



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: November 21, 2024
FILE NO.: ELD-24-03
REQUEST: Approval of an SB458 Expedited Land Division to divide the existing parcel at 1694 16th Street into two parcels containing a detached duplex
PLANNER: Chris Myers, Associate Planner

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION
GENERAL INFORMATION 2
EXECUTIVE SUMMARY 3
PUBLIC COMMENTS 3
DECISION AND CONDITIONS OF APPROVAL..... 4
ADDENDUM
STAFF FINDINGS 6
EXHIBITS
PD-1 APPLICANT SUBMITTAL..... 19
PD-2 COMPLETENESS LETTER 55
PD-3 AFFIDAVIT AND NOTICE PACKET..... 57

GENERAL INFORMATION

APPLICANT

/OWNER: Teiton Construction, LLC
Attn: Brent Donnerberg
1751 Buse Street
West Linn, OR. 97068

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

SITE LOCATIONS: 1694 16th Street

SITE SIZE: 11,694 square feet

LEGAL

DESCRIPTION: Taxlot 04800, Clackamas County Assessor Map 321E02BB

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 September 30, 2024. The 63-day period for an expedited land division ends December 2, 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 October 23, 2024 as required by Oregon Revised Statute 197.365. The notice was also posted on the City's website on October 23, 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 (1694 16th Street). The 11,589 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. The property is not located within the Willamette Falls Drive Commercial Design District nor the Willamette Historic District. Sanitary sewer, water utilities, and stormwater are available in 16th Street adjacent to the property.

Access to the dwelling units will be via individual driveways from 16th Street. The 16th Street right-of-way (ROW) is approximately 60 feet wide adjacent to the subject property and requires no additional ROW dedication. Half-street-improvements will be required as part of the proposed project.

Public comments:

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

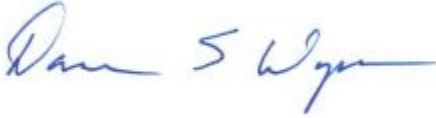
DECISION

The Planning Manager approves this application (ELD-24-03) 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 October 23, 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 16th Street right-of-way frontage on the face of the plat 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-24-03) shall be void if the applicant does not record the final partition plat within three years of approval.

- Street Improvements. The applicant shall construct half-street improvements along the 16th Street frontage, approximately 116 linear feet. The street improvements shall include a six-foot sidewalk, curb, planter strip, street trees, eight-foot parking lane, and 12-14 feet of new half-street pavement to existing centerline of 16th Street.**

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



Darren Wyss, Planning Manager

November 14, 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 three years from effective approval date if the final plat is not recorded.

Mailed this 25 day of November, 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on December 9, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
ELD-24-03**

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 with 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 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 16th Street. The applicant proposes storm water treatment/detention on each parcel. The City franchise agreements require an eight-foot public utility easement along 16th 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 16th 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 16th 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 116 feet of frontage along 16th Street, which is classified as a Local Street. The 16th Street right-of-way is approximately 60-foot 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 shall construct half-street-improvements for the length of the 16th street property frontage 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 16th 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 16th Street, a public right-of-way (ROW). The existing 16th 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-24-03) 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 11,649 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 one dwelling unit.

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 200 percent of the maximum density currently permitted on the subject property. The criteria are met.

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

Staff Finding 30: The applicant proposes an expedited land division that creates 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 September 11, 2024 and the City deemed the application complete on September 30, 2024. 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 September 11, 2024 and the City deemed the application complete on September 30, 2024. Approval of the application is based on the standards and criteria found in ORS 92.031 that were applicable on September 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 October 23, 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 October 23, 2024. The City provided written notice to the

Willamette Neighborhood Association on October 23, 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 October 23, 2024 with a deadline for submission of written comments on November 6, 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 September 11, 2024 and the City deemed the application complete on September 30, 2024. The City approved the application with conditions on November 21, 2024, the 52nd 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 November 22, 2024, the 52nd 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	Chris Myers	PROJECT NO(S)	ELD-24-03
			PRE-APPLICATION NO.
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"/> Final Plat (FP) Related File# _____ | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal (AP) | <input type="checkbox"/> Flood Management Area (FMA) | <input type="checkbox"/> Temporary Uses (MISC) |
| <input type="checkbox"/> CDC Amendment (CDC) | <input type="checkbox"/> Historic Review (HDR) | <input type="checkbox"/> Time Extension (EXT) |
| <input type="checkbox"/> Code Interpretation (MISC) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Right of Way Vacation (VAC) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval (MOD) | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC) | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input checked="" type="checkbox"/> Expedited Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Street Vacation | <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:	Assessor's Map No.: 31E02BB
1694 16th Street, West Linn, OR	Tax Lot(s): 04800
	Total Land Area: 11,589 square feet

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.

Applicant Name*: Tieton Construction, LLC (Brent Donnerberg)	Phone: (503) 730-2410
Address: 1751 Buse St.	Email: bdonnerberg@gmail.com
City State Zip: West Linn, OR 97068	

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

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

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

8/1/24
Date

 8/1/24
Owner's signature (required) Planning Manager Decision

Expedited Land Division Narrative

1694 16th Street, West Linn

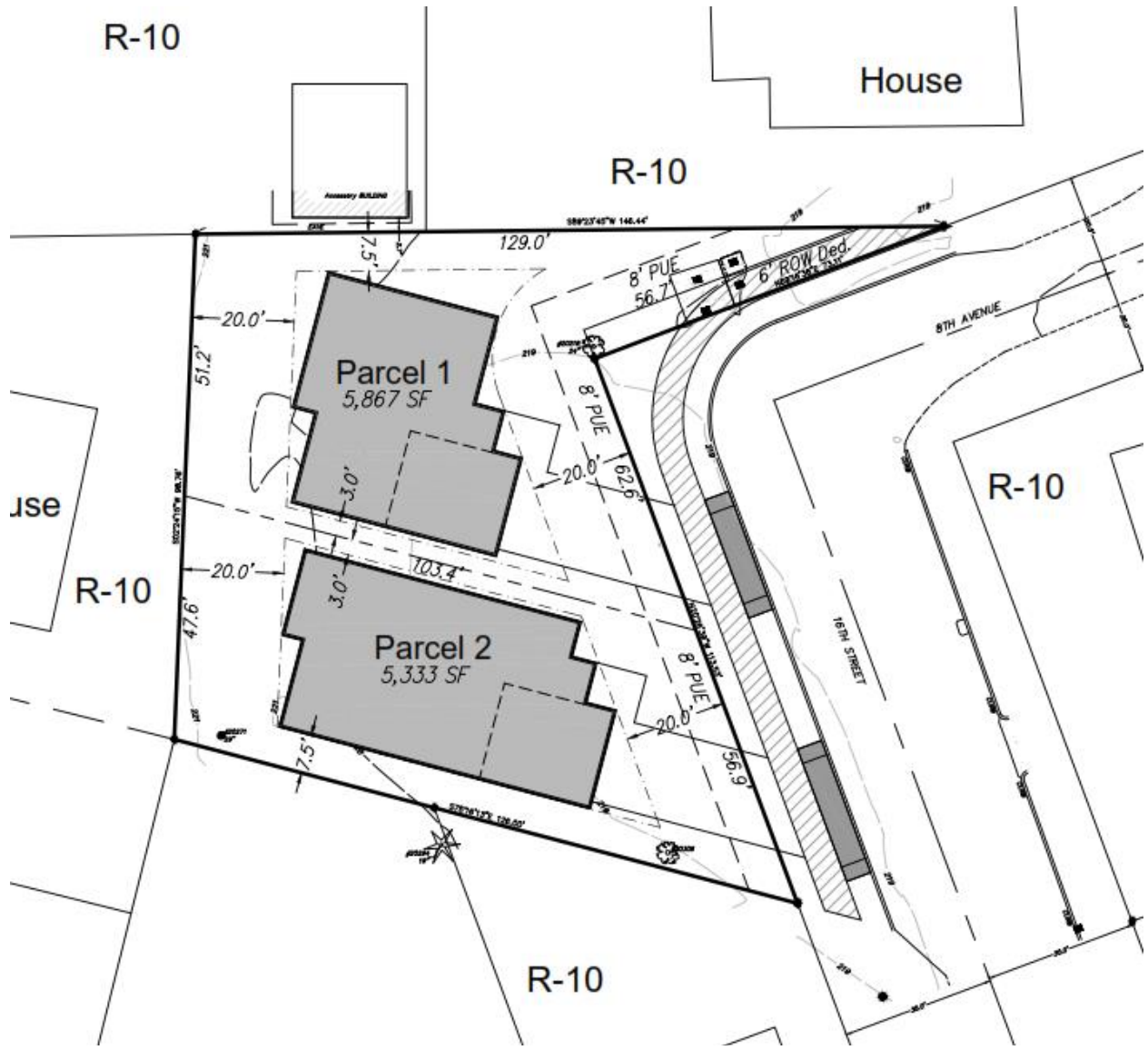
Tieton Construction, LLC

Proposal: This application requests approval of a middle housing Expedited Land Division (ELD) for an existing lot located at 1694 16th Street in West Linn. The property is described as Tax Lot 31E02BB04800. The property is vacant and is located at the intersection of 16th Street with 8th Avenue in the Willamette Area.

