

## DEVELOPMENT REVIEW APPLICATION

*For Office Use Only*

STAFF CONTACT <b>Ben Gardner</b>	PROJECT NO(S): <b>ELD-23-14</b>	PRE-APPLICATION NO. <b>n/a</b>
NON-REFUNDABLE FEE(S) <b>\$4,900</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$4,900</b>

**Type of Review** (Please check all that apply):

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

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

<b>Site Location/Address:</b> 1310, 1316, 1322, & 1330 9th Street, West Linn, OR	Assessor's Map No.: 3S1E02AB
	Tax Lot(s): 6300 & 6301
	Total Land Area: 29,063 sq. ft.

**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.



<b>Applicant Name*:</b> 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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<b>Owner Name (required):</b> Same as applicant. Address: City State Zip:	Phone: Email:
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<b>Consultant Name:</b> 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
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## Expedited Land Division Narrative

### 1310 to 1330 9<sup>th</sup> 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 1310 to 1330 9<sup>th</sup> Street. The property is vacant and is, 29,063 square feet in area. It is zoned R-10. The Clackamas County Assessor's description of the property is Tax Lot 31E02AB06300 & 06301.



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 proposed lots will be accessed via a shared private driveway from 9<sup>th</sup> Street directly opposite 4th Avenue.

## **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 Expedited Land Division 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:

<i>STANDARD</i>	<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>	<i>COMMENT</i>
<i>Minimum lot size</i>	<i>10,000 SF</i>	<i>For a single-family attached or detached unit.</i>	Not applicable to detached duplexes.
<i>Average min. Lot or Parcel size for a Townhouse Project</i>	<i>1,500 SF</i>		Not applicable to detached duplexes.
<i>Minimum lot width at front lot line</i>	<i>35 ft.</i>	<i>Does not apply to Townhouses or Cottage Clusters.</i>	The minimum lot width at the front lot lines are: Lot 1-55.88', Lot 2-49.13', Lot 3-49.3', and Lot 4-48.3'.
<i>Average Minimum lot width</i>	<i>50 ft.</i>	<i>Does not apply to Townhouses or Cottage Clusters.</i>	Not applicable to detached duplexes.
<i>Minimum Yard Dimensions or Minimum building setbacks</i>		<i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.</i>  <i>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.</i>	
<i>Front Yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply.</i>	The proposed minimum front yard setback is 20 feet.
<i>Interior Side Yard</i>	<i>7.5 ft</i>	<i>Townhouse common walls that are attached may have a 0 ft side setback.</i>	This standard is not applicable to duplex units along their common line. A 3' setback is proposed for the common interior line. The west lot line of Lots 2 and 4 will maintain the required 7.5' interior side yard standard.
<i>Street Side Yard</i>	<i>15 ft</i>		The east side lot line of Lot 1 will maintain the required 15' street side yard setback.
<i>Rear Yard</i>	<i>20 ft</i>		The rear yards will meet or exceed the minimum 20-foot standard.
<i>Maximum Building Height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>	Homes to be built will comply with the maximum 35' height standard. Compliance with height standards will be reviewed with the building permit application.
<i>Maximum Lot Coverage</i>	<i>35%</i>	<i>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building</i>	Proposed maximum building envelopes for both parcels are shown on the site plan. The actual lot

		<p><i>footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> <li><i>This does not include detached garages, carports, or accessory structures.</i></li> <li><i>A developer may deduct up to 200 sf for an attached garage or carport.</i></li> </ul>	coverage will be less than the 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 20 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 does not contain Type I or II lands.

*(b) Separate utilities for each dwelling unit;*

Comment: Each unit of the detached duplex will have separate utilities. Water meters have been installed from the existing water line in 9<sup>th</sup> Street. Sewer stubs have also been installed to the property from existing City lines in 9<sup>th</sup> Street. Please see the attached utility plan.

