

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT: Chris Myers	PROJECT NO(S): ELD-23-13	PRE-APPLICATION NO: n/a
NON-REFUNDABLE FEE(S) \$4,900	REFUNDABLE DEPOSIT(S)	TOTAL \$4,900

Type of Review (Please check all that apply):

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

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

Site Location/Address: 1218, 1224, 1244, & 1246 9th Street, West Linn, OR	Assessor's Map No.: 21E02AC <hr/> Tax Lot(s): 301 & 302 <hr/> Total Land Area: .77 Acre
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Brief Description of Proposal:

Expedited Land Division application to divide each of the two existing legal lots of record into two parcels. Each of the four parcels will be developed with a detached duplex unit.

Applicant Name*: Icon Construction & Development, LLC Address: 1969 Willamette Falls Dr. Suite 260 City State Zip: West Linn, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
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Owner Name (required): Same as applicant. Address: City State Zip:	Phone: Email:
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Consultant Name: Rick Givens, Planning Consultant Address: 28615 SW Paris Ave., Unit 110 City State Zip: Wilsonville, OR 97070	Phone: 503-351-8204 Email: rickgivens@gmail.com
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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 related to the propose land use.
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.


 Applicant's signature

11/30/23
Date


 Owner's signature (required)

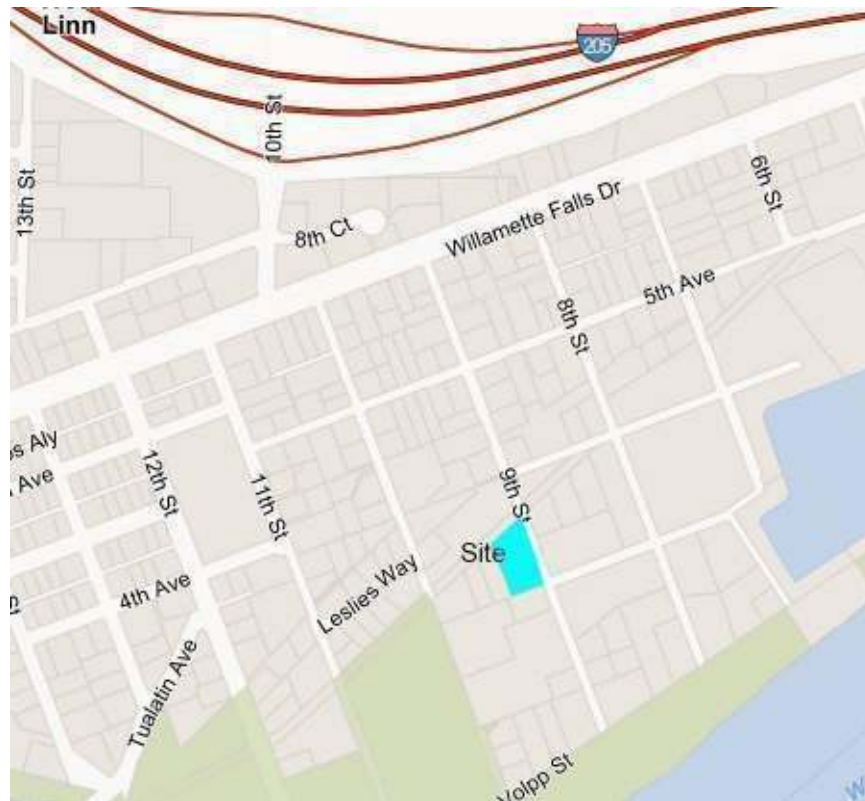
11/30/23
Date

Expedited Land Division Narrative

1218 to 1246 9th St. Expedited Land Division

Icon Construction & Development, LLC

Proposal: This application requests approval of a middle housing Expedited Land Division (ELD) for property located at 1218 to 1246 9th Street in the Willamette area of West Linn. The subject property is comprised of two legal lots of record: Tax Lots 21E02AC00301 and 00302. The property is zoned R-10 and is 0.77 acre in area.



Vicinity Map

This application requests approval of a middle housing land division, pursuant to the provisions of ORS 92.031, to divide the subject property into a total of four lots. Each lot will contain one unit of a detached duplex.

Consistent with the provisions of ORS 92.031, this proposed middle housing land division application will make use of the Expedited Land Division procedures set forth in ORS 197.360. The subject property is accessed via 9th Street and a shared private driveway from 9th Street directly opposite 3rd Avenue. The shared private driveway also serves properties located at 1068, 1088, 1230, 1236, and 1242 9th Street.

Compliance with Approval Criteria:

The approval criteria relevant to this application are found in ORS 92.031.

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

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

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

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

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

ORS 197.758(5) states:

“Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually, or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.”

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

STANDARD	REQUIREMENT	ADDITIONAL NOTES	COMMENT
Minimum lot size	10,000 SF	For a single-family attached or detached unit.	Not applicable to detached duplexes.
Average min. Lot or Parcel size for a Townhouse Project	1,500 SF		Not applicable to detached duplexes.
Minimum lot width at front lot line	35 ft.	Does not apply to Townhouses or Cottage Clusters.	The lot widths at the front lot line are: Lot 1-121.67', Lot 2-45.5', Lot 3-73.49', and Lot 4-60'.
Average Minimum lot width	50 ft.	Does not apply to Townhouses or Cottage Clusters.	Does not apply to detached duplexes.
Minimum Yard Dimensions or Minimum building setbacks		<p>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.</p> <p>Front, rear, and side yard setbacks for 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>	
Front Yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.	The proposed minimum front yard setback is 20 feet.
Interior Side Yard	7.5 ft	Townhouse common walls that are attached may have a 0 ft side setback.	This standard is not applicable to duplex units along their common line. A 3' setback is proposed on the common lot line. The south lot line of Lot 2 will maintain the required 7.5' interior side yard standard.
Street Side Yard	15 ft		The east side lot line of Parcel 1 Lot 3 will maintain the required 15' street side yard setback from 9 th Street.
Rear Yard	20 ft		The minimum rear yards proposed will not exceed 20 feet.
Maximum Building Height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.	Homes to be built will comply with the maximum 35' height standard. Compliance with height standards will be reviewed with the building permit application.
Maximum Lot Coverage	35%	Maximum lot cover does not apply to Cottage Clusters. However, the maximum building	Proposed maximum building envelopes for both parcels are shown on the site plan. The actual lot coverage will be less than the

