



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: February 27, 2024

FILE NO.: ELD-23-13

REQUEST: Approval of an SB458 Expedited Land Division for Two Parcels to Accommodate an HB2001 Detached-Duplex Development for Clackamas County Partition Plat No. 2023-041 Parcel 1 (lots 1 and 2) and Parcel 2 (lots 3 and 4) at 1218, 1224, 1244, 1246 9th Street

PLANNER: Chris Myers, Associate Planner

Planning Manager

DSW

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION

GENERAL INFORMATION	2
EXECUTIVE SUMMARY	3
PUBLIC COMMENTS	3
DECISION AND CONDITIONS OF APPROVAL	5

ADDENDUM

STAFF FINDINGS	7
----------------------	---

EXHIBITS

PD-1 APPLICANT SUBMITTAL.....	21
PD-2 PROPERTY MAPS	34
PD-3 PUBLIC COMMENTS	37
PD-4 COMPLETENESS LETTER	39
PD-5 AFFIDAVIT AND NOTICE PACKET.....	41

GENERAL INFORMATION

**APPLICANT/
OWNER:**

Icon Construction & Development
1969 Willamette Falls Drive, Suite 260
West Linn, OR. 97068

CONSULTANT:

Rick Givens
28615 SW Paris Ave. Unit 110
Wilsonville, OR 97070

SITE LOCATION:

Parcel 1 (lots 1 and 2) and Parcel 2 (lots 3 and 4) at 1218, 1224, 1244,
1246 9th Street

SITE SIZE:

0.77 Acres

LEGAL

DESCRIPTION:

Clackamas County Partition Plat No. 2023-041, Parcels 1 and 2
Assessor's Map No. 21E02AC Tax Lots 00301 and 00302

COMP PLAN

DESIGNATION:

Low-Density Residential

ZONING:

R-10, Single-Family Residential Detached

APPROVAL

CRITERIA:

Oregon Revised Statute 92.031

120-DAY RULE:

The application became complete on December 26, 2023. The 63-day
period for an expedited land division ends February 27, 2024.

PUBLIC NOTICE:

Notice was mailed to property owners within 100 feet of the subject
property, public facility and services providers, and the Willamette
Neighborhood Associations as required by Oregon Revised Statute
197.365. The notice was also posted on the City's website on January 22,
2024. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

Clackamas County Partition Plat No. 2023-041 is comprised of three legal parcels of record (Clackamas County Assessor Map 21E02AC 00301, 00302, and 00303). The property is zoned R-10 Residential and a detached duplex is permitted on each lot of record 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 construct a detached duplex on Parcels 1 and 2 and partition both as allowed by SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each of the resulting four lots (Lots 1 and 2 on Parcel 1; Lots 3 and 4 on Parcel 2) will contain one dwelling unit of a detached duplex.

The applicant has installed half street improvements along the property frontage as part of the approval of MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01 to match the improvements (curb/gutter/sidewalk) at 1068 9th Street. Sanitary sewer and water mains are located in the 9th Street right-of-way to provide service to the detached duplexes via a recorded utility easement (Clackamas County Document No. 2021-0471720).

Access to the dwelling units on Parcel 1 tax lot 00301 (lots 1 and 2) will be via direct access driveways to 9th Street. Access to the dwelling units on Parcel 2 tax lot 00302 (lots 3 and 4) will be via a shared driveway permitted as part of a previously approved development review application (WAP-20-04/WRG-20-02/MIS-20-08) and located in a recorded ingress/egress access easement (Clackamas County Document No. 2021-0471720).

The Water Resource Area (WRA) buffer associated with the delineated wetland along the northern portion of Parcel 1 was reduced to 25 feet as part of application MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01. The detached duplex will be constructed outside of the WRA buffer.

Development within the Willamette River Greenway (WRG) in the City of West Linn is regulated by the adopted Habitat Conservation Area (HCA) map and the associated value of the habitat identified on a property. Both Parcel 1 and Parcel 2 (see Exhibit PD-3) are located within the WRG and were approved for development by MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01.

Public comments:

The City received one public comment prior to the closing of the public comment period. The full text of the comments can be found in Exhibit PD-4. Below staff has summarized the comments and provided a response to each.

Jennifer Aberg and Martin Heinemann Email 2.5.24

1. *Concern over pedestrian safety because 9th Street lacks a continuous sidewalk.*

Staff Response: The previously approved minor partition (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01) required the applicant to construct 125 linear feet of street improvements (curb/gutter/sidewalk) adjacent to the subject property, which is roughly proportional to the impacts from the development. Most of the past development along 9th Street did not install any street improvements, which leads to the existing conditions. Full improvements to 9th Street are not currently prioritized as a project in the City's Transportation System Plan, but the Budget Committee/City Council has the ability to include the project in the Capital Improvement Program. City staff is also working with the applicant to explore a solution to infill the sidewalk gap to the north of the subject properties but must ensure all environmental protection regulations are followed.

- 2. Concern grading and utilities were installed prior to the land division application being approved.*

Staff Response: The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a duplex on all lots permitting the construction of a single-family detached home, including both Parcels 1 and 2 (see Staff Finding 1). The applicant proposes a detached duplex (middle housing) on both Parcel 1 and Parcel 2, which is permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). The applicant is allowed by right to develop middle housing without further dividing the properties, hence the approved permits to ready the site prior to submitting for this land division application.

- 3. Concern regarding the infrastructure only built for one home not seven.*

Staff Response: Infrastructure for the proposed development will meet all City Engineering Standards for the size of the development. The pavement on 9th Street is approximately 16 feet wide edge to edge, the right-of-way is approximately 40 feet wide, and has a functional classification of a Local Street.

The intent of HB2001 was to provide more housing options (middle housing) within the state in response to the housing crisis. West Linn is located within the Portland Metropolitan Urban Growth Boundary and was required to allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters on properties currently zoned to allow the development of single-family detached houses.

The Oregon Legislature approved HB2001 in 2019, requiring the City of West Linn to allow a duplex on the subject properties (see Staff Finding 1). The applicant proposes a detached duplex (middle housing) on both Parcels 1 and 2. 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 duplex to be located on its own lot or parcel. The applicant proposes to divide the property under SB458 rules.

DECISION

The Planning Manager (designee) approves this application (ELD-23-13) 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. **Tentative Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the Tentative Plan dated 12/05/2023 (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 provide the utility easement (Clackamas County Document No. 2021-0471720, see Exhibit PD-2) on the face of the final plat and submit a copy of the recorded, private utility easement 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.
6. **Ingress/Egress Easement.** The applicant shall provide the ingress/egress easement (Clackamas County Document No. 2021-0471720, see Exhibit PD-2) on the face of the final plat, for Parcel 2 (lots 3 and 4), and submit a copy of the recorded, private ingress/egress easement to confirm the newly created parcels have legal access rights to 9th Street prior to final plat approval by the City.

7. **Final Plat Notation.** The applicant shall include on the face of the plat the notation “This middle housing land division approval was given under the provisions of SB458. Further division of the resulting parcels is prohibited”.
8. **Final Plat Recording.** The approval of the tentative plat (ELD-23-13) shall be void if the applicant does not record the final partition plat within three years of approval.
9. **Water Resource Area Mitigation.** The applicant shall install all required mitigation plantings per approved plans in MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01 prior to issuance of final Certificate of Occupancy.

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

Chris J Myers

Chris Myers, Associate Planner

February 27, 2024

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 27th day of February, 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on March 12, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-22-04**

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

ORS 92.031 Middle housing land division; conditions of approval.

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

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

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

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

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

Chapter 11.030.1(a) (see Staff Finding 1). The applicant did not submit building plans for the detached duplexes 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 two detached duplexes (one on Parcel 1 and one on Parcel 2) as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a) (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 be calculated based on the subject property boundaries, and total area.

Sidewall transitions and maximum building height will be reviewed based on building plans. Maximum FAR will be calculated on square footage of each lot minus Type I and II Lands or 0.30 for entire property per CDC Chapter 2. The applicant did not submit building plans for the detached duplexes 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 was reviewed for compliance and received approval in prior development review permits (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01). See Staff Finding 26. The criteria are met.

(b) Separate utilities for each dwelling unit;

Staff Finding 5: The applicant proposes the construction of two detached duplexes 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 two detached duplexes (one on Parcel 1 and one on Parcel 2) as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a) (see Staff Finding 1) including the division of the lot as allowed by SB458.

Utilities will be placed within the existing, private utility easement (Clackamas County Document No. 2021-0471720, see Exhibit PD-2). The applicant shall show the utility easement on the face of the final plat and submit a copy of the private utility easement to confirm the newly created parcels have legal rights to locate, access, replace, and service all utilities within the easement prior to final plat approval by the City per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 7: The applicant proposes the construction of a detached duplex on both parcels 1 and 2. Parcel 1 will be partitioned into lots 1 and 2. Both lots 1 and 2 will take direct access to 9th street. Parcel 2 will be partitioned into lots 3 and 4. Both lots 3 and 4 will take pedestrian access via shared driveway connected to 9th street, a public street. The applicant shall show the ingress/egress easement on the face of the final plat and submit a copy of the private ingress/egress easement to confirm the newly created parcels have legal access rights to 9th Street prior to final plat approval by the City per Condition of Approval 6. Subject to the Conditions Approval, the criteria are met.

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

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

(D) Any dedicated driveways or parking; and

Staff Finding 9: The applicant proposes the construction of a detached duplex on Parcels 1 and 2 (Tax Map 31E02AC tax lots 00301 and 00302), including the division of the lot as allowed by SB458. The proposal does not include any parking areas needing an easement. Access to the dwelling units on Parcel 1 (lots 1 and 2) will be directly to 9th Street, a public street. Access to the dwelling units on Parcel 2 (lots 3 and 4) will be via a shared driveway connected to 9th Street and permitted as part of a previously approved development review application (WAP-20-04/WRG-20-02/MIS-20-08) and located in a recorded ingress/egress easement (Clackamas County Document No. 2021-0471720, see Exhibit PD-2). The applicant shall show the ingress/egress easement on the face of the final plat and submit a copy of the private ingress/egress easement to confirm the newly created parcels have legal access rights to 9th Street prior to final plat approval by the City per Condition of Approval 6. Subject to the Conditions Approval, the criteria are met.