*(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: Lot 1 fronts on 9<sup>th</sup> Street and the sidewalk in that right-of-way. The access easement in the private drive also provides for pedestrian access to 9<sup>th</sup> Street for all lots in the ELD.

*(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 parcel 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.*

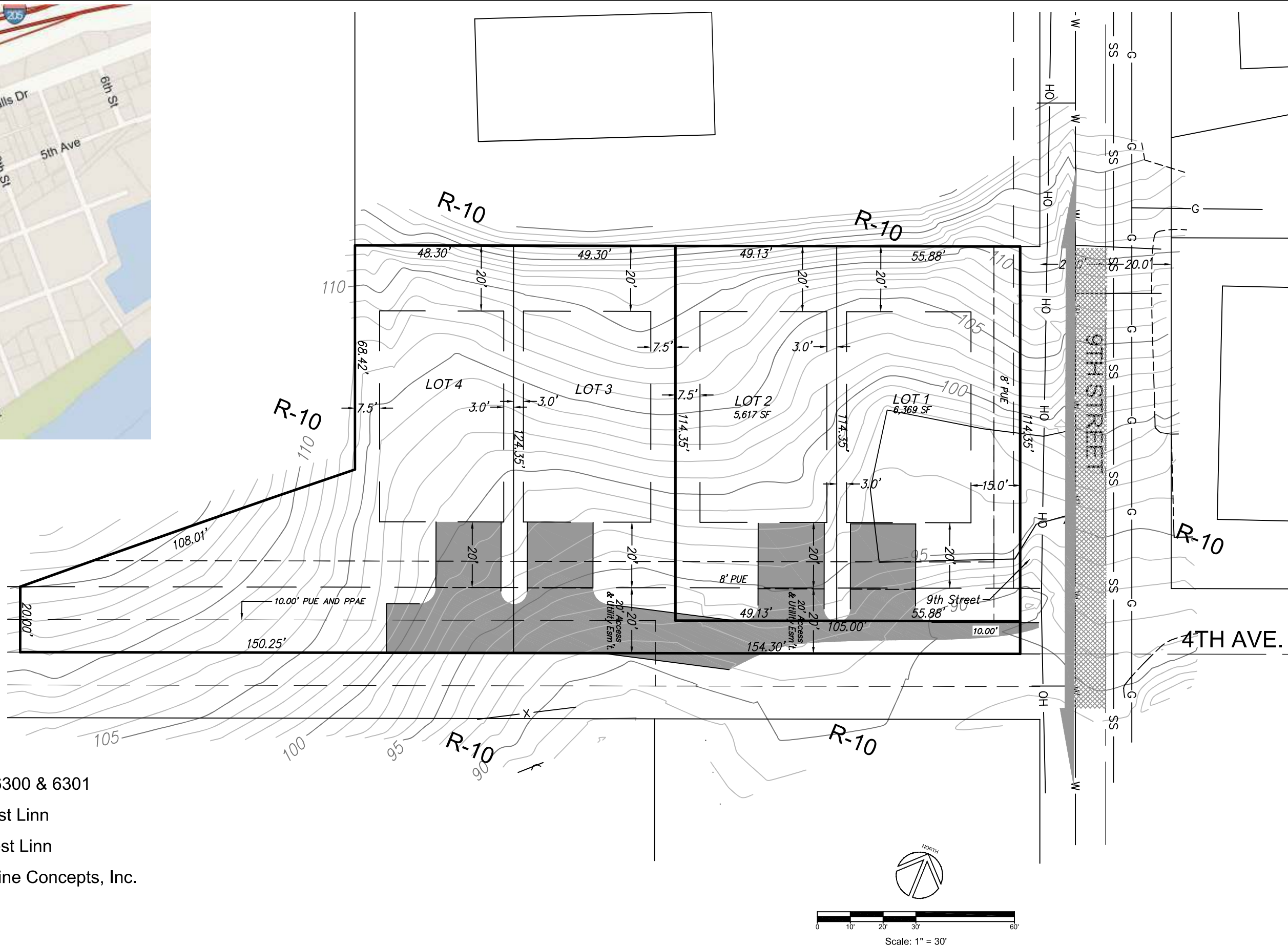
Comment: The plans and other materials required to demonstrate compliance with this requirement will be provided with the building permit applications.

