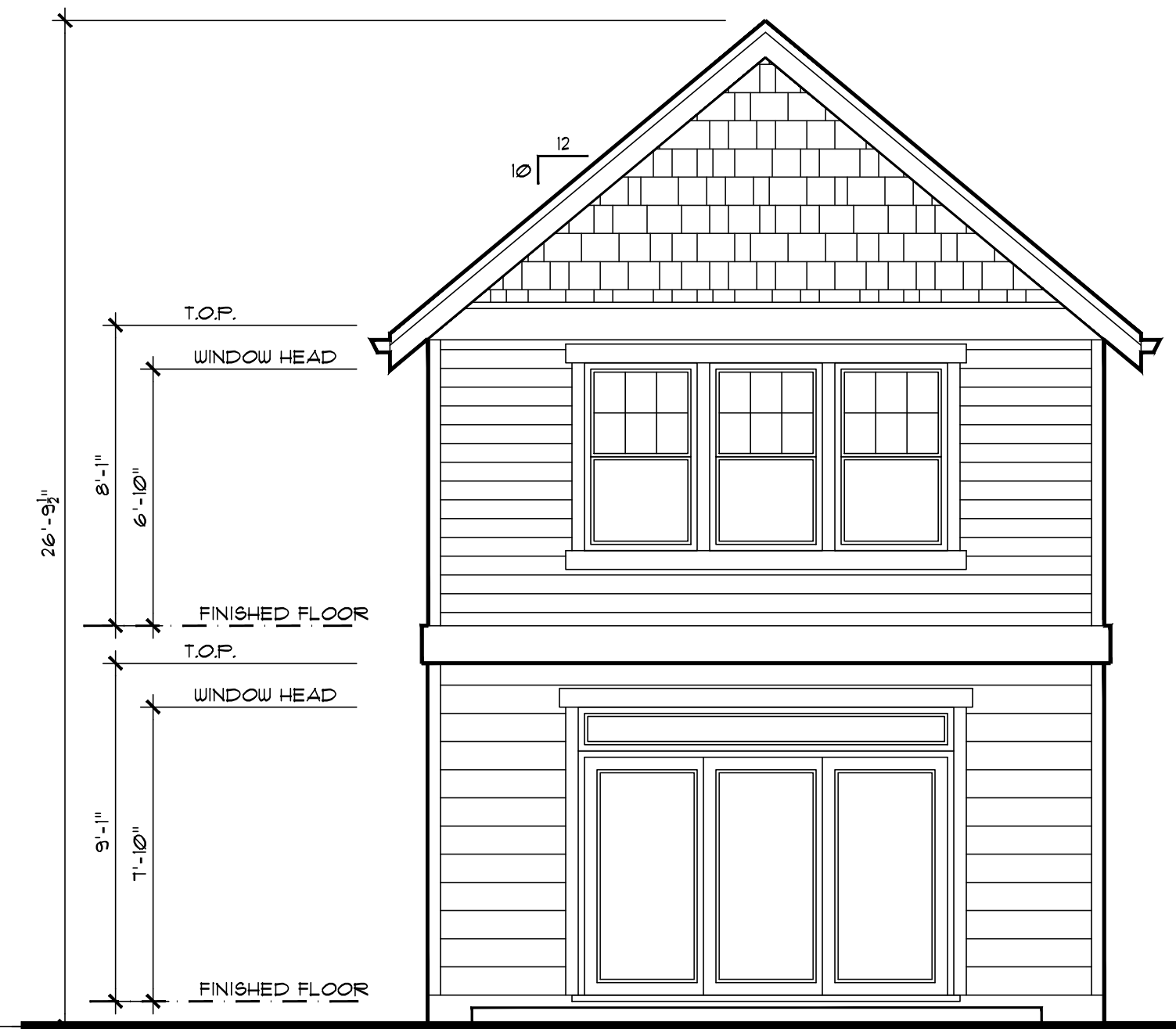
SITE PLAN

SCALE 1" = 20'-0"



