



CITY OF  
**West Linn**

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: June 7, 2024  
FILE NO.: ELD-24-01  
REQUEST: Approval of an SB458 Expedited Land Division to divide the existing parcel at 4123/4147 Cornwall Street 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:** 4123/4147 Cornwall Street

**SITE SIZE:** 20,085 square feet

### LEGAL

**DESCRIPTION:** Taxlot 7600, Clackamas County Assessor Map 2S 1E 36BA

### COMP PLAN

**DESIGNATION:** Medium-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 April 8, 2024. The 63-day period for an expedited land division ends June 10, 2024.

**PUBLIC NOTICE:** Notice was mailed to property owners within 100 feet of the subject property, public facility and services providers, and the Willamette Neighborhood Association on April 26, 2024 as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on April 26, 2024. Therefore, public notice requirements have been met.

## EXECUTIVE SUMMARY

The applicant proposes to construct middle housing (detached duplex) on Taxlot 7600 of Clackamas County Assessor Map 2S 1E 36BA (4123/4147 Cornwall Street). The 20,085 square foot property is a legal lot 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 the property 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), nor any FEMA flood hazard area. A 65-foot Water Resource Area (WRA) associated with Cornwall Creek, which is located along the rear property line, covers approximately 11,400 square feet of the property. The applicant does not propose any development within the WRA, therefore does not need to secure a WRA permit. Sanitary sewer and water utilities are available in Cornwall Street. Stormwater will be treated/detained onsite.

Access to the dwelling units will be via individual driveways from Cornwall Street. The Cornwall Street right-of-way (ROW) is approximately 60 feet wide adjacent to the subject properties and requires no additional ROW dedication. Cornwall Street is not developed to City standards and the Applicant proposes a fee-in-lieu of street improvements. The City finds a fee-in-lieu roughly proportional to the proposal's impact.

### **Public comments:**

No public comments were received before the closing of the required 14-day comment period.

## DECISION

The Planning Manager approves this application (ELD-24-01) 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 February 26, 2024 (Exhibit PD-1).
2. **Compliance with Oregon Residential Specialty Code.** The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn Building staff prior to final plat approval from the City.
3. **Compliance with Siting and Design Standards.** The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval from the City.
4. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval. Public Works may coordinate with the applicant to complete additional, voluntary, off-site improvements.
5. **Utility Easements.** The applicant shall show an eight-foot public utility easement along the Cornwall Street right-of-way frontage on the face of the prior to final plat approval by the City.
6. **Final Plat Notation.** The applicant shall include on the face of the plat the notation "This middle housing land division approval was given under the provisions of SB458. Further division of the resulting parcels is prohibited".
7. **Final Plat Recording.** The approval of the tentative plat (ELD-23-14) shall be void if the applicant does not record the final partition plat within three years of approval.



**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
ELD-24-01**

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

ORS 92.031 Middle housing land division; conditions of approval.

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

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

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

**Staff Finding 1: The subject property is zoned Residential, R-10 and permits the construction of 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 a detached duplex 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 a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). The applicant did not submit building plans for the detached duplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code from West Linn**

**Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.**

**Staff Finding 3: The applicant proposes the construction of a detached duplex, which qualifies as a middle housing type (see Staff Finding 1). The City regulates siting and design of middle housing, including minimum property line setbacks, sidewall transitions, maximum floor-area-ratio (FAR), maximum lot coverage, and maximum building height. The siting and design regulations are reviewed by West Linn Planning staff during building permit review. Minimum property line setbacks and maximum lot coverage will apply and be calculated property boundaries and size. Sidewall transitions and maximum building height will be reviewed based on building plans. Maximum FAR will be calculated per CDC Chapter 11.070. The applicant did not submit building plans for the detached duplex with this application. The applicant shall submit building plans and obtain approval of compliance with siting and design standards from West Linn Planning staff prior to final plat approval by the City per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.**

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

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

**Staff Finding 5: The applicant proposes the construction of a detached duplex with separate utility connections for each dwelling unit. Utilities shall be installed in compliance with West Linn Municipal Code requirements per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.**

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

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

**Staff Finding 6: The applicant proposes direct connections from each resulting parcel to the water and sanitary sewer infrastructure in Cornwall Street. The applicant proposes storm water treatment/detention on each lot. The City franchise agreements require an eight-foot public utility easement along Cornwall Street. The applicant shall show the utility easement on the face of the final plat per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.**

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

**Staff Finding 7: The applicant proposes direct pedestrian access from each of the parcels to Cornwall Street, a public street; no easements are required. 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 applicant proposes direct driveway access from each of the parcels to Cornwall Street, a public street; no easements are required. 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 applicant proposes a detached duplex on the subject property 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 subject property 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 a detached duplex, which qualifies as a middle housing type. The applicant did not submit building plans for the detached duplex with this application. The applicant shall submit building plans and obtain approval of compliance with the Oregon residential specialty code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.**

*(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:*

*(a) Prohibit the further division of the resulting lots or parcels.*



**Staff Finding 13: The applicant proposes the construction of a detached duplex on the subject property, including the division of the property as allowed by SB458. The applicant shall include on the face of the plat a notation prohibiting the further division of the resulting parcels under the provisions of SB458 per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.**

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

**Staff Finding 14: The applicant proposes the construction of a detached duplex on the subject property, including the division of the property as allowed by SB458. The applicant shall include on the face of the plat a notation indicating the approval was given under the provisions of SB458 per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.**

*(4) In reviewing an application for a middle housing land division, a city or county:  
(a) Shall apply the procedures under ORS 197.360 to 197.380.*

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

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

**Staff Finding 16: The subject property has approximately 119 feet of frontage along Corneall Street, which is classified as a Local Street. The Cornwall Street right-of-way is approximately 60-feet wide and requires no dedication of additional right-of-way. The City may exact street frontage improvements that are roughly proportional to the impact from the development (Dolan vs. City of Tigard, 1994). The proposed development of two new dwelling units on the subject property will contribute approximately 20 new vehicle trips a day.**

The applicant proposes paying a fee-in-lieu of completing street improvements, as the entirety of Cornwall Street is unimproved and completing improvements as one project instead of piecemeal will allow the City to determine the best design for the street. The City finds the applicant proposal for fee-in-lieu to be roughly proportional as, 1) the impact of the construction of two additional dwelling unit is minimal, and 2) applying the fee-in-lieu to completing full street improvements on Cornwall Street will provide design flexibility and needed pedestrian and bicycle safety improvements if Landis Street is ever connected to Cornwall Street.

Community Development Code Chapter 96.010.A(4), which was applicable at the time of application, provides for the City to accept a fee equal to the estimated cost for construction of the improvements. The City estimated the average cost of street improvements on undeveloped right-of-way at \$385.00 per linear foot and City Council adopted this amount into the City Fee Schedule. The City of West Linn will apply the \$385.00 per linear foot to 100

percent of the 119 linear feet of Cornwall Street right-of-way adjacent to the property. This is roughly proportional to the impacts from the construction of two additional dwelling units on the subject property. The total fee-in-lieu is calculated as  $\$385.00 \times 119 = \$45,815.00$ . The applicant shall pay the fee-in-lieu of \$45,815.00 or install the half-street improvements on Cornwall Street adjacent to the subject property that meet West Linn Public Works Design Standards per Condition of Approval 8. 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 proposed utilizing a driveway with direct access to Cornwall Street for each of the two proposed parcels. The criteria are met.

*(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.*

**Staff Finding 18:** The City has not applied any approval criteria that are inconsistent with this section or ORS 197.360 to 197.380. The criteria are met.

*(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*

**Staff Finding 19:** The applicant shall submit building plans and obtain approval of compliance with the Oregon Residential Specialty Code, including provisions related to new property lines, from West Linn Building staff prior to final plat approval by the City per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, the criteria are met.

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

**Staff Finding 20:** The subject property is adjacent to Cornwall Street, a public right-of-way (ROW). The existing Cornwall Street ROW measures approximately 60 feet in width. The proposed project does not require 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 the subject property, including the division of the property 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 division. The criteria are met.**

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

**Staff Finding 23: The approval of the tentative plat (ELD-24-01) shall be void if the applicant does not record the final partition plat within three years of approval per Condition of Approval 7. Subject to the Conditions of Approval, the criteria are met.**

*197.360 "Expedited land division" defined; applicability.*

*(1) As used in this section:*

*(a) "Expedited land division" means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:*

**Staff Finding 24: The applicant proposes a middle housing development (see Staff Finding 1), which is eligible for an expedited land division under ORS 92.031, Middle Housing Land Division. The criteria are met.**

*(A) Includes only land that is zoned for residential uses and is within an urban growth boundary.*

*(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.*

**Staff Finding 25: The subject property is zoned Residential, R-10 and within the Portland Metropolitan Area Urban Growth Boundary. The applicant proposes development of a detached duplex, which is a residential use. No open space or recreational uses are proposed. The criteria are met.**

*(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:*

*(i) Open spaces, scenic and historic areas and natural resources;*

*(ii) The Willamette River Greenway;*

**Staff Finding 26: The subject property is not located within the Willamette River Greenway 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 property does 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: Existing development patterns meet street connectivity standards in the vicinity of the subject property. The 2016 West Linn Transportation System Plan does not include any connectivity projects requiring right-of-way across the subject property. The criteria are met.**

*(E) Will result in development that either:*

*(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or*

*(ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.*

**Staff Finding 29: The subject property is approximately 20,085 sq. ft. and zoned Residential, R-10, which requires a minimum lot size of 10,000 sq. ft. Maximum density under a traditional CDC Chapter 85 land division would allow two dwelling units.**

**The applicant proposes a detached duplex middle housing development on the subject property (see Staff Finding 1), which is eligible for expedited land division under ORS 92.031, Middle Housing Land Division. The middle housing development will result in two dwelling units on the subject property, which is 100 percent of the maximum density currently permitted on the subject property. The criteria are met.**

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

**Staff Finding 30: The applicant proposes an expedited land division that creates two parcels from the subject property under ORS 92.031. The proposal meets the criteria set forth in paragraph (a), see Staff Findings 24 to 29. The criteria are met.**

*(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.*

**Staff Finding 31: The City and applicant acknowledge an expedited land division is not a land use decision or limited land use decision under ORS 197.015 or a permit under ORS 215.402 or ORS 227.160. The criteria are met.**

*(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:*

*(a) The physical characteristics of permitted uses;*

*(b) The dimensions of the lots or parcels to be created; or*

*(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.*

**Staff Finding 32: The applicant proposes middle housing on the subject property through the construction of a detached duplex, including the division of the existing property 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: See Staff Findings 24 to 32. The criteria are met.**

