



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: February 8, 2024

FILE NO.: ELD-23-14

REQUEST: Approval of an SB458 Expedited Land Division to divide the existing parcel at 1310 9th Street into two parcels containing a detached duplex and to divide the existing parcel at 1330 9th Street existing into two parcels containing a detached duplex

PLANNER: Darren Wyss, Planning Manager

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GENERAL INFORMATION

APPLICANT

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

CONSULTANT: Rick Givens
28615 SW Paris Avenue, Unit 110
Wilsonville, OR 97070

SITE LOCATIONS: 1310 9th St 1330 9th St

SITE SIZE: 11,934 square feet 17,151 square feet

LEGAL

DESCRIPTION: Parcel 1, Partition Plat 2023-040 Assessor Map 31E02AB06300 Parcel 2, Partition Plan 2023-040 Assessor Map 31E02AB06301

COMP PLAN

DESIGNATION: Low-Density Residential

ZONING: R-10, Residential
(10,000 sq. ft. min. lot size)

APPROVAL

CRITERIA: Oregon Revised Statute 92.031

63-DAY RULE: The application became complete on December 8, 2023. The 63-day period for an expedited land division ends February 9, 2023.

PUBLIC NOTICE: Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Willamette Neighborhood Association on December 12, 2023 as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on December 12, 2023. Therefore, public notice requirements have been met.

EXECUTIVE SUMMARY

The applicant proposes to construct middle housing (detached duplex) on each of the two existing parcels recorded as Partition Plat 2023-040 (see Exhibit PD-4). Both Parcel 1 (1310 9th Street) and Parcel 2 (1330 9th Street) are legal lots of record and zoned R-10 Residential. A detached duplex is permitted by West Linn Community Development Code Chapter 11.030.1(a), which was adopted as part of the City's HB2001 code amendment package (Ordinance 1736). The applicant has proposed to partition both Parcel 1 and Parcel 2 under SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting parcel will contain one dwelling unit of the detached duplex.

The property is not located within the Willamette River Greenway (WRG), a Water Resource Area (WRA), nor any FEMA flood hazard area. Public utilities are available in 9th Street, including water, sanitary sewer, and storm sewers, and the new dwelling units will access the public utilities via recorded private and public utility easements across existing Parcels 1 and 2.

Access to the dwelling units will be via a shared driveway from 9th Street that was permitted as part of a previously approved development review application (MIP-21-02) and located in a recorded access easement (Partition Plat 2023-040). The existing properties have approximately 115 feet of frontage on 9th Street, which has a functional classification of a Local Street and is developed with half-street improvements required as part of MIP-21-02. The 9th Street right-of-way (ROW) is approximately 46 feet wide adjacent to the subject properties and requires no additional ROW dedication.

Public comments:

The City received three public comments prior to the closing of the public comment period. The full text of the comments can be found in Exhibit PD-2. Below staff has summarized the comments and provided a response to each.

David Osborne Email Dated December 14, 2023

- 1. Concern that the sizes and listing prices for the proposed homes are unattainable for middle income households.*

Staff Response: 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. There was no mandate for meeting an affordability target. However, the logic is that developing multiple dwelling units on a legal lot of record will result in lower housing prices than if only one dwelling unit was built.

2. *Impacts of ongoing construction on their streets, including construction vehicle traffic, dust, noise, working during restricted hours, and vibrations experienced within their home.*

Staff Response: The application for a middle housing land division is not associated with violations of the West Linn Municipal Code construction regulations. Violations should be directed to West Linn Code Enforcement at the police non-emergency number.

Michelle Joslin Email Dated December 26, 2023

1. *Concern that the builder of these lots previously readied the lots in question for the creation of four detached dwellings before this land use application was approved.*

Staff Response: The property contains two legal lots of record (Parcels 1 and 2, Partition Plat 2023-040 (see Exhibit PD-4)). 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 the middle housing without further dividing the properties, hence the approved permits to ready the site prior to submitting for this land division application.

2. *Concern over the lack of affordable lots being developed.*

Staff Response: 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. There was no mandate for meeting an affordability target. However, the logic is that developing multiple dwelling units on a legal lot of record will result in lower housing prices than if only one dwelling unit was built.

3. *Concern an employee of the development company was a member of the working group that recommended allowing detached plexes.*

Staff Response: The City Council appointed working group (12 members and 3 alternates) represented a broad spectrum of community interests. The working group made a recommendation to the Planning Commission, who in turn made a recommendation to City Council. Council adopted the middle housing code amendments as Ordinance 1736.

Jennifer Aberq Email Dated December 26, 2023

1. *Please provide the detailed requirements that allow detached duplexes to be built on a shared driveway.*

Staff Response: The state mandated middle housing and middle housing land division rules provide flexibility in how middle housing dwelling units are accessed and parked. Regardless, Community Development Code Chapter 48.030(B), which is not applicable to the decision because of ORS 92.031(4)(c), permits up to four dwelling units to take access via a shared driveway. An example is located approximately 265 feet to the south on 9th Street where four homes (1213, 1215, 1221, and 1233 9th Street) take access via a shared access drive.

- 2. Why is the detached duplex, which is technically a single-family home, allowed to be divided below the minimum 10,000 sq. ft. lot size?*

Staff Response: The property contains two legal lots of record (Parcels 1 and 2, Partition Plat 2023-040 (see Exhibit PD-4)). 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 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.

- 3. Where in the plans is there an access easement in the shared driveway for pedestrians?*

Staff Response: See Staff Finding 7.

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

Staff Response: The previously approved two parcel minor partition (MIP-21-02) required the applicant to construct 125 linear feet of street improvements (curb/gutter/sidewalk/travel lane) adjacent to the subject properties, which is roughly proportional to the impacts from the development. The majority of 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 south of the subject properties, but must ensure all environmental protection regulations are followed.

- 5. Concern the City code is not being met for off-street parking.*

Staff Response: West Linn Community Development Code Chapter 46.090.A(2) requires one off-street parking space per dwelling unit of a duplex. The applicant has proposed a two-car

garage for each dwelling unit, as well as a paved driveway that will accommodate two additional vehicles for a total of four off-street spaces.

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

Staff Response: The property contains two legal lots of record (Parcels 1 and 2, Partition Plat 2023-040 (see Exhibit PD-4)). 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 the middle housing without further dividing the properties, hence the approved permits to ready the site prior to submitting for this land division application.

7. *Concern over the price points for the new dwelling units and the impacts on livability.*

Staff Response: 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. There was no mandate for meeting an affordability target. However, the logic is that developing multiple dwelling units on a legal lot of record will result in lower housing prices than if only one dwelling unit was built.

DECISION

The Planning Manager approves this application (ELD-23-14) for an expedited land division under the rules of SB458 based on: 1) the applicant proposes to construct middle housing on the property; 2) the findings submitted by the applicant, which are incorporated by this reference; 3) supplementary staff findings included in the Addendum; and 4) the addition of conditions of approval below. With these findings, the applicable approval criteria of ORS 92.031 are met. The conditions are as follows:

1. **Preliminary Plat. With the exception of modifications required by these conditions, the final plat shall substantially conform to the Preliminary Plat dated November 2023 (Exhibit PD-1).**

2. **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.

3. **Utility Easements.** The applicant shall maintain the 10-foot public utility easement along the south property lines, the 18-foot private utility easement across existing Parcel 1, and the 8-foot public utility easement adjacent to the 9th Street public right-of-way on the face of the final plat.

4. **Access Easements.** The applicant shall maintain all public and private access easements and maintenance agreements on the face of the final plat.

5. **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".

6. **Final Plat Recording.** The approval of the tentative plat (ELD-23-14) shall be void if the applicant does not record the final partition plat within three years of approval.

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



Darren Wyss, Planning Manager

February 8, 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 8th day of February, 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on February 22, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
ELD-23-14**

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

ORS 92.031 Middle housing land division; conditions of approval.

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

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

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

Staff Finding 1: The subject properties (Parcels 1 and 2, Partition Plat 2023-040) are zoned Residential, R-10 and permit the construction of single-family detached dwellings. ORS 197.758(2)(a) requires the City of West Linn to allow duplexes, one type of middle housing, in areas zoned for residential use that allows for the development of detached single-family dwellings. The applicant proposes the construction of detached duplexes as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines duplex residential units as: “Two attached or detached dwelling units on a lot or parcel in any configuration”. Therefore, the proposed division of the subject 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 detached duplexes, which qualify as a middle housing type (see Staff Finding 1). The applicant submitted building permit applications for this development prior to submittal for the division of the lots under SB458. The siting and design regulations have been reviewed and approved by West Linn Planning

staff during the reviews of the building permits. The plans for all dwellings have also been approved by Building Department Staff and are compliant with the Oregon Residential Specialty Code (see Exhibit PD-3). The criteria are met.

Staff Finding 3: The applicant proposes the construction of detached duplexes, which qualify as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing, including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The applicant submitted their building permit applications for this development prior to submittal for the division of the lots under SB458. The siting and design regulations have been reviewed and approved by West Linn Planning staff during the reviews of the building permits associated with this development. The plans for all dwellings have also been approved by Building Department Staff and are compliant with the Oregon Residential Specialty Code (see Exhibit PD-3). Minimum property line setbacks and maximum lot coverage were applied and calculated based on the subject property boundary and total area in the course of the building plan review. Sidewall transitions and maximum building height were also reviewed in the course of the building plan review. The criteria are met.

Staff Finding 4: The City has adopted protective measures pursuant to statewide land use planning goals for the Willamette River Greenway (Goals 5 and 15), Water Resource Areas (Goals 5, 6, and 7), and Floodplain Management Areas (Goal 7). The City regulates the protective measures through CDC Chapters 27, 28, and 32. The subject property is not located within the Willamette River Greenway, a Water Resource Area, nor a Floodplain Management Area. The criteria are met.

(b) Separate utilities for each dwelling unit;

Staff Finding 5: The applicant proposes the construction of 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 2. 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 existing two parcels are recorded as Partition Plat 2023-040 (see Exhibit PD-4). Partition Plat 2023-040 has a recorded 10-foot public utility easement and 18-foot private utility easement for locating, accessing, replacing, and servicing all utilities associated with the two detached duplexes. The applicant shall maintain all public and private utility easements on the final plat for the two SB458 land divisions per Condition of Approval 3. 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 existing two parcels are recorded as Partition Plat 2023-040 (see Exhibit PD-4). Partition Plat 2023-040 has recorded private reciprocal access easements (PAE1 and PAE2) that provide pedestrian access from the proposed new parcels created by the two SB458 land divisions to the 9th Street right-of-way. Partition Plat 2023-040 also includes a public access easement across the portion of the vacated 4th Avenue right-of-way that was created by West Linn Ordinance 1734. The applicant shall maintain all public and private access easements on the final plat for the two SB458 land divisions per Condition of Approval 4. Subject to the Conditions of 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; no easements are required. The criteria are met.