		<p><i>footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> <i>This does not include detached garages, carports, or accessory structures.</i> <i>A developer may deduct up to 200 sf for an attached garage or carport.</i> 	maximum building envelope and will comply with the 35% standard.
<i>Minimum Accessway Width to a lot which does not abut a street or a flag lot</i>	<i>15 ft</i>		The proposed accessway easement is 27 feet in width.
<i>Maximum Floor Area Ratio</i>	<i>0.45</i>	<i>Max FAR does not apply to cottage clusters.</i>	Not applicable to duplexes.
<i>Duplex, Triplex, and Quadplex</i>	<i>0.60</i>	<i>Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.</i>	Not applicable. The subject property contains a wetland area within the northern portion of Lot 1, as shown on the Tentative Plan. A 25' buffer from this wetland has received previous land use approval. The wetland area will not be counted towards meeting the allowable floor area ratio standard. Compliance will be reviewed at the time of building permit application.

(b) Separate utilities for each dwelling unit;

Comment: Each unit of the detached duplexes will have separate utilities. Water meters have been installed from the existing water line in 9th Street. Sewer stubs have also been installed to the property from existing City lines in 9th Street. Please see the attached Theta Engineering Utility Plan that shows that all utilities were installed with earlier site development. Storm sewer will be accommodated with a rain garden or flow-through box on each parcel. Final design will be submitted with the building permit applications.

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

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

Comment: Each unit is on a separate lot and all utilities serving the homes are either on the proposed lots or within utility easements that protect the required access. All service connections are already installed. No new utility services are needed.

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

Comment: Parcel 1 fronts on 9th Street and the sidewalk in that right-of-way. The access easement in the private drive also provides for pedestrian access to 9th Street from the lots.

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

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

(D) Any dedicated driveways or parking; and

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

(E) Any dedicated common area;

Comment: No dedicated common areas are proposed.

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

Comment: Each lot will be developed with exactly one dwelling unit.

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

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

Grading and Utility Plans per CDC 85.170(C)-(E)

As noted above, a utility plan prepared by Theta, LLC is included with this application. This drawing shows that all sewer, water and storm services required to serve the proposed lots have been installed with earlier development on the subject property. Rain gardens or other similar storm design will be reviewed with the building permits for the project. No new grading is proposed in conjunction with the land division. Future grading for the foundations for the homes to be built on the lots will be submitted with the building permit applications prior to the commencement of home construction.

R-10

R-10

R-10

R-10

PGE TRANSMISSION LINE RIGHT OF WAY
144.26'

Wetlands Boundary
25' Wetlands Buffer

Lot 1
12,596 S.F.

Lot 2
6,068 S.F.

Lot 4
5,013 S.F.
Excluding Access Esm't.

Lot 3
6,167 S.F.
Excluding Access Esm't.



3rd Ave.

3RD AVE.

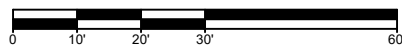
Legal: 21E02AC00301 & 00302

Water: City of West Linn

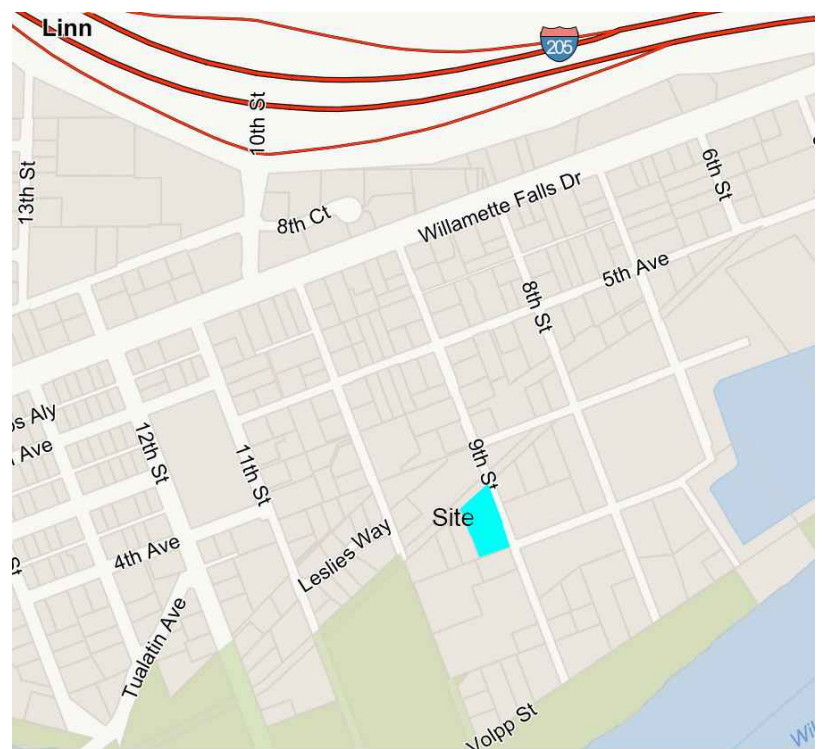
Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

Zoning: R-10



Scale: 1" = 30'