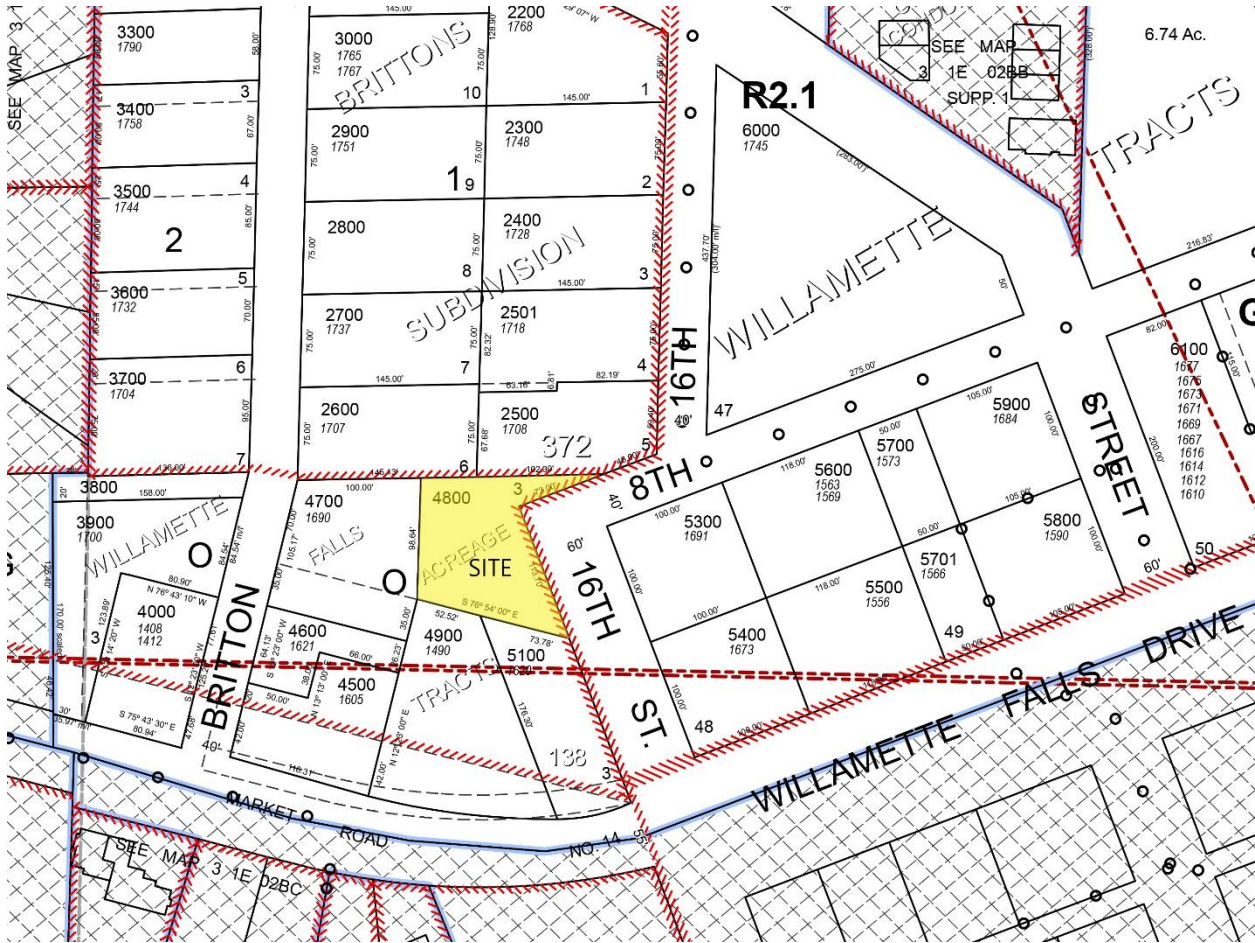


Vicinity Map

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



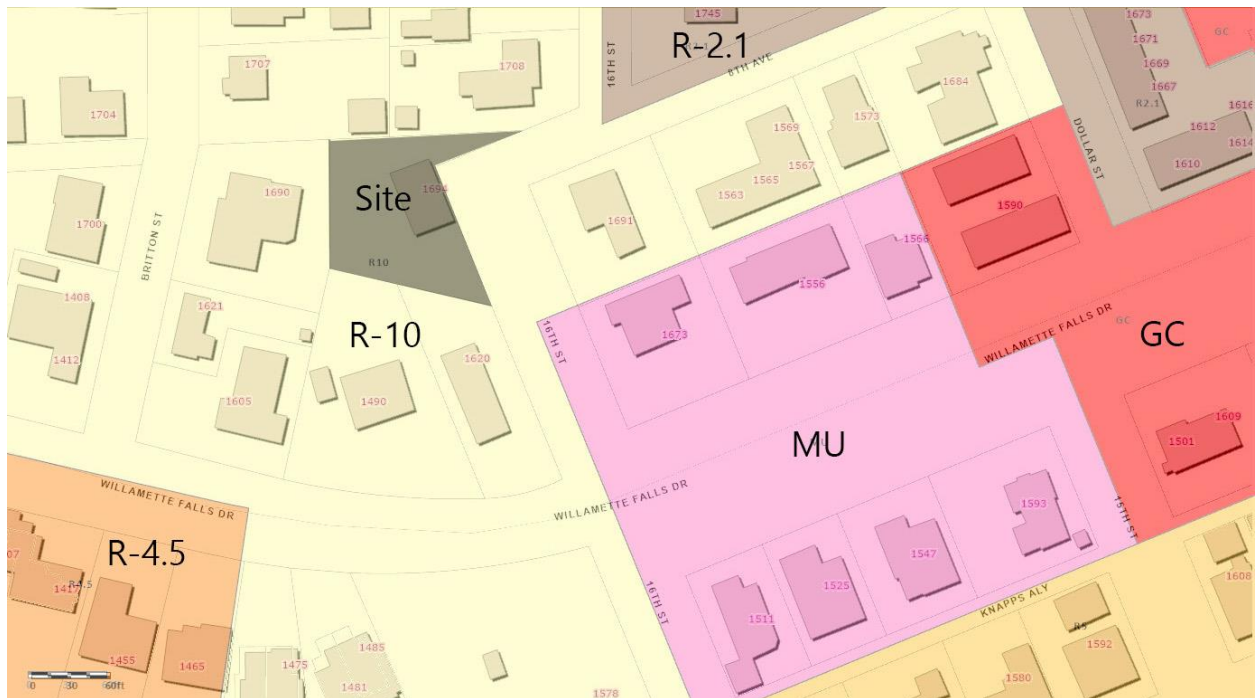
Crop from Assessor's Map
31E02BB

Existing Conditions

The subject property is shown outlined in yellow on the aerial photograph below. The subject property is vacant. The property is very level, with only 2-3 feet of fall from the western boundary to 16th Street. There are only two trees on the site, both of which are proposed to be removed to allow for the proposed construction. The required tree cutting permit will be obtained before removal. There are no other significant natural features on the property. It is located in an established residential area that is zoned R-10 for the subject property and the immediately adjacent lots, but includes a mix of MU, R-2.5 and R-4.5 in the nearby area, as shown on the zoning map on the following page.



Aerial Photograph of Existing Conditions



Zoning

Public Facilities

As shown on the Existing Conditions Map submitted with this application, an 8" City of West Linn water line is located in 16th Street along the project frontage to serve the proposed partition. Sanitary sewer presently ends approximately 100 feet to the northeast of the subject property in 8th Avenue and will need to be extended to service this project. Storm sewer is located on the other side of 16th Street. Half-street improvements will be required to bring streets to City standards. Please see the preliminary utility plan and storm report for the project prepared by Theta Engineering and are included with our application package

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 (i) through (v).

(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:

<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 lot widths at the front lot line are: Parcel 1- 67', Parcel 2-46.5'.
<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</i>	Not applicable to the proposed project as it does not include a Cottage Cluster.

		<i>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' minimum 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"> <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> 	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 16th 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</i>	Compliance with floor area ratio standards will be reviewed at the time of building permit application.

		<p><i>classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.</i></p>	
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(b) Separate utilities for each dwelling unit;

Comment: Each unit of the detached duplexes will have separate utilities, as shown on the Utility Plan submitted with this application.

(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 16th 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.

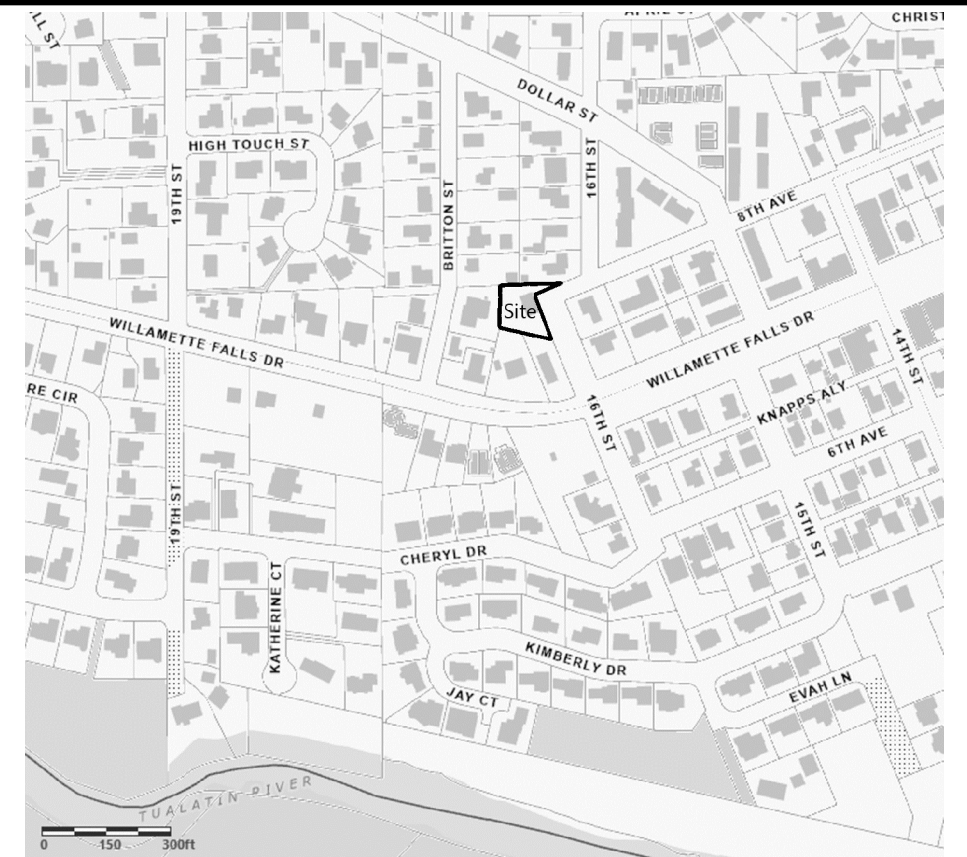
ORS 92.031(4) In reviewing an application for a middle housing land division, a city or county:

(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 16th Street does not currently meet City of West Linn street standards. Required half-street improvements will be provided.

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 currently. 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.



Vicinity Map

Owner/Applicant:
Tieton Construction, LLC
1751 Buse St.
West Linn, OR 97068
PH: (503) 730-2410

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

Legal: 31E02BB04800

Water: City of West Linn

Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

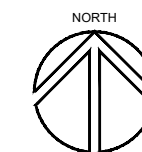
Site Area: 11,589 square feet

Zoning: R-10

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



Conceptual Building Footprint



Scale: 1" = 30'

DESIGNED: R.E.G.			
DRAWN: R.E.G.			
SCALE: D-24=0.330'			
DATE: 7-29-2024			
FILE: 24-DON-100	DATE	NO.	REVISION

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

APPLICANT: Tieton Construction, LLC
30 1751 Buse St.
West Linn, OR 97068
PH: (503) 730-2410

1694 16th Street Partition
ELD Tentative Plan

SHEET: 1/1

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



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

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

REV 6-30-20

Project Information

Applicant Name: Brent Donnerberg
Address: 1751 Buse St.
Phone: (503) 730-2410
Email: bdonnerberg@gmail.com
Site Address: 1694 16th St.
City: West Linn
Map & Tax Lot #: 31E02BB TL 4800
Business Name: Tieton Construction, 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):

- X 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 # 2024-0103
Permit Type: SPP - West Linn
Submittal Date: 2-30-24
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] 8-1-24
Fire Marshal or Designee Date

Conditions:

See approved plan.

See Attached Conditions: Yes No

Site Inspection Required: Yes No

ELD-24-03

31

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____
Planning Manager Decision

**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: Brent Donnerberg
Address: 1751 Buse St.
Phone: (503) 730-2410
Email: bdonnerberg@gmail.com
Site Address: 1694 16th St.
City: West Linn
Map & Tax Lot #: 31E02BB TL 4800
Business Name: Tieton Construction, 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

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Permit/Review Type (check one):

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For Fire Marshal's Office Use Only

TVFR Permit # 2024-0103
Permit Type: SPP - West Linn
Submittal Date: 2-30-24
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] 8-1-24
Fire Marshal or Designee Date

Conditions:

See approved plan.