(D) Any dedicated driveways or parking; and

Staff Finding 9: The existing two parcels are recorded as Partition Plat 2023-040 (see Exhibit PD-4). Partition Plat 2023-040 has recorded private reciprocal access easements (PAE1 and PAE2) over the shared private drive that provides vehicular access from 9th Street right-of-way to all proposed new parcels created by the two SB458 land divisions. Maintenance agreements for the reciprocal access easements have been recorded as Document No. 2023-013270. The applicant shall maintain all public and private access easements and maintenance agreements on the final plat for the two SB458 land divisions per Condition of Approval 4. Subject to the Conditions of Approval. The criteria are met.

(E) Any dedicated common area;

Staff Finding 10: The applicant does not propose any dedicated common use area; 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 existing two parcels are recorded as Partition Plat 2023-040 (see Exhibit PD-4). The applicant has been issued building permits (see Exhibit PD-3) for detached duplexes on each existing parcel as permitted by West Linn Community Development Code (CDC) Chapter 11.030.1(a). CDC Chapter 2 defines duplex residential units as: *“Two attached or detached dwelling units on a lot or parcel in any configuration.”* The division of the two parcels under SB458 rules will result in one dwelling unit of a duplex 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 detached duplexes, which qualify as a middle housing type (see Staff Finding 1). The applicant submitted building permit applications for this development prior to submittal for the division of the lots under SB458. The siting and design regulations have been reviewed and approved by West Linn Planning staff during the reviews of the building permits. The plans for all dwellings have also been approved by Building Department Staff and are compliant with the Oregon Residential Specialty Code (see Exhibit PD-3). 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 each of the two existing parcels, including the division of the lots 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 5. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 14: The applicant proposes the construction of a detached duplex on each of the two existing parcels, including the division of the lots 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 5. 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 two existing parcels of Partition Plat 2023-040 have approximately 115 feet of frontage along 9th Street, which is classified as a Local Street. The applicant has already completed required frontage improvements. Any additional work completed will be subject to Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

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

Staff Finding 17: The City has not applied any approval criteria except as provided in this section. The applicant has proposed a private shared drive from 9th St along the South side of the properties with driveways for each of the proposed dwelling units. 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 submitted applications for building permits prior to the submission of this SB458 division. The building permits were issued prior to the SB458 decision. 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 two existing parcels of Partition Plat 2023-040 have approximately 115 feet of frontage along 9th Street, a public right-of-way (ROW). The existing 9th Street ROW measures approximately 46 feet in width. The proposed project does not require a right-of-way dedication. The criteria are met.

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

Staff Finding 21: The applicant proposes the construction of a detached duplex on each of the two existing parcels of Partition Plat 2023-040, including the division of the parcels 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 parcel resulting from the land divisions. 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-23-14) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 6. 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 properties are zoned Residential, R-10 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of 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 not located within the Willamette River Greenway and no development is proposed in a Water Resource Area. The criteria are met.

(iii) Estuarine resources;

(iv) Coastal shorelands; and

(v) Beaches and dunes.

Staff Finding 27: The subject properties do not contain any estuarine resources, coastal shorelands, beaches, or 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: Per Planning Manager Decision MIP-21-02, which created the two existing parcels of Partition Plat 2023-040, the 20-foot-wide public access easement (established by Ordinance 1734) that runs the length of these properties and centered on their Southernmost property lines, meets the block length and connectivity exception outlined within 48.025(C)(3). 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 existing parcels are 11,934 square feet (Parcel 1, Partition Plat 2023-040) and 17,151 square feet (Parcel 2, Partition Plat 2023-040) in size and zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow one dwelling unit on Parcel 1 ($11,934/10,000 = 1.19$ dwelling units) and one dwelling unit on Parcel 2 ($17,151/10,000 = 1.72$ dwelling units) as calculations are rounded down.

The applicant proposes a detached duplex middle housing development on both Parcel 1 and Parcel 2 (see Staff Finding 1), which are eligible for expedited land divisions under ORS 92.031, Middle Housing Land Division. The middle housing development will result in two dwelling units on each parcel and four dwelling units in total, which is 200 percent of the maximum density currently permitted on the subject properties. 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 two parcels from Parcel 1 and two parcels from Parcel 2 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 properties through the construction of two detached duplexes, including the division of the existing parcels 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 lots 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 4, 2023 and deemed complete by the City on December 8, 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 4, 2023 and the City deemed the application complete on December 8, 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 4, 2023 and the City deemed the application complete on December 8, 2023. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on December 4, 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 December 12, 2023. The City provided written notice to property owners within 100 feet of the entire contiguous site, compiled from the most recent property owner information available, on December 12, 2023. The City provided written notice to the Willamette Neighborhood Association on December 12, 2023. The affidavit of public notice is found in Exhibit PD-6. 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-6. 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 December 12, 2023 with a deadline for submission of written comments on December 26, 2023. This provided a 14-day comment period. A copy of the notice is found in Exhibit PD-6. 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 4, 2023 and the City deemed the application complete on December 8, 2023. The City approved the application with conditions on February 8, 2024, the 62nd 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 8, 2024, the 62nd 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 that includes a fee for expedited land divisions. The applicant paid the given fee at the time of submittal. The criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT Ben Gardner	PROJECT NO(S): ELD-23-14	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: 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.



Applicant Name*: Icon Construction & Development, LLC Address: 1969 Willamette Falls Dr, Suite 260 City State Zip: West Linn, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
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Owner Name (required): Same as applicant. Address: City State Zip:	Phone: Email:
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Consultant Name: Rick Givens, Planning Consultant Address: 28615 SW Paris Ave., Unit 110 City State Zip: Wilsonville, OR 97070	Phone: 503-351-8204 Email: rickgivens@gmail.com
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings related to the propose land use.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

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

 Applicant's signature ELD-23-14	11/30/23 Date	 Owner's signature (required)	11/30/23 Date
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Expedited Land Division Narrative

1310 to 1330 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 1310 to 1330 9th 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 9th 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"> <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> 	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 9th Street. Sewer stubs have also been installed to the property from existing City lines in 9th 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 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 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.

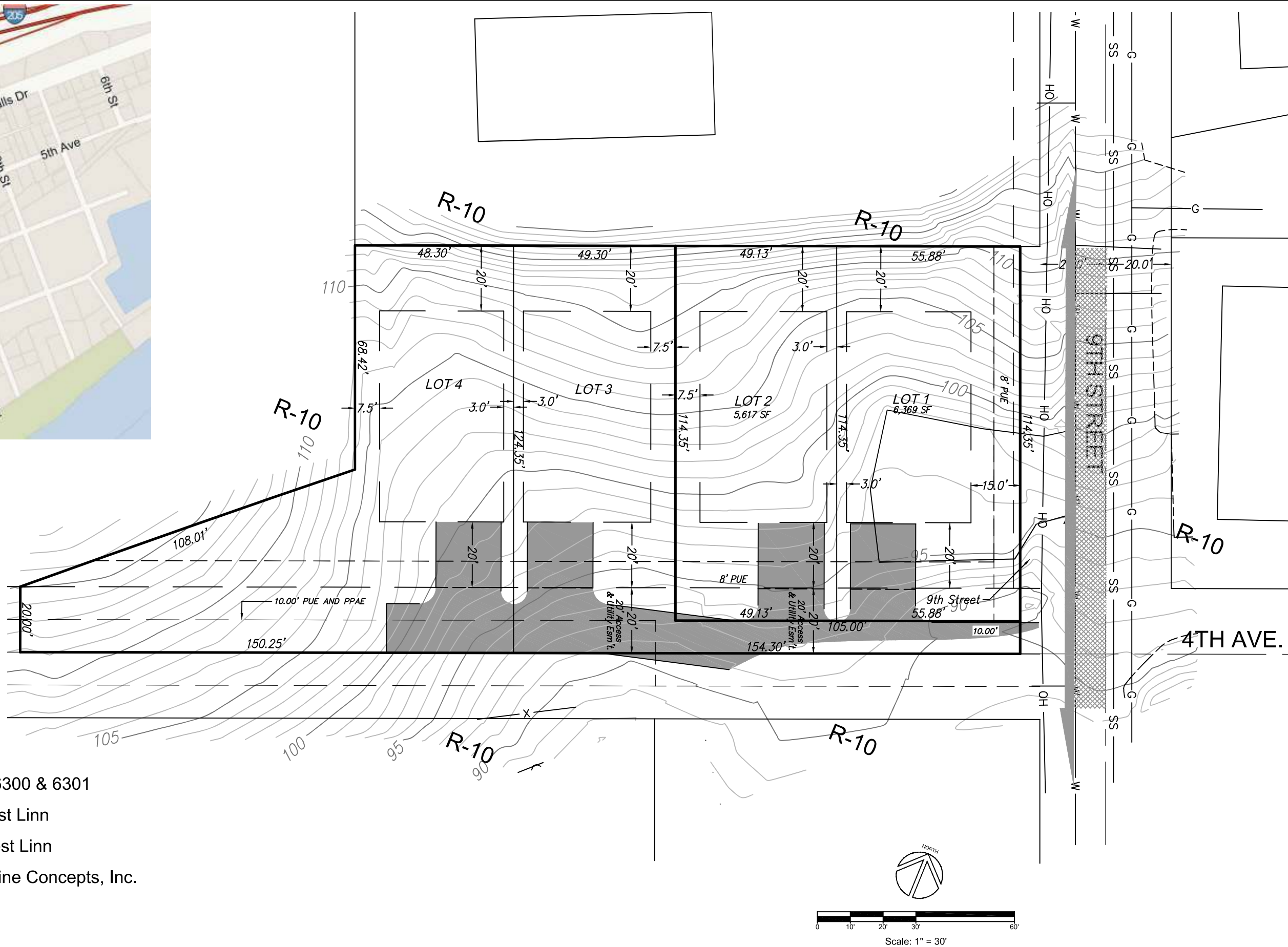
Comment: The plans and other materials required to demonstrate compliance with this requirement will be provided with the building permit applications.

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:	ELD 02/24/23		
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

29

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

SHEET: 1/1

FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION



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

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

REV 6-30-20

Project Information

Applicant Name: Daren Gusdorf
 Address: 1969 Willamette Falls Dr., West Linn, OR 97068
 Phone: 503-657-0406
 Email: darren@iconconstruction.net
 Site Address: 1310 9th 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] 11-13-23
 Fire Marshal or Designee 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 _____

Planning Manager Decision

Legal: 31E02AB 6300

Contours: Centerline Concepts, Inc.