(E) Any dedicated common area;

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

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

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

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

Staff Finding 12: The applicant proposes the construction of a detached duplex on Parcel 1 and Parcel 2, which qualifies as a middle housing type. The applicant did not submit building plans for the detached duplexes 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 duplex on both Parcel 1 and Parcel 2, including the division of the lot as allowed by SB458. The applicant shall include on the face of the plat a notation prohibiting the further division of the resulting parcels under the provisions of SB458 per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 14: The applicant proposes the construction of two detached duplexes including the division of Parcels 1 and Parcel 2 as allowed by SB458. The applicant shall include on the face of the plat a notation indicating the approval was given under the provisions of SB458 per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.

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

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

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

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

Staff Finding 16: The applicant proposes the construction of two detached duplexes including the division of Parcels 1 and 2 (Tax Map 31E02AC tax lots 00301 and 00302), as allowed by SB458. The applicant has installed street frontage improvements on 9th Street under the requirements of a previous development review approval (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01). Therefore, no further street frontage improvements are required. 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 lots 1 and 2 will utilize individual driveways. Lots 3 and 4 will utilize a shared driveway for access (Clackamas County Document No. 2021-0471720, see Exhibit PD-2). 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 Condition of Approval 2. 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 a public right-of-way, 9th Street. A previous land use decision (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01) required no right-of-way dedication and street improvements are fully constructed. Therefore, City requires no right-of-way dedication for this application. 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 two detached duplexes including the division of the two parcels (Clackamas County Partition Plat No. 2023-041, Parcels 1 and 2) as allowed by SB458. The type of middle housing, detached duplex, will not be altered by the land division. The criteria are met.

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

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

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

Staff Finding 23: The approval of the tentative plat (ELD-23-13) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 8. 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 two detached duplexes, 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 properties are located within the Willamette River Greenway (WRG). Development within the WRG in the City of West Linn is regulated by the adopted Habitat Conservation Area (HCA) map and the associated value of the habitat identified on a property.

A small portion of medium value HCA is found in the southern portion of Parcel 2 (lots 3 and 4). This medium value HCA was removed from the map, under the rules found in West Linn Community Development Code Chapter 28, as part of a previously approved development application (MIP-22-01/WAP-22-01/MISC-22-06/WRG-22-01) because existing site conditions did not meet the definition of medium value HCA. This determination was due to impacts from adjacent development, which were mitigated as part of WAP-20-04/WRG-20-02/MIS-20-08 approval, construction of the home at 1088 9th Street, and historic use of the property altering its HCA value through removal of tree canopy and planting of a non-native landscape lawn. No HCA is found on Parcel 1 (lots 1 and 2).

A wetland and its associated Water Resource Area (WRA) is found on the northern portion of Parcel 1 (lots 1 and 2). The applicant does not propose any development within the wetland or WRA as the West Linn Community Development Code prohibits any encroachment. 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 and adjacent wetlands prohibit street connectivity in the vicinity of the subject property. The 2016 West Linn Transportation System Plan does not include any connectivity projects adjacent to the subject property. The criteria are met.

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

Staff Finding 29: The applicant proposes to construct a detached duplex on both Parcel 1 and Parcel 2 of Clackamas County Partition Plat No. 2023-041. Both parcels are zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Parcel 1 is 18,764 sq. ft. and has a maximum density under a traditional CDC Chapter 85 land division of one dwelling unit ($18,764/10,000 = 1.88$, which rounds down to 1). Parcel 2 is 14,797 sq. ft and has a maximum density under a traditional CDC Chapter 85 land division of one dwelling unit ($14,797/10,000 = 1.48$, which rounds down to 1).

The applicant proposes a detached duplex 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 two dwelling units per parcel, which is 200 percent of the maximum density currently permitted on the subject property. The criteria are met.

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

Staff Finding 30: The applicant proposes an expedited land division that creates four lots out of two parcels 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 duplex on Parcel 1 (lots 1 and 2) and Parcel 2 (lots 3 and 4), including the division of the lot as allowed by SB458. The City has applied the approval criteria of ORS 92.031, including the physical characteristics of the development (see Staff Finding 3), the dimensions of the parcels to be created (see Staff Findings 6, 7, 9, and 29), and

required facilities and services necessary for the proposed development (see Staff Findings 5, 6, 7, 9, 16, and 20). The criteria are met.

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

Staff Finding 33: The application was submitted on December 5, 2023 and deemed complete by the City on December 26, 2023. 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 December 5, 2023 and deemed complete by the City on December 26, 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 December 5, 2023 and deemed complete by the City on December 26, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on December 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 January 22, 2024. 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 January 22, 2024. The City provided written notice to the Willamette Neighborhood Association on January 22, 2024. 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 January 22, 2024, with a deadline for submission of written comments on February 5, 2024. 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 December 5, 2023 and deemed complete by the City on December 26, 2023. The City approved the application with conditions on February 27, 2024, 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 February 27, 2024, 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: 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 (ANX)
<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
---	---

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
---	---

Owner Name (required): Same as applicant. Address: City State Zip:	Phone: Email:
---	------------------

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
---	--

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.

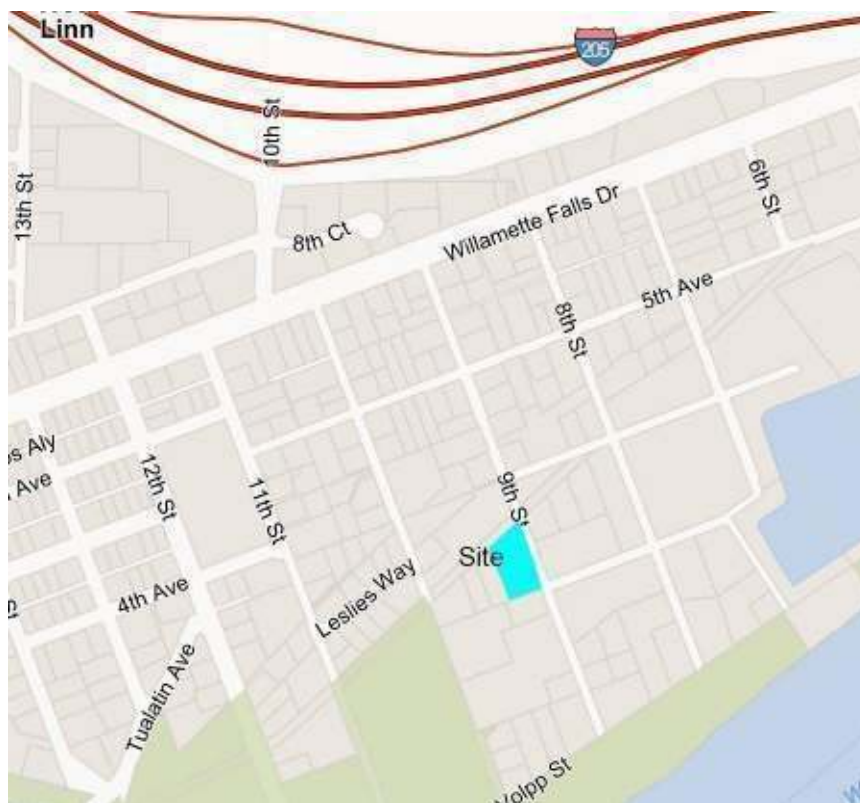
 Applicant's signature ELD-23-13	11/30/23 Date	 Owner's signature (required)	11/30/23 Date 02/27/2024
--	------------------	--	--------------------------------

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		Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for in a Cottage 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.	
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> 	<p>maximum building envelope and will comply with the 35% standard.</p>
<p><i>Minimum Accessway Width to a lot which does not abut a street or a flag lot</i></p>	<p>15 ft</p>		<p>The proposed accessway easement is 27 feet in width.</p>
<p><i>Maximum Floor Area Ratio</i></p>	<p>0.45</p>	<p><i>Max FAR does not apply to cottage clusters.</i></p>	<p>Not applicable to duplexes.</p>
<p><i>Duplex, Triplex, and Quadplex</i></p>	<p>0.60</p>	<p><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></p>	<p>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.</p>

(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.

