

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT	PROJECT NO(S). ELD-24-05	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S) \$4,900	REFUNDABLE DEPOSIT(S)	TOTAL \$4,900

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> 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"/> Expediated 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: 2089 5th Avenue	Assessor's Map No.: 31E02AB <hr/> Tax Lot(s): 4800 <hr/> Total Land Area: 10,729 square feet
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Brief Description of Proposal:

The application proposes a two-lot expedited land division for development of middle housing in the form of detached duplexes.

Applicant Name*: Icon Construction & Development, LLC Address: 1969 Willamette Falls Drive, Suite 260 City State Zip: West Linn, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
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Owner Name (required): Same as applicant. Address: City State Zip:	Phone: Email:
---	------------------

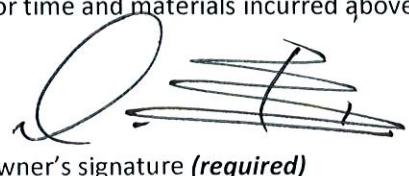
Consultant Name: Rick Givens Address: 28615 SW Paris Ave., Unit 110 City State Zip: Wilsonville, OR 97070	Phone: 503-351-8204 Email: rickgivens@gmail.com
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings related to the propose land use.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the Submit a Land Use Application 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

10-21-24
Date


 Owner's signature (required)