Water: City of West Linn

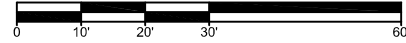
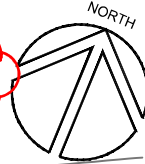
Zoning: R-10

Sewer: City of West Linn

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

Jason Ann Jander
 Deputy Fire Marshal II

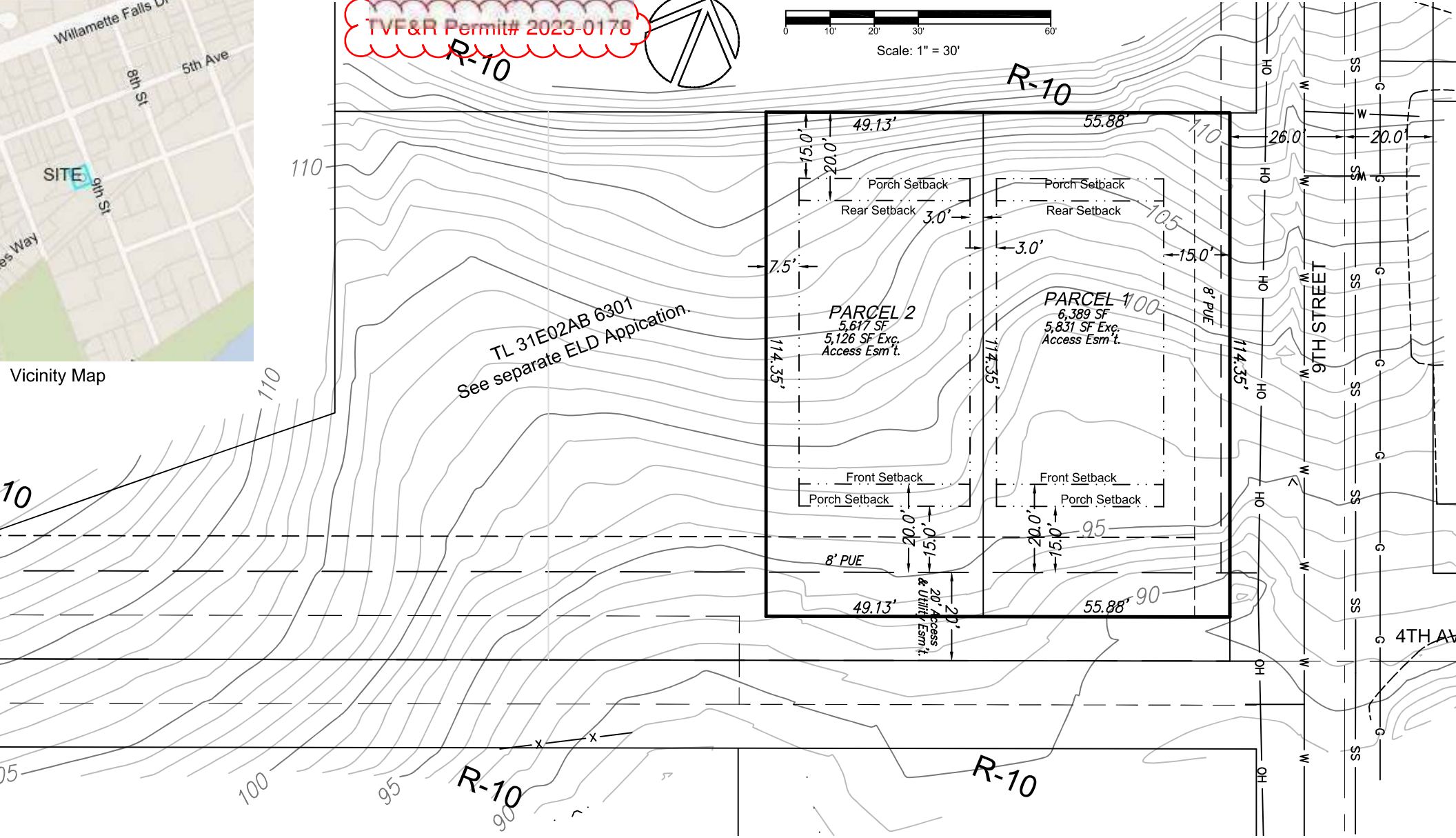
TVF&R Permit# 2023-0178



Scale: 1" = 30'



Vicinity Map



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: 1322 9th St.
 City: West Linn, OR
 Map & Tax Lot #: 31E02AB TL 6301
 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 # 2023-0179
 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] 11-13-23
 Fire Marshal or Designee 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



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.

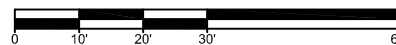
Water: City of West Linn

Zoning: R-10

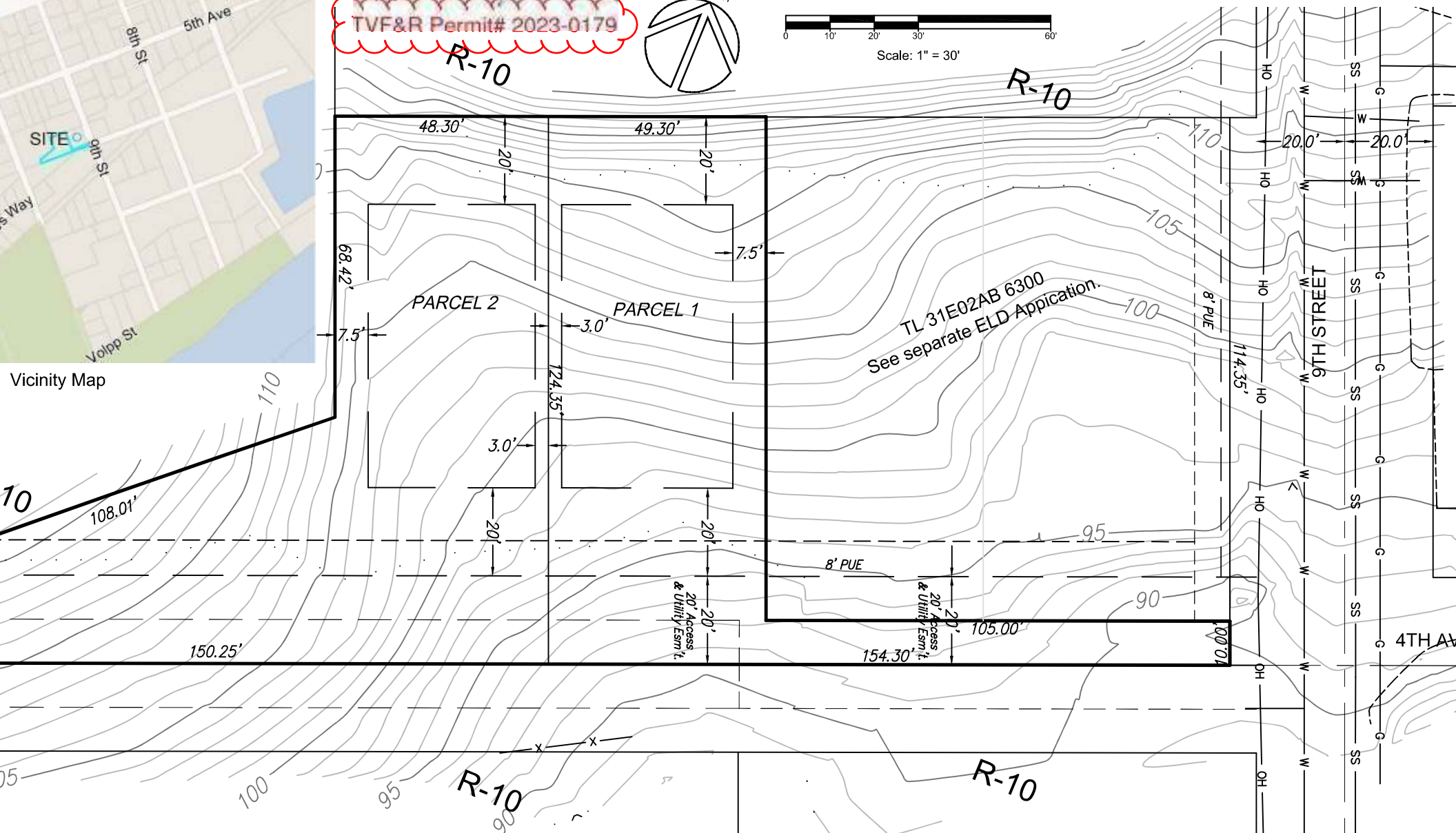
Sewer: City of West Linn



Vicinity Map



Scale: 1" = 30'