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

As noted above, utility services, including water meters and sewer laterals, have already been installed to as shown on the attached utility plan. Storm soakage trenches and the private utility lines will be installed at the time of construction of the homes. No new grading is proposed in conjunction with the land division.



Vicinity Map



Legal: 31E02AB 6300 & 6301  
 Water: City of West Linn  
 Sewer: City of West Linn  
 Contours: Centerline Concepts, Inc.  
 Zoning: R-10

DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 30'			
DATE:	NOV. 2023			
FILE:	21-ICN-100	DATE	NO.	REVISION

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

Owner/Applicant: Icon Construction & Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

**EXPEDITED LAND DIVISION TENTATIVE PLAT**  
 1310 to 1330 9th Street, West Linn, OR  
 Expedited Land Division

SHEET:  
 1/1

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



**North Operating Center**  
11945 SW 70<sup>th</sup> 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: 1310 9<sup>th</sup> St.  
City: West Linn, OR  
Map & Tax Lot #: 31E02AB TL 6300  
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 # 2023-0178  
Permit Type: SPP-West Linn  
Submittal Date: 11-8-23  
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]  
Fire Marshal or Designee

11-13-23  
Date

Conditions:

See 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 \_\_\_\_\_



Legal: 31E02AB 6300

Contours: Centerline Concepts, Inc.

Water: City of West Linn

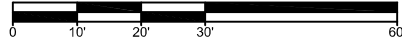
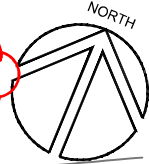
Zoning: R-10