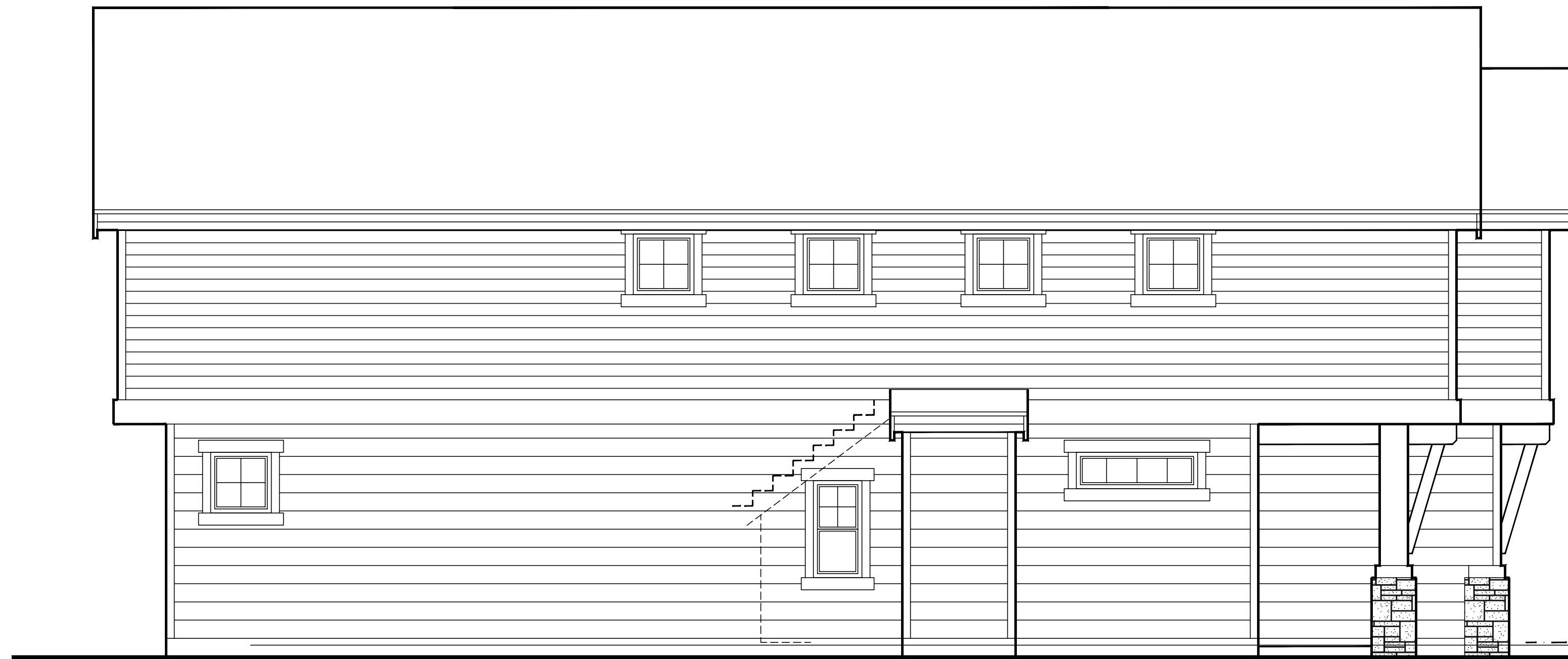
RIGHT ELEVATION

SCALE :1/4" = 1'-0"