Legal: 31E02AB 6300

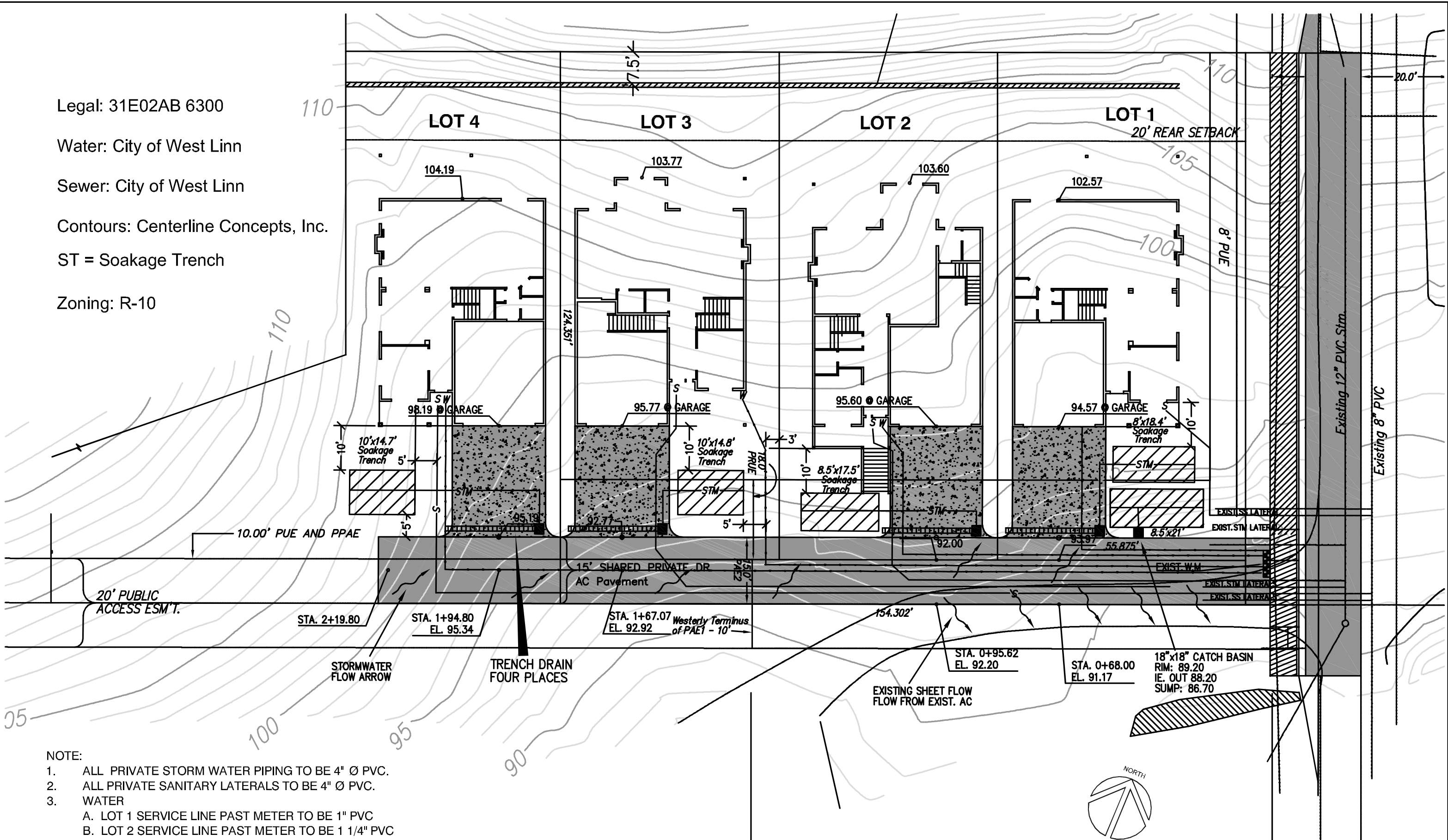
Water: City of West Linn

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

34

PROJECT LOCATION:
 1310 9th Street
 West Linn, OR

UTILITY PLAN
 LOTS 1-4

Planning Manager Decision

SHEET:

1/1

EXHIBIT PD-2 PUBLIC COMMENTS

Wyss, Darren

From: David Osborne [REDACTED]
Sent: Thursday, December 14, 2023 3:32 PM
To: Gardner, Benjamin
Subject: Re: 9th street housing file ELD-23-14

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Ben,

Thanks for the reply and explanation. I am just again jamming four homes there. Mostly because there is no extra room to build them that does not put all the contractors in the street and on my lawn.

I have called in the past on the hours and code issues. Obviously after 7 the city is gone this last summer.

I have had personal conflicts with contractor when ask them to stop or get out of my driveway. Most have been nice but I have had others push back on me even asking to again....get out of my driveway. I am Definitely tired of my house shaking. This has not been the case until ICON.

A few weeks ago the road was shut down trying to get the truss truck in the lot down the street. I ended up being turned around. This week they have started before 7am in the dark loading roof tiles and hammering.

I really believe that the roads past the park should be local traffic only. Especially in the summer. The amount of trucks pulling boats and construction was ridiculous this year. Especially with the amount and size of dump trucks going up and down the hill. ICON needs a real plan how to build these homes with out jamming up the street with parking/trucks and large deliveries.

Thank you again. I am happy for the growth in West Linn but ICON needs to be more respectful of the neighborhood they are working in.

Dave

Sent from my iPhone

> On Dec 14, 2023, at 2:57 PM, Gardner, Benjamin <BGardner@westlinnoregon.gov> wrote:

>

> Good afternoon,

> Thank you for your comments on the matter-- I will try to address your concerns here so it hopefully makes a bit more sense. We can continue chatting on this as needed, apologies for the information overload here:

>

> The split that occurred previously was a standard partition, i.e. they used our code to divide one lot into two. This new division is utilizing SB458 (expedited land division law for middle housing) to divide it again, as they are allowed to make

lots that are exempted from some of the minimum dimensional standards and don't need to meet the vast majority of our code in doing so. This is how they are able to make (4) homes where there would normally only be (2) allowed by our code.

>
> The term 'Middle Housing' refers to the 'missing middle' of housing typology, essentially the big gap that exists between a single family home and a mid-rise apartment complex. Middle Housing is every type of housing in between the two if you put them on a graph from smallest / least dense to largest / most dense. HB2001, the middle housing options law that OR passed, allows Cities to interpret what qualifies as a plex-- in this case 'detached duplexes' can essentially be defined as two separate single family homes on their own tax lots. The intent of HB2001 and SB458 was essentially to create more supply, which this does do, though incrementally.

>
> If they continue to work past their allowed hours please reach out to Code Compliance(Call Police Non-Emergency via 503-655-6214 and ask for Code Compliance). We take such complaints seriously and can work with them to ensure that they minimize such impacts to the extent possible by the provisions of the Municipal Code.

>
> Regarding income and cost-- the housing laws that passed do not regulate the cost of housing, they merely encourage increasing the supply of housing, which incrementally over time will help to reduce costs.

>
> I do apologize for the inconveniences you are experiencing from the development activities down on 9th St. Please know that the City is here for you just as much as we are here for the people participating in development. We are all in this together and trying to make it work.

>
> Feel free to reach out if you want to chat further on this-- email and phone work and you can of course feel free to stop by our office anytime. The Planning counter hours are 9AM-12PM Mon-Thurs, but if you ask for me or another Planner at the Parks Counter when you come in we can also chat anytime you need.

>
> Thanks

>
>
> -----Original Message-----

> From: David Osborne [REDACTED]
> Sent: Thursday, December 14, 2023 1:58 PM
> To: Gardner, Benjamin <BGardner@westlinnoregon.gov>
> Subject: 9th street housing file ELD-23-14

>
> [You don't often get email from [REDACTED] Learn why this is
> important at <https://aka.ms/LearnAboutSenderIdentification>]

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

>
>
> Ben,

>
> My name is David Osborne at 1343 9th street. I have received this notice on 12/14/23 and am a little confused? ICON has already split these lots and one even shows sell pending on Zillow? How can they list 3000 sf foot/850k housing as middle income? 850k is not middle income. Especially at the new interest rates How can they even sell these houses when they don't have this application approved? I also thought they were houses and now they are separated duplexes?

>

> So I guess I thought this was already done? I definitely did not agree with it a year ago. ICON has already been very impactful to this very small street with no consideration for who is living in the current housing. Massive trucks shaking homes, using vibrating compactors set on high, massive dust clouds, loading the roof materials at 6am with back up alarms and hammers going off, doing work well past 7pm last summer, blocking the street with no flagging or notice to the people impacted. I could go on.

>
> They don't have the room to build these with out impacting the quality of life in the neighborhood while under construction on this small street and I think there needs to be a clear neighborhood logistic plan to not have construction vehicles in the streets/my driveway and comply with basic codes.

>
> I am against the split and don't agree 850K homes is middle income home.

>
> Dave
>
>
> Benjamin Gardner
> Assistant Planner
> Planning

>
>
> 22500 Salamo Rd.
> West Linn, Oregon 97068
> BGardner@westlinnoregon.gov
> westlinnoregon.gov
> 503-742-6057

> [https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwestlinnoregon.gov%2Fsites%2Fall%2Fthemes%2Faha_responsive_2016%2Flogo.png&data=05%7C02%7Cbgardner%40westlinnoregon.gov%7C913319deb3094aa81ae908dbfcfcf842%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C638381936036069309%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=M%2FfzhxN1U1iWimbLni8fFo1Gazo8mNPTICXcDhZfok%3D&reserved=0]<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwestlinnoregon.gov%2F&data=05%7C02%7Cbgardner%40westlinnoregon.gov%7C913319deb3094aa81ae908dbfcfcf842%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C638381936036069309%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=BfQnxhGqnsdeASNlrTZL60%2FmUHKX8F9MZf4Gp3foHfk%3D&reserved=0> Click to Connect!
> <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fgo.usa.gov%2FXyzC&data=05%7C02%7Cbgardner%40westlinnoregon.gov%7C913319deb3094aa81ae908dbfcfcf842%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C638381936036069309%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=ajWm98ODUqQOJt52zHxOhnv5oeKb4NrwJzjy6mDfyTo%3D&reserved=0>

>
>
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> *****

> Please consider the impact on the environment before printing a paper copy of this email.

> This e-mail is subject to the State Retention Schedule and may be made

> available to the public

From: [Michelle Joslin](#)
To: [Floyd, John](#); [Myers, Chris](#)
Subject: Written Comments - NO ELD 23-14
Date: Tuesday, December 26, 2023 2:05:25 PM

Some people who received this message don't often get email from michellemjoslin@gmail.com. [Learn why this is important](#)

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Chris and John,

I submitted the written comment below for the project in the subject line to Ben (per the letter I received in the mail) but I received a message that he no longer works for the city. I then sent it to Darren, per Ben's auto reply, but he's out of the office. Can you confirm receipt of my comments below?

City of West Linn,

Certainty. I'm not certain of many things, but I know the builder has been certain about the approval of this land division for "middle housing" for some time even before submitting the application. Over the summer I spoke to many people on the construction team working on the land and mentioned the lot they were working on is only 2 lots and they *insisted* it was already 4. The builder had utilities installed for 4 lots/homes and they have 4 homes listed online for sale. All that happened 5 months prior to even submitting the application to further partition the lot in to 4 units. How does a builder get so certain that an application will be approved?

It probably helps that an employee of the same construction/developer was on the board that "helped" West Linn determine how the city was going to interpret and implement Oregon's Middle Housing rules, no doubt, advocating for the inclusion of "detached duplexes" which is a euphemism for a single family home if I've ever heard one. Middle Housing laws were passed to help with affordability. I work in mortgage lending and talk to people and families everyday who struggle to find affordable housing and this is a smack in their collective faces. I know two families who've moved out of West Linn recently because of affordability; one family the primary breadwinner worked as a PHYSICIAN and the other had two working parents, both college educated. If these upstanding citizens can't afford homes in our community who can? But now we use "middle housing" rules to build \$800k+ single family homes? Its a farce. Jane Jacobs, in her book *The Death and Life of Great American Cities* demonstrates what happens when communities become too heterogeneous in their housing stock, they get stale and lifeless. And thats exactly what we have in West Linn. Jeff Speck, City Planner and author also states, "Income diversity within neighborhoods is a social good that developers will typically not allow for unless required to do so". West Linn is actively working to *diminish* what little economic diversity exists in our neighborhoods using the middle housing rules intended to help.