Sewer: City of West Linn

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

*Jason Ann Jander*  
 Deputy Fire Marshal II

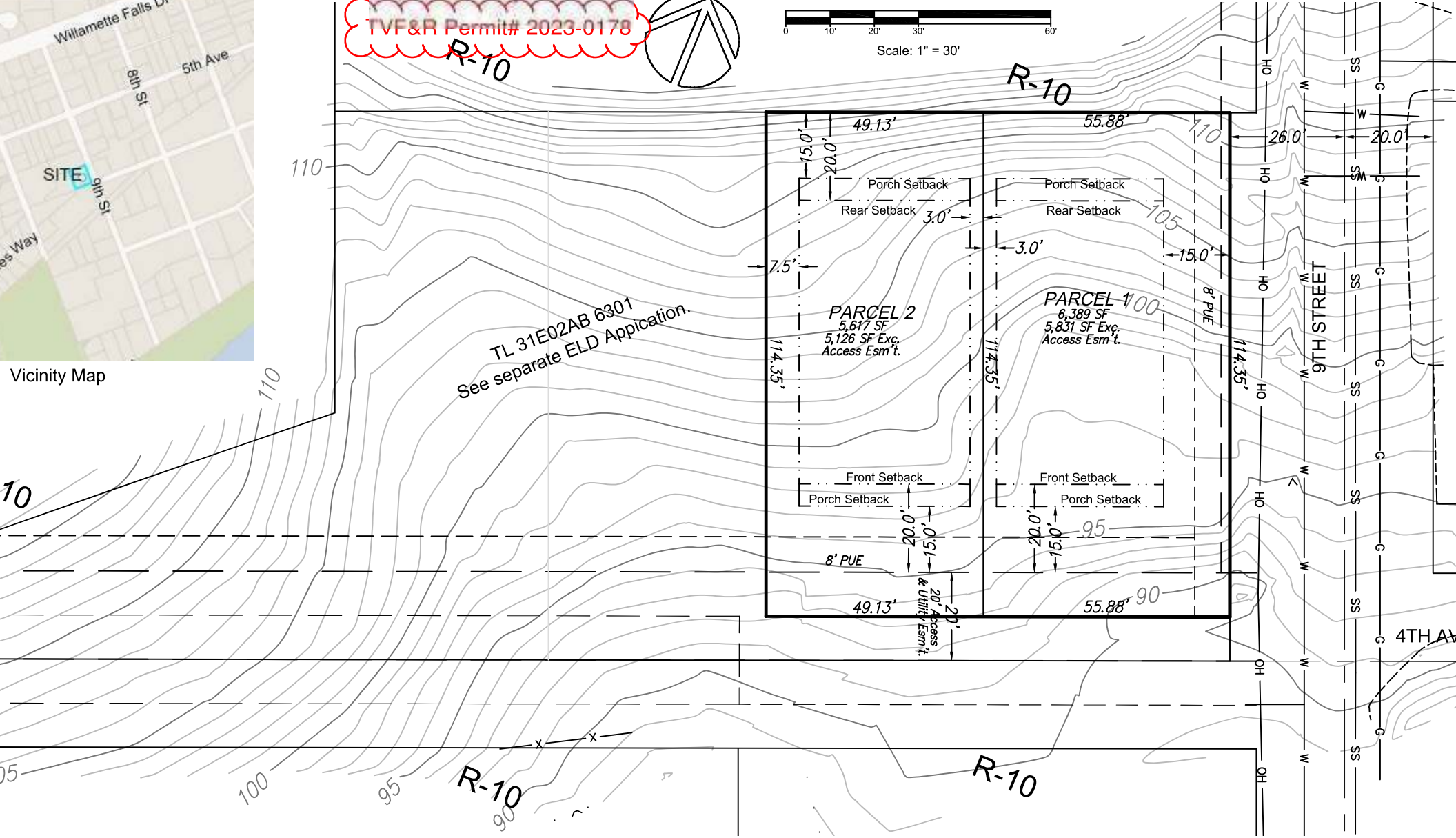
**TVF&R Permit# 2023-0178**



Scale: 1" = 30'



Vicinity Map



TL 31E02AB 6301  
 See separate ELD Application.

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



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REV 6-30-20

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Business Name: Icon Construction & Development LLC  
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- 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 # 2023-0179  
Permit Type: SPP-West Linn  
Submittal Date: 11-8-23  
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]  
Fire Marshal or Designee

11-13-23  
Date

Conditions:

See 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 \_\_\_\_\_



Tualatin Valley Fire & Rescue

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

Jason Am...  
Deputy Fire Marshal II

TVF&R Permit# 2023-0179

Legal: 31E02AB 6301

Contours: Centerline Concepts, Inc.