Vicinity Map

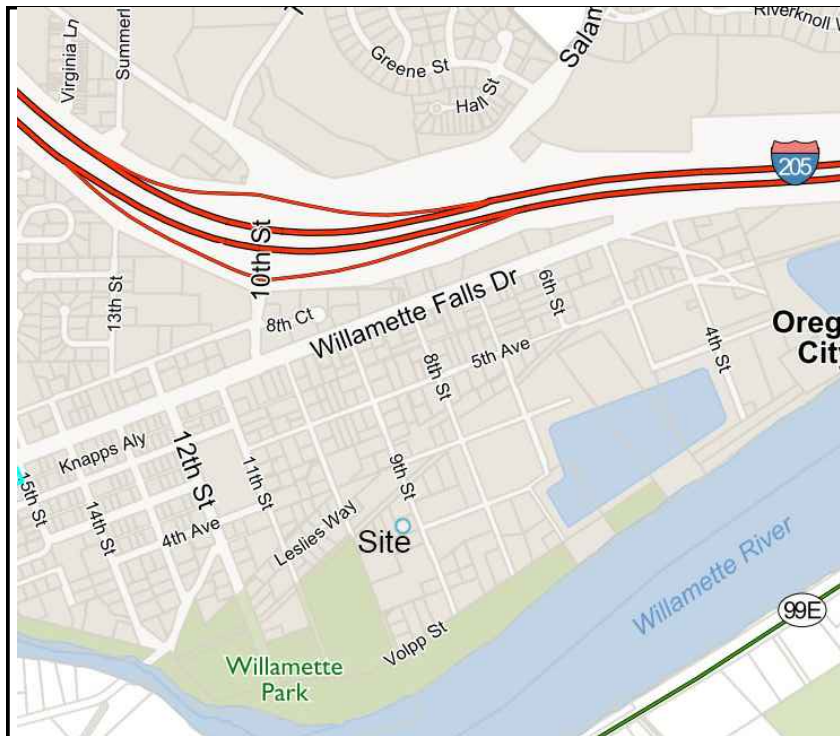
DESIGNED: R.E.G.
DRAWN: R.E.G.
SCALE: 1" = 30'
DATE: 12-4-2023
FILE: 21-ICN-105

Richard E. Givens, Planning Consultant
28615 SW Paris Ave. Unit 110
Wilsonville, OR 97070
PH: (503) 351-8204

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

1218 to 1246 9th St. ELD
Tentative Plan

SHEET:
1/1



Vicinity Map



APPROVED PLANS

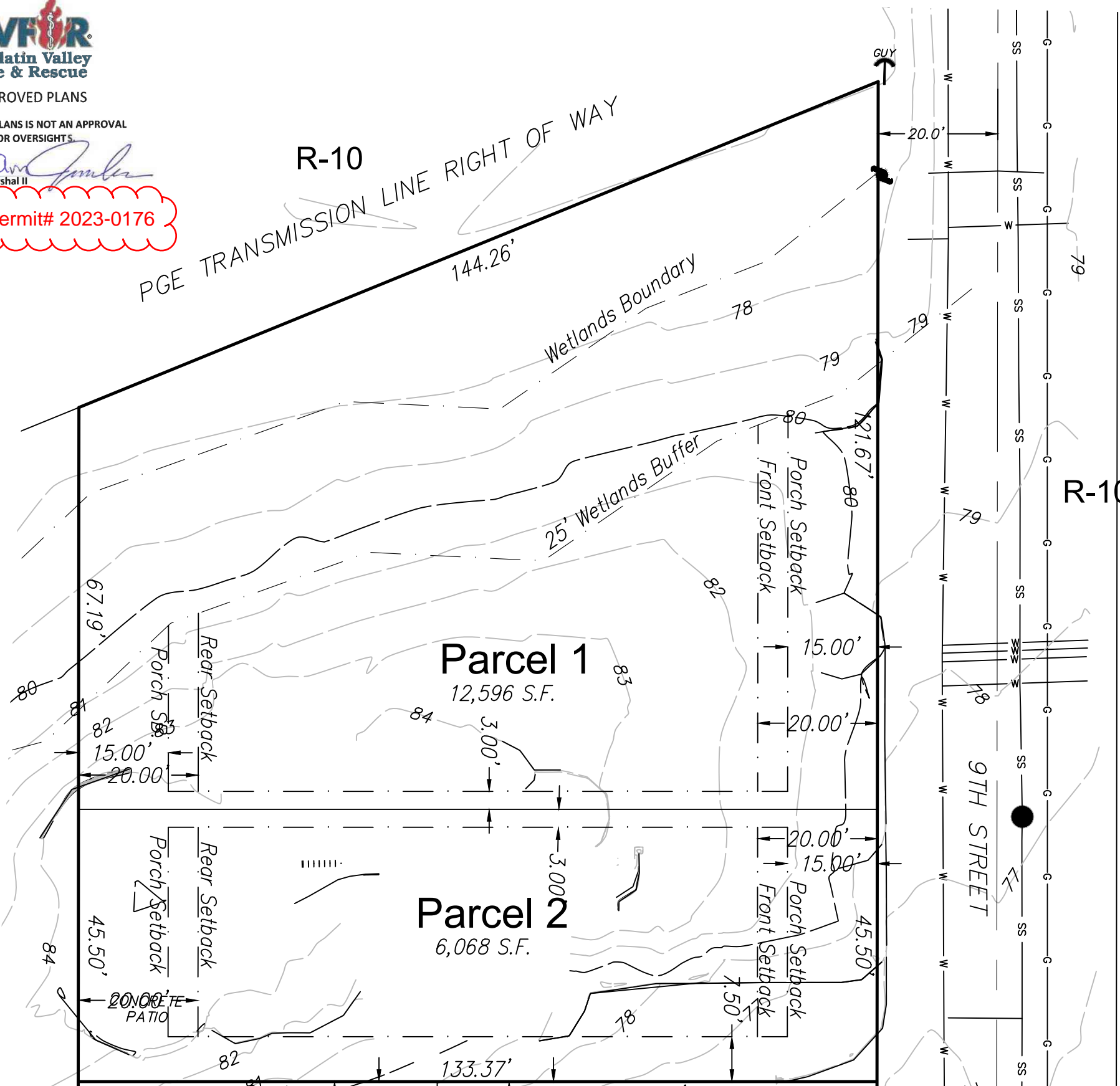
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Jason Ann
Deputy Fire Marshal II

TVR&R Permit# 2023-0176

R-10

PGE TRANSMISSION LINE RIGHT OF WAY



Legal: 21E02AC00301

Water: City of West Linn

Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

Zoning: R-10

Note: Existing house shown on Existing Conditions Survey to be demolished.