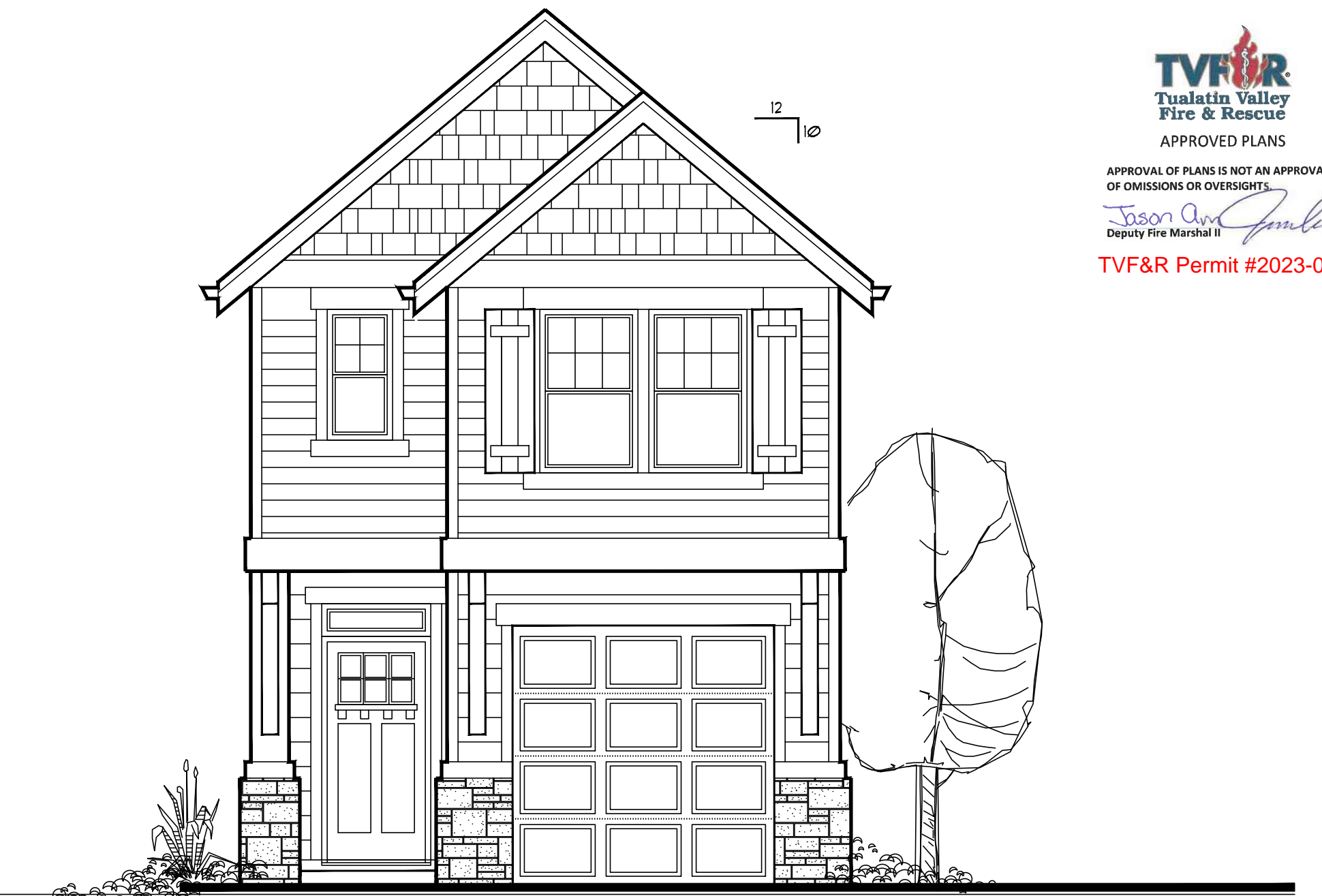
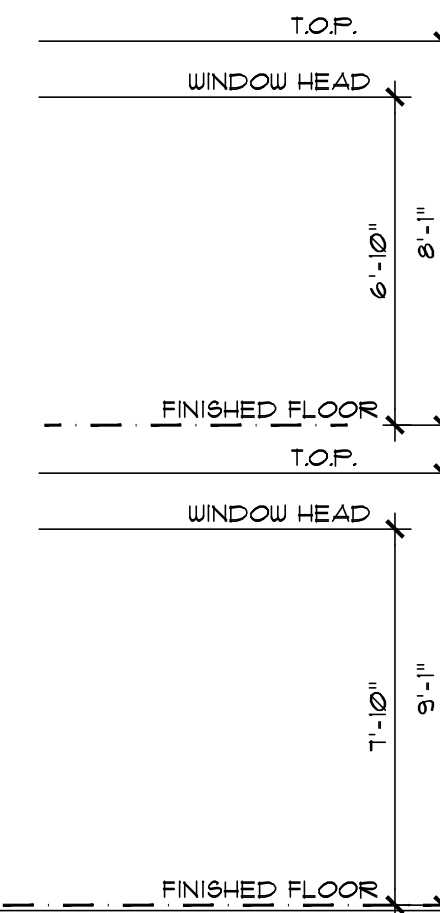
REAR ELEVATION

SCALE :1/4" = 1'-0"



LEFT ELEVATION

SCALE :1/4" = 1'-0"



FRONT ELEVATION

SCALE :1/4" = 1'-0"



APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

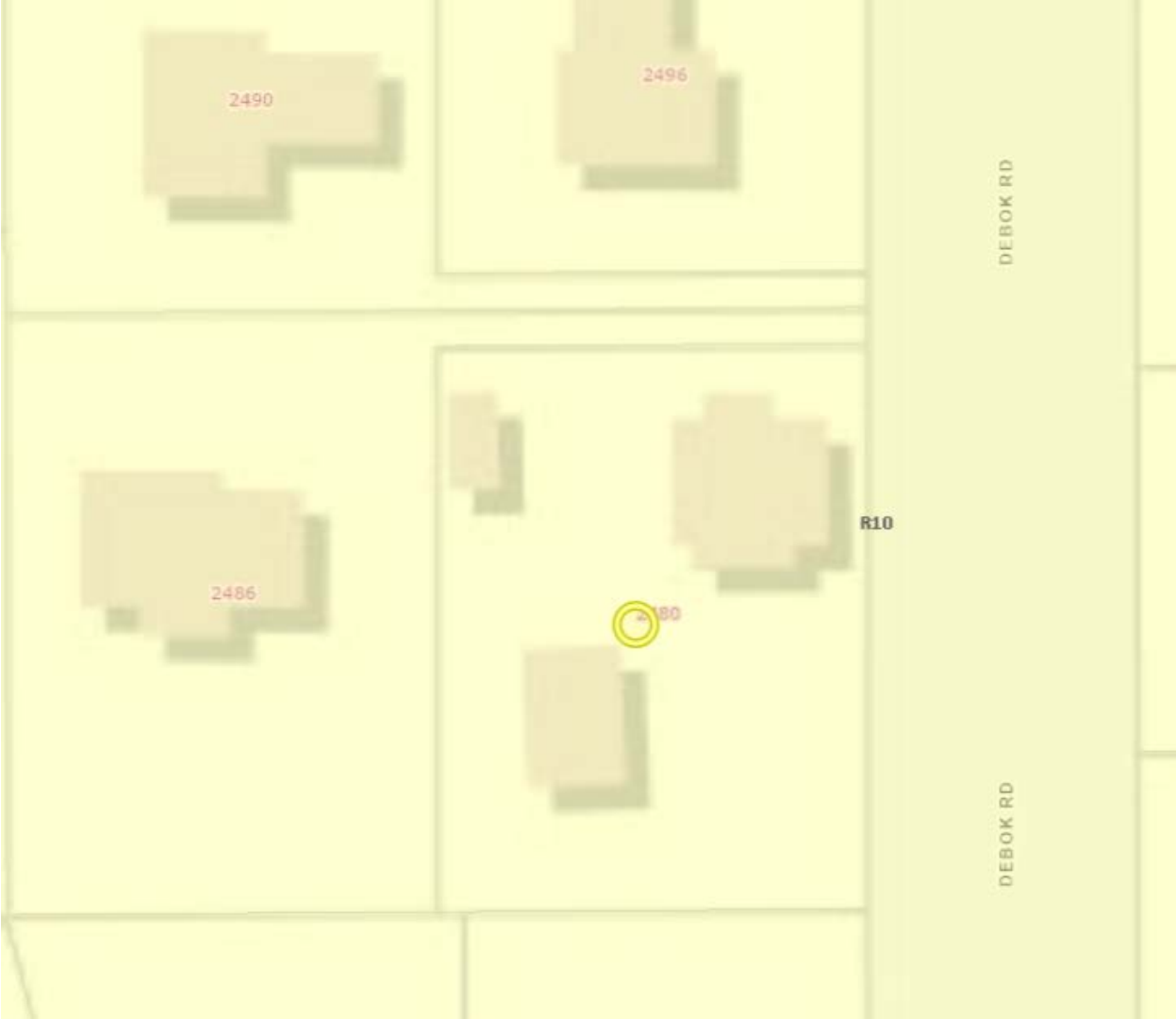
Jason A. Smith
Deputy Fire Marshal II

TVF&R Permit #2023-0064

* HANDGRIP SECTION
BTUN 1 1/2" x 4 2"