See Attached Conditions: Yes No

Site Inspection Required: Yes No

ELD-24-03

32

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____
Planning Manager Decision

EXISTING CONDITIONS MAP

LOCATED IN THE
N.W. 1/4 SECTION 2, T.3S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
JULY 16, 2024 SCALE 1"=10'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 2021-154, RECORDS OF CLACKAMAS COUNTY.
NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, 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 24129854 DATED MAY 25, 2024.
THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN 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.
INVERT 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:

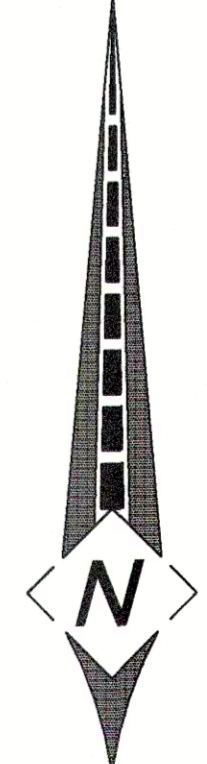
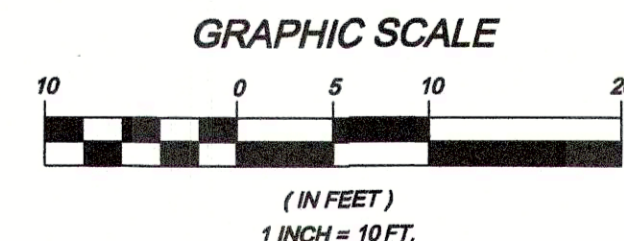
Some Symbols shown may not be used on map

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

SIGNED ON: 17 July 24

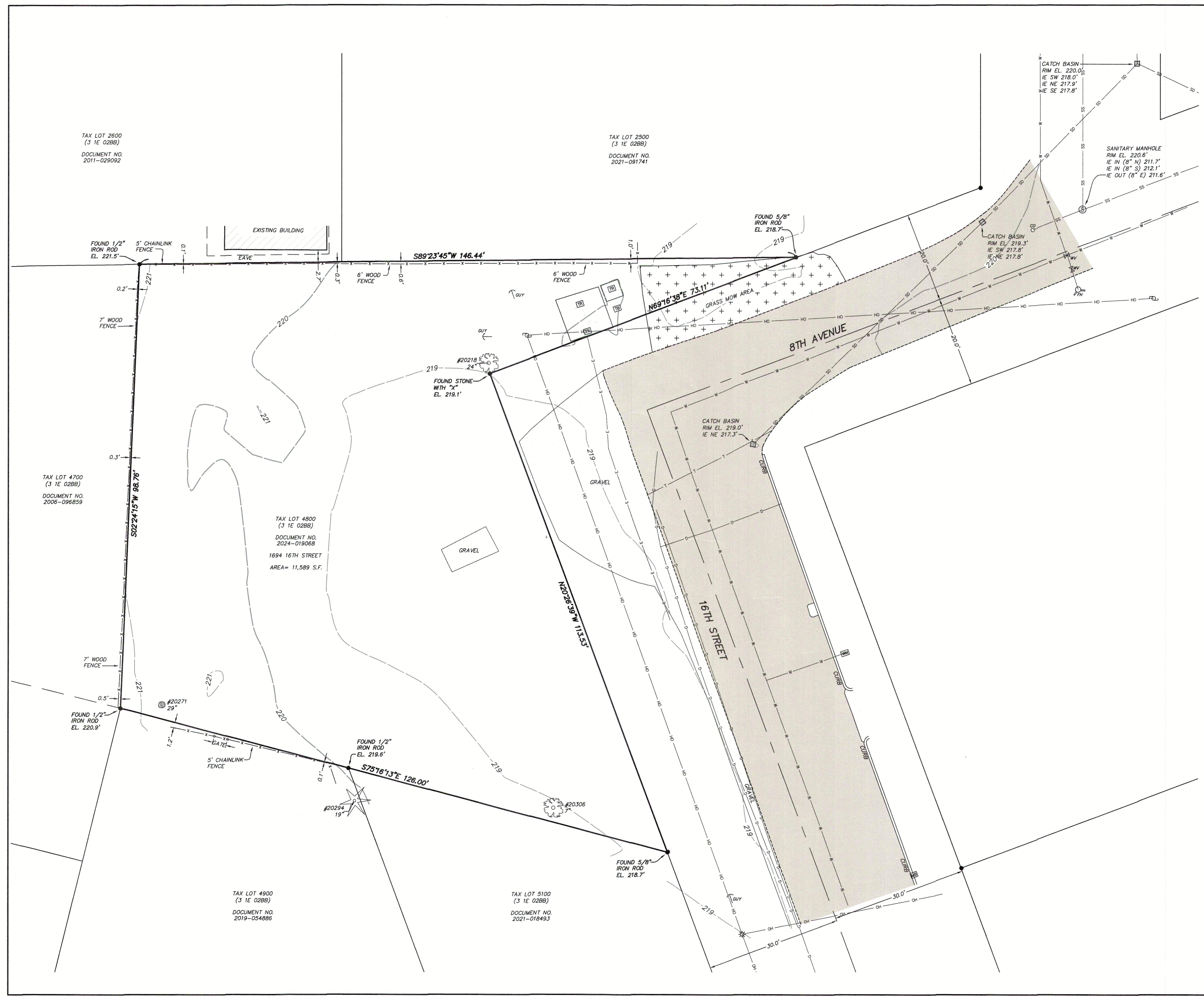
REGISTERED PROFESSIONAL LAND SURVEYOR

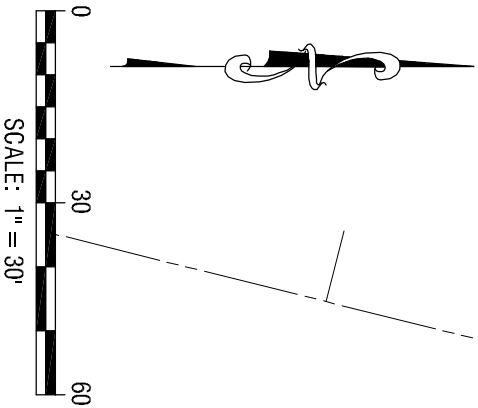
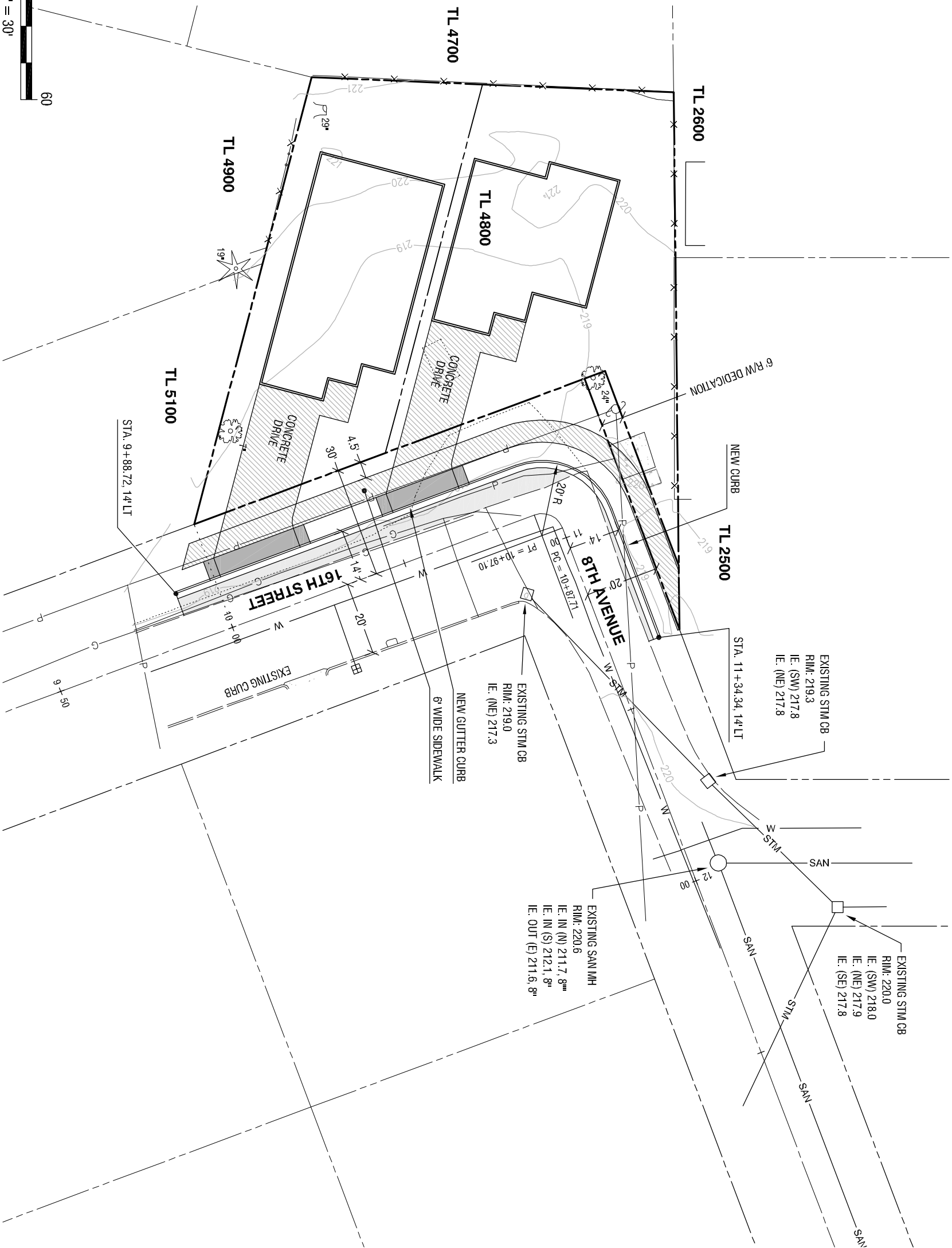
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2025



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\TJETON -16TH ST-1694\DWG\ECM-C3D.dwg





2024-486

DESIGNED:	BDG
DRAWN:	BJS
SCALE:	1" = 30'
DATE:	August, 2024
FILE:	16th 486 Street1

Theta

ENGINEERING - SURVEYING - PLANNING

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

Tieton Construction, LLC
1751 Buse Street
West Linn, Oregon 97068

1694 16th Street
West Linn, Oregon 97068

PRELIMINARY STREET PLAN

REGISTERED PROFESSIONAL ENGINEER
7120
CECILE D. GOLDSON
1971

PRELIMINARY

EXPIRES: 06/30/2025
SIGNATURE DATE: 08/02/2024

1/1



PRELIMINARY STORM ANALYSIS

1694 16TH STREET

WEST LINN, OREGON

Narrative:

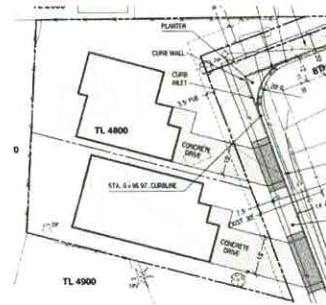
This is a vacant lot that is being redeveloped of this 0.27 acre tract through middle housing (31E02BB04800). An infiltration test was conducted August 2, 2024 at 36-inches. Three one hour each inch tests were made with the final test showing 1.125 inches per hour. The property is generally flat (less than 2%). The of the planter has been increased by 25% from the PAC report, as required by the Code, for both the individual houses and public street. A control structure with an orifice will be provided. This is a preliminary analysis to show feasibility and a final report will be prepared for the houses at time of building permit and the street will the street improvement plans

Approach:

The drainage basin with underdrain (PDX Presumptive design approach) standard detail SW - 241

References:

1. Icon Construction
2. Centerline Concepts
3. West Linn Storm Water design standards
4. 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 have been increased by 25% due to rainfall patterns.

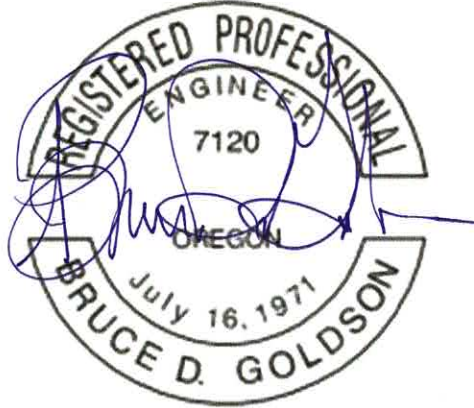
Infiltration:

1.125 inches per hour makes an infiltration facility feasible.