R-10

R-10

R-10



Scale: 1" = 20'

DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 20'			
DATE:	11-3-2023			
FILE:	21-ICN-105	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
28615 SW Paris Ave. Unit 110
Wilsonville, OR 97070
PH: (503) 351-8204

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

1244 & 1246 9th St. ELD
Tentative Plan

SHEET:
1/1



**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: Daren Gusdorf
Address: 1969 Willamette Falls Dr., West Linn, OR 97068
Phone: 503-657-0406
Email: darren@iconconstruction.net
Site Address: 1244 & 1246 9th St.
City: West Linn, OR
Map & Tax Lot #: 21E02AC TL 301
Business Name: Icon Construction & Development, LLC
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # Not available at this time.

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

Two parcel Expedited Land Division for the construction of detached duplex units per West Linn Middle Housing standards. One detached unit will be on each parcel.

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 # 2023-0176
Permit Type: SPP- West Linn
Submittal Date: 11-7-23
Assigned To: DFM Arn
Due Date: NA
Fees Due: \$0
Fees Paid: \$0

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

This section is for application approval only

[Signature] 11-6-23
Fire Marshal or Designee Date

Conditions:

See approved Fire Service plan.

See Attached Conditions: Yes No

Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date

**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: Daren Gusdorf
Address: 1969 Willamette Falls Dr., West Linn, OR 97068
Phone: 503-657-0406
Email: darren@iconconstruction.net
Site Address: 1218 & 1224 9th St.
City: West Linn, OR
Map & Tax Lot #: 21E02AC TL 302
Business Name: Icon Construction & Development, LLC
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # Not available at this time.

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

Two parcel Expedited Land Division for the construction of detached duplex units per West Linn Middle Housing standards. One detached unit will be on each parcel.

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- 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 # 2023-0174
Permit Type: SPP-West Linn
Submittal Date: 11/6/23
Assigned To: DFM Am
Due Date: NA
Fees Due: 0
Fees Paid: 0

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

This section is for application approval only

[Signature] 0130 11/6/23
Fire Marshal of Designee Date

Conditions:

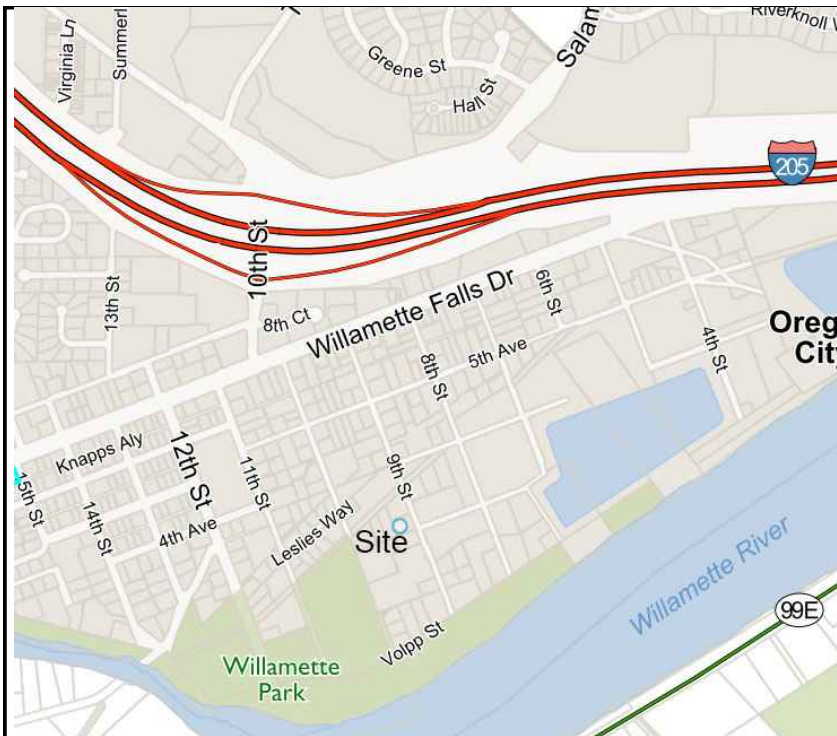
See plans

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

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date



Vicinity Map

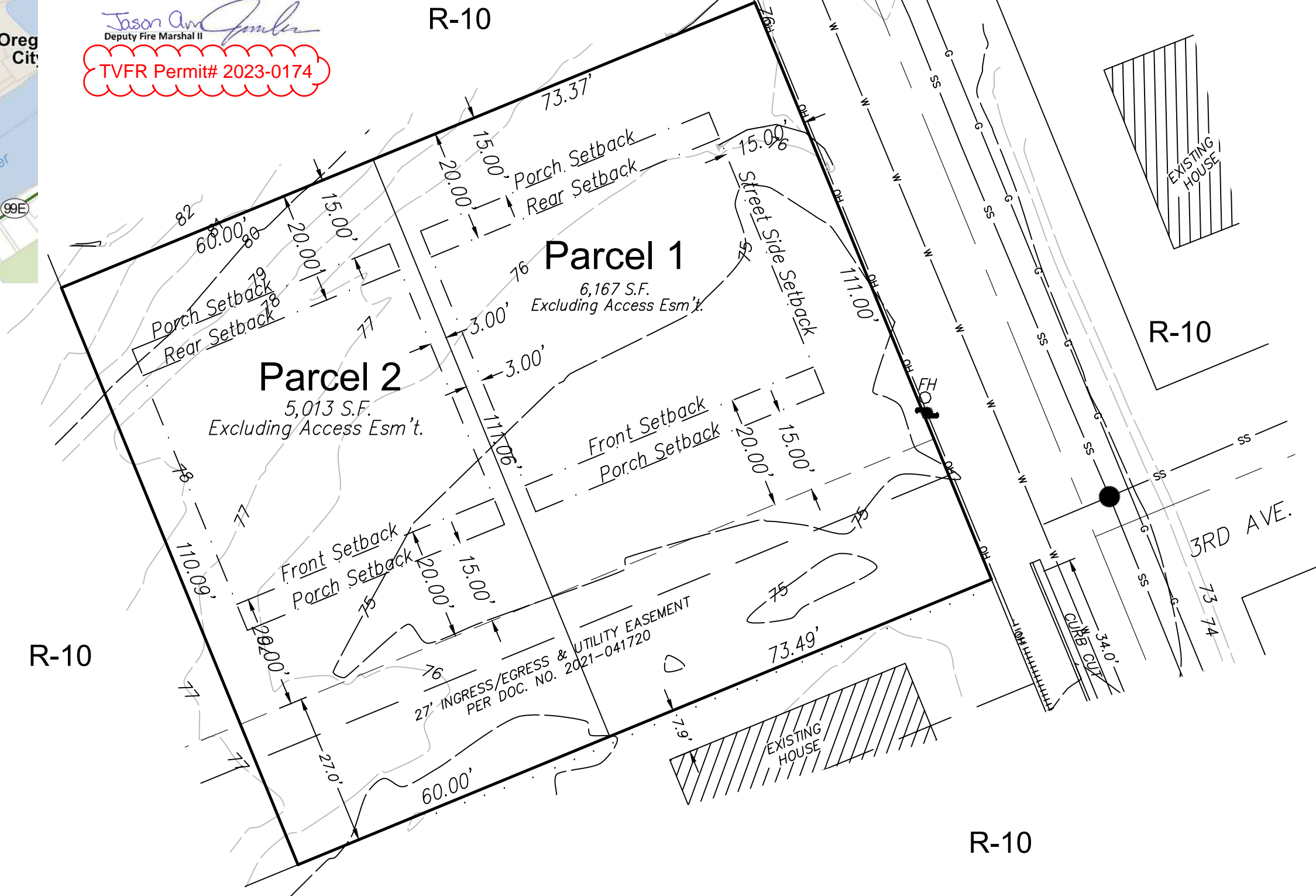


APPROVED PLANS

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

Jason Am...
Deputy Fire Marshal II

TVFR Permit# 2023-0174



Legal: 21E02AC00302
 Water: City of West Linn
 Sewer: City of West Linn
 Contours: Centerline Concepts, Inc.
 Zoning: R-10



Scale: 1" = 20'

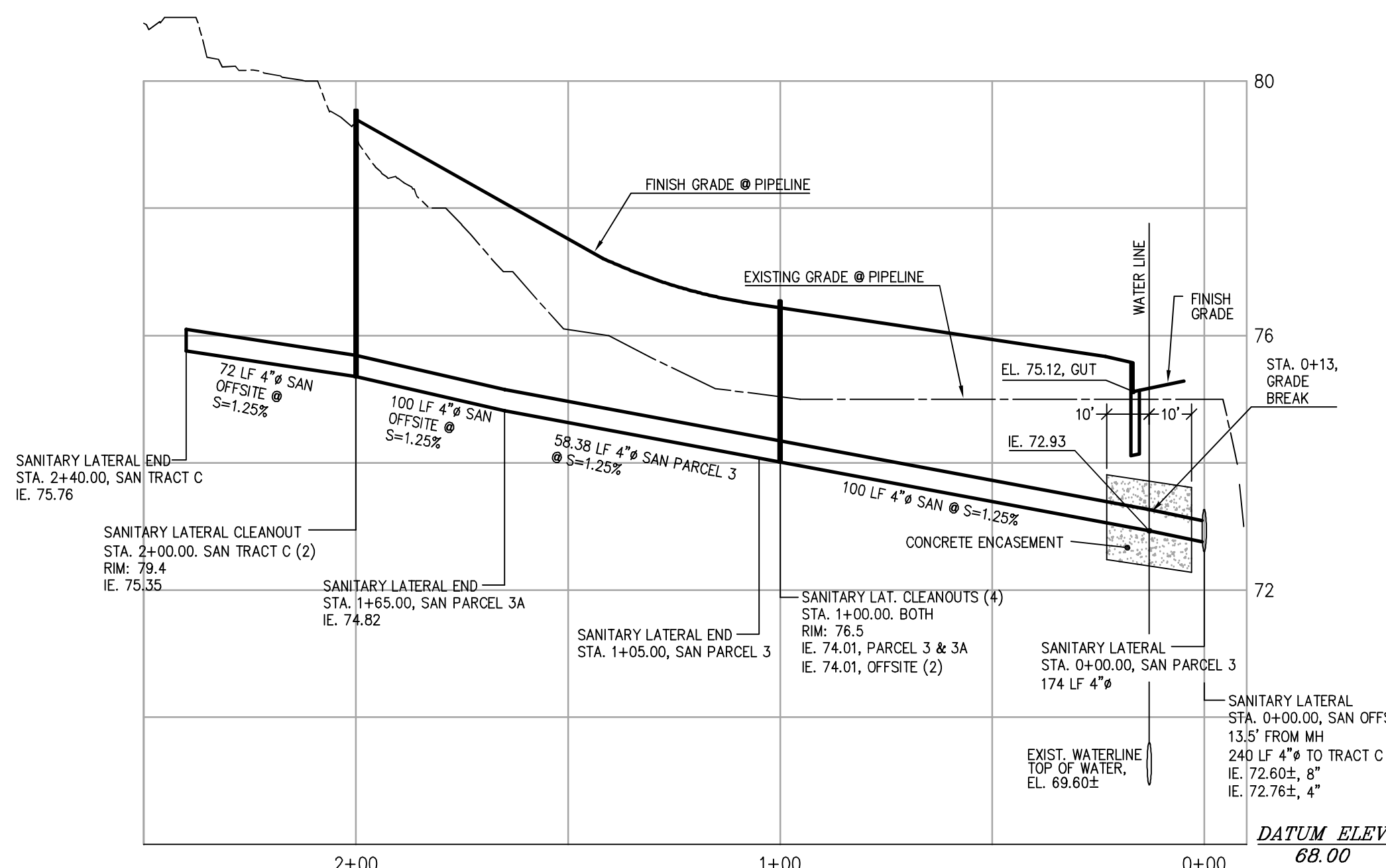
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DRAWN:	R.E.G.			
SCALE:	1" = 20'			
DATE:	11-3-2023			
FILE:	21-ICN-105	DATE	NO.	REVISION