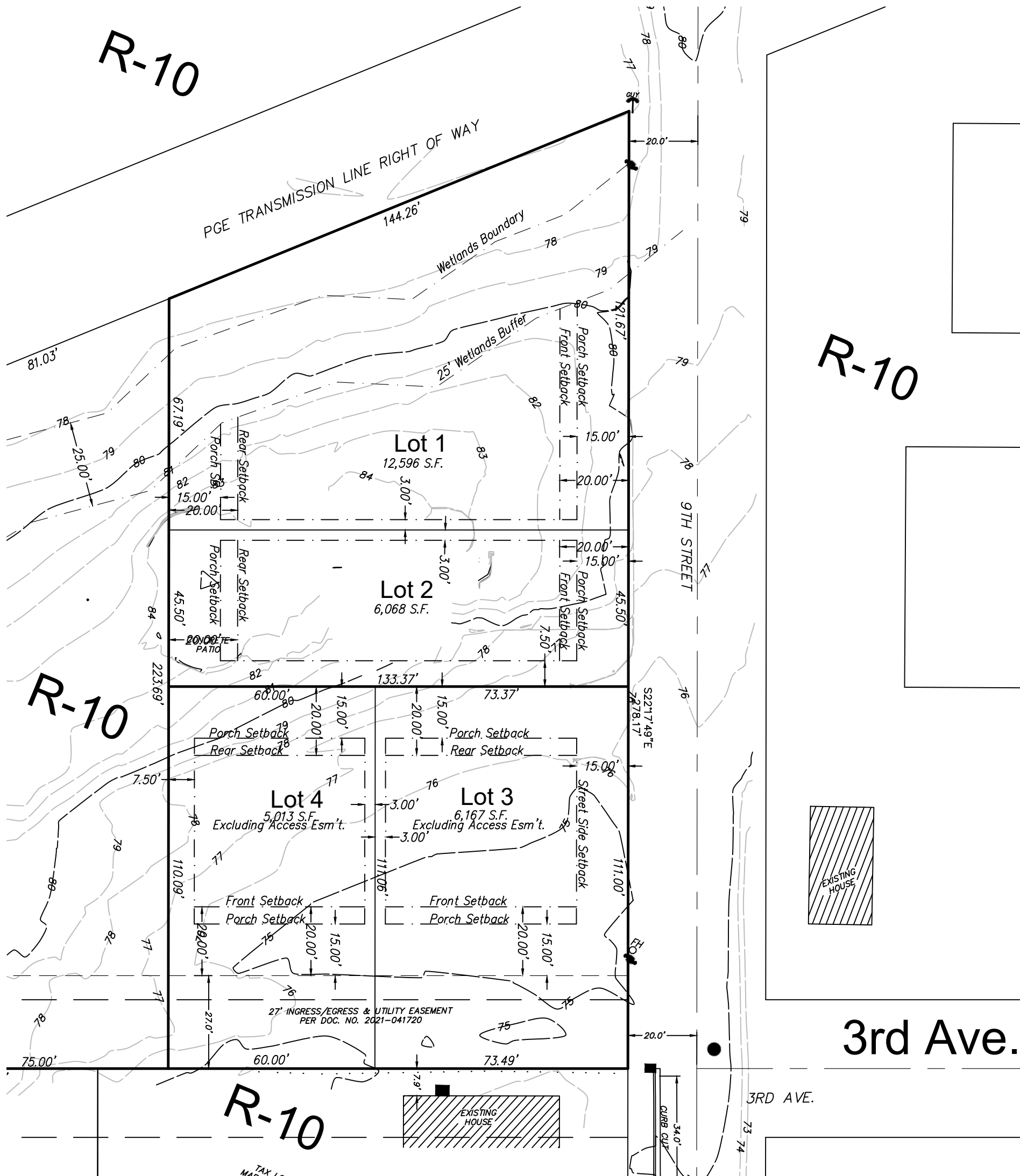
Comment: The plans and other materials required to demonstrate compliance with this requirement will be provided with the building permit applications.

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

PGE TRANSMISSION LINE RIGHT OF WAY
144.26'



R-10

R-10

R-10

3rd Ave.

3RD AVE.

Legal: 21E02AC00301 & 00302

Water: City of West Linn

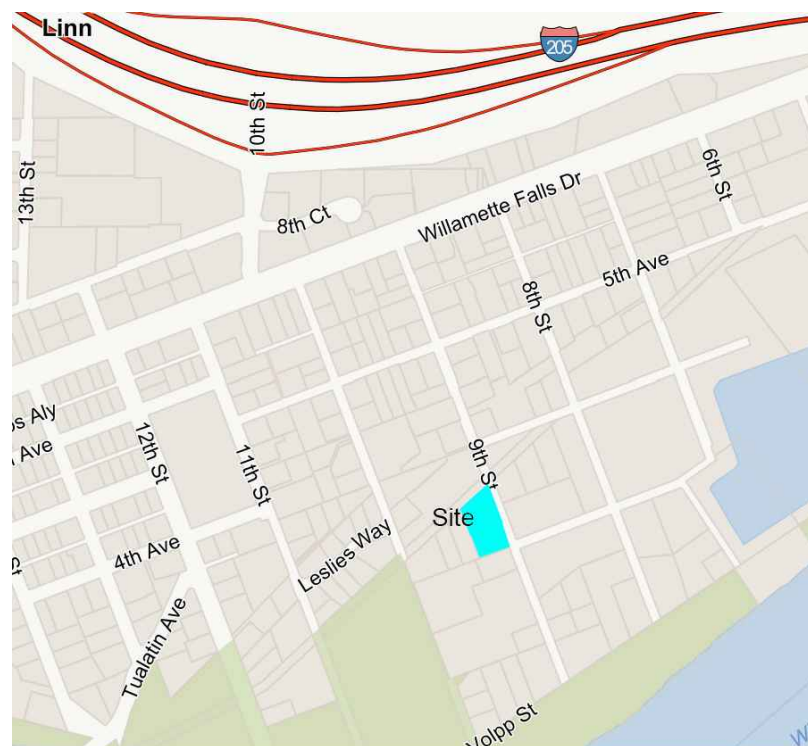
Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

Zoning: R-10



Scale: 1" = 30'



Vicinity Map

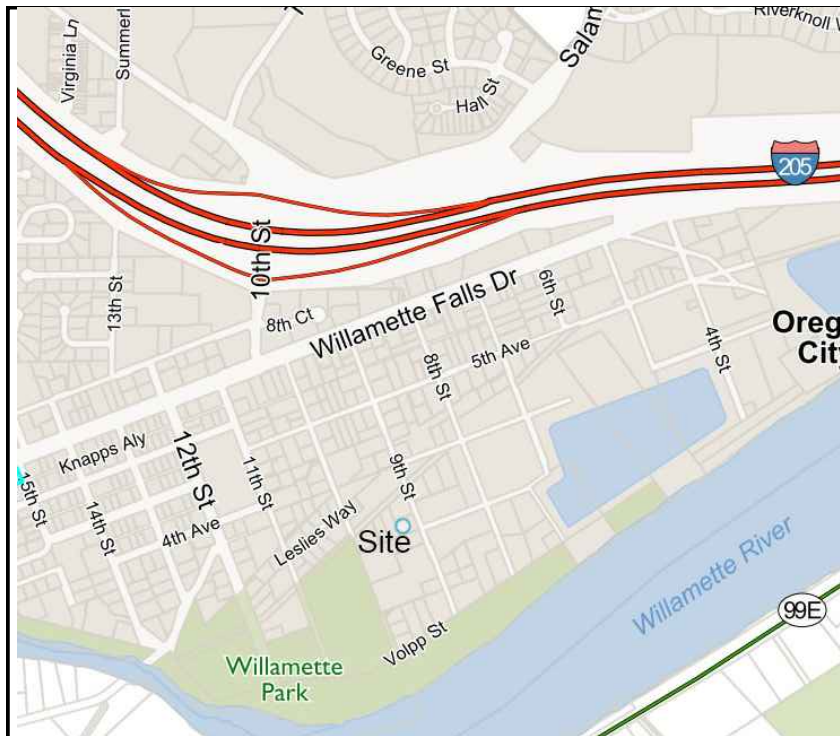
DESIGNED: R.E.G.
 DRAWN: R.E.G.
 SCALE: 1" = 30'
 DATE: 12-4-2023
 FILE: 21-ICN-105

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 02/27/2024

SHEET:
 1/1



Vicinity Map



APPROVED PLANS

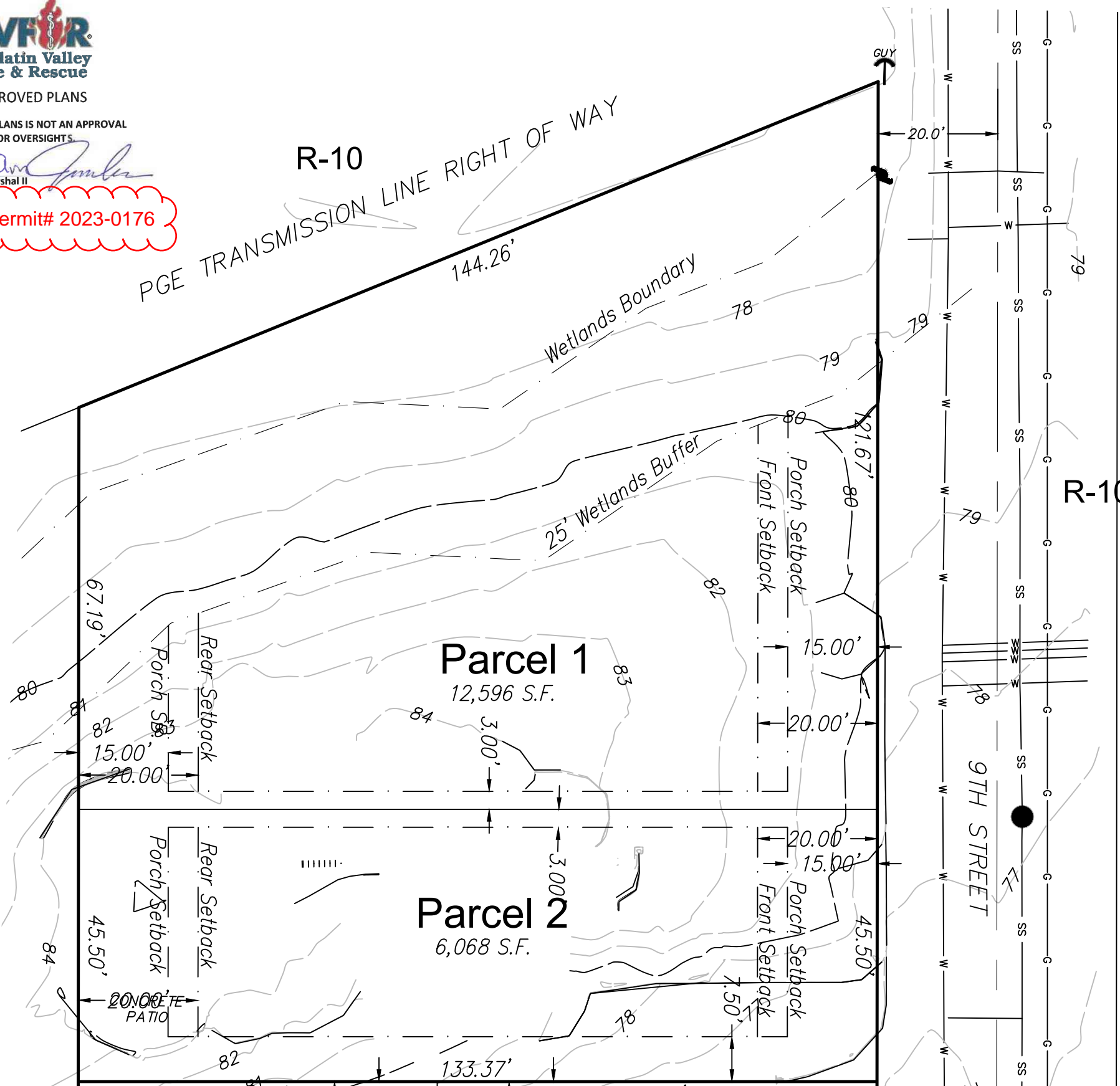
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

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: ELD-23-403			
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
02/27/2024



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.