Every plant on that .5+ acre lot was ripped up, every tree cut down, the land was graded for 4 homes and utilities were installed for 4 homes LONG before this application was even submitted. I submitted all the factual reasons I think the project doesn't meet the requirements back when the lot was being divided from 1 lot to 2 lots. I won't go through the trouble now though; I know, just like the builder does, that the approval of this application to split these into "detached duplexes" is a done deal. It was done 5 months

ago, if not earlier. I'm scandalized that the builder gets to write West Linn's interpretation for middle housing in our city then exploit the loophole they made while people in our community and surrounding areas face very real housing affordability issues, and the city should be, too.

Sincerely,
Michelle M Joslin

December 26th, 2023

Ben Gardner
City of West Linn, Assistant Planner
22500 Salamo Rd.
West Linn, OR 97068

Ben Gardner and the City of West Linn:

I am writing to highlight some of the issues with the potential building of 4 detached duplexes at the site of 1310 and 1330 9th Street utilizing HB2001 – middle housing code.

Below are issues with approving the partition:

The document attached is what was provided to the City to approve the requested partition. Please provide the detailed requirements that the City is utilizing to approve building “detached duplexes” and the requirements for these types of homes being built on a shared driveway (i.e. flag lot) . The specifications listed below state the requirement for a single family attached or detached unit. What is the difference between a detached unit and a detached duplex? I don’t see anything in the attached document that provides specific requirements for detached duplexes which could technically be considered a single family home.

<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>	<i>Not applicable to detached duplexes.</i>

Where in the plans is there an access easment in the shared driveway for pedestrians? Below is what the developer answered to this question.

(B) Pedestrian access from each dwelling unit to a private or public road;
Comment: Lot 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 for all lots in the ELD.

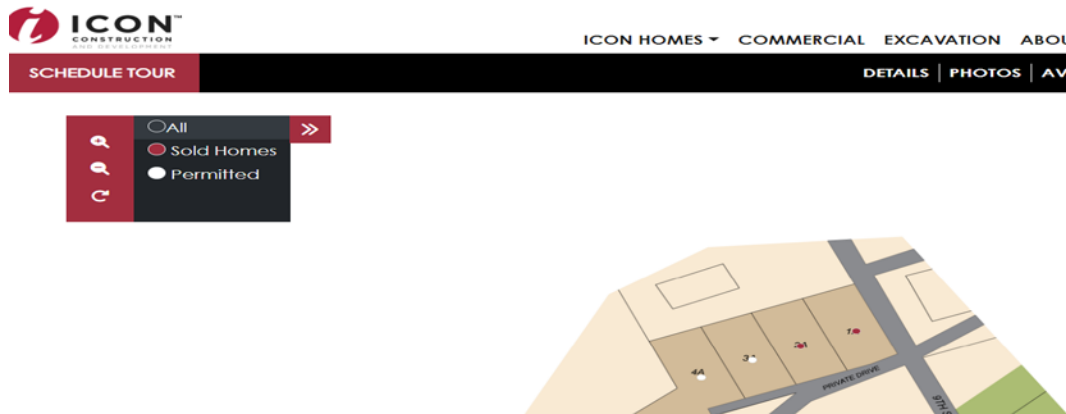
There is no continuous sidewalk on 9th street to accommodate pedestrians or children walking to school. This is a walking to school neighborhood, no busing. With the addition of 4 new homes this provides a potential safety issue. Does the City plan to address this ongoing request within the next 6 months?

The plan states that the 4 detached duplexes utilize a shared driveway. All parking is limited to each “detached duplexes” driveway and/or garage. The plan does not address off-street parking because there is none and there is no turnaround available for these 4 houses. With the potential of 3 cars per household on this dense short, shared driveway please provide the City Code that addresses parking, turnaround and how delivery trucks will be impacted. Below is how the developer is addressing the question – no specifics.

(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.

Below the developer states 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? They have also sold two homes as shown below from their website. How would this be possible without the developer knowing that West Linn had already approved their partition request months earlier.

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.



The City should look very closely at what they are approving within this dense development with a shared dead-end driveway. 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 Cities middle housing goals. The developer is simply utilizing one lot to build tall skinny houses that will have a price point nearly as high as one single family home. Livability should be taken into consideration with the request for this partition. In the plans for these detached duplexes there is very little usable outdoor space between houses and behind the houses (due to a slope). Accessing these homes will be difficult due to the flag lot shared driveway.

I urge the city to look at the whole picture of this request and the lack of infrastructure on 9th street. All comments were previously provided to the city on the first partition request.

I understand that Bruce Goldson, PE is employed as a contractor for the City of West Linn as well as Icon Construction. I believe this could be a possible conflict of interest and request that the City review any potential conflicts as it relates to developing this property.

Thank you,

Jennifer Aberg and Martin Heinemann

EXHIBIT PD-3 BUILDING PERMITS



Building Permit

Residential 1 & 2 Fam Dwelling (New Only) Limited

Permit Number: 935-23-000600-DWL

IVR Number: 935084202163

Web Address: <http://westlinnoregon.gov/building>

Email Address: cwlqp@westlinnoregon.gov

Permit Issued: February 01, 2024

Application Date: June 20, 2023

Project: 1310 9th Street Lot # 1

TYPE OF WORK

Residential Specialty Code Edition: 2021

Category of Construction: Single Family Dwelling

Type of Work: New

Calculated Job Value: \$548,483.58

Description of Work: NSFR

JOB SITE INFORMATION

Worksite Address

1310 9TH ST
WEST LINN OR 97068

Parcel

31E 02AB 06300

Owner:

Address: None Given

LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Number	Phone
ICON CONSTRUCTION & DEVELOPMENT LLC - Primary	CCB	150499	503-657-0406
LAKESIDEHVAC INC	CCB	227694	503-635-5253
KIRBY ELECTRIC LLC	CCB	241269	503-560-1616
KIRBY ELECTRIC LLC	(C) Electrical Contractor	C1803	503-560-1616
GARNER ELECTRIC CO	(C) Electrical Contractor	34-305C	503-648-4552
CHARLES R GARNER	(S) Electrician, General Supervising	3707S	503-591-1320
ANDREW M KIRBY	(S) Electrician, General Supervising	6669S	503-560-1616
ROME PLUMBING INC	CCB	96346	503-407-7225
GARNER ELECTRIC CO	CCB	121159	503-648-4552
ROME PLUMBING INC	(PB) Plumbing Contractor	34-265PB	503-693-1403

PENDING INSPECTIONS

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

Per R105.7 and R 106.3.1, a copy of the building permit and one set of approved construction documents shall be available for review at the work site.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

Inspection	Inspection Group	Inspection Status
1999 Final Building	1_2 Famdwell	Pending
1530 Exterior Shearwall	1_2 Famdwell	Pending
1260 Framing	1_2 Famdwell	Pending
2999 Final Mechanical	1_2 Famdwell	Pending
2300 Rough Mechanical	1_2 Famdwell	Pending
3170 Underfloor Plumbing	1_2 Famdwell	Pending
1150 Slab/Flatwork	1_2 Famdwell	Pending
1220 Underfloor Framing/Post and Beam	1_2 Famdwell	Pending
1460 Insulation	1_2 Famdwell	Pending
1520 Interior Shearwall	1_2 Famdwell	Pending
1550 Firewall/Fire Resistance Rated Wall	1_2 Famdwell	Pending
1996 Final Inspection - Planning	1_2 Famdwell	Pending
2116 Radon Mitigation	1_2 Famdwell	Pending
2200 Underfloor Mechanical	1_2 Famdwell	Pending
2250 Gas Piping/Pressure Test	1_2 Famdwell	Pending
3130 Footing/Foundation Drains	1_2 Famdwell	Pending
3200 Sanitary Sewer	1_2 Famdwell	Pending
3300 Water Service	1_2 Famdwell	Pending
3400 Storm Sewer	1_2 Famdwell	Pending
3410 Rain Drains	1_2 Famdwell	Pending
3500 Rough Plumbing	1_2 Famdwell	Pending
3620 Backflow Device	1_2 Famdwell	Pending
3650 Shower Pan	1_2 Famdwell	Pending
3999 Final Plumbing	1_2 Famdwell	Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Call or text the word "schedule" to 1-888-299-2821 use IVR number: 935084202163

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

Fee Description	Quantity	Fee Amount
Air conditioner	1	\$43.00
Clothes dryer exhaust	1	\$33.00
Decorative gas fireplace	1	\$53.00
Flue vent for water heater or gas fireplace	2	\$66.00
Furnace - up to 100,000 BTU	1	\$53.00
Gas fuel piping outlets	5	\$17.00
Radon mitigation	1	\$33.00
Ventilation fan connected to single duct	5	\$115.00
Water heater	1	\$31.00
Sanitary sewer - (New Res) Total linear feet	50	\$0.00
Single Family Residence - Baths	4	\$1,089.00
Storm sewer - (New Res) Total linear feet	50	\$0.00
Water service - (New Res) Total linear feet	50	\$0.00
Planning review fee		\$300.00
Structural building permit fee		\$5,178.00
Structural plan review fee		\$3,365.70
State of Oregon Surcharge - Bldg (12% of applicable fees)		\$621.36
State of Oregon Surcharge -Plumb (12% of applicable fees)		\$130.68
State of Oregon Surcharge - Mech (12% of applicable fees)		\$53.28
CET - West Linn Wilsonville School Dist. - Res Use		\$3,893.78
CET - West Linn Wilsonville School Dist. - Admin Fee - Res Use		\$162.24
Metro Construction Excise Tax - Admin Fee		\$32.91
Metro Construction Excise Tax		\$625.27
Total Fees:		\$15,896.22

Note: This may not include all the fees required for this project.