EXHIBIT PD-2 PROPERTY MAPS





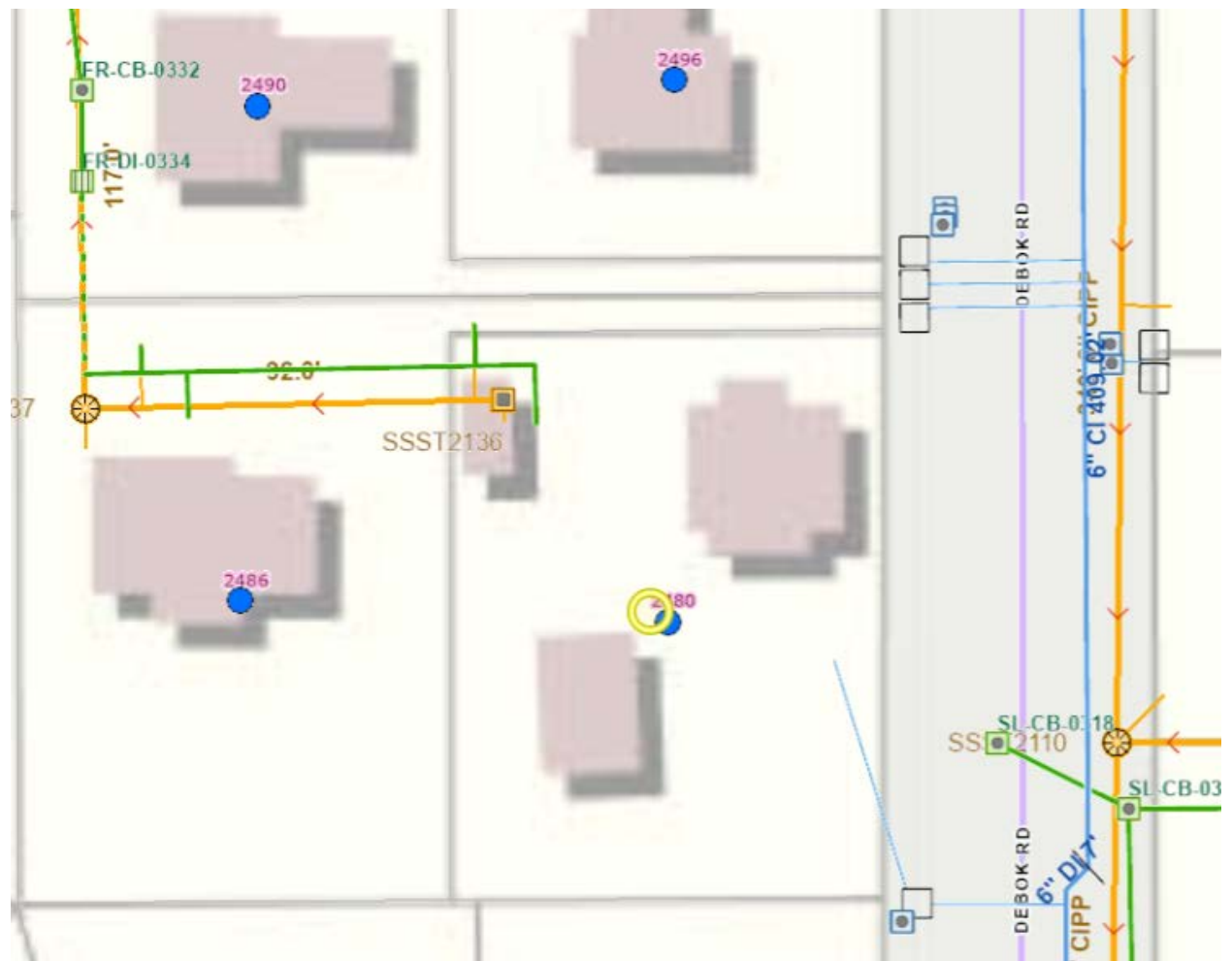


EXHIBIT PD-3 PUBLIC COMMENTS

From: [Steve Klotz](#)
To: [Floyd, John](#)
Subject: 2486 Debok Rd - Attn. John & City Officials
Date: Tuesday, May 30, 2023 3:38:04 PM

You don't often get email from iamklotz@gmail.com. [Learn why this is important](#)

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.

Attention City of West Linn Residential officials:

My family resides at [2480 Debok Rd](#). We have been in communication with the City over a planned [expedited] addition to the property that borders our lot at 2480 Debok Rd. It appears that this property has been allowed to build properties that are not compliant with city set-back limits.

There are existing buildings on this lot that violate the zoning rules for our area. There is now a proposed addition to the lot at 2480 Debok Rd, that again, seems to push the limits of height, set-back, street access, congestion, etc. The owner of this property currently is not keeping his property up to West Linn standards. If the City will review the recent pictures of the property in question, you will see a grossly ignored lot of weeds, etc. This is consistent with the issue we addressed last year over a dead and hazardous tree that the city had to enforce the removal. I am now concerned that the overgrown lot is a fire hazard.

I mention our history with the owner of this lot, to address the addition of more units. The owner of that property points out [in the text that I have included in this email] that the height of this project would be "...at a height that no one would like." if we would not agree to allow him access to his property via the flag lot, which sounded to me like a threat.

All of the above being said, we are asking the City of West Linn to review this project and make sure that the high standards that west Linn has set are upheld with the approval of said project.

Please see below with a list of questions and concerns we would like addressed.

1) What will Construction hours be? We have a 3 year old and don't want to be disturbed by construction before 9am. I guess working from home won't be the same for the next year?

2) Construction timing/timeline?

3) How will the city confirm all permits are accurate? Zoning accurate?

Throughout entire construction progress.

4) What about the current illegal ADU - where's the permit? Did you extend their

permitting process because it's being torn down?

5) Based on how the property owners currently take care of their property - How can we ensure construction 'debris' doesn't come into our yard? Health hazard for our toddler. (please see photos of their yard)

- The grass is chest high & looks like a fire hazard. We live in West Linn for a reason and I'm wondering how this type of neglect is allowed?

6) How will this affect traffic on our street? Parking?

7) Will they be allowed to place windows on the back of the unit that faces our private yard? Why or why not?

8) I have also attached text messages from the owner that I feel is an unsettling ultimatum. "Stating if I give easement to my driveway that he will only build 2 stores instead of 3. (I might be seeking legal counsel on this matter)

My family and I are very disappointed in the law that allows family owned neighborhoods to accept this type of construction. However we understand that due to the housing crisis this is necessary but not at the cost of surrounding homes.

We look forward to your response and hope this doesn't affect our day to day lives.

Be well.

-Steve, Vanessa & Sloane Klotz

--

Steve Klotz
cell - 720-256-4717

May 24, 2023

Dear Mr. Floyd,

Regarding the proposal to subdivide 2480 Debok Road, West Linn, into four building lots (File No. ELD-23-02): I think this is a terrible idea. While it may be legal it is certainly a very mean thing to do to this neighborhood because of one issue: where are they going to park their vehicles? It appears that the three new houses will have only single-car garages and the existing house will not even have a garage.

The single-car garages will probably be used for storage instead of parking places for cars. Assuming there will be at least two cars per house, that means there will be at least eight vehicles that have to be parked somewhere, and that will, no doubt, be on Debok Road. Resulting in a safety hazard for kids, and an obstacle to all vehicle traffic; cars, trucks, mailmen, garbage trucks, school buses, etc.

At the very least, please modify your plans to include off-street parking for eight vehicles or more.

Debok Road is the main arterial used to access many neighborhoods and households in this area. Shouldn't the notice of what you're planning to do be sent to all of these effected people, not just to the dozen of us within a hundred feet of the project site?