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 # 2023-0174
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:

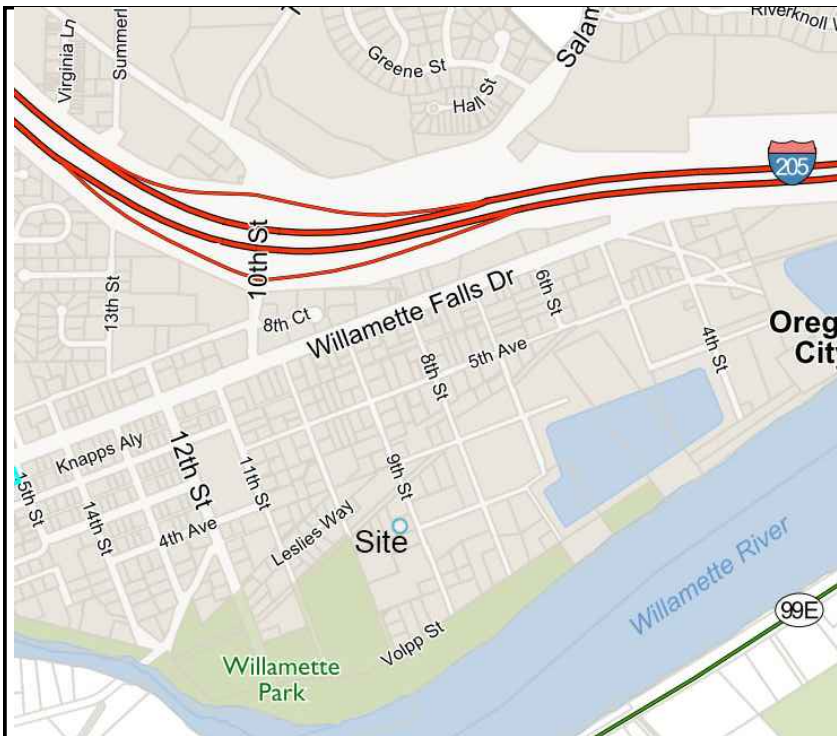
See plans

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

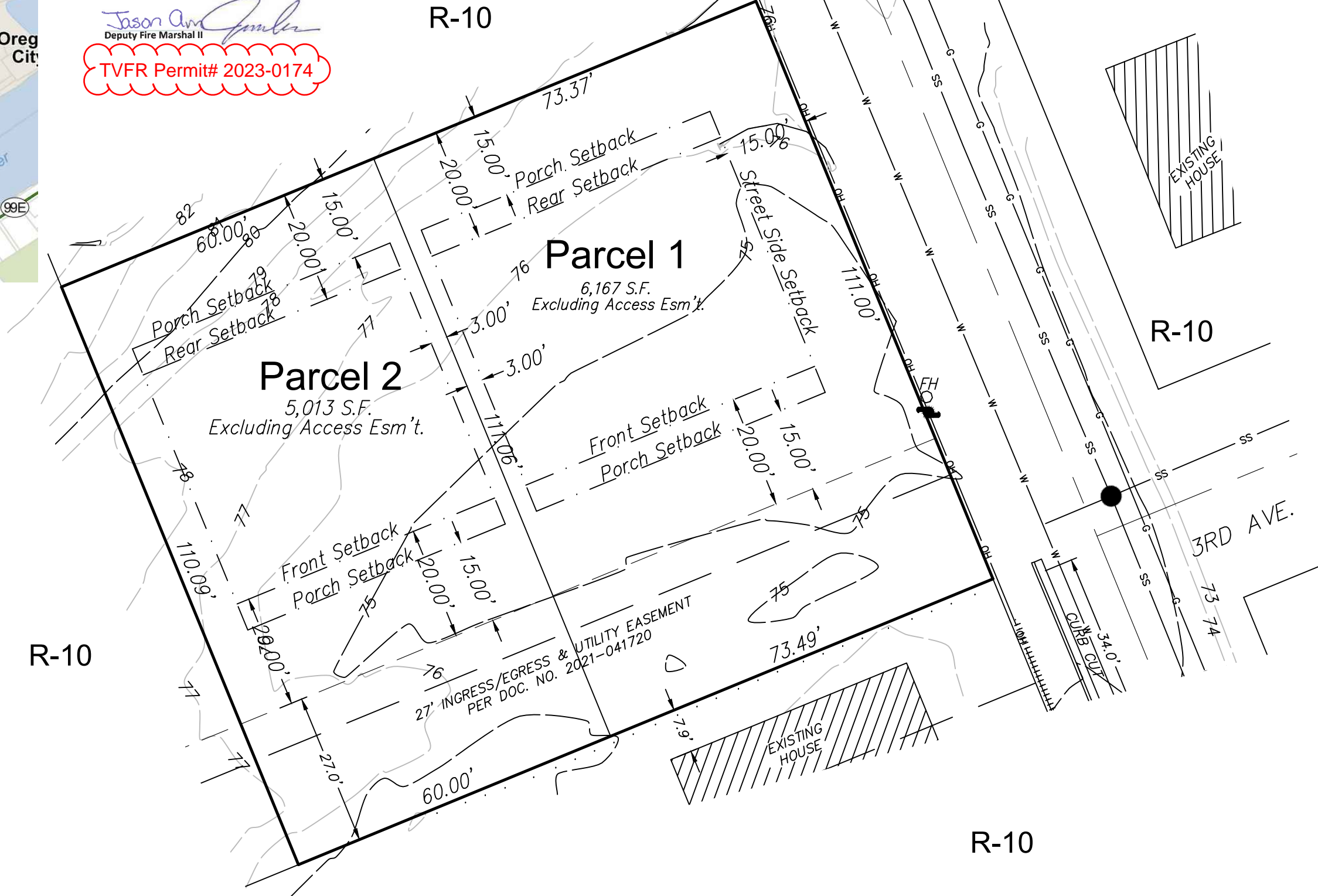


APPROVED PLANS

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'