*197.365 Application; notice to neighbors; comment period.*

*Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under ORS 92.031:*

*(1)(a) If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.*

**Staff Finding 34: The applicant did not request to use the procedures outlined in the West Linn Community Development Code, therefore the City processed the application as an expedited land division. The application was submitted on March 11, 2024 and the City deemed the application incomplete on March 29, 2024. The applicant submitted responses to all incomplete items on April 8, 2024 and the application was deemed complete. 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 March 11, 2024 and the City deemed the application incomplete on March 29, 2024. The applicant submitted responses to all incomplete items on April 8, 2024 and the application was deemed complete. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on March 11, 2024. 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 April 26, 2024. The City provided written notice to property owners within 100 feet of the entire contiguous site, compiled from the most recent property owner information available, on April 26, 2024. The City provided written notice to the Willamette Neighborhood Association on April 26, 2024. The affidavit of public notice is found in Exhibit PD-3. 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-3. 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 April 26, 2024 with a deadline for submission of written comments on May 13, 2024. This provided a 14-day comment period. A copy of the notice is found in Exhibit PD-3. 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 March 11, 2024 and the City deemed the application complete on April 8, 2024. The City approved the application with conditions on June 7, 2024, the 60th 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 June 10, 2024, the 63rd day after deeming the application complete. The notice of decision included the summary statement and an explanation of appeal rights. The criteria are met.**

197.370 Failure of local government to timely act on application.

(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division or a middle housing land division, as defined in ORS 92.031, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use

regulations or the requirements of ORS 92.031 or 197.360. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division or a middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 92.031 and 197.360 to 197.380, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

**Staff Finding 42: The City acted in a timely manner and made the decision within the 63-day time period. The criteria are met.**

197.375 Appeal of local government to referee; Court of Appeals.

(1) An appeal of a decision made under ORS 197.360 and 197.365 or under ORS 92.031 and 197.365 shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4) and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 92.031 or 197.360 to 197.380 and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

**Staff Finding 43: The applicant acknowledges and understands the appeal rights and process. If appealed, the City will follow the expedited land division appeal process and criteria. The criteria are applicable upon appeal.**

(2) The local government shall appoint a referee to decide the appeal of a decision made under this section. The referee may not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.



**Staff Finding 44: The applicant acknowledges and understands the appeal procedures. If appealed, the City will follow the expedited land division appeal process and criteria, including the appointment of a referee to decide the appeal.**

*(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.*

**Staff Finding 45: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(4)(a) The referee shall apply the substantive requirements of the applicable land use regulations and ORS 92.031 or 197.360. If the referee determines that the application does not qualify as an expedited land division or a middle housing land division, as defined in ORS 92.031, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.*

*(b) For an expedited land use division, the referee may not reduce the density of the land division application.*

*(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.*

**Staff Finding 46: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.*

**Staff Finding 47: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.*

**Staff Finding 48: If appealed, the referee appointed by the City will follow the expedited land division appeal process and criteria.**

*(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 92.031 or 197.360 to 197.380.*

**Staff Finding 49: The applicant acknowledges and understands the Land Use Board of Appeals does not have jurisdiction over this decision.**

*(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:*

*(a) That the decision does not concern an expedited land division as described in ORS 197.360 or middle housing land division as defined in ORS 92.031 and the appellant raised this issue in proceedings before the referee;*

*(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or*

*(c) That the decision is unconstitutional.*

**Staff Finding 50: The applicant acknowledges and understands the right to seek judicial review of the referee's decision.**

*197.380 Application fees.*

*Each city and county shall establish application fees for an expedited land division and a middle housing land division, as defined in ORS 92.031. The fees must be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 92.031 and 197.360 to 197.380.*

**Staff Finding 51: The City has an adopted fee schedule 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 <b>Darren Wyss</b>	PROJECT NO(S) <b>ELD-24-01</b>	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) <b>\$4,900</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$4,900</b>

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

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

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

<b>Site Location/Address:</b> No situs address. Located between 4099 & 4195 Cornwall Street, West Linn, OR	Assessor's Map No.: 21E36BA <hr/> Tax Lot(s): 07600 <hr/> Total Land Area: 20,085 sq. ft.
---	---

**Brief Description of Proposal:**

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

<b>Applicant Name*:</b> Icon Construction & Development, LLC Address: 1969 Willamette Falls Dr. Suite 260 City State Zip: West Linn, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
---	---

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

<b>Consultant Name:</b> Rick Givens, Planning Consultant Address: 28615 SW Paris Ave., Unit 110 City State Zip: Wilsonville, OR 97070	Phone: 503-351-8204 Email: rickgivens@gmail.com
---	--

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 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-24-01

2/26/24  
Date

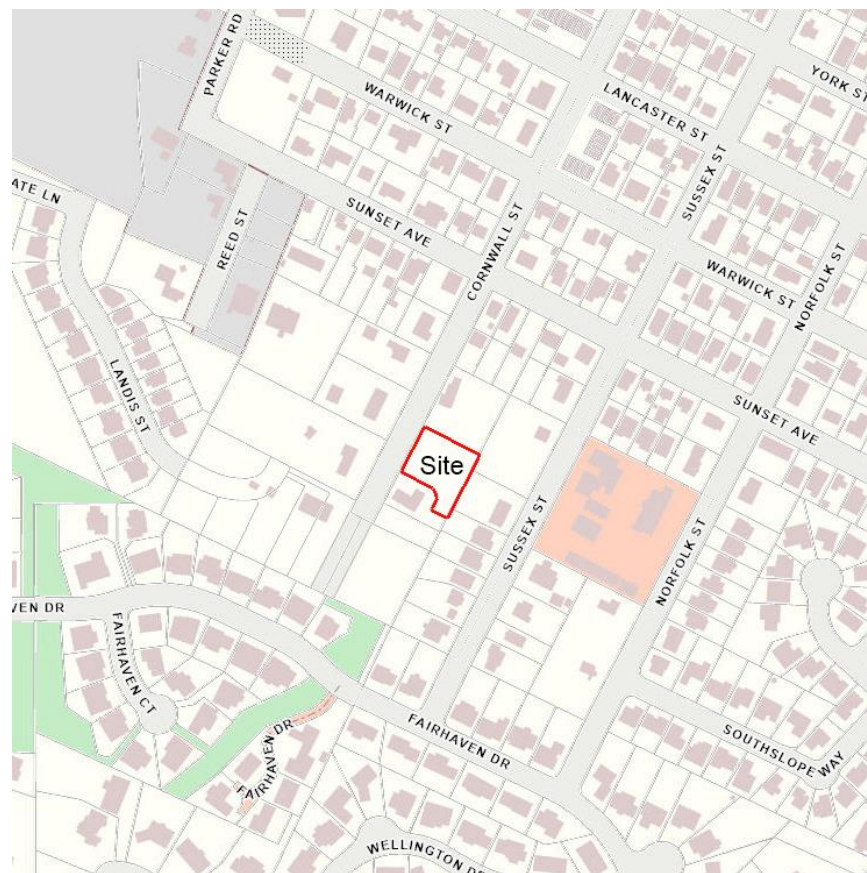
  
 Owner's signature (required)  
 2-27-24  
 Date

## Expedited Land Division Narrative

Tax Lot 21E36BA07600, Cornwall Street, West Linn

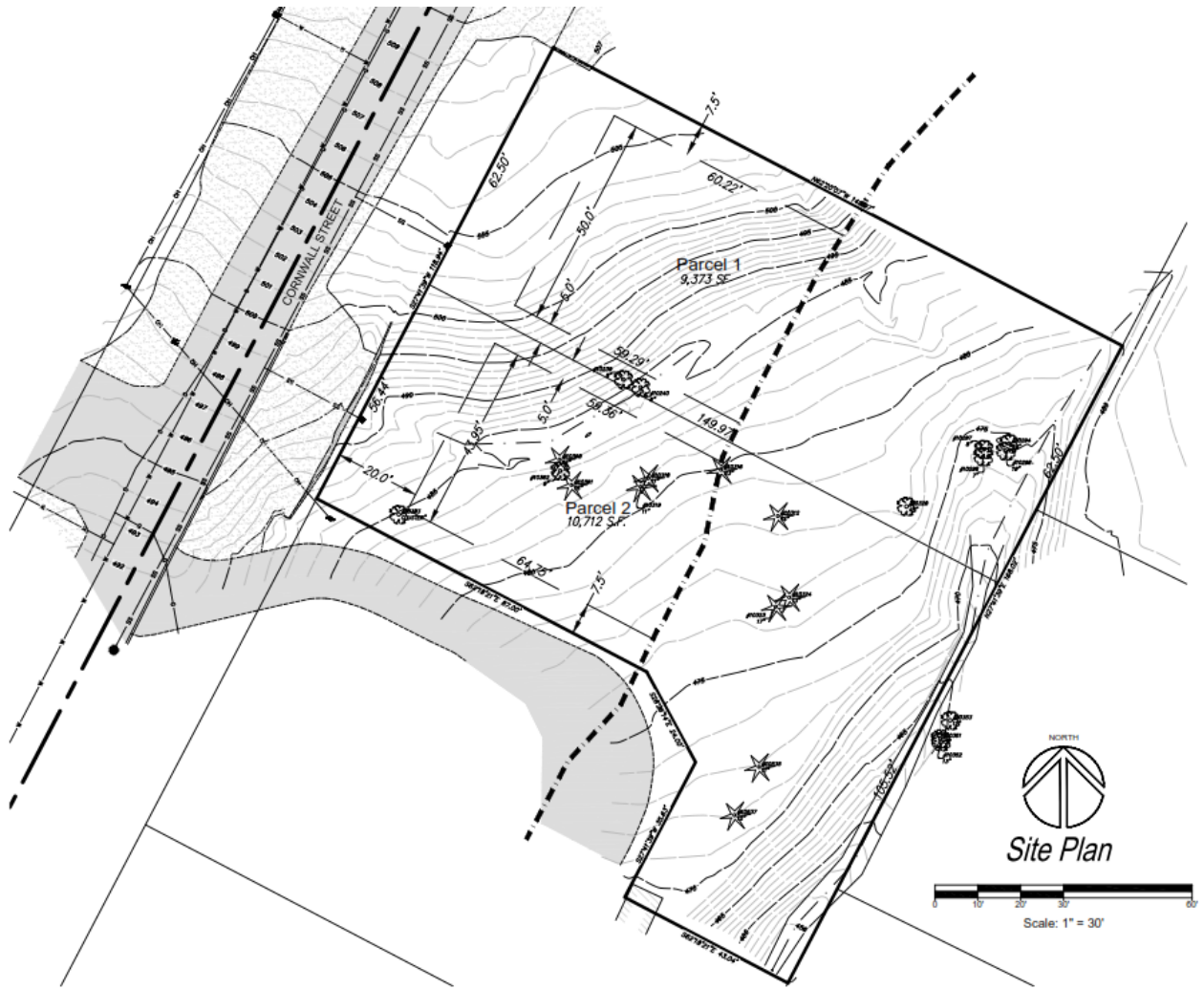
### Icon Construction & Development, LLC

**Proposal:** This application requests approval of a middle housing Expedited Land Division (ELD) for an existing lot described as Tax Lot 21E36BA07600. The property is vacant and has no site address, but is located between 4099 and 4195 Cornwall Street in West Linn. This site is located on the east side of Cornwall Street south of Sunset Avenue.