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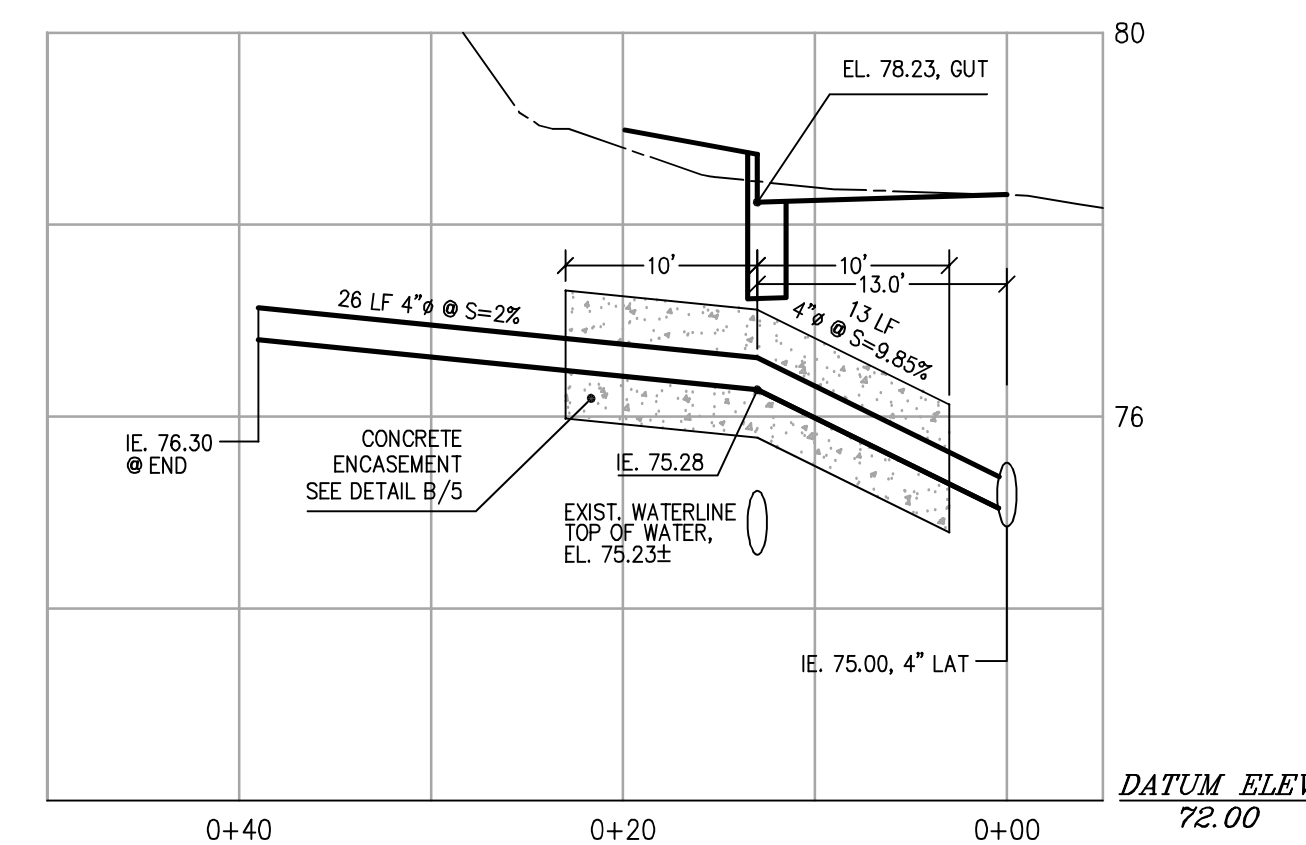
1218 & 1224 9th St. ELD
 Tentative Plan

SHEET:
 1/1



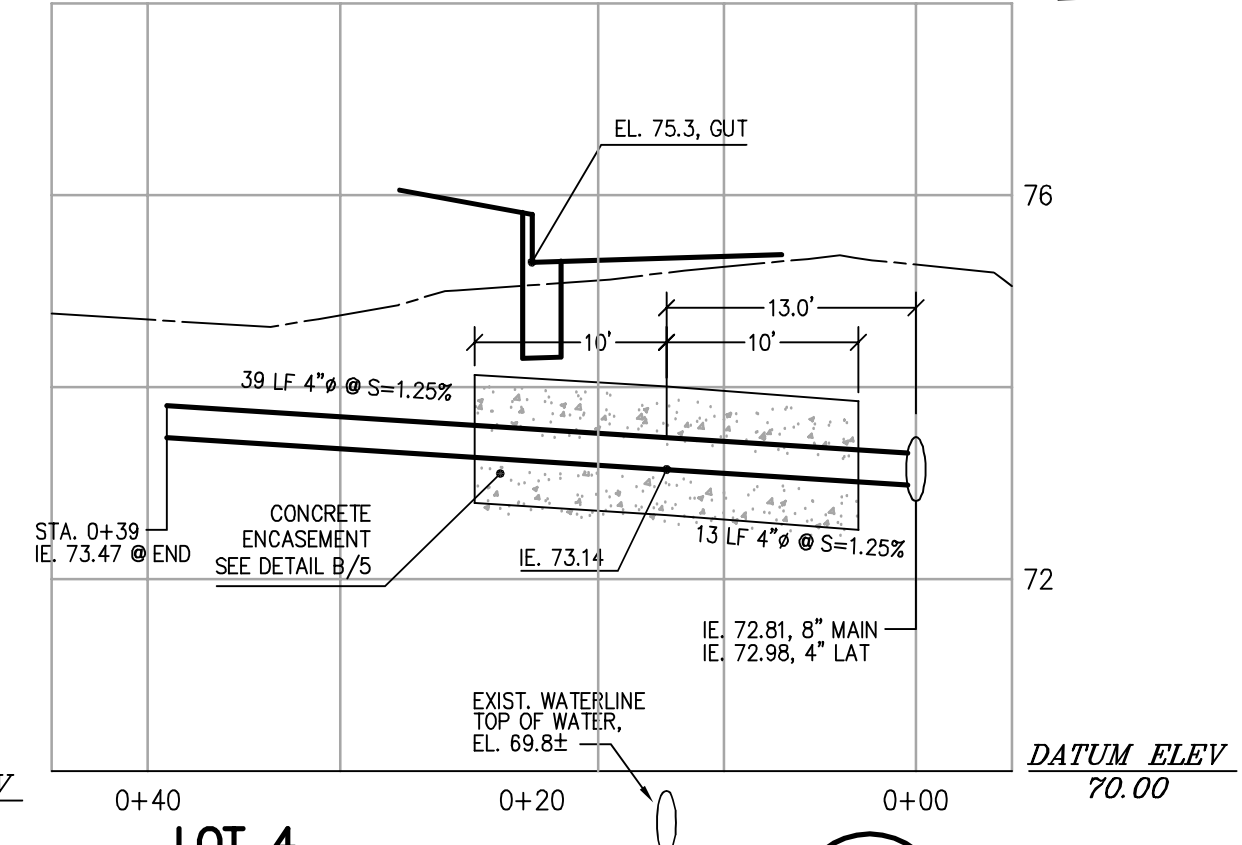
**PARCEL 3, 3A, 2 ON TRACT C
SANITARY LATERAL PROFILES**
SCALE: 1" = 30' HORIZONTAL
1" = 2' VERTICAL