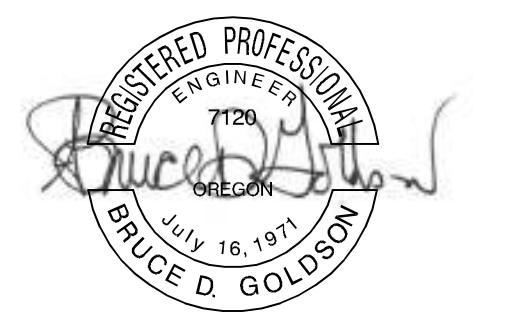
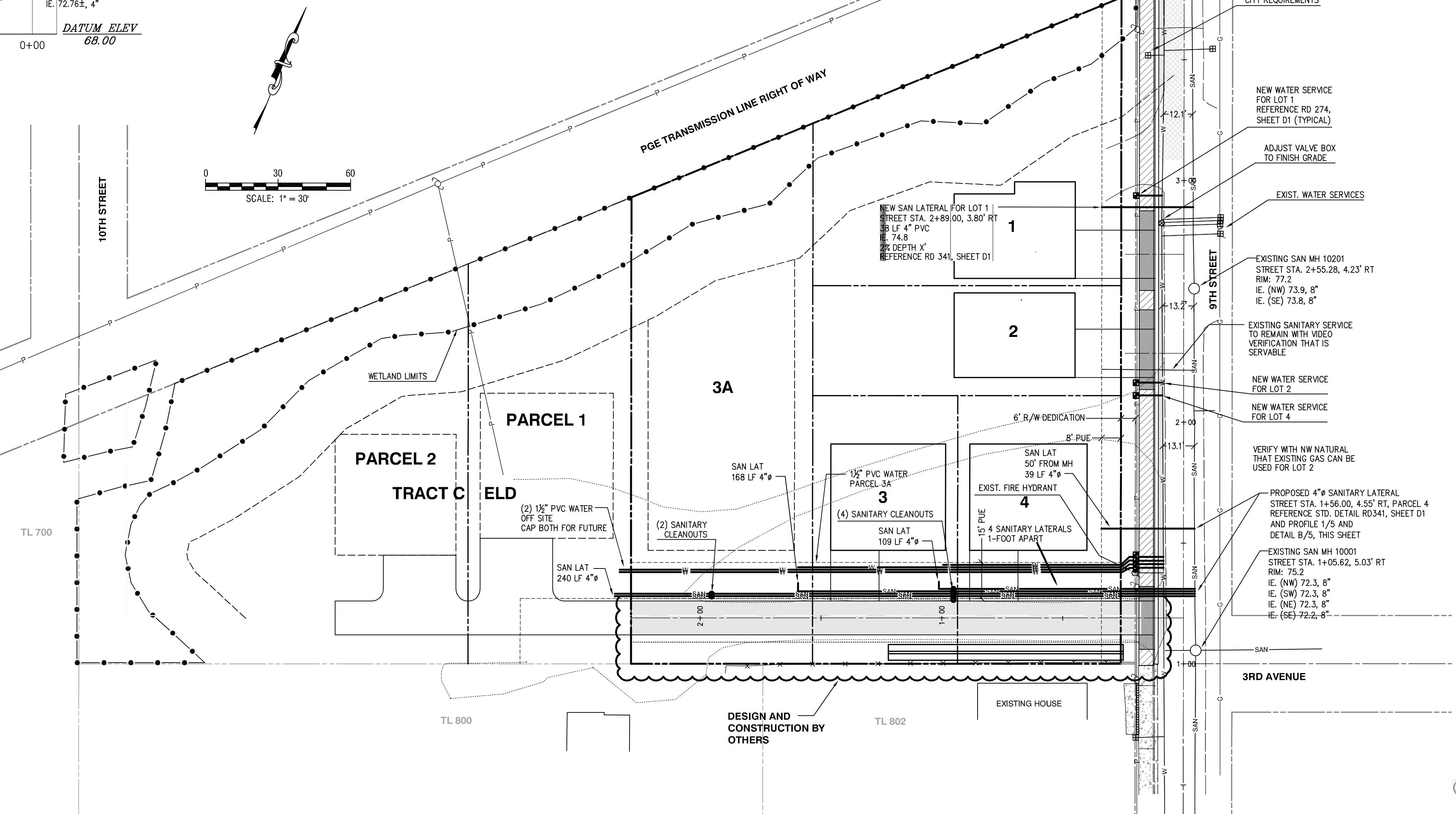
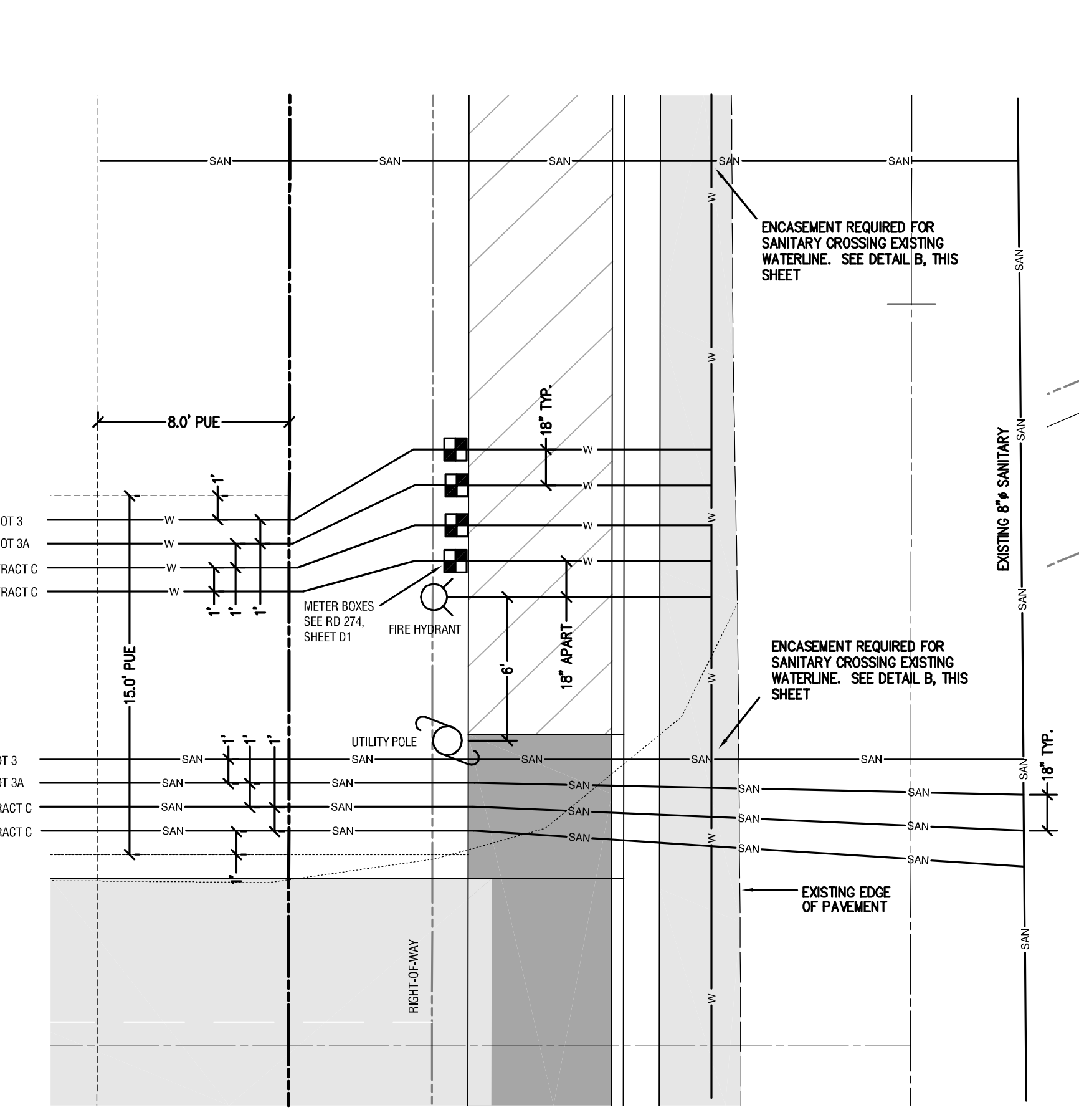
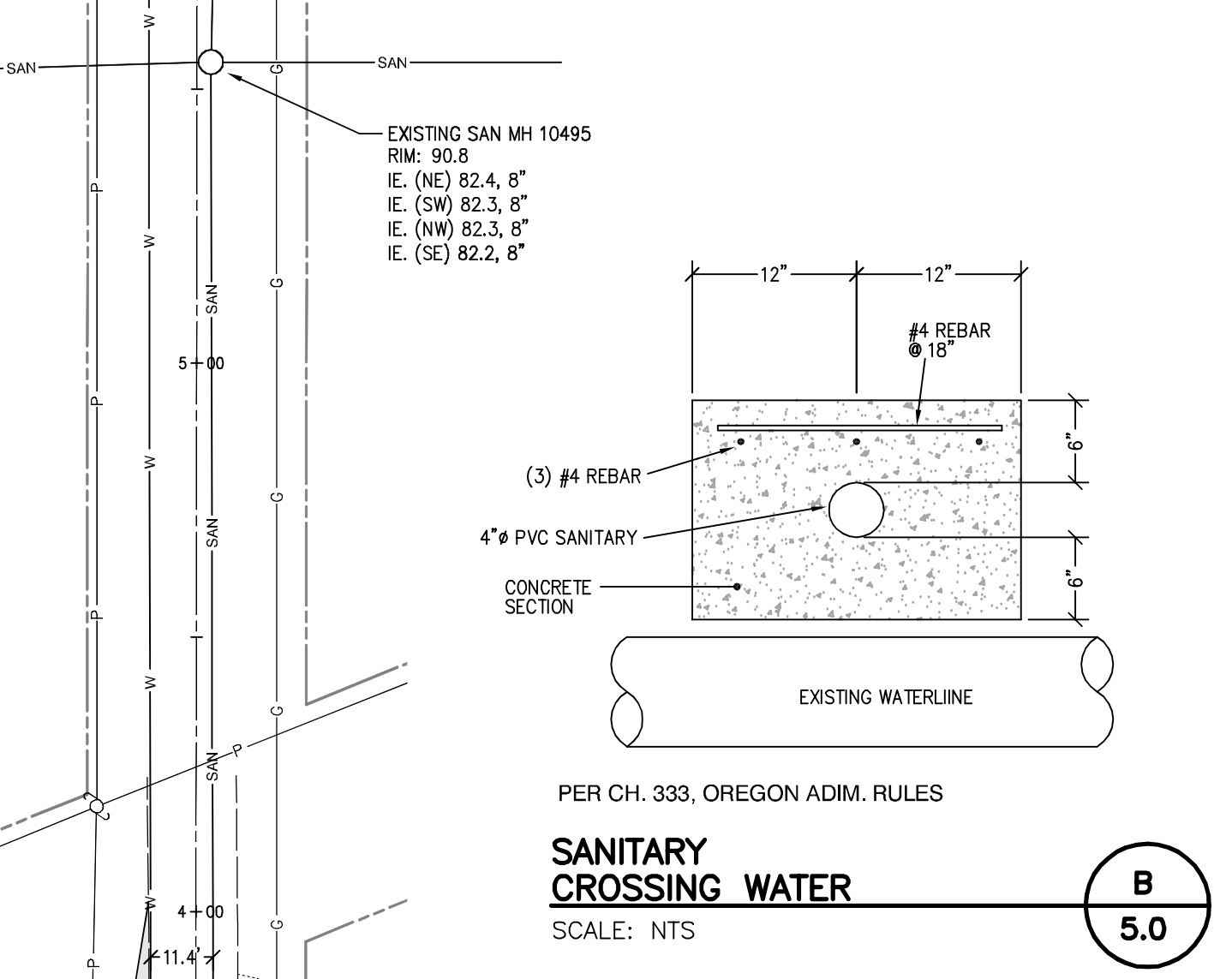
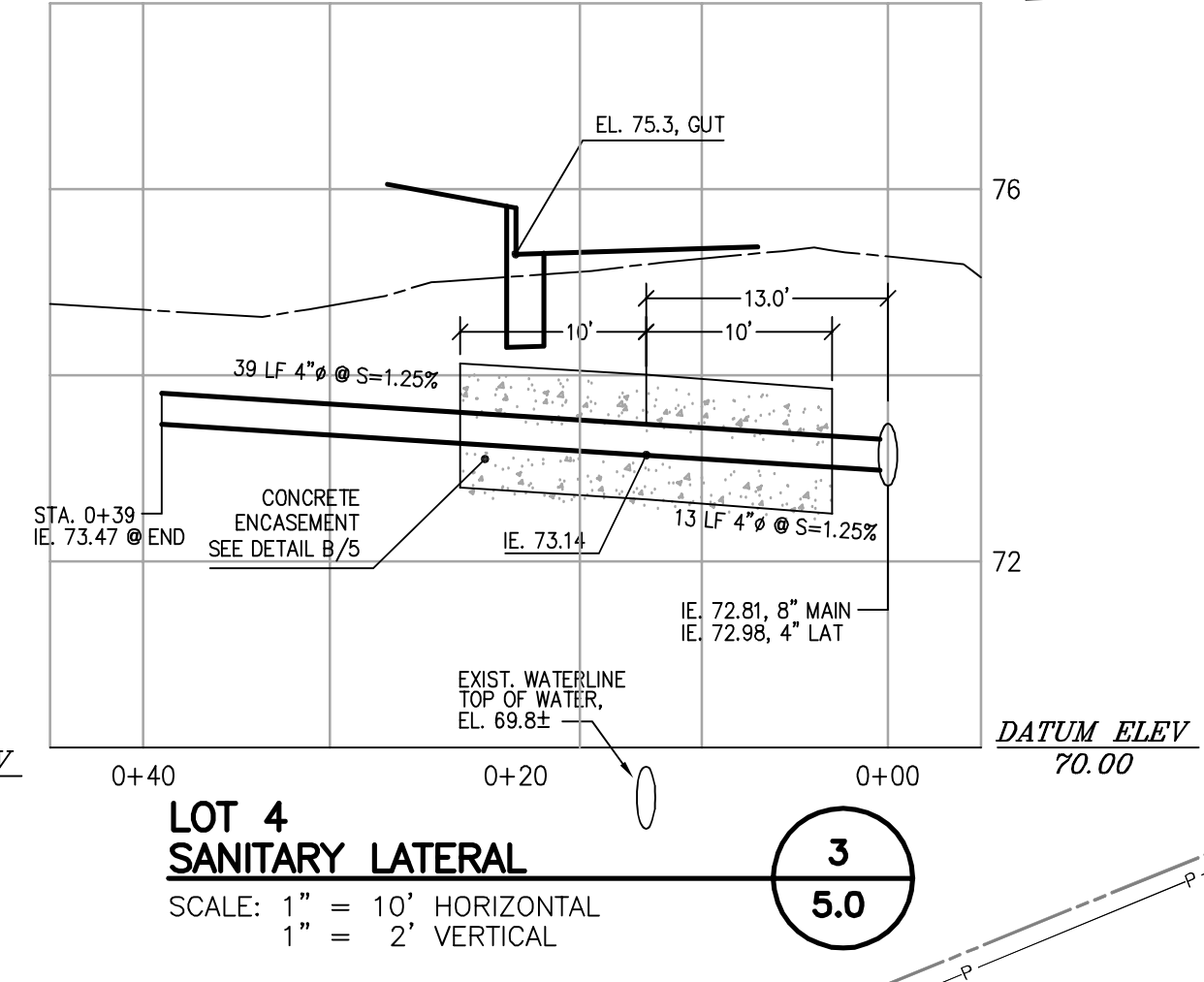