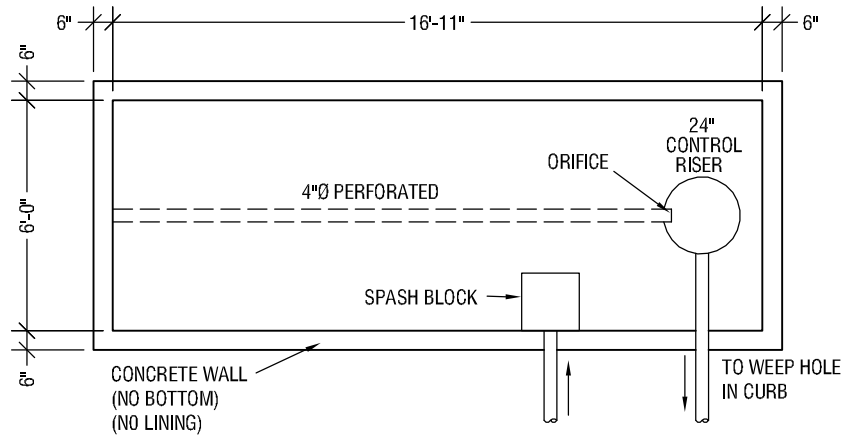
Calculations:

See attached

Prepared by:
Bruce D. Goldson, PE
Theta, LLC
September 6, 2024
2024-486

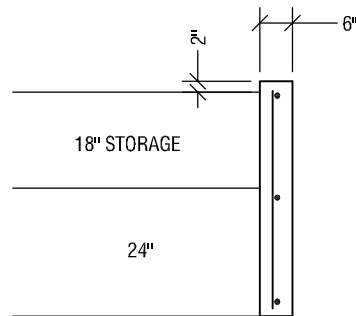


EXPIRES: 06/30/2025
SIGNATURE DATE: 9/6/24



STORM PLANTER

SCALE: 1" = 5'



STORM PLANTER SECTION

SCALE: 1" = 3'

NOTE:

1. SIZED AT 1.25% OF PAC.
2. FINAL DESIGN TO BE DETERMINED AT TIM OF BUILDING PERMIT.

2024-486

PRELIMINARY STORM REPORT (PRIVATE)

Theta, llc

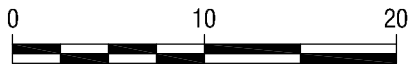
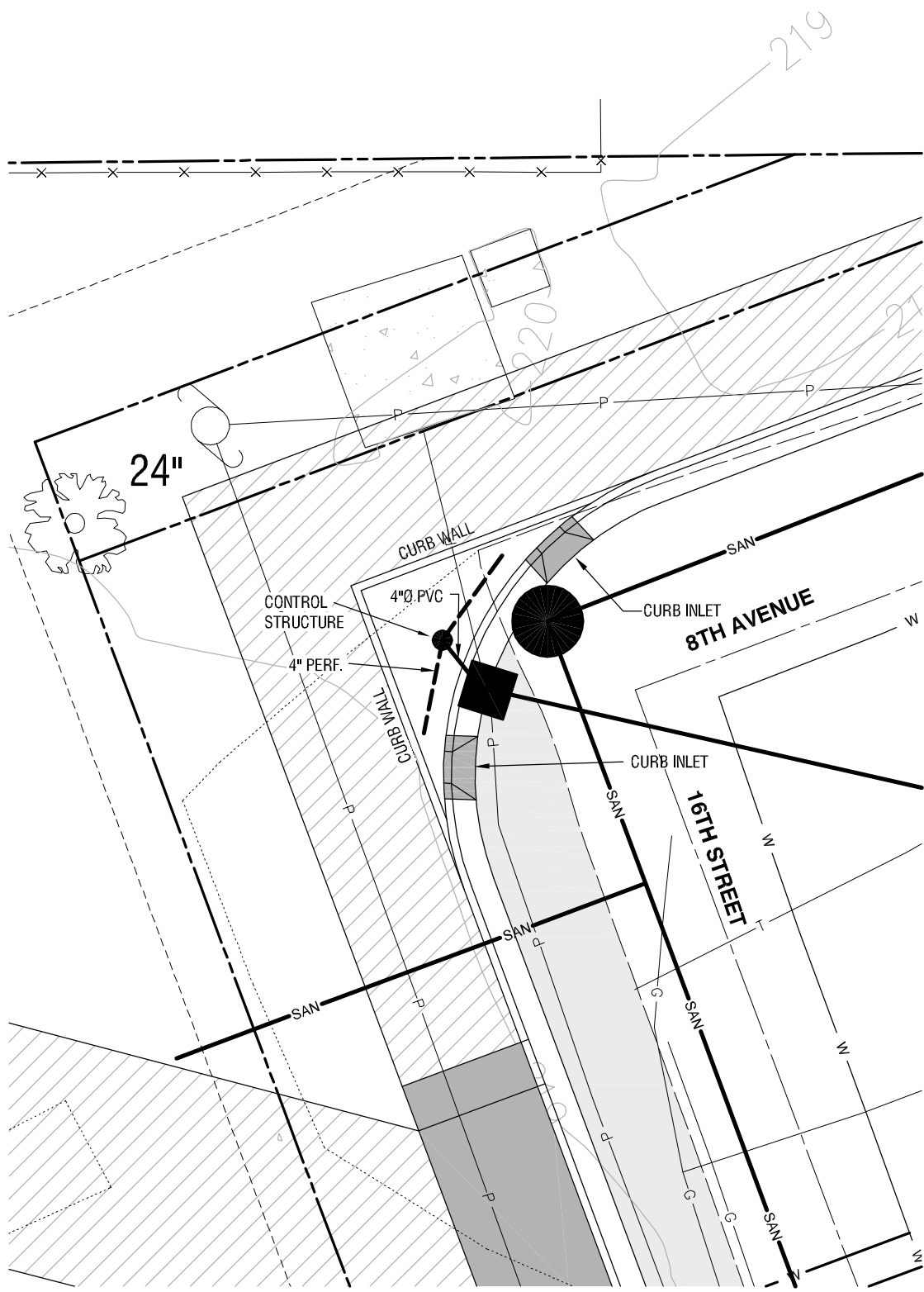
ENGINEERING - SURVEYING - PLANNING

PO Box 1345
Lake Oswego, Oregon 97035

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

1694 16th Street
West Linn, Oregon 97068

1
2



SCALE: 1" = 10'

2024-486

**PUBLIC SYSTEM
PRELIMINARY 16TH & 18TH STREET FACILITY**

Theta, llc

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

1694 16th Street
 West Linn, Oregon 97068

PAC Report

Project Details

Project Name 16th street	Permit No	Created 9/4/2024 9:05:48 PM
Project Address 1694 16th	Designer	Last Modified 9/4/2024 9:23:44 PM
	Company	Report Generated 9/5/2024 10:39:20 PM

Project Summary

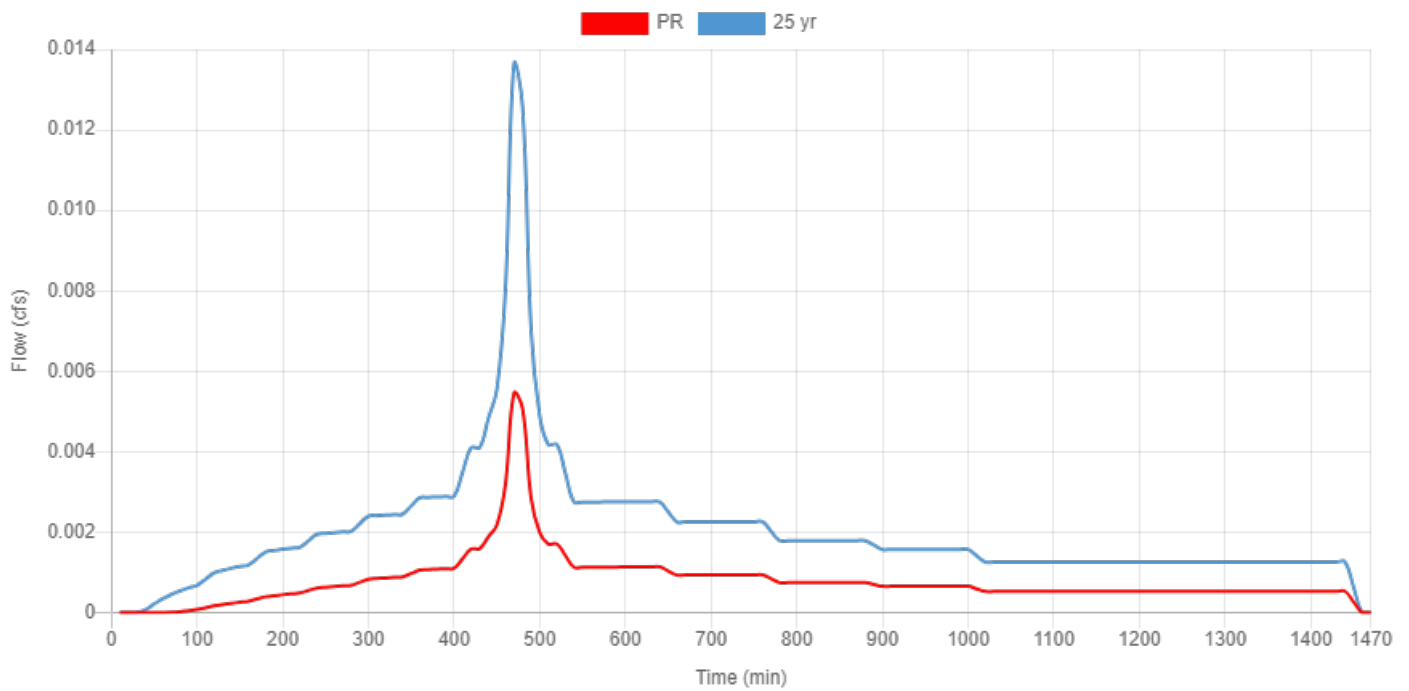
Catchment Name	Imper-vious Area (sq ft)	Native Soil Design Infiltration Rate (in/hr)	Level	Category	Config	Facility Area (excl. free board) (sq ft)	Facility Sizing Ratio (%)	PR Results	Infiltration Results	Flow Control Results
green street	597	0.565	2B	FlatPlanter	C	38.00	6.37	Pass	NA	Pass

green street

<p>Site Soils & Infiltration Testing</p>	<p>Infiltration Testing Procedure OpenPit</p> <p>Tested Native Soil Infiltration Rate 1.13 in/hr</p>
<p>Correction Factor</p>	<p>CF test 2</p>
<p>Design Infiltration Rates</p>	<p>Native Soil 0.565 in/hr</p> <p>Imported Blended Soil 6 in/hr</p>
<p>Catchment Information</p>	<p>Hierarchy Level 2B</p> <p>Hierarchy Description 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>Pollution Reduction Requirement Filter the post-development stormwater runoff from the water quality storm event through the blended soil.</p> <p>Infiltration Requirement N/A</p> <p>Flow Control Requirement 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>Impervious Area 597 sq ft 0.014 acre</p> <p>Pre-Development Time of Concentration (T_{C pre}) 5 min</p> <p>Post-Development Time of Concentration (T_{C post}) 5 min</p> <p>Pre-Development Curve Number (CN_{pre}) 86</p> <p>Post-Development Curve Number (CN_{post}) 98</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)
PR	0.0017	28.2	0.0055	69.1
25-Year	0.0089	117.7	0.0136	177.4