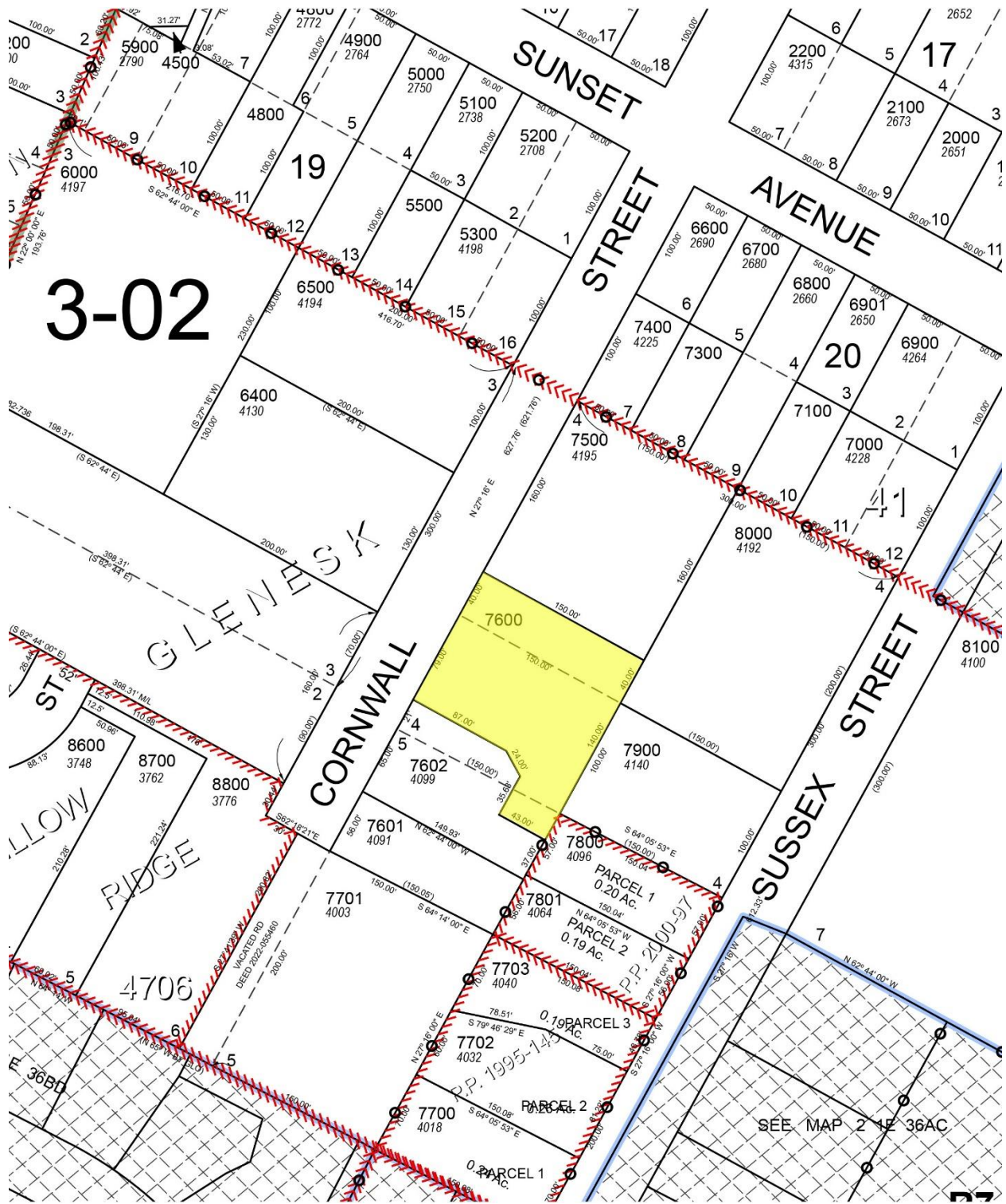


Vicinity Map

The proposed site plan is depicted on the map on the following page as well as on the Tentative Plan submitted with this application.



Site Plan



Crop from Assessor's Map  
22E30CB

## Existing Conditions

The subject property is shown outlined in yellow on the aerial photograph below. The subject property is vacant. The property slopes downhill from Cornwall Street to the southeast at an average grade of approximately 24 percent. There is an existing creek located along the rear property line of the site. Protection of the water resource will require the maintenance of a 65' buffer from the creek, as shown on the Tentative Plan.

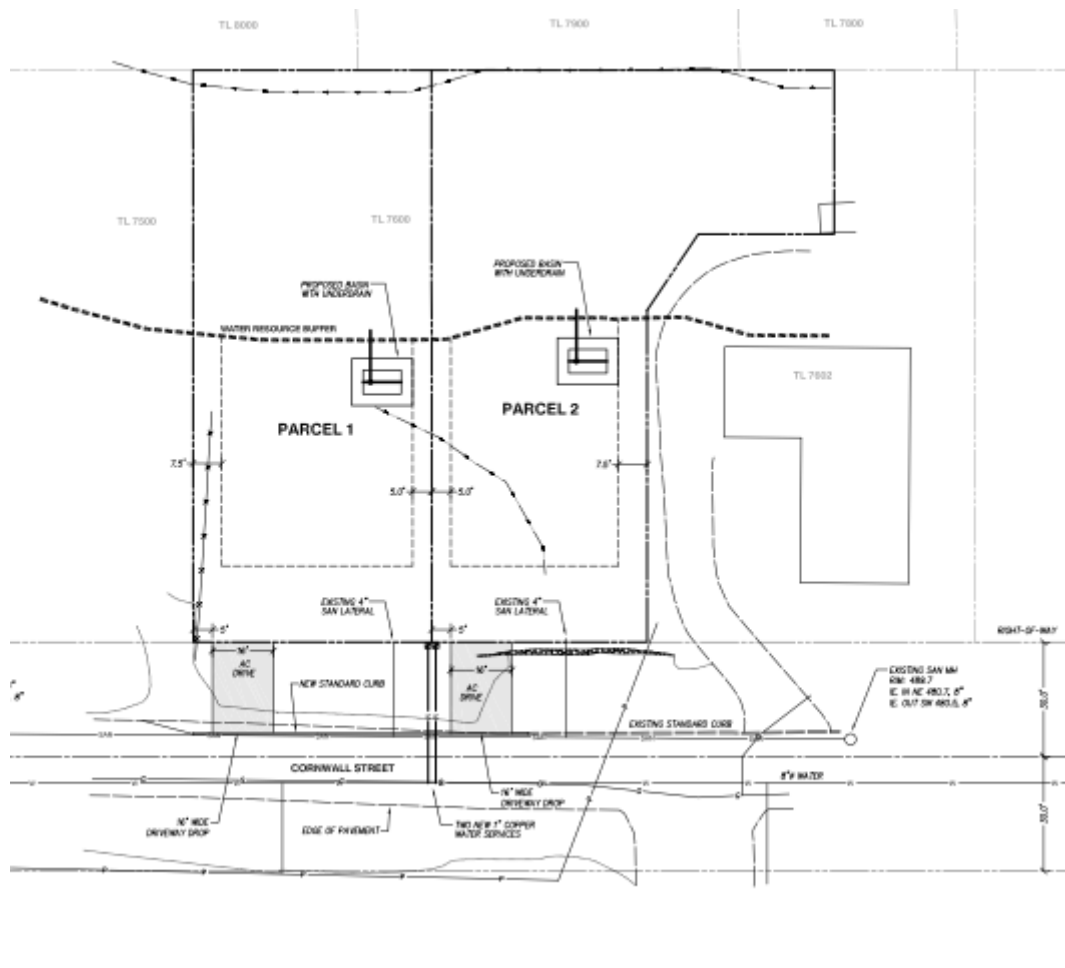


Aerial Photograph of Existing Conditions



## Public Facilities

City of West Linn sanitary sewer and water lines are located in Cornwall Street to serve the proposed project. A preliminary utility plan and storm report for the project have been prepared by Theta Engineering and are included with our application package. Sanitary sewer laterals were installed from the new sewer line in Cornwall Street and are extended to the property line. New water service laterals and water meters will be installed along the Cornwall right-of-way to service the property. Onsite infiltration is proposed using a “Basin with Underdrain” design, with overflow to the creek at the rear of the lot.



Utility Plan

### Compliance with Approval Criteria:

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 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 duplex units, one of which will be located on each parcel. Duplex units are middle housing pursuant to the definitions in ORS 197.758(1). The subject lots are zoned R-10 and this zone allows for the development of middle housing under standards adopted by the City of West Linn.

ORS 197.360(1)(a)(C)(i) requires that ELD proposals *“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;*
- (iii) Estuarine resources;*
- (iv) Coastal shorelands; and*
- (v) Beaches and dunes.*

Comment: The subject property does not contain any resource lands described under subsections (ii) through (v), but it does contain a Water Resource Area that is included in subsection (i). The Water Resource Area consists of a small creek at the rear of the property and a 65’ buffer area as measured from the creek bank. This area is identified on the Tentative Plan. No development will occur within the Water Resource Area.

*(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 parcels will be developed with detached duplex units, as shown on the attached Tentative Plan. 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 applicable dimensional standards for the R-10 zone are found in CDC 13.070 and are shown in the table below:

STANDARD	REQUIREMENT	ADDITIONAL NOTES	COMMENT
<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 lot widths at the front lot line are: Parcel 1- 62.5', Parcel 2-56.44'.
<i>Average Minimum lot width</i>	<i>50 ft.</i>	<i>Does not apply to Townhouses or Cottage Clusters.</i>	Does not apply 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>	Not applicable to the proposed project as it does not include a Cottage Cluster.
<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 5' setback is proposed on the common lot line. The perimeter side yards will maintain the required 7.5' setback.
<i>Street Side Yard</i>	<i>15 ft</i>		Not applicable as there are no street side yards abutting the site.
<i>Rear Yard</i>	<i>20 ft</i>		The minimum rear yards proposed will not exceed 20 feet.