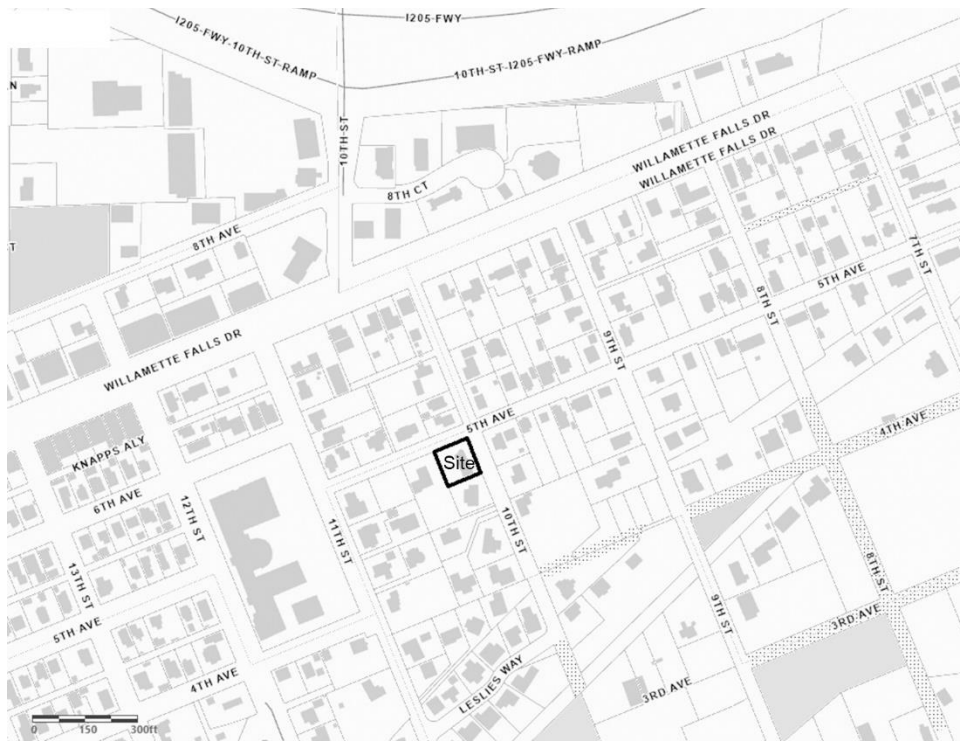
10-21-24
Date

Expedited Land Division Narrative

Tax Lot 31E02AB04800, 2089 5th Avenue, West Linn

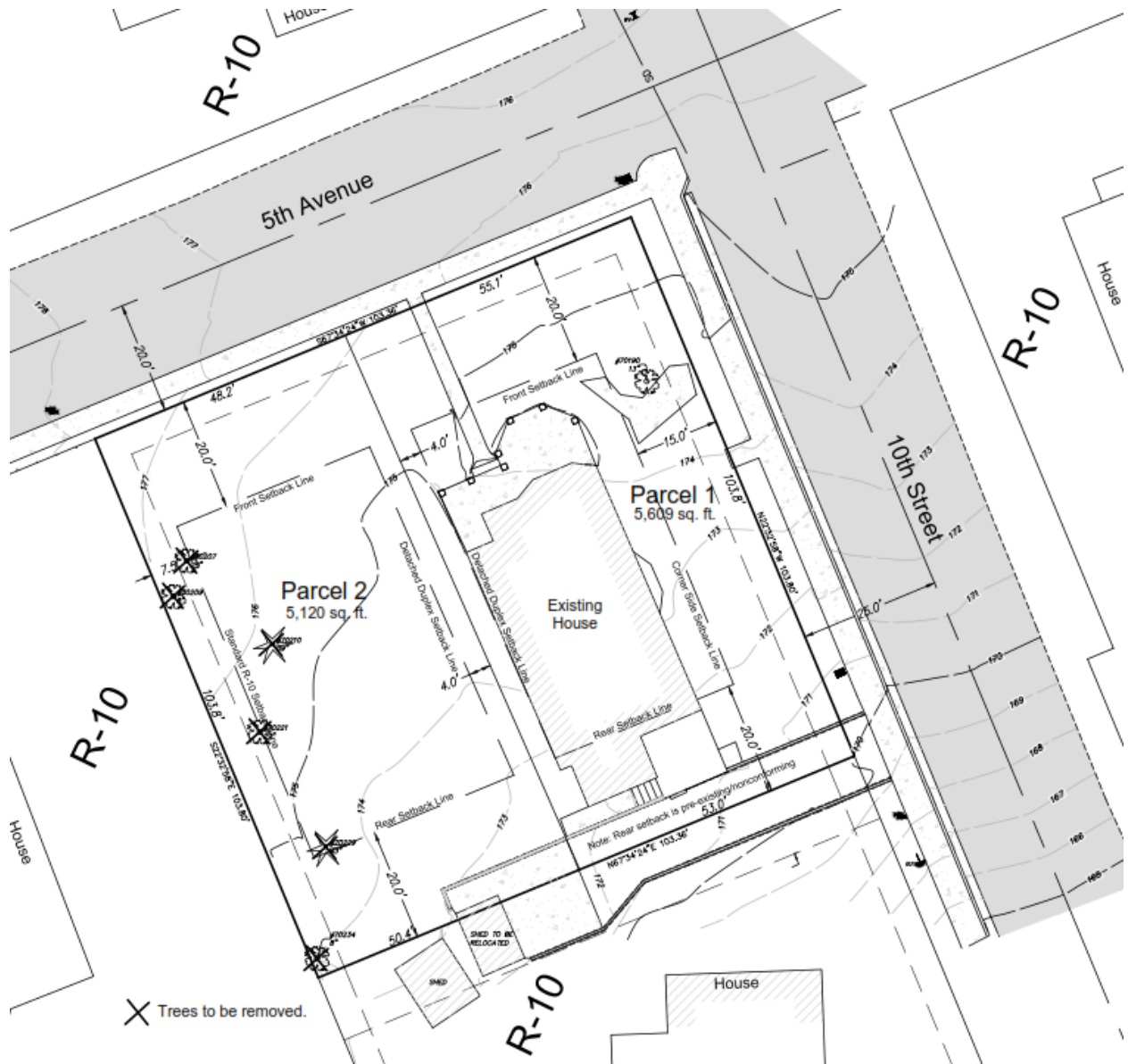
Icon Construction & Development, LLC

Proposal: This application requests approval of a middle housing Expedited Land Division (ELD) for an existing lot described as Tax Lot 31E02AB04800. The property is located at 2089 5th Avenue in the Willamette area of West Linn. This site is located on the south side of 5th Avenue at its intersection with 10th Street.