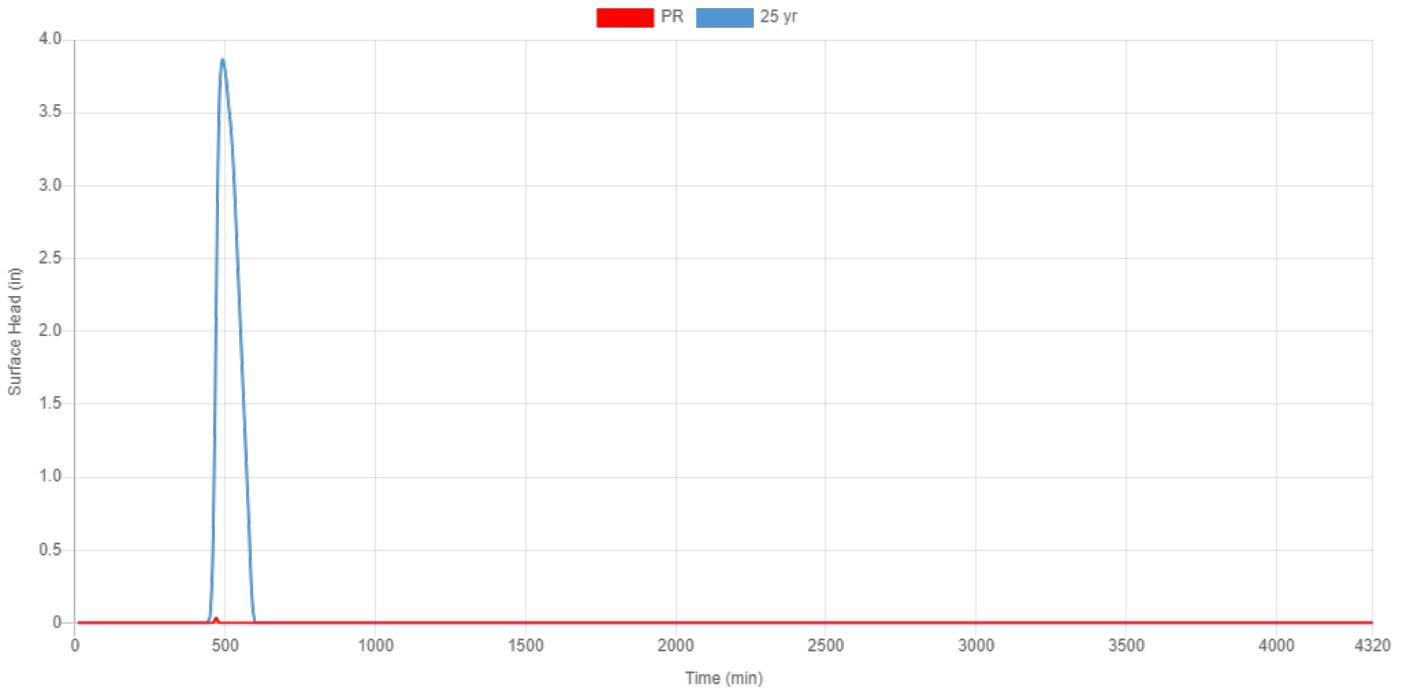
	Overflow		Underdrain Outflow		Infiltration	
	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)
PR	0	0	0.004	30.2	0	38.9
25-Year	0	0	0.005	135.6	0	41.8

Flat Planter

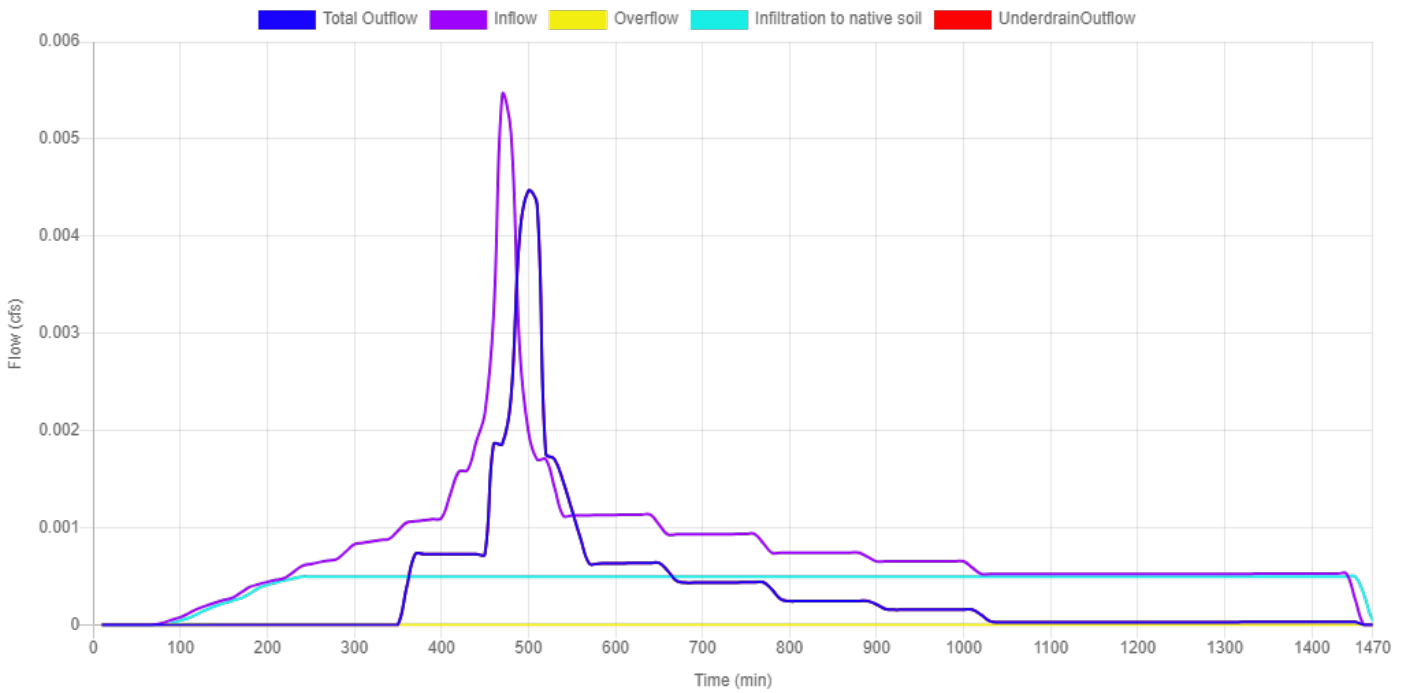
Site Soils & Infiltration Testing	<p>Category Flat Planter</p> <p>Shape Null</p> <p>Location Public Right-of-Way</p> <p>Configuration C: Infiltration with RS & UnderDrain[Ud]</p> <p>Above Grade Storage Data</p> <p>Bottom Area 38 sq ft</p> <p>Bottom Width 5.00 ft</p> <p>Overflow Height 9.0 in</p> <p>Total Depth of Blended Soil plus Rock 24 in</p> <p>Surface Storage Capacity at Overflow 28.5 cu ft</p> <p>Design Infiltration Rate to Soil Underlying the Facility 4.970e-004 cfs</p> <p>Design Infiltration Rate for Imported Blended Soil in the Facility 0.005 cfs</p> <p>Below Grade Storage Data</p> <p>Catchment is too small for flow control? Yes</p> <p>Rock Area 5.70 sq ft</p> <p>Rock Width 3.00 ft</p> <p>Rock Storage Depth 12.0 in</p> <p>Rock Porosity 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>Yes</p> <p>Orifice Diameter</p> <p>0.500 in</p>
Facility Facts	<p>Total Facility Area (excluding freeboard)</p> <p>38.00 sq ft</p> <p>Sizing Ratio</p> <p>6.37 %</p>
Pollution Reduction Results	<p>Pollution Reduction Score</p> <p>Pass</p> <p>Overflow Volume</p> <p>0.00 cf</p> <p>Surface Capacity Used</p> <p>0.37 %</p>
Flow Control Results	<p>Flow Control Score</p> <p>Pass</p> <p>Overflow Volume</p> <p>0.00 cf</p> <p>Surface Capacity Used</p> <p>42.93 %</p>

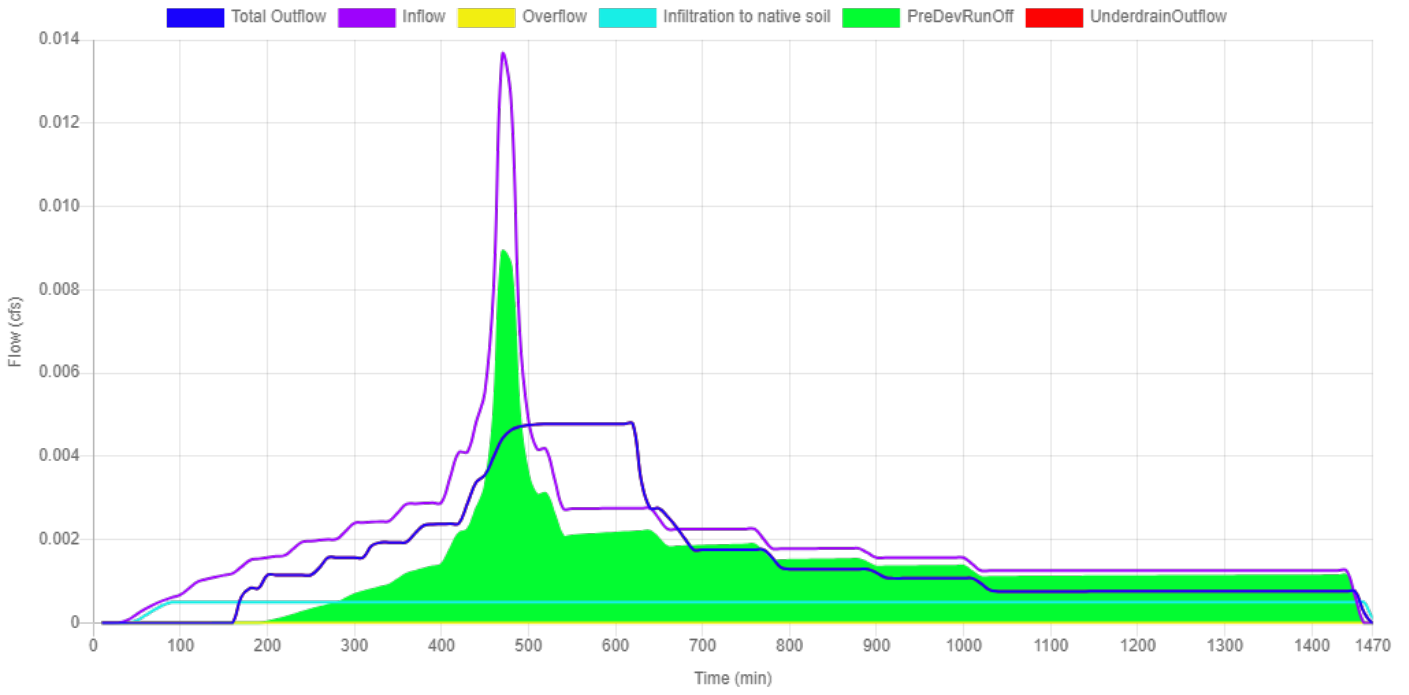
Surface Head



Water Quality



25-Year



25-Year



PAC Report

Project Details

Project Name 16th partition	Permit No	Created 8/20/2024 5:56:20 PM
Project Address 1694 16th	Designer	Last Modified 8/20/2024 5:56:20 PM
	Company	Report Generated 8/20/2024 11:36:17 AM