VALUATION INFORMATION

Construction Type	Occupancy Type	Unit Amount	Unit	Unit Cost	Job Value
VB	R-3 1 & 2 family	2,918.00	Sq Ft	\$167.37	\$488,385.66
VB	U Utility, misc.	504.00	Sq Ft	\$66.48	\$33,505.92
VB	U Utility, misc.	400.00	Sq Ft	\$66.48	\$26,592.00
Total Job Value:					\$548,483.58



Building Permit

Residential 1 & 2 Fam Dwelling (New Only) Limited

Permit Number: 935-23-000608-DWL

IVR Number: 935089358139

Web Address: <http://westlinnoregon.gov/building>

Email Address: cwlqp@westlinnoregon.gov

Permit Issued: February 01, 2024

Application Date: June 21, 2023

Project: 1310 9th Street Lot # 2

TYPE OF WORK

Residential Specialty Code Edition: 2021

Category of Construction: Single Family Dwelling

Type of Work: New

Calculated Job Value: \$516,020.82

Description of Work: NSFR

JOB SITE INFORMATION

Worksite Address

1316 9th ST
West Linn Or 97068

Parcel

Unknown

Owner:

Address: None Given

LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Number	Phone
ICON CONSTRUCTION & DEVELOPMENT LLC	CCB	150499	503-657-0406
LAKESIDEHVAC INC	CCB	227694	503-635-5253
KIRBY ELECTRIC LLC	CCB	241269	503-560-1616
KIRBY ELECTRIC LLC	(C) Electrical Contractor	C1803	503-560-1616
ANDREW M KIRBY	(S) Electrician, General Supervising	6669S	503-560-1616
ROME PLUMBING INC	CCB	96346	503-407-7225
ROME PLUMBING INC	(PB) Plumbing Contractor	34-265PB	503-693-1403

PENDING INSPECTIONS

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

Per R105.7 and R 106.3.1, a copy of the building permit and one set of approved construction documents shall be available for review at the work site.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

Inspection	Inspection Group	Inspection Status
1999 Final Building	1_2 Famdwell	Pending
1530 Exterior Shearwall	1_2 Famdwell	Pending
1260 Framing	1_2 Famdwell	Pending
2999 Final Mechanical	1_2 Famdwell	Pending
2300 Rough Mechanical	1_2 Famdwell	Pending
3170 Underfloor Plumbing	1_2 Famdwell	Pending
1050 Excavation	1_2 Famdwell	Pending
1060 Driveway Approach	1_2 Famdwell	Pending
1110 Footing	1_2 Famdwell	Pending
1120 Foundation	1_2 Famdwell	Pending
1150 Slab/Flatwork	1_2 Famdwell	Pending
1160 UFER Ground	1_2 Famdwell	Pending
1220 Underfloor Framing/Post and Beam	1_2 Famdwell	Pending
1460 Insulation	1_2 Famdwell	Pending
1520 Interior Shearwall	1_2 Famdwell	Pending
1550 Firewall/Fire Resistance Rated Wall	1_2 Famdwell	Pending
1996 Final Inspection - Planning	1_2 Famdwell	Pending
2116 Radon Mitigation	1_2 Famdwell	Pending
2200 Underfloor Mechanical	1_2 Famdwell	Pending
2250 Gas Piping/Pressure Test	1_2 Famdwell	Pending
3130 Footing/Foundation Drains	1_2 Famdwell	Pending
3200 Sanitary Sewer	1_2 Famdwell	Pending
3300 Water Service	1_2 Famdwell	Pending
3400 Storm Sewer	1_2 Famdwell	Pending
3410 Rain Drains	1_2 Famdwell	Pending
3500 Rough Plumbing	1_2 Famdwell	Pending
3620 Backflow Device	1_2 Famdwell	Pending
3650 Shower Pan	1_2 Famdwell	Pending
3999 Final Plumbing	1_2 Famdwell	Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Call or text the word "schedule" to 1-888-299-2821 use IVR number: 935089358139

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

Fee Description	Quantity	Fee Amount
Air conditioner	1	\$43.00
Barbecue	1	\$33.00
Chimney/liner/flue/vent	2	\$66.00
Furnace - up to 100,000 BTU	1	\$53.00
Gas fuel piping outlets	5	\$17.00
Gas or wood fireplace/insert	1	\$53.00
Radon mitigation	1	\$33.00
Range hood/other kitchen equipment	1	\$33.00
Ventilation fan connected to single duct	5	\$115.00
Water heater	1	\$31.00
Sanitary sewer - (New Res) Total linear feet	100	\$0.00
Single Family Residence - Baths	3	\$983.00
Storm sewer - (New Res) Total linear feet	100	\$0.00
Water service - (New Res) Total linear feet	100	\$0.00
Planning review fee		\$300.00
Structural building permit fee		\$4,922.00
Structural plan review fee		\$3,199.30
State of Oregon Surcharge - Mech (12% of applicable fees)		\$57.24
State of Oregon Surcharge - Bldg (12% of applicable fees)		\$590.64
State of Oregon Surcharge -Plumb (12% of applicable fees)		\$117.96
CET - West Linn Wilsonville School Dist. - Res Use		\$3,642.91
CET - West Linn Wilsonville School Dist. - Admin Fee - Res Use		\$151.79
Total Fees:		\$14,441.84

Note: This may not include all the fees required for this project.

VALUATION INFORMATION

Construction Type	Occupancy Type	Unit Amount	Unit	Unit Cost	Job Value
VB	R-3 1 & 2 family	2,730.00	Sq Ft	\$167.37	\$456,920.10
VB	U Utility, misc.	251.00	Sq Ft	\$66.48	\$16,686.48
VB	U Utility, misc.	638.00	Sq Ft	\$66.48	\$42,414.24
Total Job Value:					\$516,020.82



Building Permit

Residential 1 & 2 Fam Dwelling (New Only) Limited

Permit Number: 935-23-000609-DWL

IVR Number: 935013323837

Web Address: <http://westlinnoregon.gov/building>

Email Address: cwlqp@westlinnoregon.gov

Permit Issued: February 01, 2024

Application Date: June 21, 2023

Project: 1310 9th Street Lot # 3

TYPE OF WORK

Residential Specialty Code Edition: 2021

Category of Construction: Single Family Dwelling

Type of Work: New

Calculated Job Value: \$555,537.48

Description of Work: NSFR

JOB SITE INFORMATION

Worksite Address

1322 9th ST
West Linn Or 97068

Parcel

Unknown

Owner:

Address: None Given

LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Number	Phone
ICON CONSTRUCTION & DEVELOPMENT LLC - Primary	CCB	150499	503-657-0406
KIRBY ELECTRIC LLC	CCB	241269	503-560-1616
KIRBY ELECTRIC LLC	(C) Electrical Contractor	C1803	503-560-1616
ANDREW M KIRBY	(S) Electrician, General Supervising	6669S	503-560-1616
ROME PLUMBING INC	CCB	96346	503-407-7225
LAKESIDEHVAC INC	CCB	227694	503-635-5253
ROME PLUMBING INC	(PB) Plumbing Contractor	34-265PB	503-693-1403

PENDING INSPECTIONS

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

Per R105.7 and R 106.3.1, a copy of the building permit and one set of approved construction documents shall be available for review at the work site.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

Inspection	Inspection Group	Inspection Status
1999 Final Building	1_2 Famdwell	Pending
1530 Exterior Shearwall	1_2 Famdwell	Pending
1260 Framing	1_2 Famdwell	Pending
2999 Final Mechanical	1_2 Famdwell	Pending
2300 Rough Mechanical	1_2 Famdwell	Pending
3170 Underfloor Plumbing	1_2 Famdwell	Pending
1050 Excavation	1_2 Famdwell	Pending
1060 Driveway Approach	1_2 Famdwell	Pending
1110 Footing	1_2 Famdwell	Pending
1120 Foundation	1_2 Famdwell	Pending
1150 Slab/Flatwork	1_2 Famdwell	Pending
1160 UFER Ground	1_2 Famdwell	Pending
1220 Underfloor Framing/Post and Beam	1_2 Famdwell	Pending
1460 Insulation	1_2 Famdwell	Pending
1520 Interior Shearwall	1_2 Famdwell	Pending
1550 Firewall/Fire Resistance Rated Wall	1_2 Famdwell	Pending
1996 Final Inspection - Planning	1_2 Famdwell	Pending
2116 Radon Mitigation	1_2 Famdwell	Pending
2200 Underfloor Mechanical	1_2 Famdwell	Pending
2250 Gas Piping/Pressure Test	1_2 Famdwell	Pending
3130 Footing/Foundation Drains	1_2 Famdwell	Pending
3200 Sanitary Sewer	1_2 Famdwell	Pending
3300 Water Service	1_2 Famdwell	Pending
3400 Storm Sewer	1_2 Famdwell	Pending
3410 Rain Drains	1_2 Famdwell	Pending
3500 Rough Plumbing	1_2 Famdwell	Pending
3620 Backflow Device	1_2 Famdwell	Pending
3650 Shower Pan	1_2 Famdwell	Pending
3999 Final Plumbing	1_2 Famdwell	Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Call or text the word "schedule" to 1-888-299-2821 use IVR number: 935013323837

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

Fee Description	Quantity	Fee Amount
Air conditioner	1	\$43.00
Barbecue	1	\$33.00
Chimney/liner/flue/vent	2	\$66.00
Clothes dryer exhaust	1	\$33.00
Furnace - up to 100,000 BTU	1	\$53.00
Gas fuel piping outlets	5	\$17.00
Gas or wood fireplace/insert	1	\$53.00
Radon mitigation	1	\$33.00
Range hood/other kitchen equipment	1	\$33.00
Ventilation fan connected to single duct	5	\$115.00
Water heater	1	\$31.00
Sanitary sewer - (New Res) Total linear feet	150	\$118.00
Single Family Residence - Baths	3	\$983.00
Storm sewer - (New Res) Total linear feet	150	\$118.00
Water service - (New Res) Total linear feet	150	\$118.00
Planning review fee		\$300.00
Structural plan review fee		\$3,402.10
Structural building permit fee		\$5,234.00
State of Oregon Surcharge - Bldg (12% of applicable fees)		\$628.08
State of Oregon Surcharge -Plumb (12% of applicable fees)		\$160.44
State of Oregon Surcharge - Mech (12% of applicable fees)		\$61.20
CET - West Linn Wilsonville School Dist. - Res Use		\$3,901.79
CET - West Linn Wilsonville School Dist. - Admin Fee - Res Use		\$162.57
Metro Construction Excise Tax - Admin Fee		\$33.33
Metro Construction Excise Tax		\$633.31
Total Fees:		\$16,363.82

Note: This may not include all the fees required for this project.