Sincerely



Joseph L. Sousa
2455 Debok Road
West Linn, Oregon 97068

971-777-9706

JOSEPHLSOUSA@GMAIL.COM

EXHIBIT PD-4 COMPLETENESS LETTER



CITY OF West Linn

May 12, 2023

Alec Shah
Shah Housing Solutions LLC
18531 S. Upper Highland Rd.
Beavercreek OR 97004

Subject: ELD-23-02 - Application for a middle-housing subdivision to separate a detached quadplex onto individual lots at 2480 Debok Road

Mr. Shah,

You submitted a revised application materials on May 2, 2023. The Planning and Engineering Departments determined that the application is now **complete** as of May 2, 2023.

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 July 4, 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 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Respectfully,

John Floyd
Associate Planner

EXHIBIT PD-5 SUBDIVISION PLAT

NELSON'S ACRE

IN THE SE 1/4 OF THE NE 1/4 OF
SECTION 34, T2S, R1E, W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

SCALE 1" = 30' DECEMBER 1, 1995

GAYLORD LAND SURVEYING
15000 S.E. LINDEN LANE
MILWAUKIE, OREGON 97267
(503) 654-1492

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Frederick M. Gaylord

OREGON
JULY 17, 1970
FREDERICK M. GAYLORD
929
RENEWED THRU 06/30/97

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND AS DESCRIBED BY DEED RECORDED AS FEE NO. 80-21416, CLACKAMAS COUNTY DEED RECORDS, FOR DON NELSON. I HELD THE SOUTH LINE TO THE FOUND MONUMENTS OF THE PLAT OF FARRVISTA AS SHOWN. I HELD THE WEST LINE TO THE IRON ROD AT THE NORTHWEST CORNER OF LOT 2 AND THE NORTHEAST CORNER OF LOT 9, FARRVISTA AND EXTENDED THIS LINE TO INTERSECT THE FOLLOWING DESCRIBED NORTH LINE. I HELD THE NORTH LINE TO THE IRON ROD AT THE NORTHWEST CORNER OF LOT 10 FARRVISTA AND TO THE PLAT DISTANCE SOUTH FROM THE NORTHEAST CORNER OF LOT 5, BLOCK 1, TAMARISK. I HELD THE EAST LINE 10.00 FEET EAST OF THE INITIAL POINT OF FARRVISTA AND A POINT 10 FEET EAST OF THE INTERSECTION OF THE ABOVE DESCRIBED NORTH LINE AND THE EAST LINE OF THE PLAT OF TAMARISK.

NOTES & LEGEND

THIS SUBDIVISION PLAT COMPLIES WITH AND IS SUBJECT TO THOSE CONDITIONS OF APPROVAL AS SET FORTH BY THE CITY OF WEST LINN DEPARTMENT OF PLANNING AND DEVELOPMENT, FILE NO. SUB-95-08

THERE IS NO GEODETIC MONUMENT WITHIN ONE HALF MILE OF THIS PLAT ON FILE WITH THE CLACKAMAS COUNTY SURVEYORS OFFICE

○ = SET 5/8"X30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD PLS 929" ON NOVEMBER 30, 1995