Project Summary

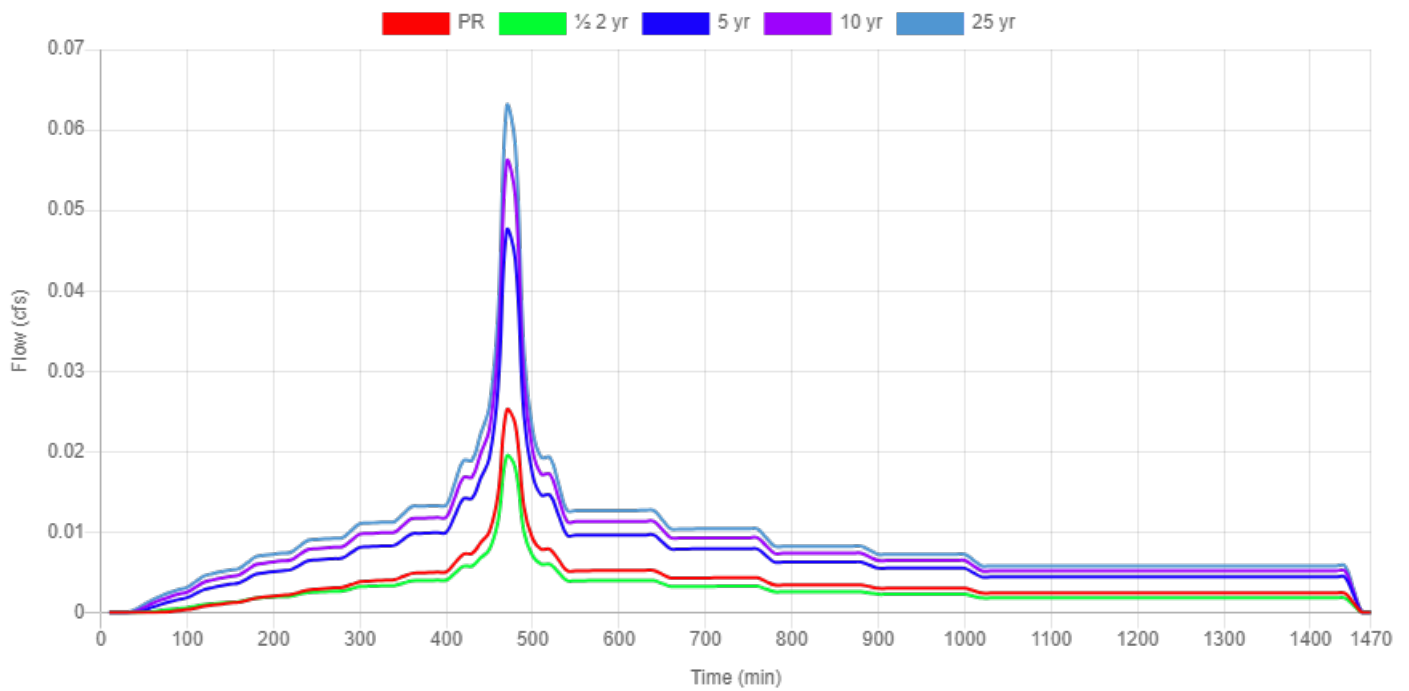
Catchment Name	Imper-vious Area (sq ft)	Native Soil Design Infiltration Rate (in/hr)	Level	Category	Config	Facility Area (excl. free board) (sq ft)	Facility Sizing Ratio (%)	PR Results	Infiltration Results	Flow Control Results
south	2754	0.565	2B	FlatPlanter	C	81.00	2.94	Pass	NA	Pass

south

<p>Site Soils & Infiltration Testing</p>	<p>Infiltration Testing Procedure OpenPit</p> <p>Tested Native Soil Infiltration Rate 1.13 in/hr</p>
<p>Correction Factor</p>	<p>CF test 2</p>
<p>Design Infiltration Rates</p>	<p>Native Soil 0.565 in/hr</p> <p>Imported Blended Soil 6 in/hr</p>
<p>Catchment Information</p>	<p>Hierarchy Level 2B</p> <p>Hierarchy Description 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>Pollution Reduction Requirement Filter the post-development stormwater runoff from the water quality storm event through the blended soil.</p> <p>Infiltration Requirement N/A</p> <p>Flow Control Requirement 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>Impervious Area 2754 sq ft 0.063 acre</p> <p>Pre-Development Time of Concentration (T_{C pre}) 5 min</p> <p>Post-Development Time of Concentration (T_{C post}) 5 min</p> <p>Pre-Development Curve Number (CN_{pre}) 86</p> <p>Post-Development Curve Number (CN_{post}) 98</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)
PR	0.0076	130	0.0252	318.7
½ 2-Year	0.0091	133.4	0.0194	249.2
5-Year	0.0261	362	0.0475	612.5
10-Year	0.0343	461.3	0.0561	726.8
25-Year	0.041	543	0.0629	818.3

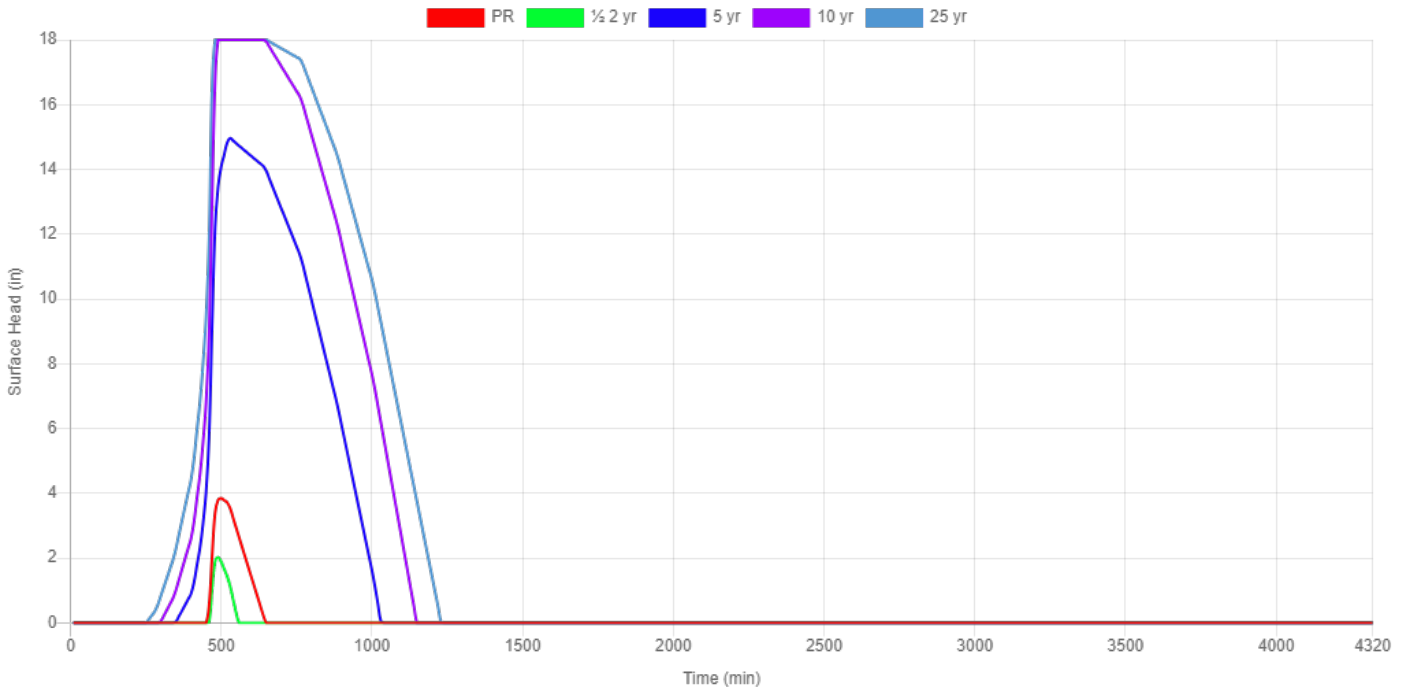
	Overflow		Underdrain Outflow		Infiltration	
	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)	Peak Rate (cfs)	Total Volume (cf)
PR	0	0	0.008	233	0.001	85.7
½ 2-Year	0	0	0.007	162.4	0.001	86.8
5-Year	0	0	0.009	523.4	0.001	89
10-Year	0.009	19.2	0.01	617.9	0.001	89.7
25-Year	0.031	62.7	0.01	665.6	0.001	90

Flat Planter

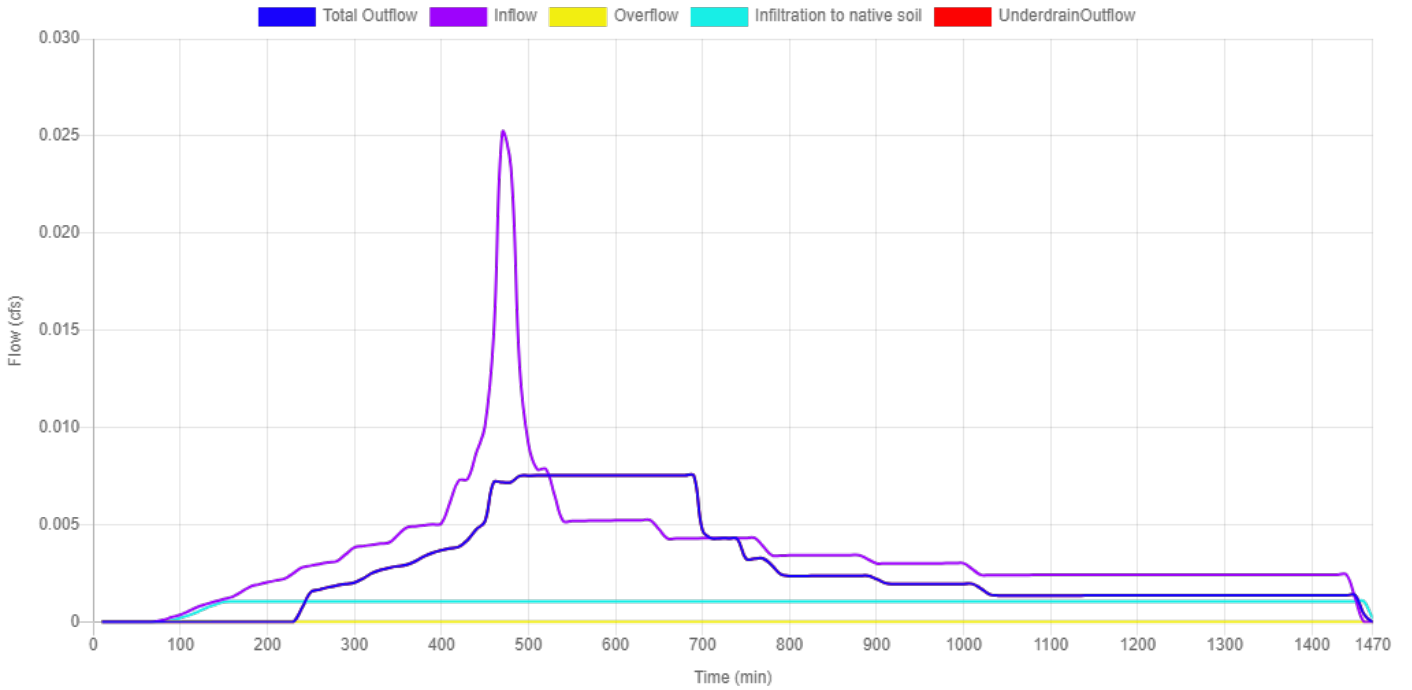
Site Soils & Infiltration Testing	Category
	Flat Planter
	Shape
	Null
	Location
	Parcel
	Configuration
	C: Infiltration with RS & UnderDrain[Ud]
	Above Grade Storage Data
	Bottom Area
	81 sq ft
	Bottom Width
	9.00 ft
	Overflow Height
	18.0 in
	Total Depth of Blended Soil plus Rock
	24 in
	Surface Storage Capacity at Overflow
	121.5 cu ft
	Design Infiltration Rate to Soil Underlying the Facility
	0.001 cfs
Design Infiltration Rate for Imported Blended Soil in the Facility	
0.011 cfs	
Below Grade Storage Data	
Catchment is too small for flow control?	
No	
Rock Area	
6.75 sq ft	
Rock Width	
3.00 ft	
Rock Storage Depth	
12.0 in	
Rock Porosity	
0.3	
Underdrain Height	