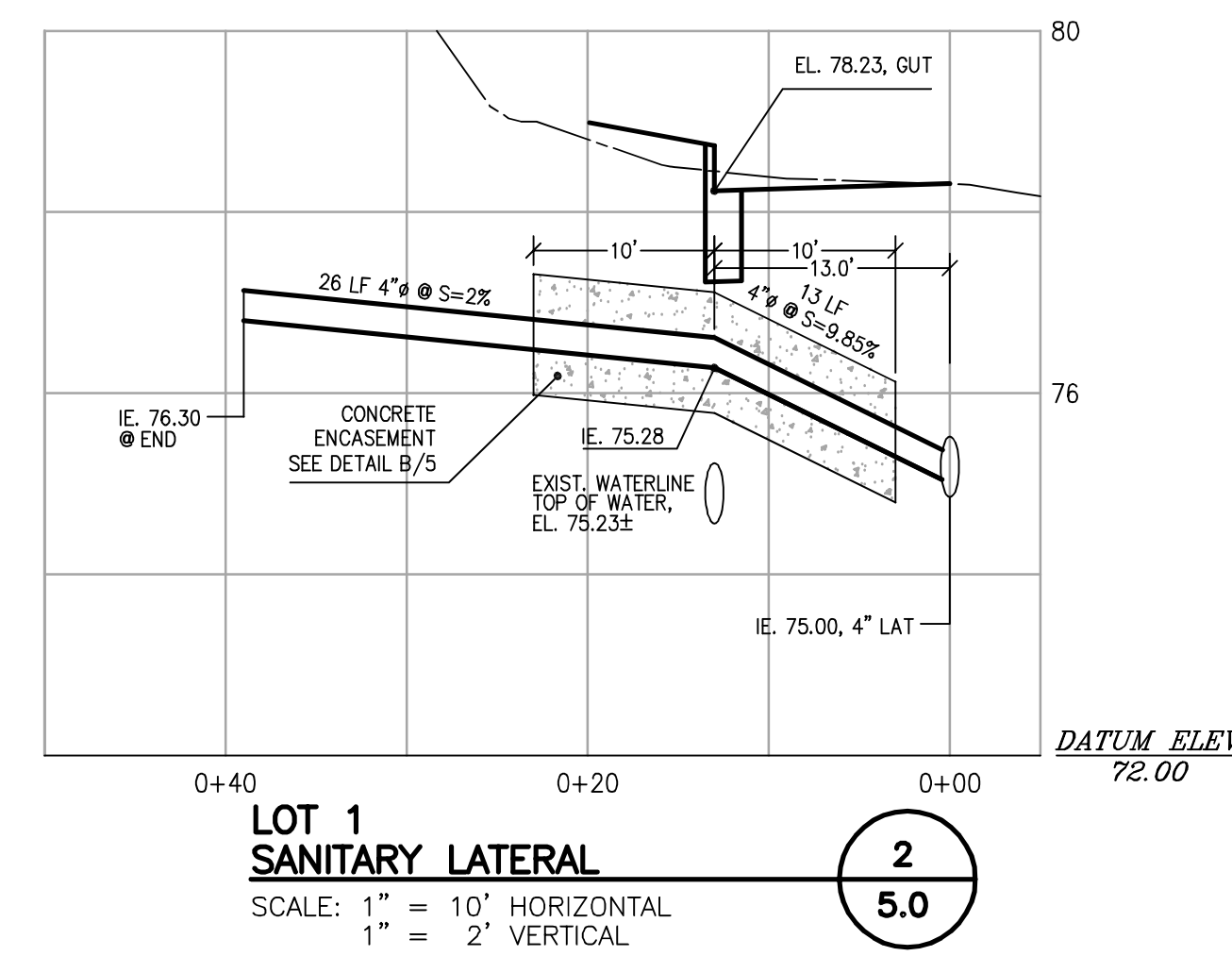
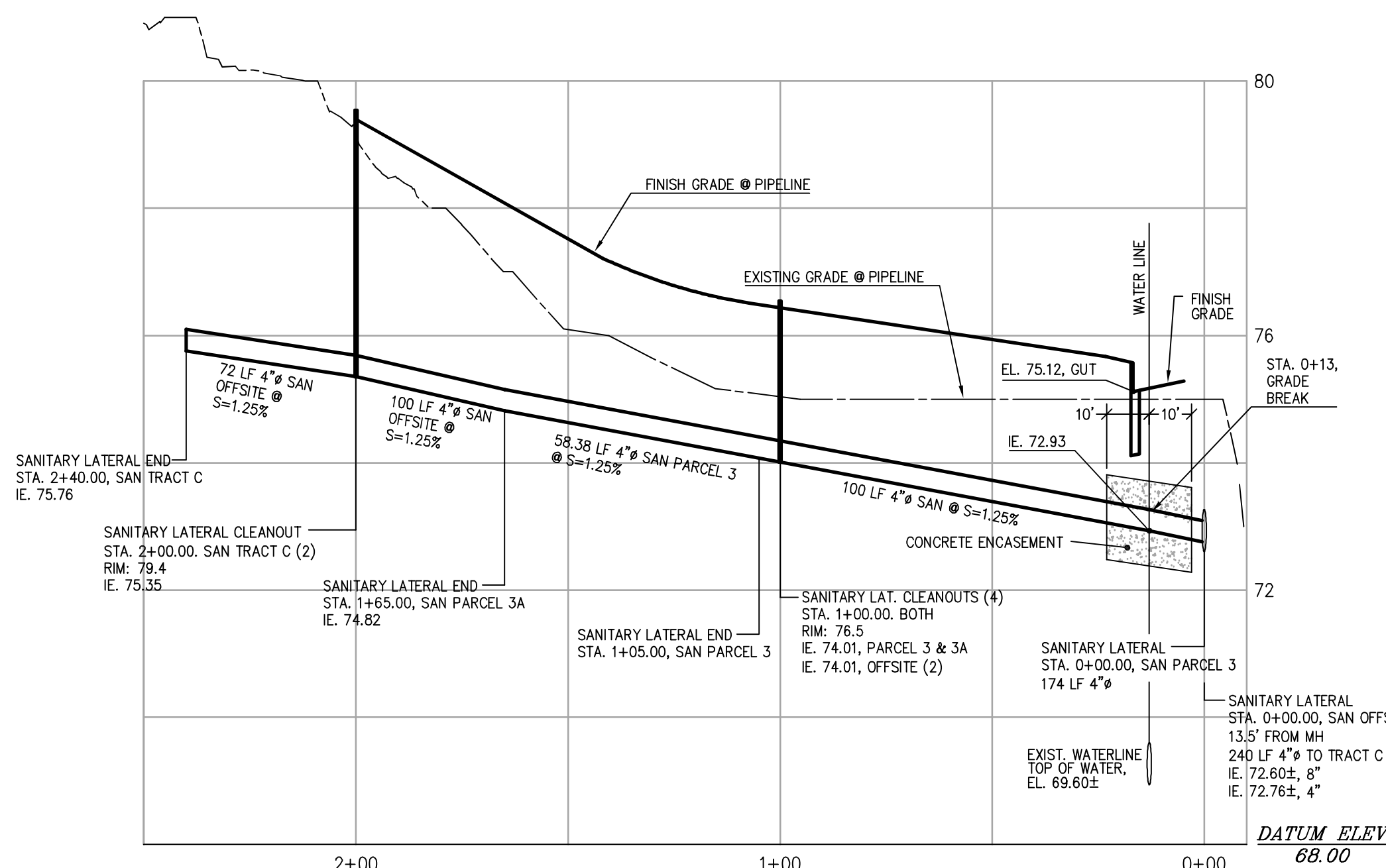
DESIGNED: R.E.G.			
DRAWN: R.E.G.			
SCALE: 1" = 20'			
DATE: ELD-23-403			
FILE: 21-ICN-105	DATE	NO.	REVISION