Water: City of West Linn

Zoning: R-10

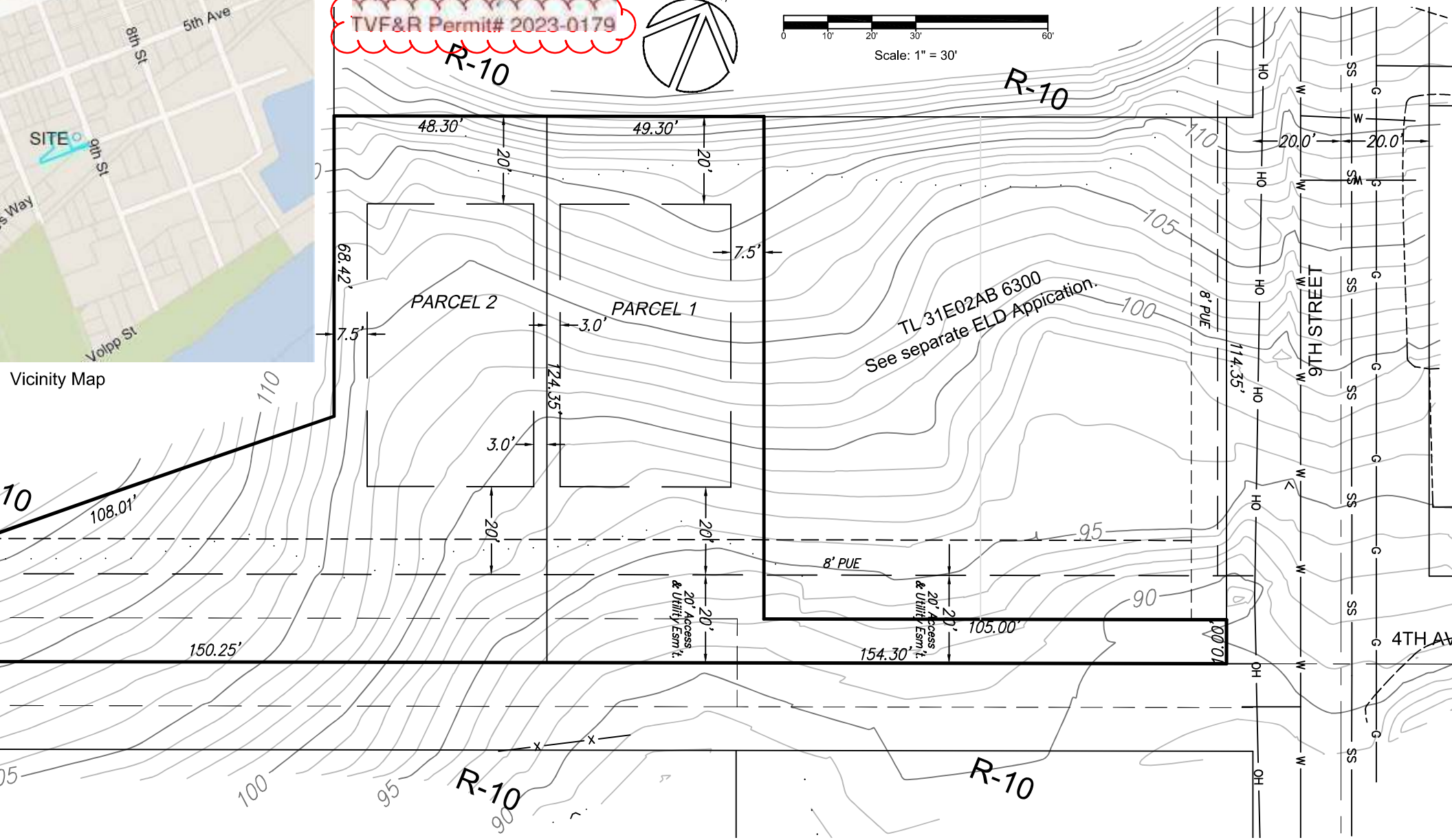
Sewer: City of West Linn



Scale: 1" = 30'



Vicinity Map



TL 31E02AB 6300  
See separate ELD Application.