	<p>4 in</p> <p>Percent of Facility Base that Allows Infiltration</p> <p>100 %</p> <p>Orifice (Y/N)?</p> <p>Yes</p> <p>Orifice Diameter</p> <p>0.500 in</p>																				
Facility Facts	<p>Total Facility Area (excluding freeboard)</p> <p>81.00 sq ft</p> <p>Sizing Ratio</p> <p>2.94 %</p>																				
Pollution Reduction Results	<p>Pollution Reduction Score</p> <p>Pass</p> <p>Overflow Volume</p> <p>0.00 cf</p> <p>Surface Capacity Used</p> <p>21.39 %</p>																				
Flow Control Results	<p>Flow Control Score</p> <p>Pass</p> <table border="1"> <thead> <tr> <th></th> <th>STORMWATER FACILITY OUTFLOW (CFS)</th> <th></th> <th>PRE-DEVELOPMENT RUNOFF (CFS)</th> </tr> </thead> <tbody> <tr> <td>½ the 2 year</td> <td>0.0075</td> <td><=</td> <td>0.0091</td> </tr> <tr> <td>5 year</td> <td>0.0095</td> <td><=</td> <td>0.0261</td> </tr> <tr> <td>10 year</td> <td>0.0191</td> <td><=</td> <td>0.0343</td> </tr> <tr> <td>25 year</td> <td>0.0409</td> <td><=</td> <td>0.0410</td> </tr> </tbody> </table>		STORMWATER FACILITY OUTFLOW (CFS)		PRE-DEVELOPMENT RUNOFF (CFS)	½ the 2 year	0.0075	<=	0.0091	5 year	0.0095	<=	0.0261	10 year	0.0191	<=	0.0343	25 year	0.0409	<=	0.0410
	STORMWATER FACILITY OUTFLOW (CFS)		PRE-DEVELOPMENT RUNOFF (CFS)																		
½ the 2 year	0.0075	<=	0.0091																		
5 year	0.0095	<=	0.0261																		
10 year	0.0191	<=	0.0343																		
25 year	0.0409	<=	0.0410																		