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

1218 & 1224 9th St. ELD
 Tentative Plan

SHEET: 1/1
 02/27/2024



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

EXHIBIT PD-2 PROPERTY MAPS

PARTITION PLAT NO. 2023-041

A REPLAT OF LOT D, TRACT 21,
 "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198,
 AND OTHER LAND LOCATED IN THE
 N.E. 1/4 SECTION 2, T.3S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 APRIL 7, 2023 SCALE 1"=40'
 PLANNING FILE NO. MIP-22-01, WAP-22-01,
 MISC-22-06, AND WRG-22-01.

SHEET 1 OF 2

LEGEND:

○ SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON APRIL 7, 2023

● FOUND MONUMENT AS NOTED

PR = PRORATED DISTANCE
 () = RECORD DISTANCES & BEARINGS
 IR = IRON ROD IP = IRON PIPE
 FD = FOUND W/ = WITH
 YPC = YELLOW PLASTIC CAP
 RPC = RED PLASTIC CAP
 UO = UNKNOWN ORIGIN
 P/L = PROPERTY LINE
 R/W = RIGHT OF WAY
 C/L = CENTERLINE
 WRA = WATER RESOURCE RESTRICTION AREA, SEE NOTE 3, SHEET 2
 PUE = PUBLIC UTILITY EASEMENT
 PRUE = PRIVATE UTILITY EASEMENT BENEFITING PARCELS 2 AND 3 OF THIS PLAT, AND THAT ADJOINING TRACT DESCRIBED IN DOC. NO. 2022-014096.
 PAUE = PRIVATE ACCESS AND UTILITY EASEMENT BENEFITING PARCELS 2 AND 3 OF THIS PLAT, THAT ADJOINING TRACT DESCRIBED IN DOC. NO. 2022-014096, AND PARCEL 5 OF PARTITION PLAT NO. 2021-043. SEE NOTE 2 ON SHEET 2.
 CCPR = CLACKAMAS COUNTY PLAT RECORDS
 DOC. NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
 SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS

S1 = SN 2020-151
 S2 = SN 25593
 S3 = SN 29249
 P1 = "WILLAMETTE & TUALATIN TRACTS", CCPR PLAT NO. 198
 P2 = PARTITION PLAT NO. 1999-133, CCPR
 P3 = PARTITION PLAT NO. 2003-367, CCPR
 P4 = PARTITION PLAT NO. 2019-007, CCPR
 P5 = PARTITION PLAT NO. 2016-015, CCPR
 P6 = PARTITION PLAT NO. 2021-043, CCPR

GRAPHIC SCALE



(IN FEET)
 1 INCH = 40 FT.

SIGNED ON: 29 JUN 23

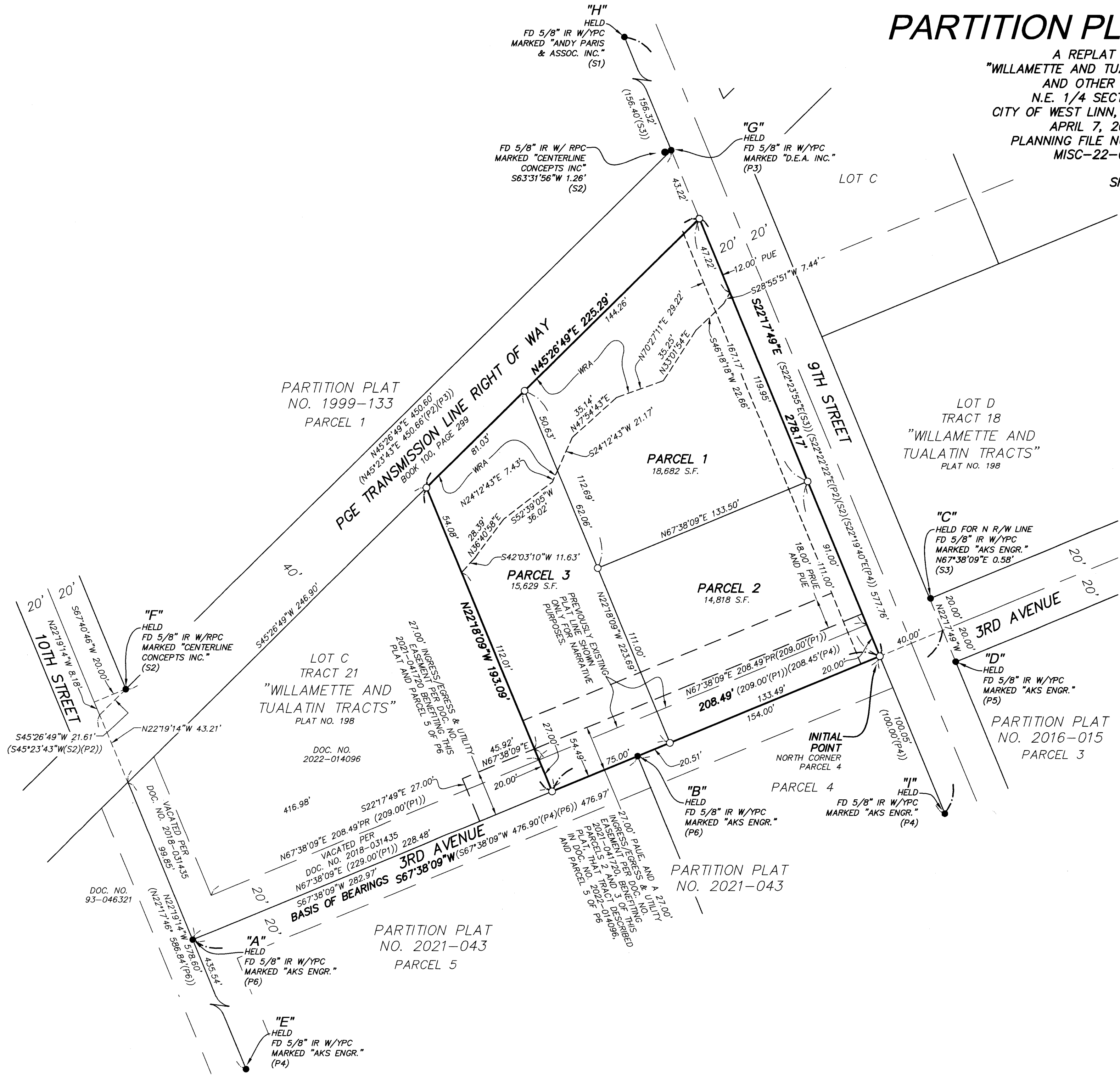
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2023

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\CON-9TH ST-1220\DWG\PART-C3D.dwg



PARTITION PLAT NO. 2023-041

A REPLAT OF LOT D, TRACT 21,
 "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198,
 AND OTHER LAND LOCATED IN THE
 N.E. 1/4 SECTION 2, T.3S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 APRIL 7, 2023
 PLANNING FILE NO. MIP-22-01, WAP-22-01,
 MISC-22-06, AND WRG-22-01.

SHEET 2 OF 2

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO REPLAT AND PARTITION A TRACT OF LAND CONVEYED BY DEED RECORDED AS DOCUMENT NO. 2018-075762, CLACKAMAS COUNTY DEED RECORDS, DESCRIBED THEREIN AS LOT D, TRACT 21, "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198, CLACKAMAS COUNTY PLAT RECORDS, TOGETHER WITH THOSE PORTIONS OF VACATED 3RD AVENUE VACATED BY CITY OF WEST LINN ORDINANCE RECORDED IN DOCUMENT NO. 2018-031435, CLACKAMAS COUNTY DEED RECORDS, IN ACCORDANCE WITH CITY OF WEST LINE CASE FILES NO. MIP-22-01, WAP-22-01, MISC-22-06, AND WRG-22-01.

FOR MY BASIS OF BEARINGS, AND THE SOUTH LINE OF THE SUBJECT TRACT, BEING THE CENTERLINE OF SAID VACATED 3RD AVENUE, ALSO BEING THE NORTH LINE OF ADJOINING PARTITION PLAT NO. 2021-043, I HELD NORTH 67°38'09" EAST BETWEEN FOUND MONUMENTS "A" AND "B", AND A POINT 20.00 FEET SOUTH OF FOUND MONUMENT "C" AND A POINT 20.00 FEET NORTH OF FOUND MONUMENT "D", PER SAID PARTITION PLAT NO. 2021-043 (BEARING SOURCE) AND PARTITION PLATS NO. 2016-015 AND 2019-007, AND SURVEY NO. 29429.

FOR THE CENTERLINE OF SAID VACATED 10TH STREET, I HELD FOUND MONUMENTS "E" AND "A", AND A POINT 20.00 FEET SOUTHWEST OF FOUND MONUMENT "F" PER PARTITION PLATS NO. 1999-133, 2019-007 AND 2021-043, AND SURVEY NO. 25593.

FOR THE NORTH LINE OF THE 40-FOOT WIDE PGE TRACT BISECTING SAID TRACT 21, I HELD FOUND MONUMENTS "G" AND "F", PER PARTITION PLAT NO. 1999-133 AND SURVEY NO. 2003-367. I THEN CALCULATED THE NORTH LINE OF SAID LOTS C AND D 40.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTH LINE, PER SAID PLAT OF "WILLAMETTE AND TUALATIN TRACTS".

FOR THE WEST RIGHT OF WAY LINE OF 9TH STREET (PLATTED AS A 40.00 FOOT WIDE RIGHT OF WAY), I HELD FOUND MONUMENTS "H", "G", AND "I", PER SURVEYS NO. 2003-367 AND 2020-151, AND PARTITION PLAT NO. 2019-007.