VALUATION INFORMATION

Construction Type	Occupancy Type	Unit Amount	Unit	Unit Cost	Job Value
VB	R-3 1 & 2 family	2,924.00	Sq Ft	\$167.37	\$489,389.88
VB	U Utility, misc.	571.00	Sq Ft	\$66.48	\$37,960.08
VB	U Utility, misc.	424.00	Sq Ft	\$66.48	\$28,187.52
Total Job Value:					\$555,537.48



Building Permit

Residential 1 & 2 Fam Dwelling (New Only) Limited

Permit Number: 935-23-000615-DWL

IVR Number: 935006936313

Web Address: <http://westlinnoregon.gov/building>

Email Address: cwlqp@westlinnoregon.gov

Permit Issued: February 01, 2024

Application Date: June 23, 2023

Project: 1310 9th Street Lot # 4

TYPE OF WORK

Residential Specialty Code Edition: 2021

Category of Construction: Single Family Dwelling

Type of Work: New

Calculated Job Value: \$549,153.06

Description of Work: NSFR

JOB SITE INFORMATION

Worksite Address

Parcel

Owner:

1330 9th ST

Unknown

Address: None Given

WEST LINN OR 97068

LICENSED PROFESSIONAL INFORMATION

Business Name	License	License Number	Phone
ICON CONSTRUCTION & DEVELOPMENT LLC - Primary	CCB	150499	503-657-0406
KIRBY ELECTRIC LLC	CCB	241269	503-560-1616
KIRBY ELECTRIC LLC	(C) Electrical Contractor	C1803	503-560-1616
ANDREW M KIRBY	(S) Electrician, General Supervising	6669S	503-560-1616
ROME PLUMBING INC	CCB	96346	503-407-7225
LAKESIDEHVAC INC	CCB	227694	503-635-5253
ROME PLUMBING INC	(PB) Plumbing Contractor	34-265PB	503-693-1403

PENDING INSPECTIONS

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

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1260 Framing	1_2 Famdwell	Pending
2999 Final Mechanical	1_2 Famdwell	Pending
2300 Rough Mechanical	1_2 Famdwell	Pending
3170 Underfloor Plumbing	1_2 Famdwell	Pending
1050 Excavation	1_2 Famdwell	Pending
1060 Driveway Approach	1_2 Famdwell	Pending
1110 Footing	1_2 Famdwell	Pending
1120 Foundation	1_2 Famdwell	Pending
1150 Slab/Flatwork	1_2 Famdwell	Pending
1160 UFER Ground	1_2 Famdwell	Pending
1220 Underfloor Framing/Post and Beam	1_2 Famdwell	Pending
1460 Insulation	1_2 Famdwell	Pending
1520 Interior Shearwall	1_2 Famdwell	Pending
1550 Firewall/Fire Resistance Rated Wall	1_2 Famdwell	Pending
1996 Final Inspection - Planning	1_2 Famdwell	Pending
2116 Radon Mitigation	1_2 Famdwell	Pending
2200 Underfloor Mechanical	1_2 Famdwell	Pending
2250 Gas Piping/Pressure Test	1_2 Famdwell	Pending
3130 Footing/Foundation Drains	1_2 Famdwell	Pending
3200 Sanitary Sewer	1_2 Famdwell	Pending
3300 Water Service	1_2 Famdwell	Pending
3400 Storm Sewer	1_2 Famdwell	Pending
3410 Rain Drains	1_2 Famdwell	Pending
3500 Rough Plumbing	1_2 Famdwell	Pending
3620 Backflow Device	1_2 Famdwell	Pending
3650 Shower Pan	1_2 Famdwell	Pending
3999 Final Plumbing	1_2 Famdwell	Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

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Call or text the word "schedule" to 1-888-299-2821 use IVR number: 935006936313

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

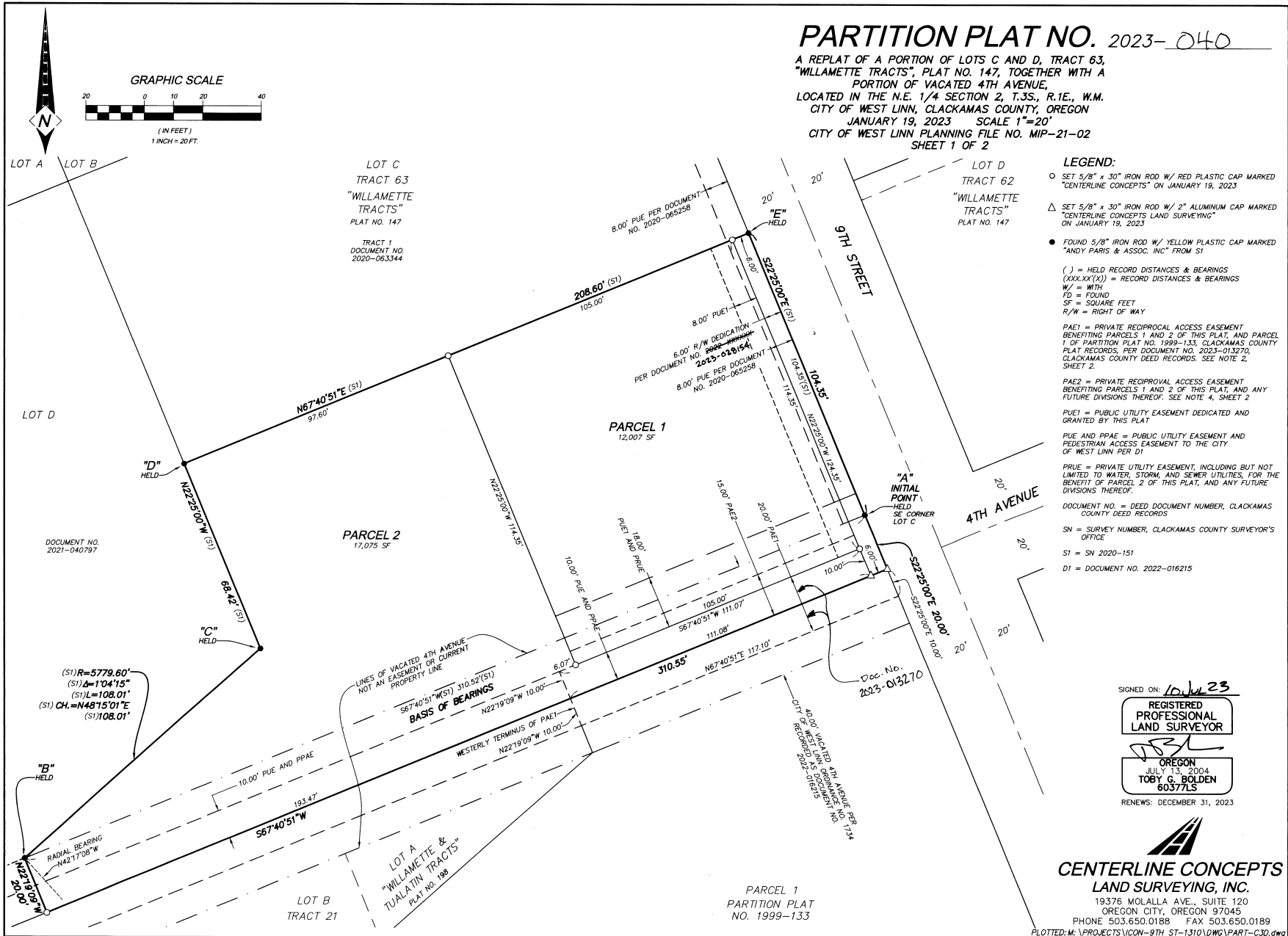
Fee Description	Quantity	Fee Amount
Air conditioner	1	\$43.00
Barbecue	1	\$33.00
Chimney/liner/flue/vent	2	\$66.00
Clothes dryer exhaust	1	\$33.00
Furnace - up to 100,000 BTU	1	\$53.00
Gas fuel piping outlets	5	\$17.00
Gas or wood fireplace/insert	2	\$106.00
Radon mitigation	1	\$33.00
Range hood/other kitchen equipment	1	\$33.00
Ventilation fan connected to single duct	5	\$115.00
Water heater	1	\$31.00
Sanitary sewer - (New Res) Total linear feet	200	\$118.00
Single Family Residence - Baths	4	\$1,089.00
Storm sewer - (New Res) Total linear feet	200	\$118.00
Water service - (New Res) Total linear feet	200	\$118.00
Planning review fee		\$300.00
Structural plan review fee		\$3,370.90
Structural building permit fee		\$5,186.00
State of Oregon Surcharge -Plumb (12% of applicable fees)		\$173.16
State of Oregon Surcharge - Mech (12% of applicable fees)		\$67.56
State of Oregon Surcharge - Bldg (12% of applicable fees)		\$622.32
CET - West Linn Wilsonville School Dist. - Admin Fee - Res Use		\$162.46
CET - West Linn Wilsonville School Dist. - Res Use		\$3,899.12
Metro Construction Excise Tax - Admin Fee		\$32.95
Metro Construction Excise Tax		\$626.03
Total Fees:		\$16,446.50

Note: This may not include all the fees required for this project.

VALUATION INFORMATION

Construction Type	Occupancy Type	Unit Amount	Unit	Unit Cost	Job Value
VB	R-3 1 & 2 family	2,922.00	Sq Ft	\$167.37	\$489,055.14
VB	U Utility, misc.	504.00	Sq Ft	\$66.48	\$33,505.92
VB	U Utility, misc.	400.00	Sq Ft	\$66.48	\$26,592.00
Total Job Value:					\$549,153.06

EXHIBIT PD-4 PARTITION PLAT 2023-040



PARTITION PLAT NO. 2023-040

A REPLAT OF A PORTION OF LOTS C AND D, TRACT 63, "WILLAMETTE TRACTS", PLAT NO. 147, TOGETHER WITH A PORTION OF VACATED 4TH AVENUE, LOCATED IN THE N.E. 1/4 SECTION 2, T.3S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 JANUARY 19, 2023 SCALE 1"=20'
 CITY OF WEST LINN PLANNING FILE NO. MIP-21-02
 SHEET 1 OF 2

- LEGEND:**
- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON JANUARY 19, 2023
 - △ SET 5/8" x 30" IRON ROD W/ 2" ALUMINUM CAP MARKED "CENTERLINE CONCEPTS LAND SURVEYING" ON JANUARY 19, 2023
 - FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "ANDY PARIS & ASSOC. INC" FROM S1
- () = HELD RECORD DISTANCES & BEARINGS
 (XXX.XX(X)) = RECORD DISTANCES & BEARINGS
 W/ = WITH
 FD = FOUND
 SF = SQUARE FEET
 R/W = RIGHT OF WAY
- PAE1 = PRIVATE RECIPROCAL ACCESS EASEMENT BENEFITING PARCELS 1 AND 2 OF THIS PLAT, AND PARCEL 1 OF PARTITION PLAT NO. 1999-133, CLACKAMAS COUNTY PLAT RECORDS, PER DOCUMENT NO. 2023-01370, CLACKAMAS COUNTY DEED RECORDS. SEE NOTE 2, SHEET 2.
- PAE2 = PRIVATE RECIPROCAL ACCESS EASEMENT BENEFITING PARCELS 1 AND 2 OF THIS PLAT, AND ANY FUTURE DIVISIONS THEREOF. SEE NOTE 4, SHEET 2
- PUE1 = PUBLIC UTILITY EASEMENT DEDICATED AND GRANTED BY THIS PLAT
- PUE AND PPAE = PUBLIC UTILITY EASEMENT AND PEDESTRIAN ACCESS EASEMENT TO THE CITY OF WEST LINN PER D1
- PRUE = PRIVATE UTILITY EASEMENT, INCLUDING BUT NOT LIMITED TO WATER, STORM, AND SEWER UTILITIES, FOR THE BENEFIT OF PARCEL 2 OF THIS PLAT, AND ANY FUTURE DIVISIONS THEREOF.
- DOCUMENT NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
- SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEYOR'S OFFICE
- S1 = SN 2020-151
- D1 = DOCUMENT NO. 2022-016215