4TH AV

9TH STREET

Legal: 31E02AB 6300

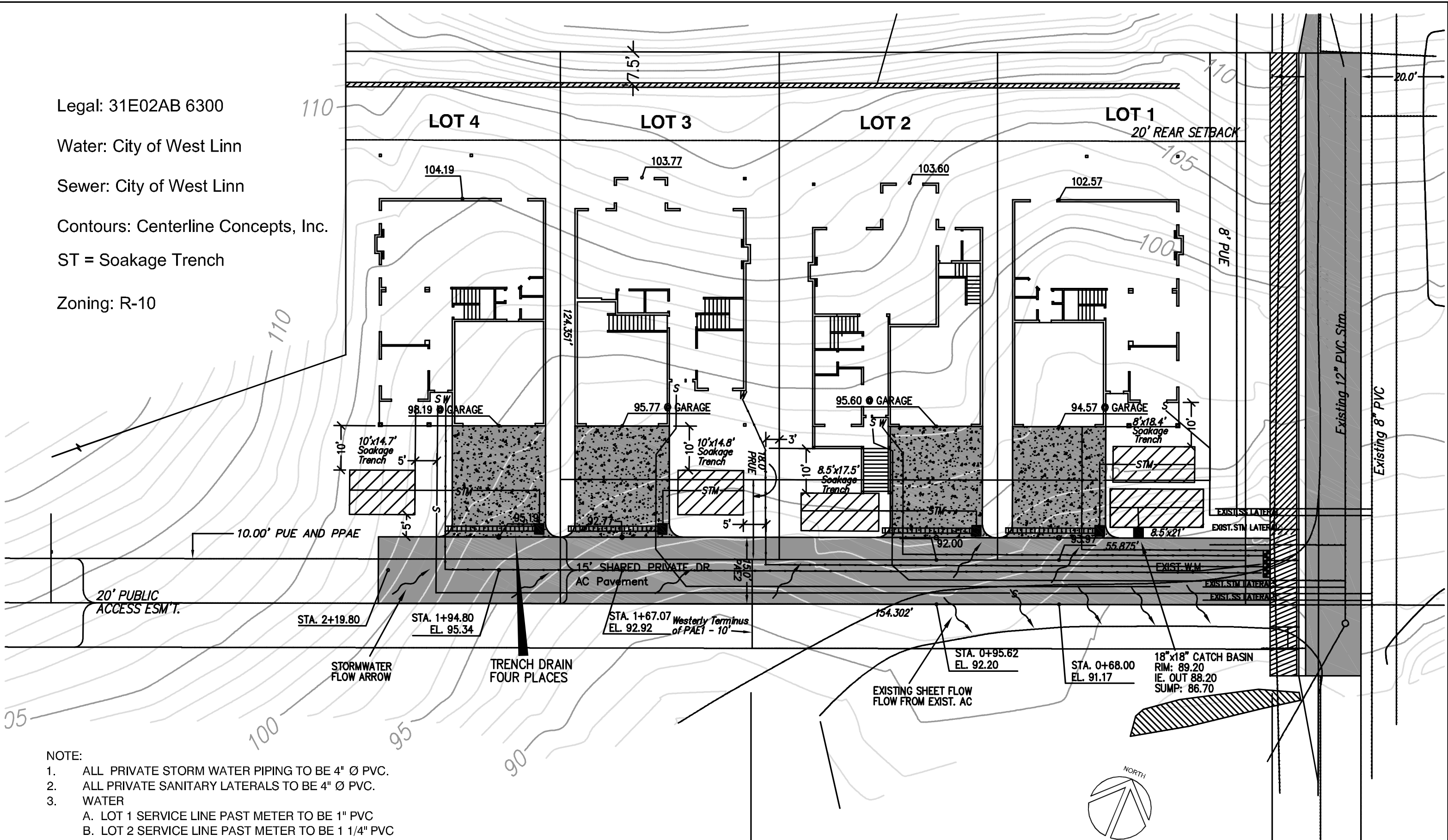
Water: City of West Linn

Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

ST = Soakage Trench

Zoning: R-10



NOTE:

1. ALL PRIVATE STORM WATER PIPING TO BE 4" Ø PVC.
2. ALL PRIVATE SANITARY LATERALS TO BE 4" Ø PVC.
3. WATER
  - A. LOT 1 SERVICE LINE PAST METER TO BE 1" PVC
  - B. LOT 2 SERVICE LINE PAST METER TO BE 1 1/4" PVC
  - C., LOT 3 & 4 SERVICE LINE PAST METER TO BE 1 1/2" PVC

DESIGNED:	R.E.G.	10-25-23	1	Updated per City Redlines
DRAWN:	R.E.G.			
SCALE:	1" = 20'			
DATE:	May 2023			
FILE:	21-ICN-100	DATE	NO.	REVISION

Owner/Applicant: Icon Construction & Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

PROJECT LOCATION:  
 1310 9th Street  
 West Linn, OR

UTILITY PLAN  
 LOTS 1-4