<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>	<p><i>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> <li>• <i>This does not include detached garages, carports, or accessory structures.</i></li> <li>• <i>A developer may deduct up to 200 sf for an attached garage or carport.</i></li> </ul>	Proposed maximum building envelopes for both parcels are shown on the site plan. The actual lot 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>		Not applicable. Both parcels have direct frontage onto Cornwall St.
<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>	Compliance with floor area ratio standards will be reviewed at the time of building permit application.

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

Comment: Each unit of the townhouses will have separate utilities, as shown on the Utility Plan above.

*(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 the street right-of-way fronting the lots. No Public Utility Easements other than the standard PUE along the street right-of-way are proposed.

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

Comment: Both of the lots front directly onto Cornwall Street. A new 6'-wide sidewalk will be installed along the frontage, as required by City standards.

*(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 one vehicle plus an attached garage providing an additional parking space.

*(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.

*ORS 92.031(4) In reviewing an application for a middle housing land division, a city or county:*

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

Comment: The property's frontage on Norfolk Street does not currently meet City of West Linn street standards. Because adjacent properties also have frontages that do not meet City standards, it makes sense for the improvements to be done by the City as a part of a larger improvement project at a later date. The applicant proposes to provide a fee-in-lieu of constructing these improvements per City standards.

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

A Preliminary Utility Plan, prepared by Theta, LLC, is included with this application. This drawing shows all sewer, water and storm services required to serve the proposed lots. No site grading is proposed at this time. Future grading for the foundations for the homes to be built on the lots will be submitted with the building permit applications prior to the commencement of home construction.

## Chapter 32: WATER RESOURCE AREA PROTECTION

As shown on the Tentative Plan and Existing Conditions Map, there is a creek located along the rear property line of the subject property. Table 32-2 requires a 65' setback from the edge of a water resource. This setback is shown on the Tentative Plan. No development within the 65' protected buffer is proposed.

### 32.060 APPROVAL CRITERIA (STANDARD PROCESS)

*No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:*

#### A. WRA protection/minimizing impacts.

1. *Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.*

Comment: No development within the 65' setback is proposed so the avoidance requirement is met.

2. *Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC [32.090](#) and [32.100](#), respectively.*

Comment: Since no development within the buffer is proposed, no mitigation is required.

#### B. Storm water and storm water facilities.

1. *Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:*

Comment: The creek will be maintained in its natural condition. On-site basins with overflow to the creek are proposed as the means of handling storm water on the proposed parcels. This is consistent with the above provisions.

No public stormwater improvements or facilities are proposed, so the balance of this section does not apply.

*D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:*

Comment: The slopes of the first 30' from the bank of the creek adjacent to the proposed developed area of the lots are in the 15 to 23% range. A buffer of 65' is proposed, consistent with Table 32-2. This buffer will not be developed, so the balance of this chapter does not apply.

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



**North Operating Center**  
11945 SW 70<sup>th</sup> Avenue  
Tigard, OR 97223  
Phone: 503-649-8577

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

REV 6-30-20

**Project Information**

Applicant Name: Icon Construction & Development, LLC  
Address: 1969 Willamette Falls Drive, Suite 260  
Phone: 503-657-0406  
Email: darren@iconconstruction.net  
Site Address: No site address – north of 4099 Cornwall St.  
City: West Linn  
Map & Tax Lot #: 21E36BA TL 7600  
Business Name: Icon Construction & Development, LLC  
Land Use/Building Jurisdiction: West Linn  
Land Use/ Building Permit # ELD-24-01

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

**Project Description**

The project is a two-lot middle housing Expedited Land Division (partition). The property is vacant. Two homes will be built on the property.

**Permit/Review Type (check one):**

- XLand 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 # 2024-0045  
Permit Type: SPP West Linn  
Submittal Date: 4-1-24  
Assigned To: DFM Arn  
Due Date: NA  
Fees Due: Ø  
Fees Paid: Ø

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

**This section is for application approval only**

[Signature] 4-8-24  
Fire Marshal or Designee Date

Conditions: See fire service plan.

See Attached Conditions:  Yes  No

Site Inspection Required:  Yes  No

ELD-24-01

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID \_\_\_\_\_ Date \_\_\_\_\_



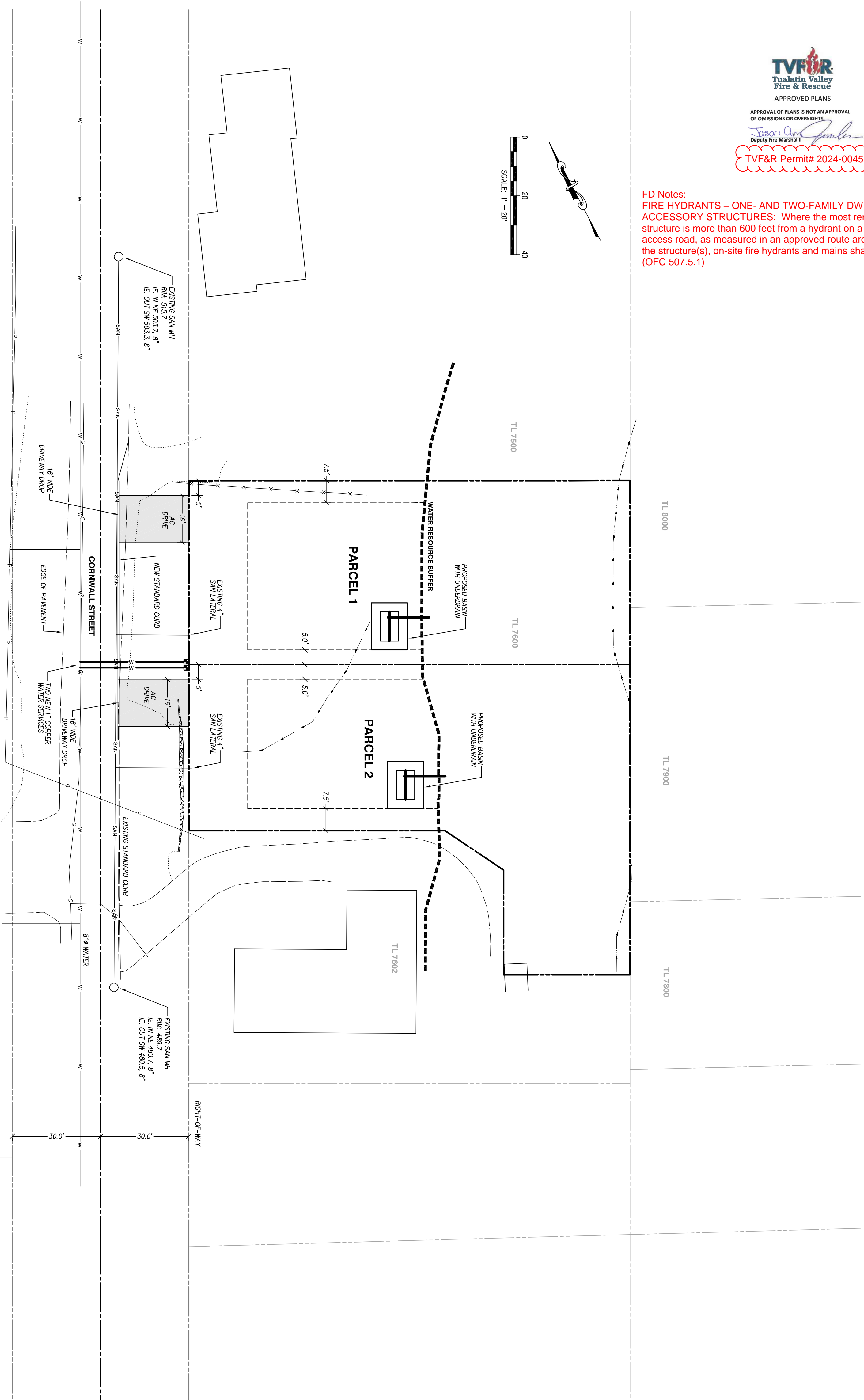
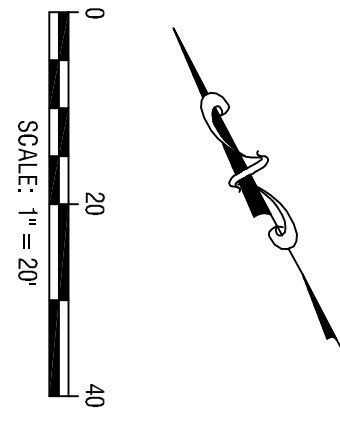


APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

Jason A. Spaulding  
District Fire Marshal II

TVF&R Permit# 2024-0045

**FD Notes:**  
**FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)



EXPIRES: 06/30/2025  
 SIGNATURE DATE: 03/01/2024

**PRELIMINARY UTILITY PLAN**

**ELD TENTATIVE PLAN**  
**TL 7600 Cornwall Street**

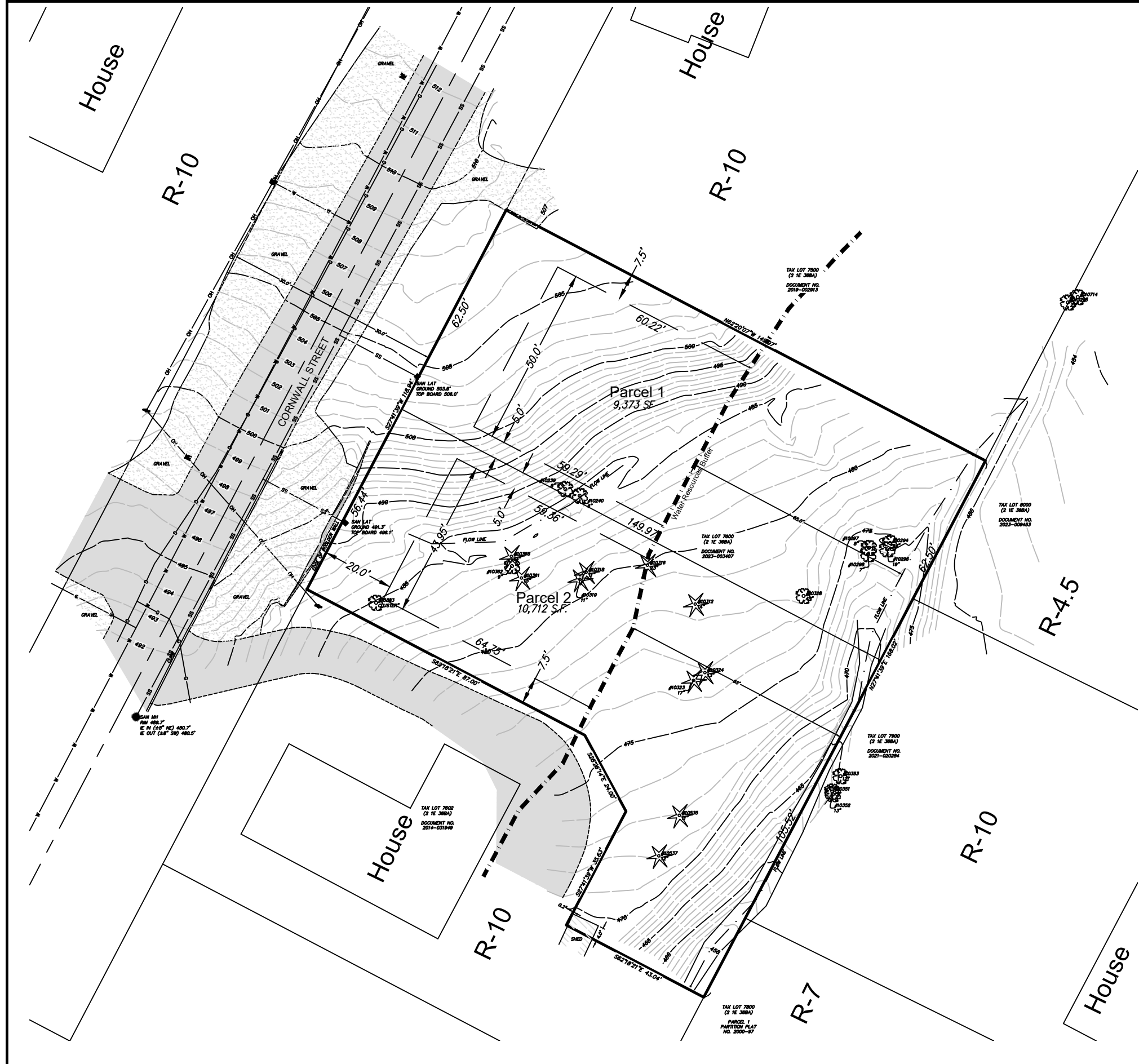
DESIGNED:	BDG	
DRAWN:	BJS	
SCALE:	1" = 20'	
DATE:	February, 2024	
FILE:	Cornwall 129P2 Prelim1	

**ENGINEERING - SURVEYING - PLANNING**  
 PO Box 1345  
 Lake Oswego, Oregon 97035  
 503.481-8822  
 email: theatainc@comcast.net

Ion Construction & Development, LLC  
 1969 Willamette Falls Drive, Suite 280  
 West Linn, Oregon 97068  
 Phone: (503) 657-0406

REVISION	NO.	DATE

SHEET:  
**1/1**



Vicinity Map

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

Engineer:  
 Theta Engineering  
 PO Box 1345  
 Lake Oswego, OR 97035  
 PH: (503) 481-8822

Legal: 21E36BA07600

Water: City of West Linn

Sewer: City of West Linn

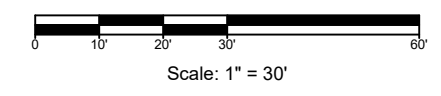
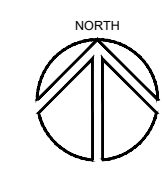
Contours: Centerline Concepts, Inc.

Site Area: 20,085 square feet

Zoning: R-10

Surveyor:  
 Centerline Concepts, Inc.  
 19376 Molalla Ave Suite 120  
 Oregon City, OR 97045  
 PH: (503) 650-0188

Water Resource Area:  
 Total Existing Parcel -  
 9,689 SF outside WRA, 10,396 SF In WRA  
 Parcel 1 -  
 4,969 SF outside WRA, 4,404 SF In WRA  
 Parcel 2 -  
 4,720 SF outside WRA, 5,992 SF In WRA



DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 30'			
DATE:	10-20-201			
FILE:	24-ICN-100	DATE	NO.	REVISION

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

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

34

TL 7600 Cornwall Street  
 ELD Tentative Plan  
 PLANNING MANAGER DECISION

SHEET:  
 1/1



# PRELIMINARY STORM ANALYSIS PARCELS 1 & 2 21E36BA07600 WEST LINN, OREGON

## **Narrative:**

This is a vacant parcel of land that is being divided by the Middle house code. Cornwall Street has recently been improved with sanitary sewer, water line and street paving. An existing standard vertical curb extends into parcel 2. No additional street improvements are anticipated with the exception of two new driveway approaches. On site infiltration facilities are proposed using "Basin with Underdrain) and overflow discharge to a drainage way in the rear of the lots.

Approach.

## **References:**

1. Icon Construction
2. Centerline Concepts
3. USDA soils website
4. West Linn Storm Water design standards
5. Portland Stormwater manual
  - a. Presumptive Approach Calculator

## **Design Guidelines**

The City of West Linn Public Works Design Standards Section 3.0013. specifies all Water Quality facilities shall meet the design requirements of the current Portland Stormwater Manual for both quantity and quality.

The results of the Presumptive Calculator results have been increased by 25% due to rainfall patterns.

## **Infiltration:**

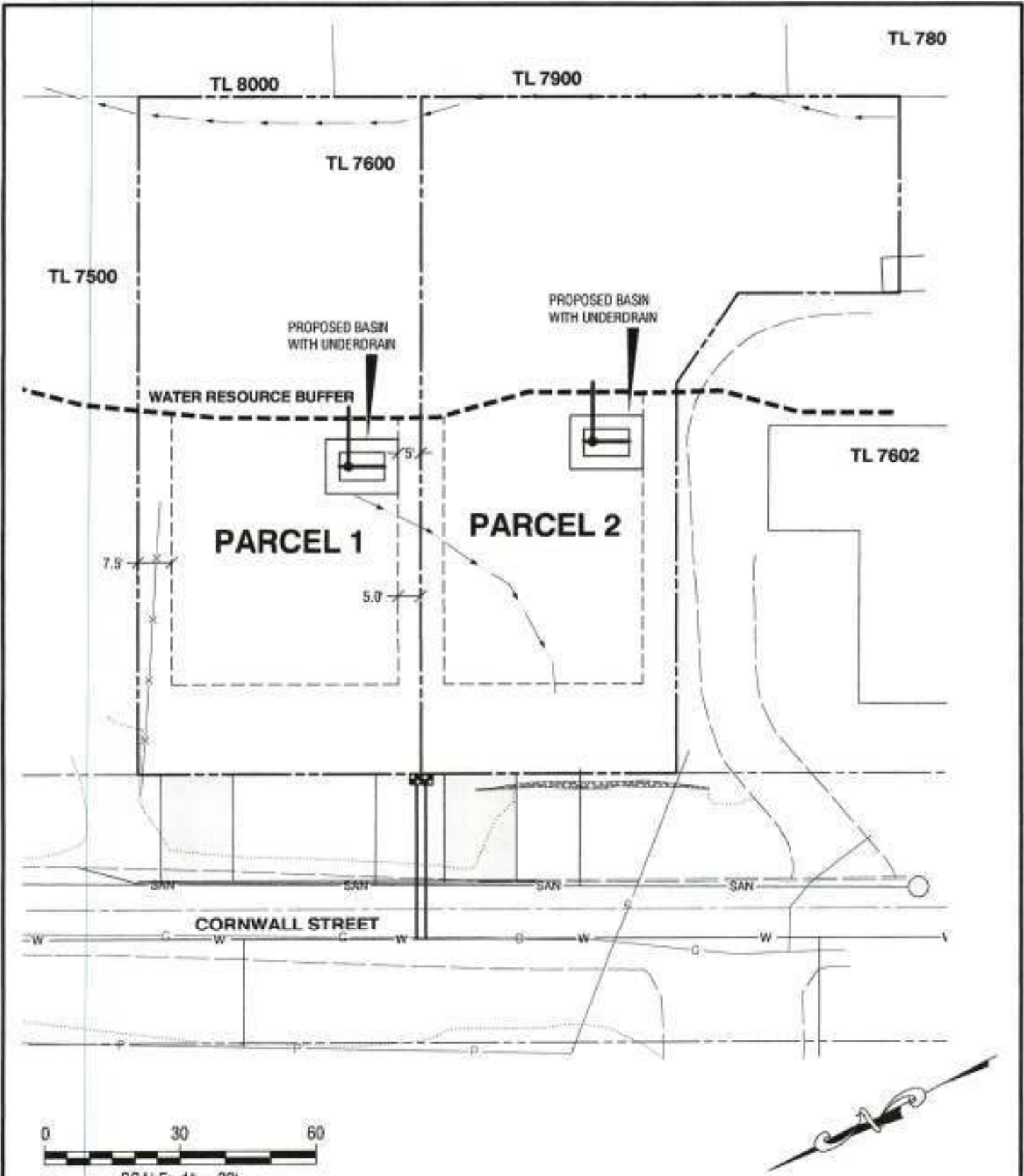
No on-site infiltration testing was conducted at this time but relied on the USDA WEB site information. The soils per the USDA were reported to be Saum Silt (78B)

## **Calculations:**

Using the Portland presumptive design approach with a preliminary impervious area of 3200 SF a Basin with underdrain system has been sized for each parcel and has been increased by 25%. The final sizing will be done with the actual house plans are known.

Prepared by:  
Bruce D. Goldson, PE  
Theta, LLC  
March 1, 2024  
2014-129Z.P2





2024-129P2

**PRELIMINARY STORM DRAINAGE REPORT**

**Theta, llc**

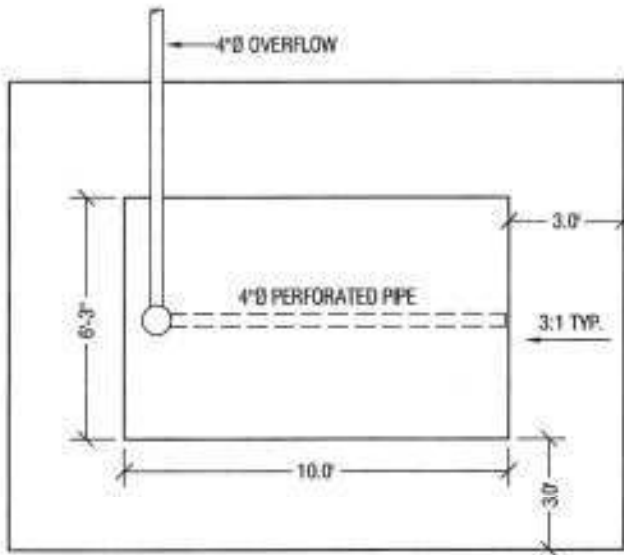
ENGINEERING - SURVEYING - PLANNING

PO Box 1345  
Lake Oswego, Oregon 97035

503-481-8822  
email: thetaeng@comcast.net

Parcel 1 & 2  
Preliminary Storm for Future Houses  
21E36BA07600  
West Linn, Oregon