∅ = SET PK NAIL & BRASS WASHER STAMPED "PLS 929" ON NOVEMBER 30, 1995

● = MONUMENT FOUND AS NOTED

ALL PIPE DIAMETERS ARE INSIDE MEASUREMENT

BASIS OF BEARINGS - S 89°45'55" E ALONG SOUTH LINE PER PLAT NO. 1851

(RECORD)1 = FARRVISTA, PLAT NO. 1851

(RECORD)2 = TAMARISK, PLAT NO. 2221

(R&M) = RECORD AND MEASURED

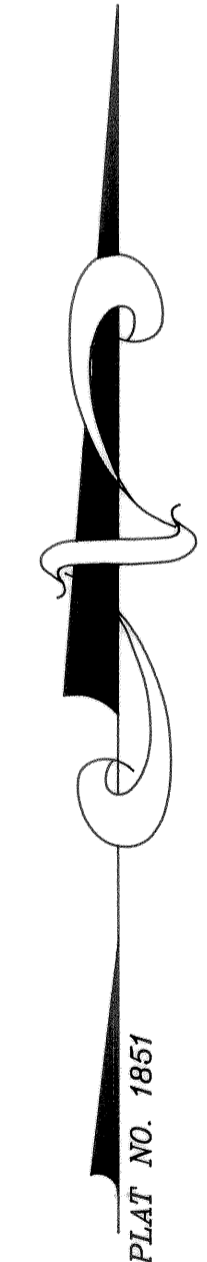
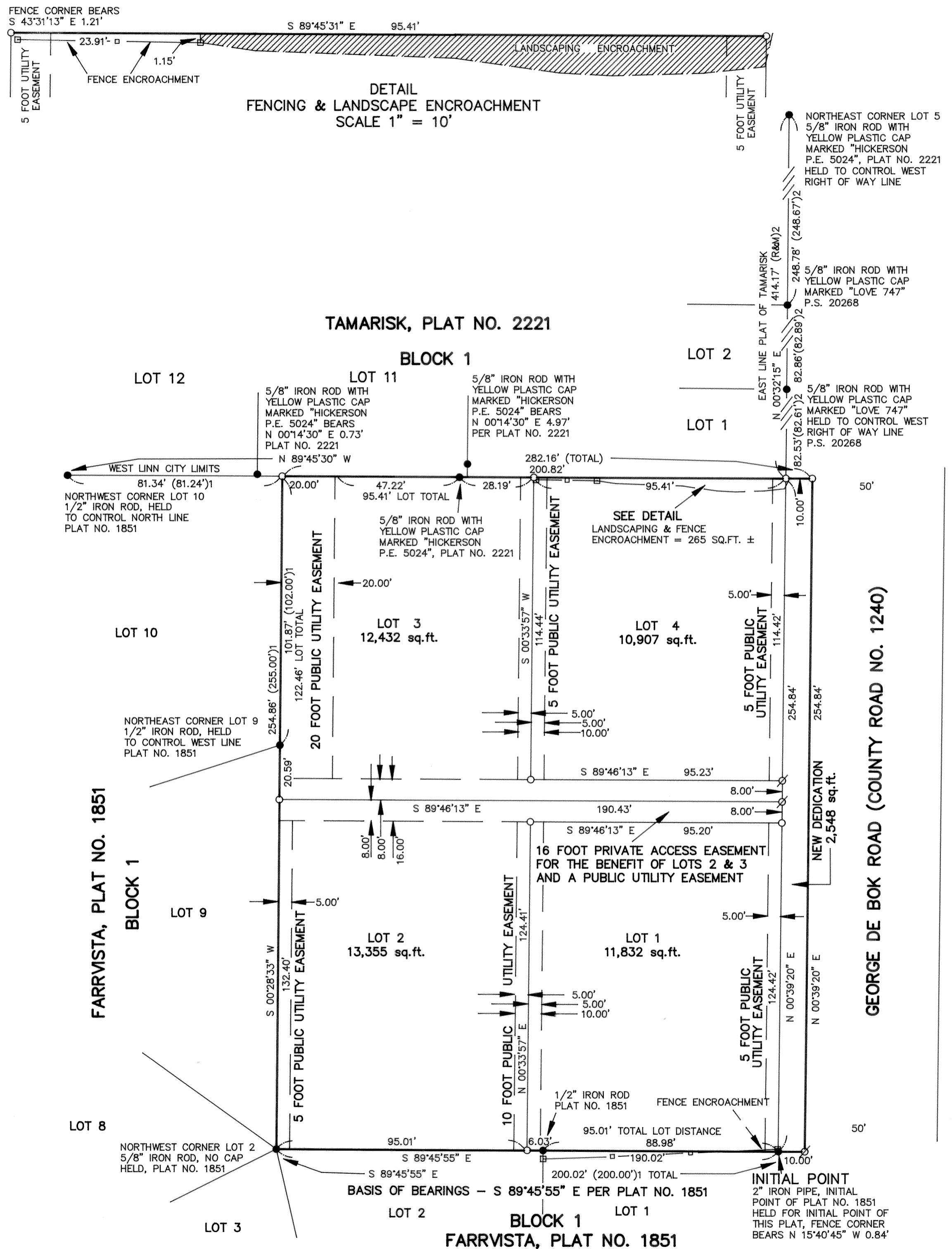
5 FOOT UTILITY EASEMENTS EXIST ALONG ALL FRONT AND REAR LOT LINES

REFERENCE SURVEYS

FARRVISTA, PLAT NO. 1851
TAMARISK, PLAT NO. 2221
P.S. 14482
P.S. 20268

I HEREBY CERTIFY THAT THIS IS
A TRUE AND EXACT COPY OF THE
ORIGINAL PLAT OF "NELSON'S ACRE".

Frederick M. Gaylord
FREDERICK M. GAYLORD, PLS 929



SCALE
1" = 30'
J.O. 95053

EXHIBIT PD-6 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.: **ELD-23-02**

Applicant's Name: **Alec Shah**

Development Name: **2480 Debok Rd**

Scheduled Decision Date: **May 30, 2023**

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 14 days before the decision.

Alec Shah, applicant	5/16/23	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	5/16/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	5/16/23	<i>Lynn Schroder</i>
Metro	5/16/23	<i>Lynn Schroder</i>
WLWL SD	5/16/23	<i>Lynn Schroder</i>
Clackamas County	5/16/23	<i>Lynn Schroder</i>
PGE	5/16/23	<i>Lynn Schroder</i>
TriMet	5/16/23	<i>Lynn Schroder</i>
NW Natural Gas	5/16/23	<i>Lynn Schroder</i>
TVF&R	5/16/23	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	5/16/23	<i>Lynn Schroder</i>

EMAILED NOTICE

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

Neighborhood Association	5/15/23	<i>Lynn Schroder</i>
Alec Shah, applicant	5/15/23	<i>Lynn Schroder</i>

WEBSITE

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

5/15/23	<i>Lynn Schroder</i>
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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.

6/29/23	<i>Lynn Schroder</i>
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CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-23-02

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing at 2480 Debok Road (Lot 1 of Nelson's Acre Subdivision / Tax Lot 21E34AD04200). The applicant is requesting approval of a land division to divide a proposed detached quadplex onto individual sublots ranging in size from 2,212 to 4,046 square feet.