1
5.0



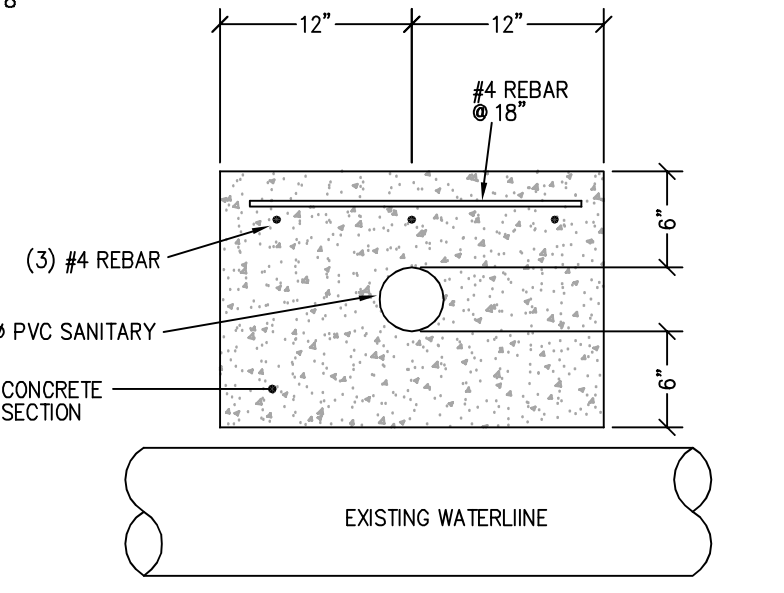
**LOT 1
SANITARY LATERAL**
SCALE: 1" = 10' HORIZONTAL
1" = 2' VERTICAL

2
5.0



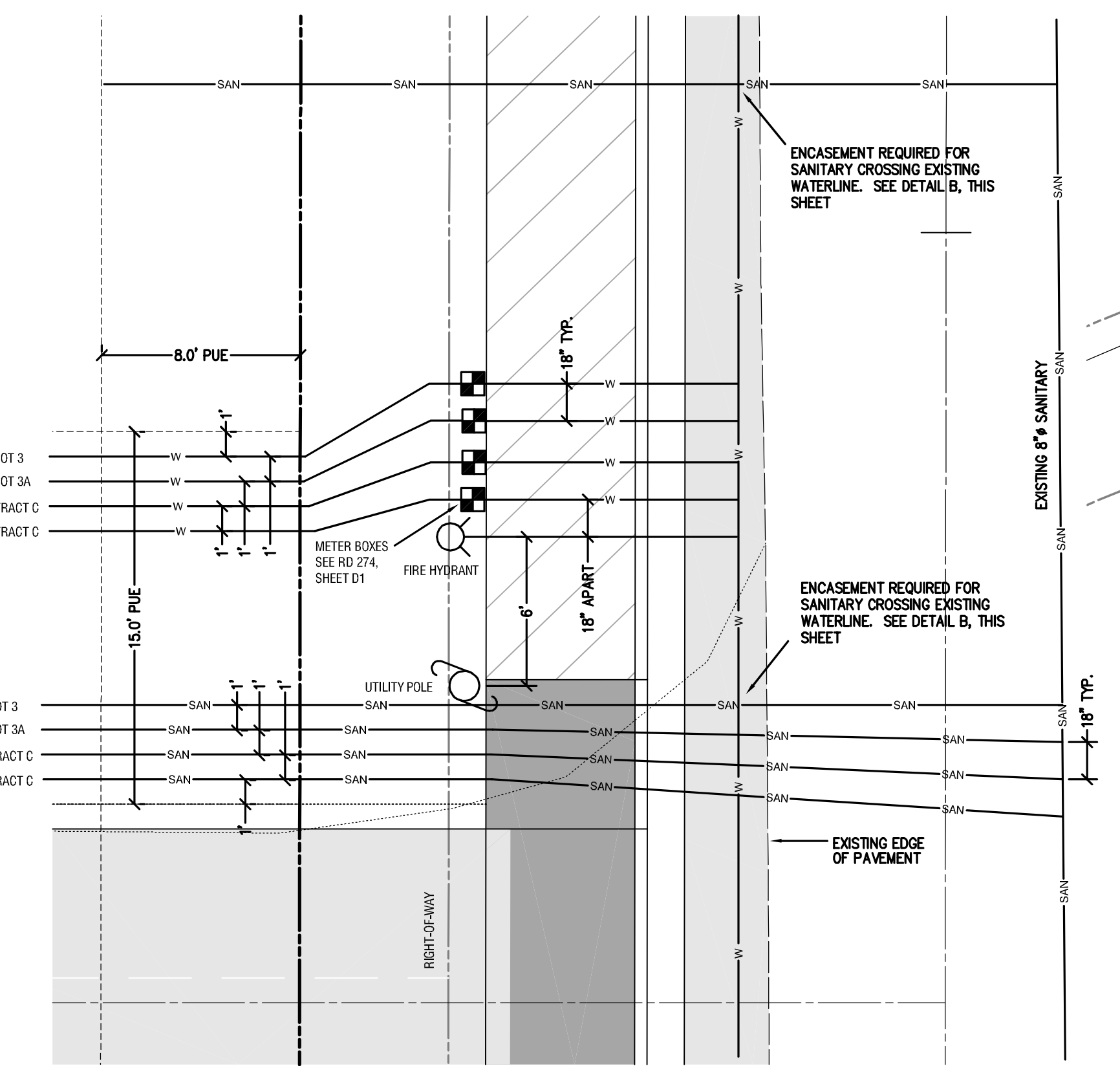
**LOT 4
SANITARY LATERAL**
SCALE: 1" = 10' HORIZONTAL
1" = 2' VERTICAL