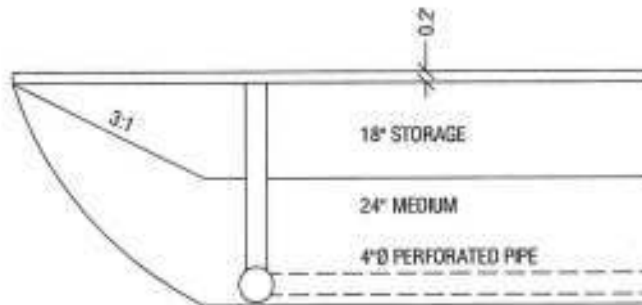
1  
2



SEE PDX SW-241

**BASIN WITH UNDERDRAIN**

SCALE: 1" = 5'



**BASIN WITH UNDERDRAIN SECTION**

SCALE: 1" = 3'

NEED ONE FACILITY FOR EACH LOT

2024-129P2

**PRELIMINARY STORM DRAINAGE REPORT**

**Theta, llc**

ENGINEERING - SURVEYING - PLANNING

PO Box 1345  
Lake Oswego, Oregon 97035

503-481-8822  
email: thetaeng@comcast.net

Parcel 1 & 2  
Preliminary Storm for Future Houses  
21E36BA07600  
West Linn, Oregon

**2**  
**2**

# PAC Report

## Project Details

Project Name Cornwall preliminary	Permit No	Created 3/1/2024 3:29:51 PM
Project Address 21E36BA07600	Designer	Last Modified 3/1/2024 3:29:51 PM
	Company	Report Generated 3/1/2024 8:09:52 AM

## Project Summary

Catchment Name	Imperious Area (sq ft)	Native Soil Design Infiltration Rate (in/hr)	Level	Category	Config	Facility Area (excl. free board) (sq ft)	Facility Sizing Ratio (%)	PR Results	Infiltration Results	Flow Control Results
approx roof	3200	0.485	2B	Basin	C	192.82	6.02	Pass	NA	Pass

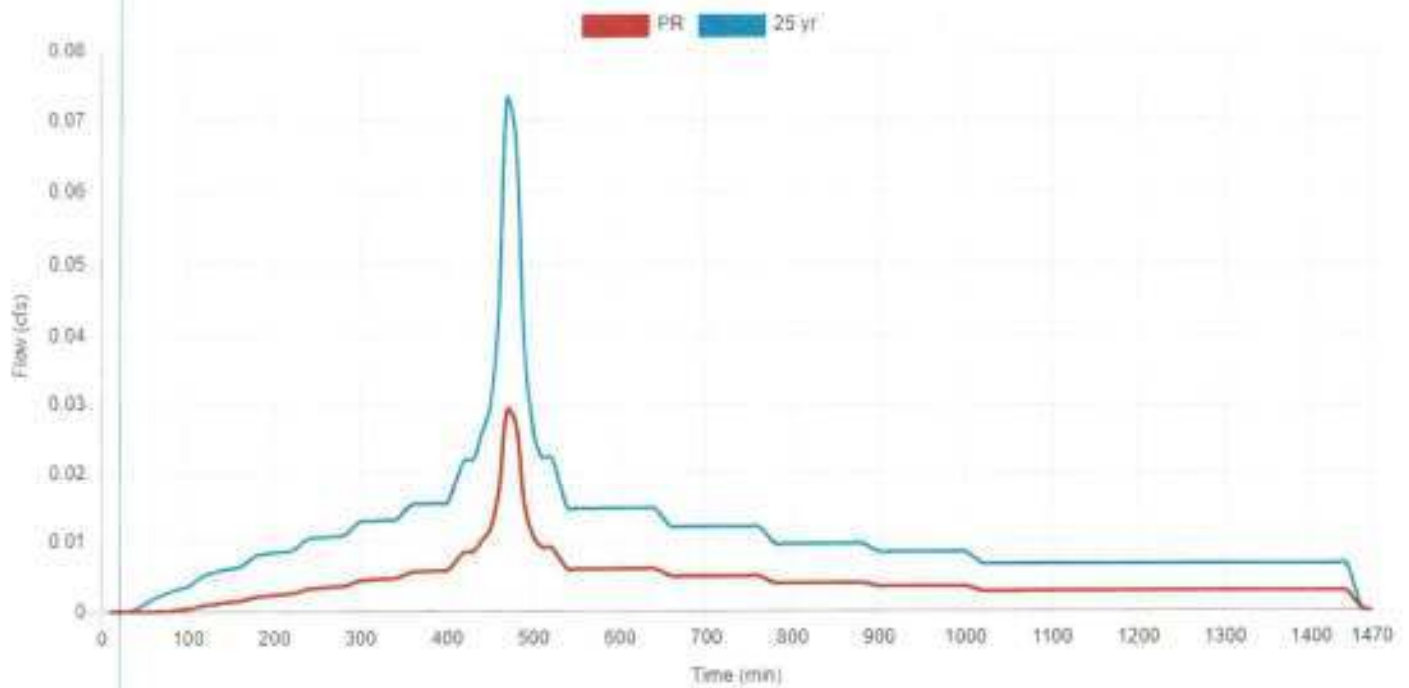
approx roof

<p><b>Site Soils &amp; Infiltration Testing</b></p>	<p><b>Infiltration Testing Procedure</b> OpenPit</p> <p><b>Tested Native Soil Infiltration Rate</b> 0.93 in/hr</p>
<p><b>Correction Factor</b></p>	<p><b>CF<sub>test</sub></b> 2</p>
<p><b>Design Infiltration Rates</b></p>	<p><b>Native Soil</b> 0.465 in/hr</p> <p><b>Imported Blended Soil</b> 6 in/hr</p>
<p><b>Catchment Information</b></p>	<p><b>Hierarchy Level</b> 2B</p> <p><b>Hierarchy Description</b> Discharge to an overland storm drainage system, including streams, drainageways, and ditches, or to a storm-only pipe system that discharges to an overland storm drainage system.</p> <p><b>Pollution Reduction Requirement</b> Filter the post-development stormwater runoff from the water quality storm event through the blended soil.</p> <p><b>Infiltration Requirement</b> N/A</p> <p><b>Flow Control Requirement</b> Limit the ½ the 2-yr, the 5-yr, and the 10-yr post-development peak flows to their respective pre-development peak flows. Unless the facility is a public facility (i.e., in the public right-of-way), also limit the 25-yr post-development peak flow to the 25-year pre-development peak flow.</p> <p><b>Impervious Area</b> 3200 sq ft 0.073 acre</p> <p><b>Pre-Development Time of Concentration (TC<sub>pre</sub>)</b> 5 min</p> <p><b>Post-Development Time of Concentration (TC<sub>post</sub>)</b> 5 min</p> <p><b>Pre-Development Curve Number (CN<sub>pre</sub>)</b> 86</p> <p><b>Post-Development Curve Number (CN<sub>post</sub>)</b></p>



# SBUH Results

## Post-Development Runoff



	Pre - Development Rate and Volume		Post - Development Rate and Volume	
	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)
<b>PR</b>	0.0088	151.1	0.0292	370.3
<b>25-Year</b>	0.0477	630.9	0.0731	950.8

	Overflow		Underdrain Outflow		Infiltration	
	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)
<b>PR</b>	0	0	0.017	205.8	0.002	164.5
<b>25-Year</b>	0	0	0.017	775.7	0.002	175.1

## Rect Basin

### Site Soils & Infiltration Testing

#### Category

Rect Basin

#### Shape

Rectangular

#### Location

Parcel

#### Configuration

C: Infiltration with RS & UnderDrain[Ud]