The Planning Manager will decide after the required 14-day written comment period expires. The decision will be based on the criteria found in Oregon Revised Statute 92.031. An appointed referee will review any appeal of the decision.

The complete application and all evidence submitted by the applicant are posted on the City's website <https://westlinnoregon.gov/planning/2480-debok-road-expedited-land-division>. Alternatively, the application and all evidence submitted by the applicant are available for review between 8:00 am and 5:00 pm, Monday through Thursday, at City Hall at no cost. Copies may be obtained at a reasonable cost.

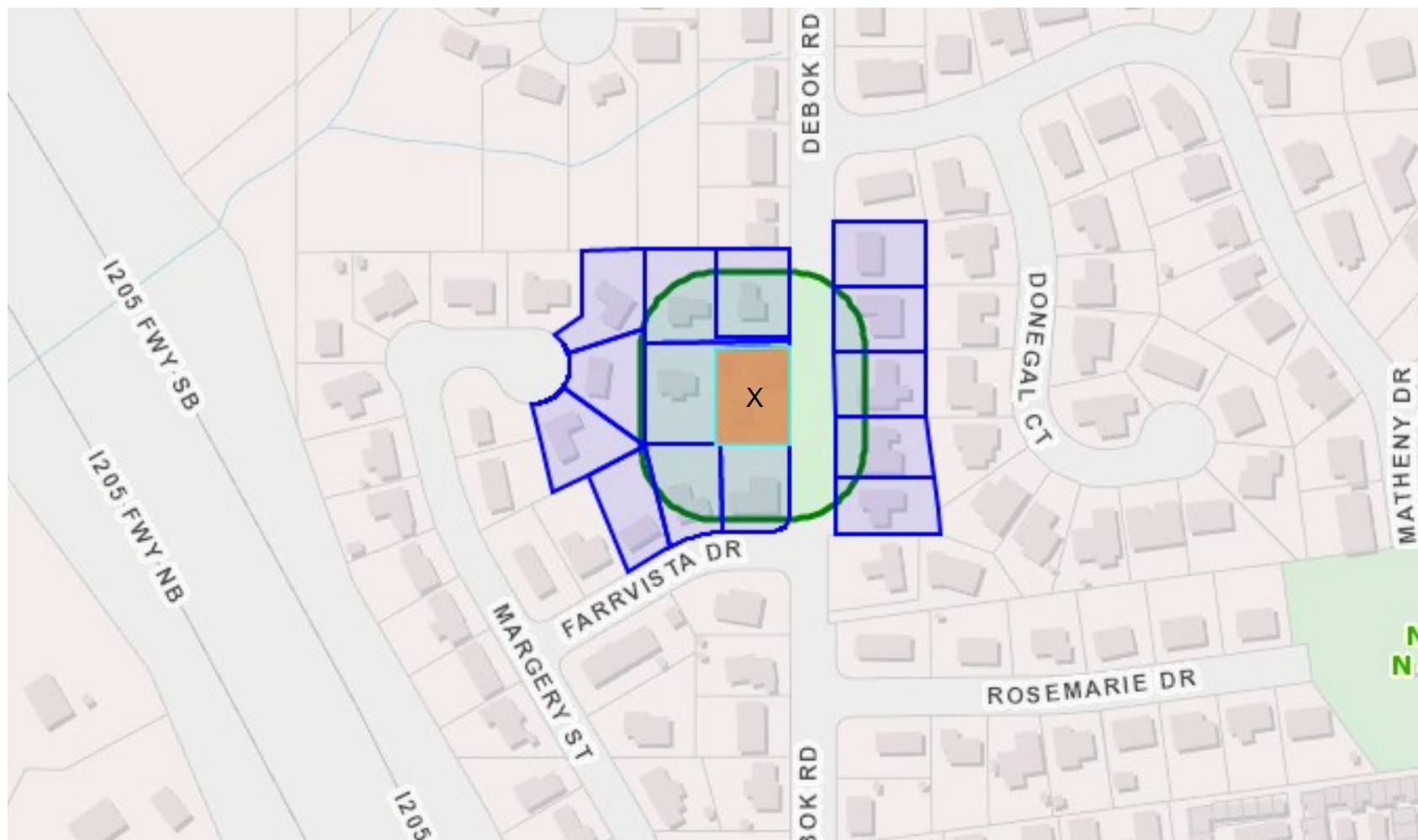
A public hearing will not be held for this decision. **Anyone wishing to submit written comments for consideration must submit all material before the 14-day comment period expires. The deadline to submit written comments is 4:00 pm on May 30, 2023. Written comments can be submitted to jfloyd@westlinnoregon.gov or 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 John Floyd, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6058 or jfloyd@westlinnoregon.gov.



ELD-23-02 – Notified Properties within 100 feet of 2480 Debok Road





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-02
MAIL: 5/16/2023 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.