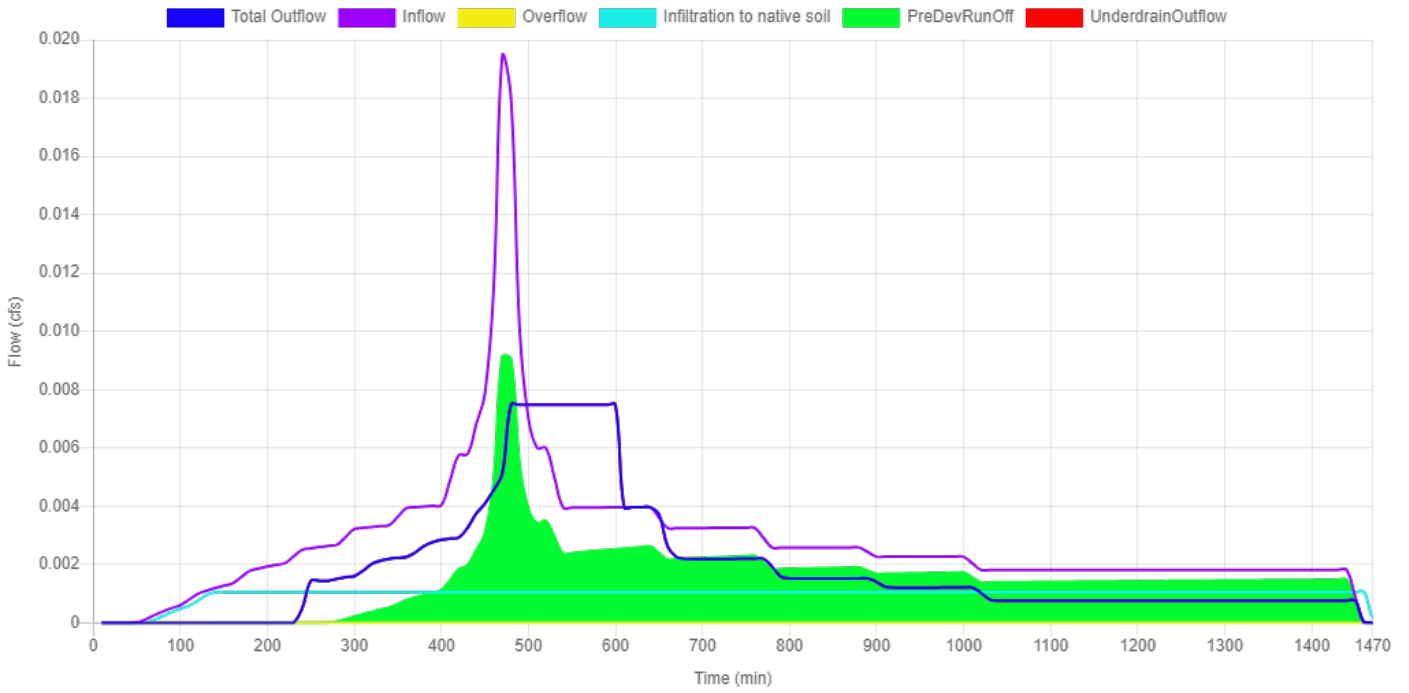
Surface Head



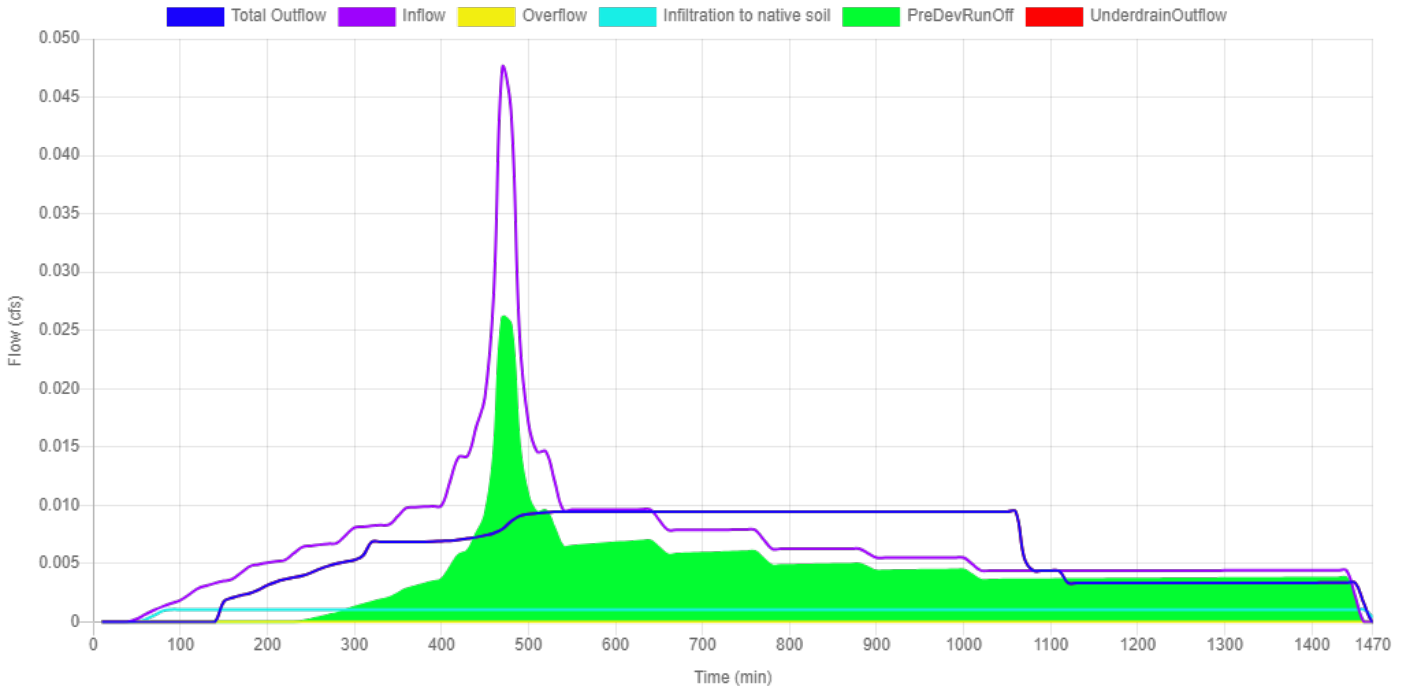
Water Quality



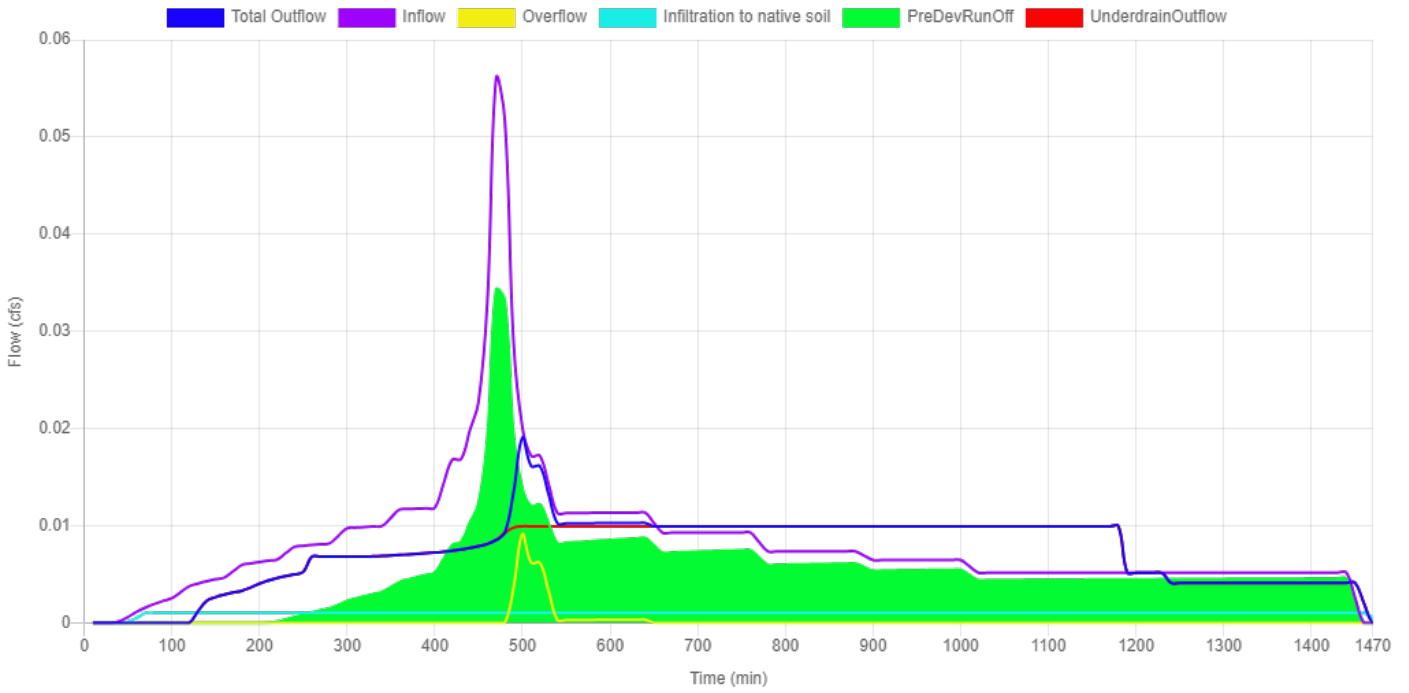
½ 2-Year



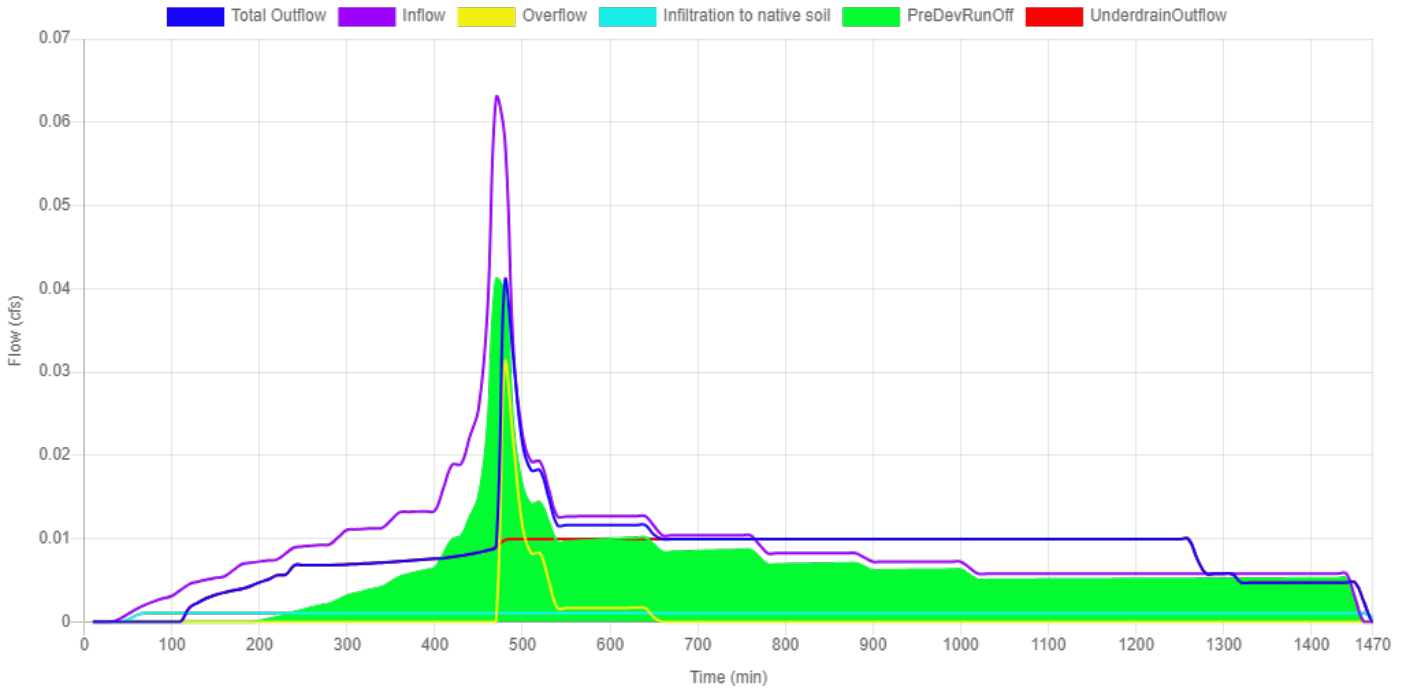
5-Year



10-Year



25-Year



25-Year

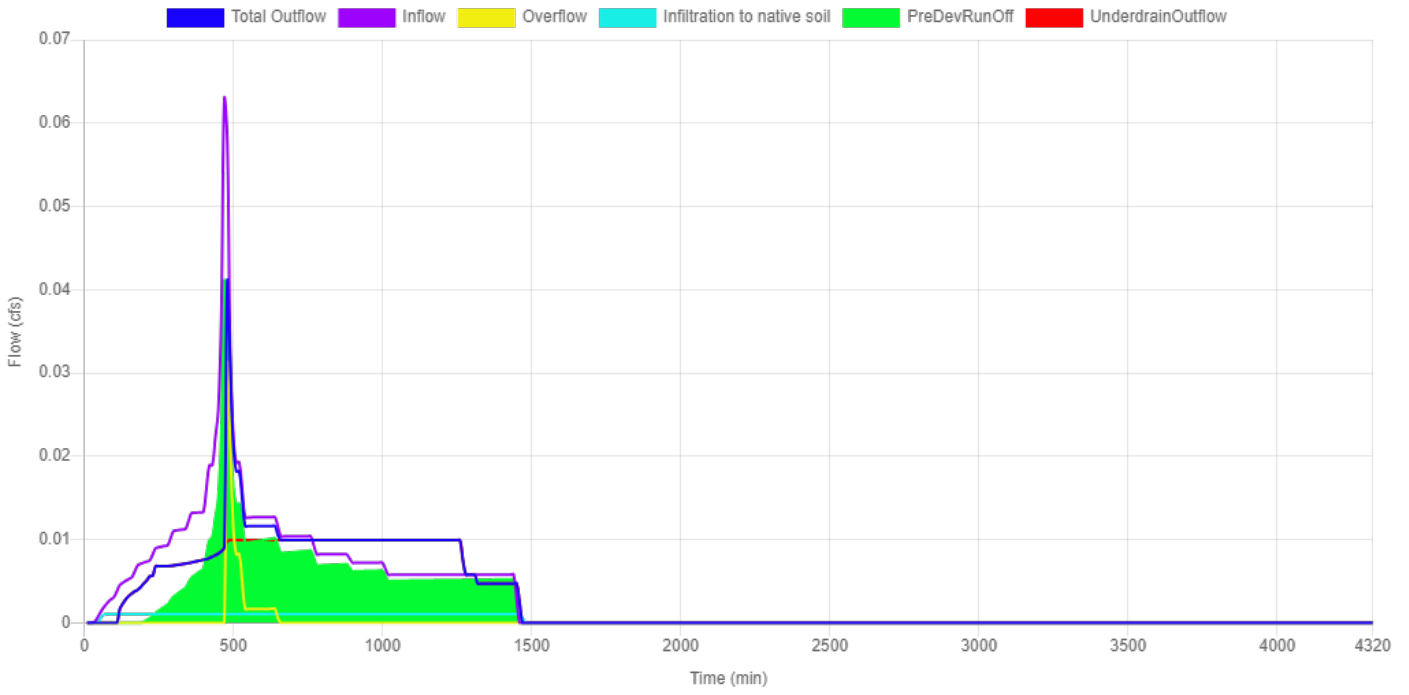


EXHIBIT PD-2 COMPLETENESS LETTER



CITY OF West Linn

September 30, 2024

Brent Donnerberg
Tieton Construction, LLC
1751 Buse Street
West Linn OR. 97068

Subject: ELD-24-03 Application for an expedited land division to partition 1694 16th Street for a middle housing land division for a detached duplex (2 parcels).

Mr. Donnerberg,

You submitted an application on September 11, 2024. The Planning and Engineering Departments determined that the application is now **complete** as of September 30, 2024.

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 December 2, 2024.

Please be aware that a determination of a complete application does not guarantee an approval for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

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

Respectfully,

Chris Myers

Chris Myers
Associate Planner

EXHIBIT PD-3 AFFIDAVIT AND NOTICE PACKET

CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. ELD-24-03

The City of West Linn has received a complete application for an expedited land division (SB458) for middle housing (HB2001) at Tax Lot 04800 of Clackamas County Assessor Map 31EO2BB. The applicant is requesting approval of a middle housing land division to create two parcels for the development of a detached duplex at 1694 16th 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 November 6, 2024. Written comments can be submitted to cmyers@westlinnoregon.gov or City Hall, 22500 Salamo Road, West Linn, OR 97068. All comments must be received by the deadline.**

All issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period outlined above and all issues must be raised with sufficient specificity to enable the Planning Manager to respond to the issue.

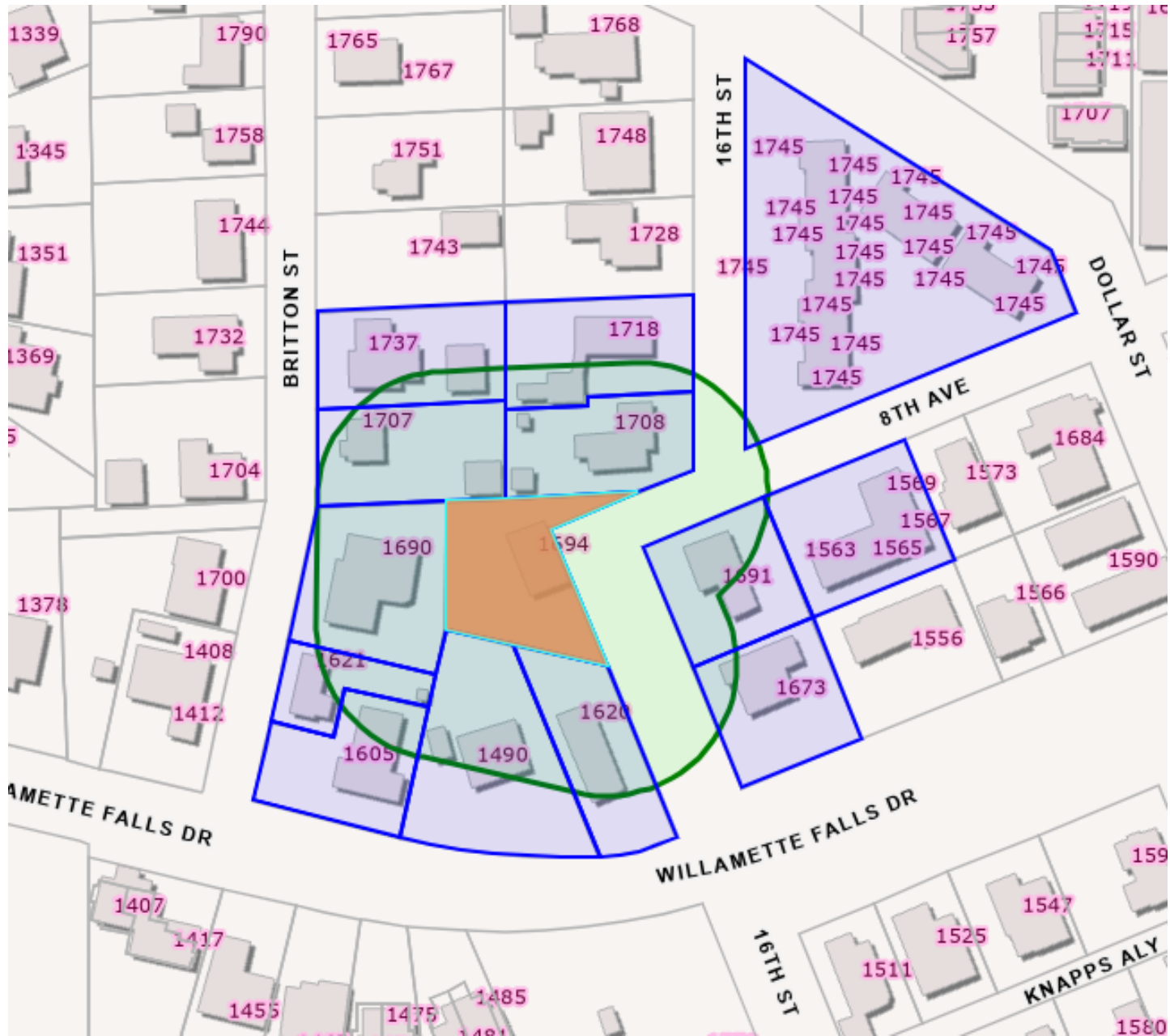
For additional information, please contact Chris Myers, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6062 or cmyers@westlinnoregon.gov.

Scan this QR Code to go to Project Web Page:



Mailed 10/23/24

ELD-24-03 - Notified Properties within 100 feet of 1694 16th Street





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # ELD-24-03
MAIL: 11/22/2023 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.