### Above Grade Storage Data

#### Bottom Area

30 sq ft

#### Bottom Width

5.00 ft

#### Side Slope

3.0 h:1v

#### Freeboard Depth

2.0 in

#### Overflow Height

18.0 in

#### Total Depth of Blended Soil plus Rock

24 in

#### Surface Storage Capacity at Overflow

151.06 cu ft

#### Design Infiltration Rate to Soil Underlying the Facility

0.002 cfs

#### Design Infiltration Rate for Imported Blended Soil in the Facility

0.019 cfs

### Below Grade Storage Data

#### Catchment is too small for flow control?

Yes

#### Rock Area

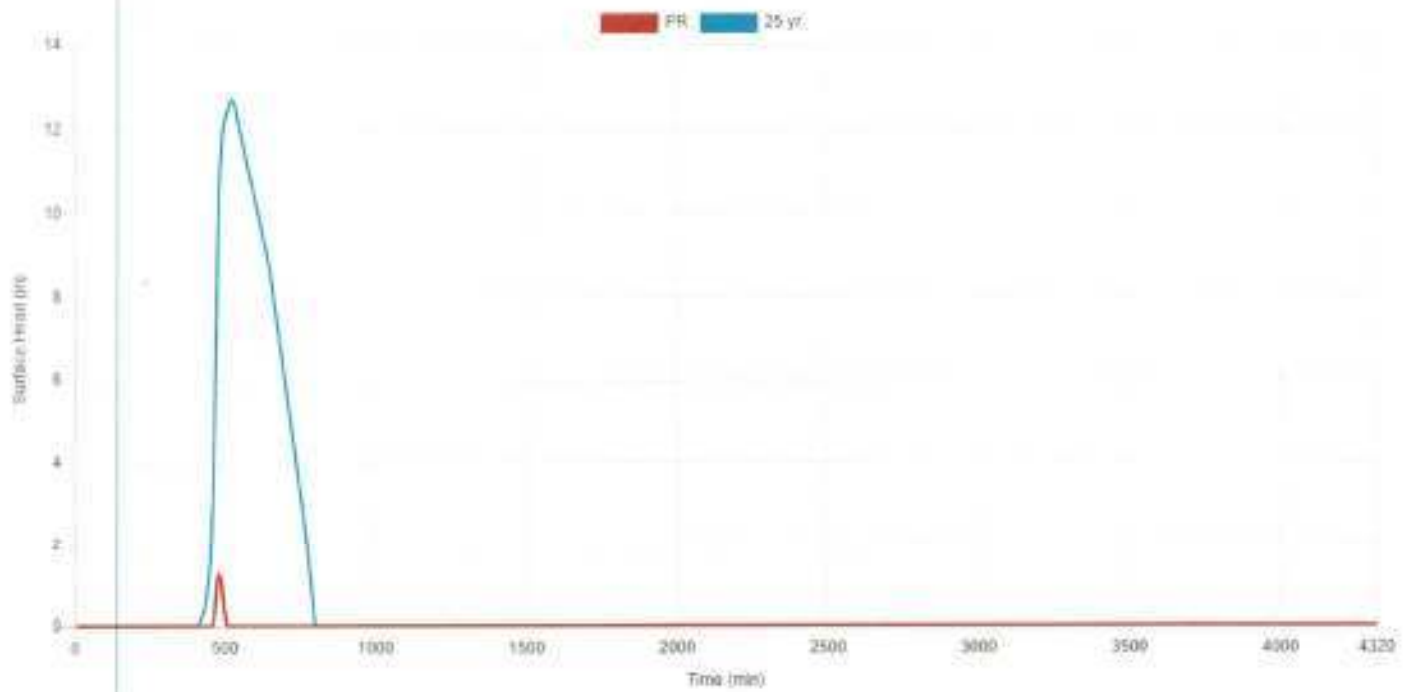
18.00 sq ft

#### Rock Width

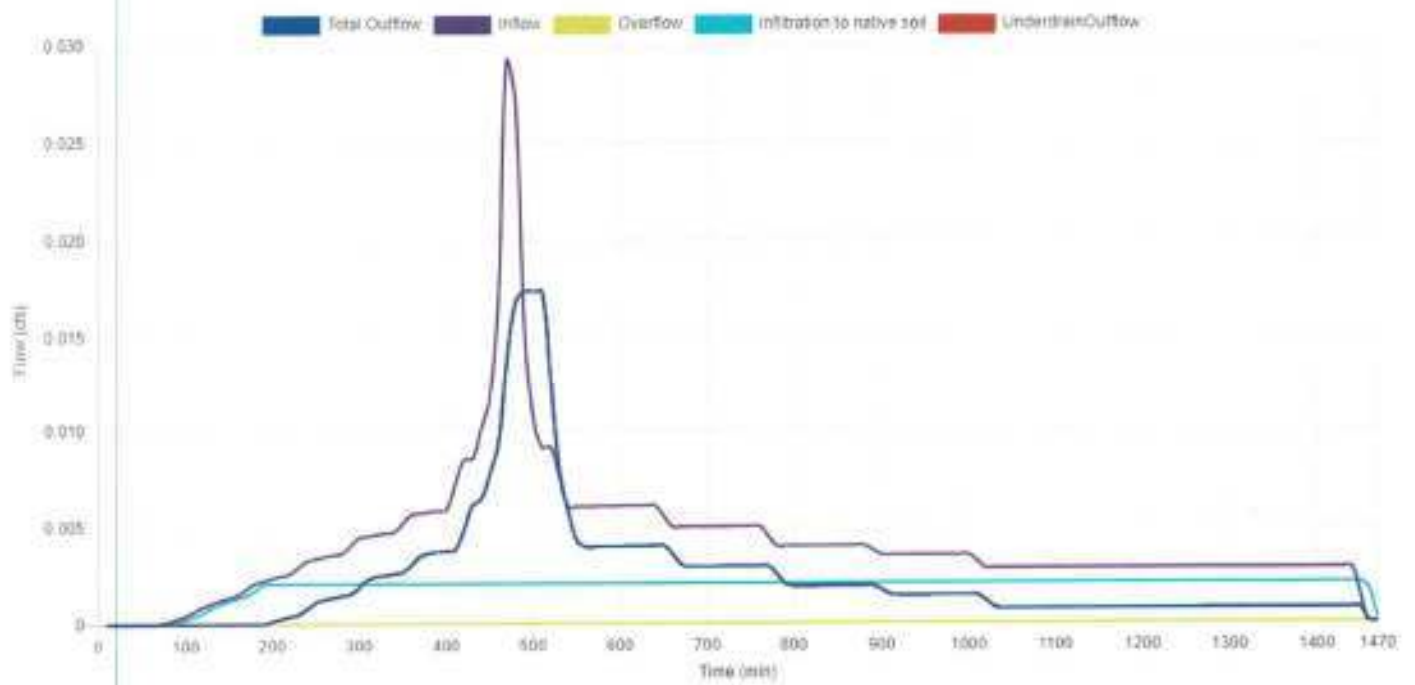
3.00 ft

	<p>12.0 in</p> <p>Rock Porosity</p> <p>0.3</p> <p>Underdrain Height</p> <p>4 in</p> <p>Percent of Facility Base that Allows Infiltration</p> <p>100 %</p> <p>Orifice (Y/N)?</p> <p>No</p> <p>Why no orifice</p> <p>Catchment is too small</p>
<b>Facility Facts</b>	<p>Total Facility Area (excluding freeboard)</p> <p>192.62 sq ft</p> <p>Sizing Ratio</p> <p>6.02 %</p>
<b>Pollution Reduction Results</b>	<p>Pollution Reduction Score</p> <p>Pass</p> <p>Overflow Volume</p> <p>0.00 cf</p> <p>Surface Capacity Used</p> <p>6.94 %</p>
<b>Flow Control Results</b>	<p>Flow Control Score</p> <p>Pass</p> <p>Overflow Volume</p> <p>0.00 cf</p> <p>Surface Capacity Used</p> <p>70.55 %</p>