3
5.0



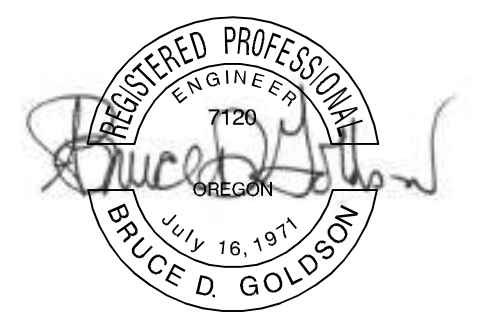
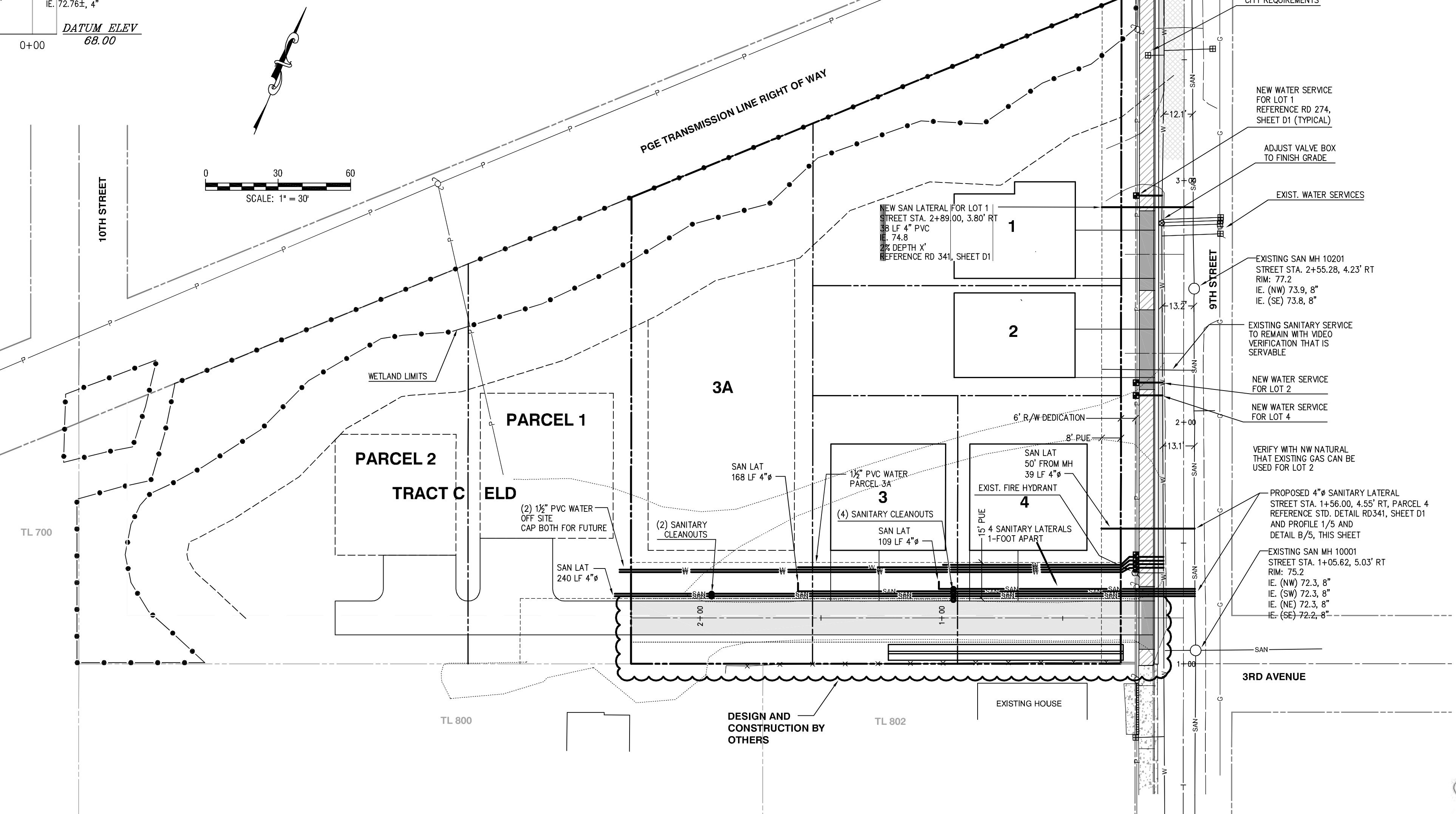
PER CH. 333, OREGON ADM. RULES
SANITARY CROSSING WATER
SCALE: NTS

B
5.0



UTILITY DETAIL
SCALE: 1" = 5'

A
5.0



EXPIRES: 06/30/2023
SIGNATURE DATE: 04/13/2023

UTILITY PLAN

DESIGNED: BDG	04/13/2023	4	REVISED WATER CONNECTIONS WITH HYDRANT AS-BUILT
DRAWN: BJS	01/09/2023	3	ADDED PARCELS
SCALE: 1" = 30'	10/04/2022	2	REVISIONS PER CITY REVIEW
DATE: March, 2022	09/21/2022	1	REVISIONS PER CITY REVIEW
FILE: Partition D Civil3	DATE	NO.	REVISION

Theta, LLC
ENGINEERING - SURVEYING - PLANNING
PO Box 1345
Lake Oswego, Oregon 97035
503/481-8822
email: thetaeng@comcast.net

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

1220 9th Street - Partition of Lot D
West Linn, Oregon

SHEET:
5.0