SIGNED ON: 10 Jul 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-1310\DWG\PART-C3D.dwg

PARTITION PLAT NO. 2023-040

A REPLAT OF A PORTION OF LOTS C AND D, TRACT 63, "WILLAMETTE TRACTS", PLAT NO. 147, TOGETHER WITH A PORTION OF VACATED 4TH AVENUE, LOCATED IN THE N.E. 1/4 SECTION 2, T.3S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
JANUARY 19, 2023
CITY OF WEST LINN PLANNING FILE NO. MIP-21-02
SHEET 2 OF 2

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO REPLAT AND PARTITION THAT TRACT OF LAND CONVEYED BY DEED RECORDED AS DOCUMENT NO. 2021-028466, CLACKAMAS COUNTY DEED RECORDS, BEING A PORTION OF LOTS C AND D, TRACT 63, "WILLAMETTE TRACTS", CLACKAMAS COUNTY PLAT RECORDS, TOGETHER WITH A PORTION OF 4TH AVENUE VACATED BY CITY OF WEST LINN ORDINANCE NO. 1734 AND RECORDED AS DOCUMENT NO. 2022-016215, CLACKAMAS COUNTY DEED RECORDS, IN ACCORDANCE WITH CITY OF WEST LINN CASE FILE NO. MIP-21-02.

FOR THE SOUTH LINE OF SAID LOTS C AND D, BEING THE NORTH RIGHT OF WAY LINE OF VACATED 4TH AVENUE (AN UNIMPROVED 40.00 FOOT WIDE RIGHT OF WAY), AND MY BASIS OF BEARINGS, I HELD SOUTH 67°40'51" WEST BETWEEN FOUND MONUMENTS "A" AND "B", PER SURVEY NO. 2020-151 AND SAID DEED.

I THEN HELD FOUND MONUMENTS "C", "D", AND "E", AND RECORD BEARINGS, DISTANCES, AND CURVE DATA PER SAID DEED AND SURVEY NO. 2020-151, FOR THE BOUNDARIES OF THE SUBJECT TRACT.

I THEN HELD A LINE 20.00 FEET SOUTHERLY AND PARALLEL WITH SAID NORTH RIGHT OF WAY LINE FOR THE CENTERLINE SAID VACATED 4TH AVENUE, BEING THE SOUTH LINE OF THE SUBJECT TRACT, PER QUIT CLAIM DEED DOCUMENT NO. 2022-021069, CLACKAMAS COUNTY DEED RECORDS.

PLAT NOTES:

1. THIS PLAT IS SUBJECT TO THE CITY OF WEST LINN CASE FILE NO. MIP-21-02.
2. A MAINTENANCE AGREEMENT FOR THE PRIVATE RECIPROCAL ACCESS EASEMENT BENEFITING PARCELS 1 AND 2 OF THIS PLAT, AND PARCEL 1 OF PARTITION PLAT NO. 1999-133, CLACKAMAS COUNTY PLAT RECORDS, HAS BEEN RECORDED AS DOCUMENT NO. 2023-013270, CLACKAMAS COUNTY DEED RECORDS.
3. THAT PORTION OF THE SUBJECT TRACT WHICH INCLUDES THE ABANDONED "PORTLAND, EUGENE & EASTERN RAILWAY COMPANY RAILROAD" IS SUBJECT TO A RESERVATION OF MINERAL RIGHTS 500 FEET BELOW THE SURFACE.
4. A MAINTENANCE AGREEMENT FOR THE PRIVATE RECIPROCAL ACCESS EASEMENT BENEFITING PARCELS 1 AND 2 OF THIS PLAT, AND ANY FUTURE DIVISIONS THEREOF, HAS BEEN RECORDED AS DOCUMENT NO. 2023-013270 CLACKAMAS COUNTY DEED RECORDS.

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 RESTRICTIONS AS NOTED HEREON.

FURTHERMORE, DOES HEREBY DEDICATE THE STREETS TO THE PUBLIC FOR PUBLIC USE FOREVER AND GRANT ALL EASEMENTS AS SHOWN OR NOTED ON SAID MAP.



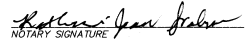
MARK HANDRIS - MEMBER
ICON CONSTRUCTION AND DEVELOPMENT LLC
AN OREGON LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT:

STATE OF OREGON) SS
COUNTY OF CLACKAMAS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 11, 2023 BY ICON CONSTRUCTION AND DEVELOPMENT LLC, AN OREGON LIMITED LIABILITY COMPANY.

* MARK HANDRIS - MEMBER OF


NOTARY SIGNATURE

Catherine Jean Fraher
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:

A REPLAT OF A PORTION OF LOTS C AND D, TRACT 63, "WILLAMETTE TRACTS", PLAT NO. 147, CLACKAMAS COUNTY PLAT RECORDS, TOGETHER WITH A PORTION OF VACATED 4TH AVENUE, 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 YELLOW PLASTIC CAP MARKED "ANDY PARIS & ASSOC. INC" FOUND AT THE SOUTHEAST CORNER OF SAID LOT C, THENCE ALONG THE WEST RIGHT OF WAY LINE OF 9TH STREET, BEING 20.00 FEET WEST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES, SOUTH 22°25'00" EAST, 20.00 FEET TO THE CENTERLINE OF VACATED 4TH AVENUE AS VACATED PER DOCUMENT NO. 2022-016215, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID CENTERLINE OF SAID VACATED 4TH AVENUE, SOUTH 67°40'51" WEST, 310.55 FEET; THENCE LEAVING SAID CENTERLINE, NORTH 22°19'09" WEST, 20.00 FEET TO THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2021-040797, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE ARC OF 5779.60 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIAL LINE BEARS NORTH 42°17'08" WEST), THROUGH A CENTRAL ANGLE OF 01°04'15"; AN ARC LENGTH OF 108.01 FEET (CHORD OF WHICH BEARS NORTH 48°15'01" EAST, 108.01 FEET); THENCE ALONG THE EAST LINE OF SAID LOT D, NORTH 22°25'00" WEST, 68.42 FEET TO THE SOUTHWEST CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED RECORDED AS DOCUMENT NO. 2020-063344, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID ADJOINING TRACT DESCRIBED AS TRACT 1, NORTH 67°40'51" EAST, 208.60 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 22°25'00" EAST, 104.35 FEET TO THE INITIAL POINT.

CONTAINING 29,828 SQUARE FEET.

SIGNED ON: 10 July 23

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

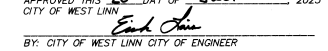
APPROVALS:

APPROVED THIS 10th DAY OF July, 2023

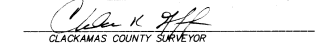
CITY OF WEST LINN

BY: CITY OF WEST LINN PLANNING DIRECTOR

APPROVED THIS 20th DAY OF July, 2023

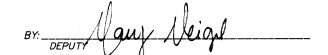
CITY OF WEST LINN

BY: CITY OF WEST LINN CITY OF ENGINEER

APPROVED THIS 07th 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 26 DAY OF July, 2023

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY: 
DEPUTY

STATE OF OREGON) SS
COUNTY OF CLACKAMAS)

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 8 DAY OF August, 2023 AT 9:38 O'CLOCK A.M.,

AS PARTITION PLAT NO. 2023-040

DOCUMENT NO. 2023-028155

SHERRY HALE CLACKAMAS COUNTY CLERK

BY: 
DEPUTY

*CATHERINE McMULLEN


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

PLOTTED: M:\PROJECTS\ICON-9TH_ST-1310\DWG\PART-C3D.dwg

EXHIBIT PD-5 COMPLETENESS LETTER



CITY OF
West Linn

December 8, 2023

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

SUBJECT: SB458 Expedited Land Division (ELD-23-14) for middle housing at 1322 9th St (tax lot 31E02AB06301), and 1310 9th Street (tax lot 31E02AB06300)

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 9, 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 503-742-6057, or by email at bgardner@westlinnoregon.gov if you have any questions or comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ben Gardner', written over a white background.

Ben Gardner
Assistant Planner

EXHIBIT PD-6 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

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

PROJECT

File No.: **ELD-23-14**

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

Development Name: **1310 & 1330 9th St Duplexes**

Scheduled Decision Date: **No earlier than 12/26/23**

MAILED NOTICE

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

Icon Construction & Development, applicant	12/12/23	Lynn Schr oder
Property owners within 100ft of the site perimeter	12/12/23	Lynn Schr oder
Willamette Neighborhood Association	12/12/23	Lynn Schr oder
Metro emailed per request	12/12/23	Lynn Schr oder
WLWL SD	12/12/23	Lynn Schr oder
Clackamas County	12/12/23	Lynn Schr oder
PGE	12/12/23	Lynn Schr oder
TriMet	12/12/23	Lynn Schr oder
Comcast	12/12/23	Lynn Schr oder
NW Natural Gas	12/12/23	Lynn Schr oder
TVF&R	12/12/23	Lynn Schr oder
Stafford-Tualatin CPO	12/12/23	Lynn Schr oder

EMAILED NOTICE

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

Willamette Neighborhood Association	12/12/23	Lynn Schr oder
Icon Construction & Development, applicant	12/12/23	Lynn Schr oder
METRO	12/12/23	Lynn Schr oder

WEBSITE

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

12/12/23	Lynn Schr oder
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FINAL DECISION

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

02/08/2024	Lynn Schr oder
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CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-23-14

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) at 1310 and 1330 9th St (Tax Lots 31E02AB06300 and 31E02AB06301). The applicant is requesting approval of a middle housing land division to create two (2) additional lots for the development of a total of two (2) detached duplexes.

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

The complete application and all evidence submitted by the applicant are posted on the City's website <https://westlinnoregon.gov/planning/1310-1330-9th-street-sb-458-expedited-land-division-divide-2-lots-4-lots>. 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 December 26, 2023.** Written comments can be submitted to bgardner@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 Ben Gardner, Assistant Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6057 or bgardner@westlinnoregon.gov.

Scan this QR Code to go to Project Web Page:



ELD-23-14 - Notified Properties within 100 feet of 1310 & 1330 9th St





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-23-14
MAIL: 12/12/2023 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.