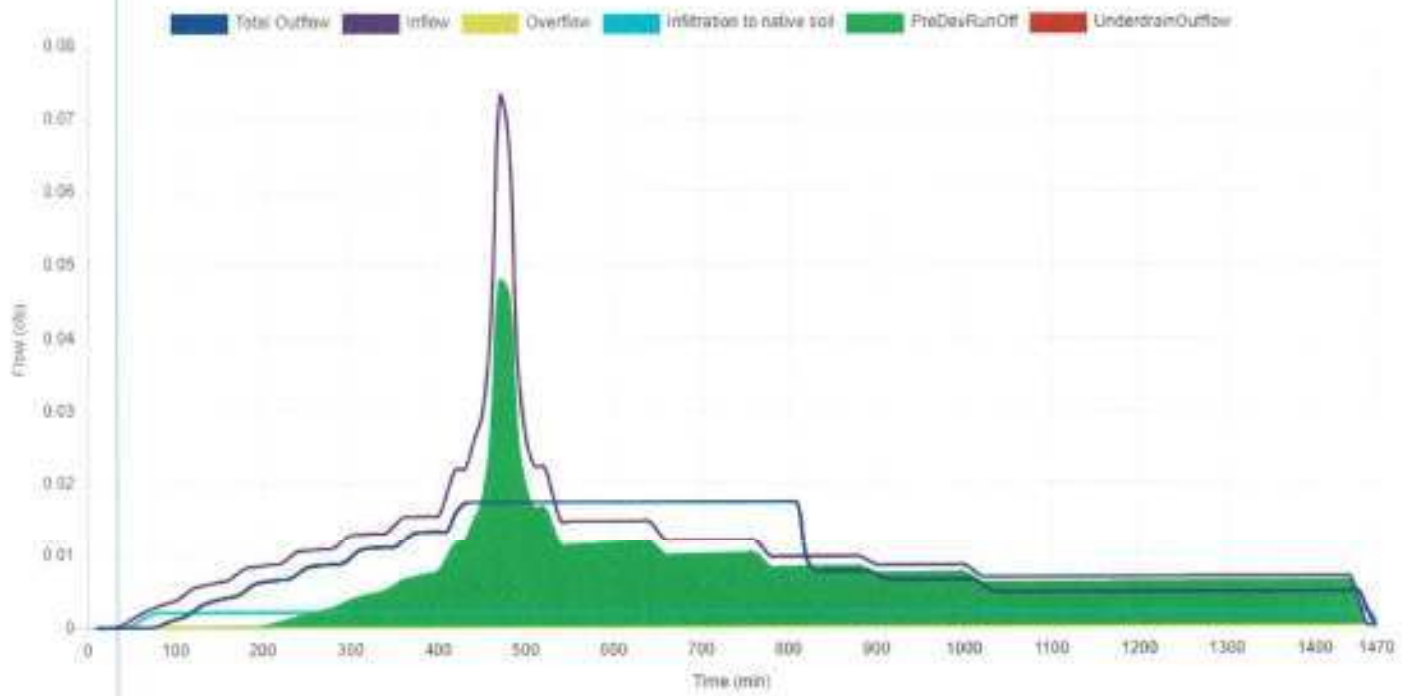
### Surface Head

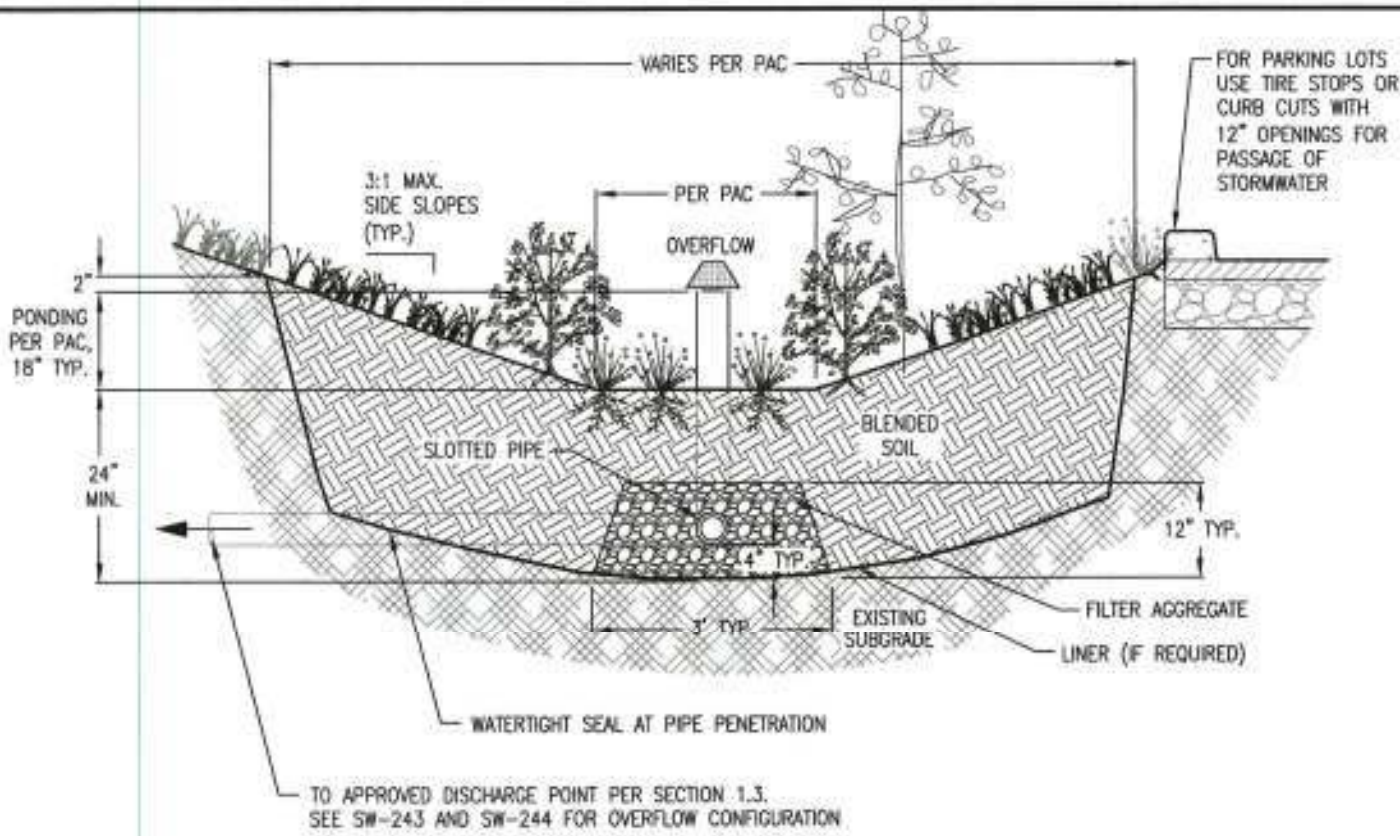


### Water Quality



# 25-Year





1. Detail intended as an example. Detail must match PAC assumptions and/or design report.
2. Setbacks: None required.
3. Overflow: Overflow elevation must allow for 2" of freeboard, minimum. Protect from debris and sediment with strainer or grate.
4. Underdrain System: Sizing is per the PAC. The underdrain must be 4" slotted schedule 40 PVC well casing pipe manufactured with .050" slots, 6 slots per row. See SW-243 for longitudinal section and SW-244 for orifice examples. Conform with Oregon Plumbing Specialty Code (OPSC) requirements. Alternative configurations and materials such as cellular storage systems, drainage mats, and non-standard aggregates may be used under the Performance Approach, with BES approval.
5. Vegetation: Refer to plant list in SWMM Section 3.5. Minimum container size is 1 gal. Number of plantings per 100sf of facility area:
  - Zone A (wet): 80 herbaceous plants OR 72 herbaceous plants and 4 small shrubs.
  - Zone B (moderate to dry): 7 large or small shrubs AND 70 groundcover plants.
 The delineation between Zone A and B shall be either at the outlet elevation or the check dam elevation, whichever is lowest. If project area is over 200sf consider adding a tree.
6. Blended Soil: Use BES standard soil blend for stormwater facilities (SWMM Section 6.3) unless otherwise approved. Install minimum of 24" of blended soil. Waterproof Liner: 30 mil EPDM, HDPE or approved equivalent.
7. Entrance Erosion Control: Install river rock, flagstone, or similar to dissipate the energy of incoming water at entrances and ends of downspout extensions.
8. Check Dams: Spacing per the PAC. Check dam ends must be keyed into the native soil a minimum of 12".
9. Inspections: Call BDS IVR Inspection Line, (503) 823-7000, request 487. 3 inspections required.

**CONSTRUCTION REQUIREMENTS**

Do not allow temporary storage of construction waste or materials in the facilities. Do not allow entry of runoff or sediment during construction.

- DRAWING NOT TO SCALE -



STORMWATER MANAGEMENT  
TYPICAL DETAILS FOR  
PRIVATE PROPERTY

BASIN WITH  
UNDERDRAIN

SW-241

Clackamas County Area, Oregon (OR610)			
Clackamas County Area, Oregon (OR610)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
78B	Saum silt loam, 3 to 8 percent slopes	0.4	100.0%
<b>Totals for Area of Interest</b>		<b>0.4</b>	<b>100.0%</b>

INFILTRATION RATE PER USDA 0.93 IN/HR

# EXISTING CONDITIONS MAP

LOCATED IN THE  
N.W. 1/4 SECTION 36, T.2S., R.1E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
FEBRUARY 22, 2024 SCALE 1"=10'

## SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH DPUS. DATUM IS NAD 83.  
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 2017-025, RECORDS OF CLACKAMAS COUNTY.  
NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.  
NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

## UTILITY NOTES:

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP ARE SHOWN BASED ON A COMBINATION OF INFORMATION, INCLUDING VISIBLE ABOVE GROUND STRUCTURES, AVAILABLE AS BUILT AND GIS MAPPING FROM LOCAL JURISDICTIONS, AS WELL AS SURFACE MARKINGS BY ONE CALL TICKET NUMBER 24034169 DATED FEBRUARY 27, 2024.  
THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER BY SERVICE OR ABANDONED.  
THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.  
THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.  
PIPE ELEVATIONS AND PIPE SIZES SHOWN ARE APPROXIMATE ONLY, BASED ON FIELD OBSERVATIONS AS WELL AS AVAILABLE AS-BUILT DATA. ALL PIPE SIZES SHALL BE FIELD VERIFIED BY THE OWNER, ENGINEER, CONTRACTOR, AND GOVERNING AGENCY PRIOR TO ANY CONSTRUCTION ACTIVITY. SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY PIPE SIZES SHOWN ON THIS SURVEY.

## LEGEND:

Some Symbols shown may not be used on map

- |  |                     |
|--|---------------------|
| 12" (C) DEODIOUS TREE                                      | TRAFFIC SIGNAL POLE |
| 24" (C) EVERGREEN TREE                                     | UTILITY POLE        |
| (C) DEAD TREE  | LIGHT POLE          |
| (C) STORM SEWER MANHOLE                                    | GUY WIRE            |
| (C) CATCH BASIN  | ELECTRIC BOX        |
| (C) CURB INLET   | ELECTRIC METER      |
| (C) AREA DRAIN   | TRANSFORMER         |
| (C) DITCH INLET  | ELECTRIC RISER      |
| (C) SANITARY SEWER CLEANOUT                                | HEAT PUMP           |
| (C) SANITARY SEWER MANHOLE                                 | GATE POST           |
| (C) FIRE HYDRANT   | CABLE TV BOX        |
| (C) WATER MANHOLE  | CABLE TV RISER      |
| (C) WATER METER  | OVERHEAD LINE       |
| (C) WATER VALVE  | GAS LINE            |
| (C) HOSE BIB   | ELECTRICAL LINE     |
| (C) SPRINKLER CONTROL VALVE                                | COMMUNICATIONS LINE |
| (C) GAS VALVE  | SANITARY SEWER LINE |
| (C) GAS METER  | STORM DRAIN LINE    |
| (C) MAILBOX  | WATER LINE          |
| (C) UTILITY RISER  | FENCE LINE          |
| (C) UTILITY BOX  | HANDRAIL            |
| (C) TELEPHONE MANHOLE                                      | ARBORVITAE ROW      |
| (C) TELEPHONE RISER  | CONCRETE SURFACE    |
| (C) STORM OUTFALL  | ASPHALT SURFACE     |
| (C) SIGN   |                     |
| (C) BOLLARD  |                     |
| (C) FOUND MONUMENT   |                     |
| (C) DOWN SPOUT TO STORM SYSTEM                             |                     |
| (C) DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION |                     |
| (C) COLLAR   |                     |



SIGNED ON: **ZC FEB 24**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
**Toby G. Bolden**  
OREGON JULY 13, 2004  
TOBY G. BOLDEN 60377LS  
RENEWS: DECEMBER 31, 2029

**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\UCON-CORNWALL ST-TAX LOT 7600\DWG\COM-C30.dwg  
PLANNING MANAGER DECISION





## EXHIBIT PD-2 COMPLETENESS LETTER



# CITY OF West Linn

April 25, 2024

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

SUBJECT: ELD-24-01: Proposed two-parcel SB458 middle-housing expedited land division of Clackamas County Taxlot 2S1E 36BA 07600 on Cornwall Street

Mr. Gusdorf,

The City accepted this application for review on March 11, 2024. The Planning and Engineering Departments found the application incomplete on March 29, 2024. You submitted responses to all incomplete items on April 8, 2024 and the City has deemed the application **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 June 10, 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 503-742-6064, or by email at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Darren Wyss".

Darren Wyss  
Planning Manager

**EXHIBIT PD-3 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-24-01** Applicant's Name: **Icon Construction & Development**  
 Development Name: **4123/4147 Cornwall Street Middle-Housing Land Division**  
 Scheduled Decision Date: **No earlier than 05/13/24**

**MAILED NOTICE**

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

Icon Construction & Development, applicant	4/26/24	<i>Lynn Schroder</i>
Rick Givens, applicant representative	4/26/24	<i>Lynn Schroder</i>
Property owners within 100ft of the site perimeter	4/26/24	<i>Lynn Schroder</i>
Sunset Neighborhood Association <b>emailed because no address provided</b>	4/26/24	<i>Lynn Schroder</i>
Metro <b>emailed per request</b>	4/26/24	<i>Lynn Schroder</i>
WLWL SD	4/26/24	<i>Lynn Schroder</i>
Clackamas County	4/26/24	<i>Lynn Schroder</i>
PGE	4/26/24	<i>Lynn Schroder</i>
TriMet	4/26/24	<i>Lynn Schroder</i>
Comcast	4/26/24	<i>Lynn Schroder</i>
NW Natural Gas	4/26/24	<i>Lynn Schroder</i>
TVF&R	4/26/24	<i>Lynn Schroder</i>
Stafford-Tualatin CPO <b>emailed per request</b>	4/26/24	<i>Lynn Schroder</i>

**EMAILED NOTICE**

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

Sunset Neighborhood Association	4/26/24	<i>Lynn Schroder</i>
Icon Construction & Development, applicant	4/26/24	<i>Lynn Schroder</i>
Rick Givens, applicant representative	4/26/24	<i>Lynn Schroder</i>
METRO	4/26/24	<i>Lynn Schroder</i>
Stafford-Tualatin CPO	4/26/24	<i>Lynn Schroder</i>

**WEBSITE**

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

4/26/24	<i>Lynn Schroder</i>
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**FINAL DECISION**

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

6/10/24	<i>Lynn Schroder</i>
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**CITY OF WEST LINN**  
**NOTICE OF UPCOMING PLANNING MANAGER DECISION**  
**FILE NO. ELD-24-01**

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) at Tax Lot 07600 of Clackamas County Assessor Map 2S 1E 36BA. The applicant is requesting approval of a middle housing land division to create two parcels for the development of a detached duplex (4123/4147 Cornwall Street).

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

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

A public hearing will not be held for this decision. **Anyone wishing to submit written comments for consideration must submit all material before the 14-day comment period expires. The deadline to submit written comments is 4:00 pm on May 13, 2024. Written comments can be submitted to [dwyss@westlinnoregon.gov](mailto:dwyss@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 Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6057 or [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov).

Scan this QR Code to go to Project Web Page:



ELD-24-01 – Notified Properties within 100 feet of 4123 Cornwall





**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # ELD-24-01  
MAIL: 04/26/2023 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.