I THEN PRORATED RECORD PLAT DISTANCES TO ESTABLISH THE LINE BETWEEN SAID LOTS C AND D.

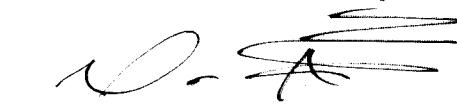
PLAT NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF CITY OF WEST LINN CASE FILES NO. MIP-22-01, WAP-22-01, MISC-22-06, AND WRG-22-01.
2. A MAINTENANCE AGREEMENT FOR THE PRIVATE ACCESS AND UTILITY EASEMENT HAS BEEN RECORDED AS DOCUMENT NO. ~~2023-029456~~, CLACKAMAS COUNTY DEED RECORDS.
3. PORTIONS OF PARCELS 1 AND 3 INCLUDE DEVELOPMENT RESTRICTION AREAS IDENTIFIED BY THE CITY OF WEST LINN AS "WATER RESOURCE AREAS" AND ARE SUBJECT TO CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 28 AND 32. THESE AREAS SHALL REMAIN UNDEVELOPED AND UNDISTURBED.

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT ICON CONSTRUCTION AND DEVELOPMENT LLC, AN OREGON LIMITED LIABILITY COMPANY, THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION OF SAID PROPERTY AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES AND FURTHERMORE DOES NOT CLAIM ANY PROPERTY BEYOND THE BOUNDARY AS SHOWN HEREON. THIS PLAT IS SUBJECT TO EXISTING EASEMENTS RESTRICTIONS AS NOTED HEREON.

FURTHERMORE, WE DO HEREBY GRANT ADDITIONAL EASEMENTS AND RESTRICTIONS AS SHOWN OR NOTED ON SAID MAP.

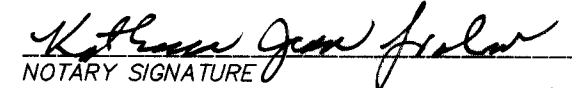

 MARK HANDRIS - MEMBER
 ICON CONSTRUCTION AND DEVELOPMENT, LLC,
 AN OREGON LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT:

STATE OF OREGON)
 COUNTY OF CLACKAMAS) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

June 1, 2023 BY MARK HANDRIS, AS MEMBER OF AND ON BEHALF OF ICON CONSTRUCTION AND DEVELOPMENT, LLC, AN OREGON LIMITED LIABILITY COMPANY.


 NOTARY SIGNATURE


 NOTARY PUBLIC - OREGON

COMMISSION NO.: 992067

MY COMMISSION EXPIRES: October 1, 2023

SURVEYOR'S CERTIFICATE:

I, TOBY G. BOLDEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:


LOT D, TRACT 21, "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198, CLACKAMAS COUNTY PLAT RECORDS, AND OTHER LAND LOCATED IN THE N.E. 1/4 OF SECTION 2, T.3S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET AT THE NORTH CORNER OF ADJOINING PARCEL 4 OF PARTITION PLAT NO. 2021-043, CLACKAMAS COUNTY PLAT RECORDS, BEING NORTH 67°38'09" EAST, 154.00 FEET FROM A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "AKS ENGR." FOUND AT THE WEST CORNER OF SAID ADJOINING PARCEL 4; THENCE ALONG THE NORTHWEST LINE OF SAID PARTITION PLAT, SOUTH 67°38'09" WEST, 208.49 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHEAST LINE OF ADJOINING LOT C OF TRACT 21, "WILLAMETTE AND TUALATIN TRACTS", PLAT NO. 198, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID SOUTHEASTERLY EXTENSION, AND CONTINUING ALONG SAID NORTHEAST LINE OF ADJOINING LOT C, NORTH 22°18'09" WEST, 193.09 FEET TO THE SOUTHEAST RIGHT OF WAY LINE OF A 40.00 FOOT WIDE PGE TRANSMISSION LINE RIGHT OF WAY; THENCE ALONG SAID SOUTHEAST RIGHT OF WAY LINE, NORTH 45°28'49" EAST, 225.29 FEET TO THE WESTERLY RIGHT OF WAY LINE OF 9TH STREET, BEING 20.00 FEET SOUTHWEST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES; THENCE ALONG SAID SOUTHWEST RIGHT OF WAY LINE, SOUTH 22°17'49" EAST, 278.17 FEET TO THE INITIAL POINT.

CONTAINING 49,128 SQUARE FEET.

SIGNED ON: 29 JUN 23

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR


 OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2023

APPROVALS:

APPROVED THIS 4th DAY OF August, 2023
 CITY OF WEST LINN

BY: 
 CITY OF WEST LINN PLANNING MANAGER

APPROVED THIS 4th DAY OF AUGUST, 2023
 CITY OF WEST LINN

BY: 
 CITY OF WEST LINN CITY ENGINEER

APPROVED THIS 16th DAY OF AUGUST, 2023


 CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED

BY O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30, 2024

APPROVED THIS 16 DAY OF August, 2023

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY: 
 DEPUTY

STATE OF OREGON)
 COUNTY OF CLACKAMAS) SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS


RECEIVED FOR RECORD ON THE 16 DAY OF August, 2023

AT 9:46 O'CLOCK A.M.

AS PARTITION PLAT NO. 2023-041

DOCUMENT NO. 2023-029455

CATHERINE MCMULLEN, CLACKAMAS COUNTY CLERK

BY: 
 DEPUTY



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

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

PLOTTED: M:\PROJECTS\ICON-9TH ST-1220\DWG\PART-C3D.dwg

EXHIBIT PD-3 PUBLIC COMMENTS

February 5th, 2024

Chris Myers
City of West Linn, Assistant Planner
22500 Salamo Rd.
West Linn, OR 97068

Chris Myers the City of West Linn:

I am writing to highlight some issues with the potential building of detached duplexes at the site of 1244 and 1246 9th Street utilizing HB2001 – middle housing code.

Below are issues with approving the partition:

When this project was first proposed (i.e., the initial lot partition applications), the 9th street community made it very clear in our opposition that the area had clear environmental and infrastructure concerns that should prohibit such an ambitious development. We requested that the inadequacy of the street be considered prior to approving the lot partitions. As you are probably aware, environmental boundaries were changed (via wetland buffer reductions) for those partition applications to have preliminary approval. We are now hitting a headwind for getting the street improved to minimum safety standards.

Grading and utility service has already been completed. Did the City provide the developer with prior approval of this partition, so they were able to confidently move forward with putting these items in place?

The city should look very closely at what they are approving within this dense development. The infrastructure that was required of the developer was as if they were building one home, not seven. The street is very narrow (16 feet) with no continuous sidewalks on a very steep hill with limited visibility coming down the hill. The decision should not be based on a one size fits all mentality. There are other factors that should be taken into consideration other than meeting the city's middle housing goals. Livability, safety and excess traffic should be taken into consideration with the request for this partition. I urge the city to look at the whole picture of this request and the lack of infrastructure on 9th street.

Thank you,

Jennifer Aberg and Martin Heinemann

EXHIBIT PD-4 COMPLETENESS LETTER



CITY OF
West Linn

December 26, 2023

Icon Construction & Development, LLC
1969 Willamette Falls Dr Ste. 260
West Linn, OR 97068

SUBJECT: SB458 Expedited Land Division (ELD-23-13) for middle housing at 1218, 1224, 1244, 1246, 9th St (31E02AC tax lots 00301 and 00302).

Mr. Gusdorf,

You submitted this application on December 4, 2023. The Planning and Engineering Departments determined that the application is now **complete**.

The application proposes a SB458 expedited land division for HB2001 middle housing development. Per SB458, the City is required to process the application under the procedures outlined in Oregon Revised Statute 197.360 to 197.380. The City has 63 days to make a decision to approve or deny the application; that period ends February 27, 2024.

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 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Respectfully,

Chris Myers

Chris Myers
Associate Planner

EXHIBIT PD-5 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **ELD-23-13**

Applicant's Name: **Icon Construction & Development**

Development Name: **1246 9th St**

Scheduled Decision Date: **No earlier than 2/5/24**

MAILED NOTICE

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

Icon Construction & Development, applicant	1/22/24	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	1/22/24	<i>Lynn Schroder</i>
Willamette Neighborhood Association	1/22/24	<i>Lynn Schroder</i>
WLWL SD	1/22/24	<i>Lynn Schroder</i>
Clackamas County	1/22/24	<i>Lynn Schroder</i>
PGE	1/22/24	<i>Lynn Schroder</i>
TriMet	1/22/24	<i>Lynn Schroder</i>
Comcast	1/22/24	<i>Lynn Schroder</i>
NW Natural Gas	1/22/24	<i>Lynn Schroder</i>
TVF&R	1/22/24	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	1/22/24	<i>Lynn Schroder</i>

EMAILED NOTICE

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

Willamette Neighborhood Association	1/22/24	<i>Lynn Schroder</i>
Icon Construction & Development, applicant	1/22/24	<i>Lynn Schroder</i>
METRO	1/22/24	<i>Lynn Schroder</i>

WEBSITE

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

1/22/24	<i>Lynn Schroder</i>
----------------	----------------------

FINAL DECISION

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

2/27/24	<i>Lynn Schroder</i>
----------------	----------------------

CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-23-13

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) to divide the property at tax map 31E02AC tax lots 00301 (which will be addressed as 1244 and 1246) and tax lot 00302 (which will be addressed 1218 and 1244). Each of the proposed lots will contain one unit of a detached duplex. The applicant is requesting approval of a middle housing land division to create two (2) additional lots for development.

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/projects>. 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 February 5, 2024. Written comments can be submitted to cmyers@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 Chris Myers, Assistant Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6062 or cmyers@westlinnoregon.gov.

Scan this QR Code to go to Project Web Page:



ELD-23-13 – Notified Properties with 100 feet of 1218, 1224, 1244, 1246 9th St (31E02AC tax lots 00301 and 00302).





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-13
MAIL: 1/22/2024 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.