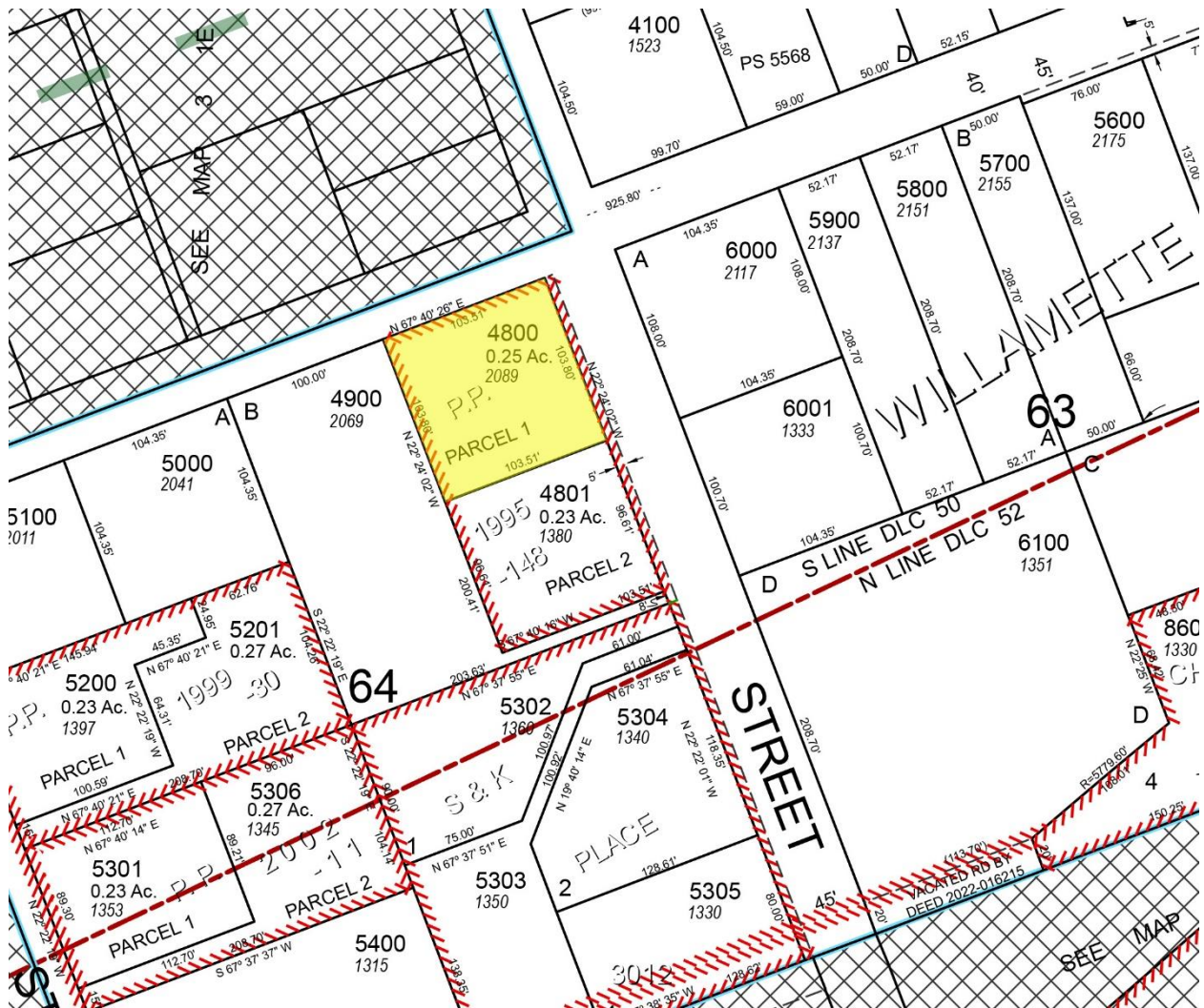
Vicinity Map

The property is developed with an existing single-family home that County records indicate was built in 1907. This house is proposed to be retained. A new parcel would be created to the west of the existing home and a new house will be constructed there. Together, the two homes will be middle housing detached duplexes. The proposed site plan is depicted on the map on the following page as well as on the Tentative Plan submitted with this application.



X Trees to be removed.

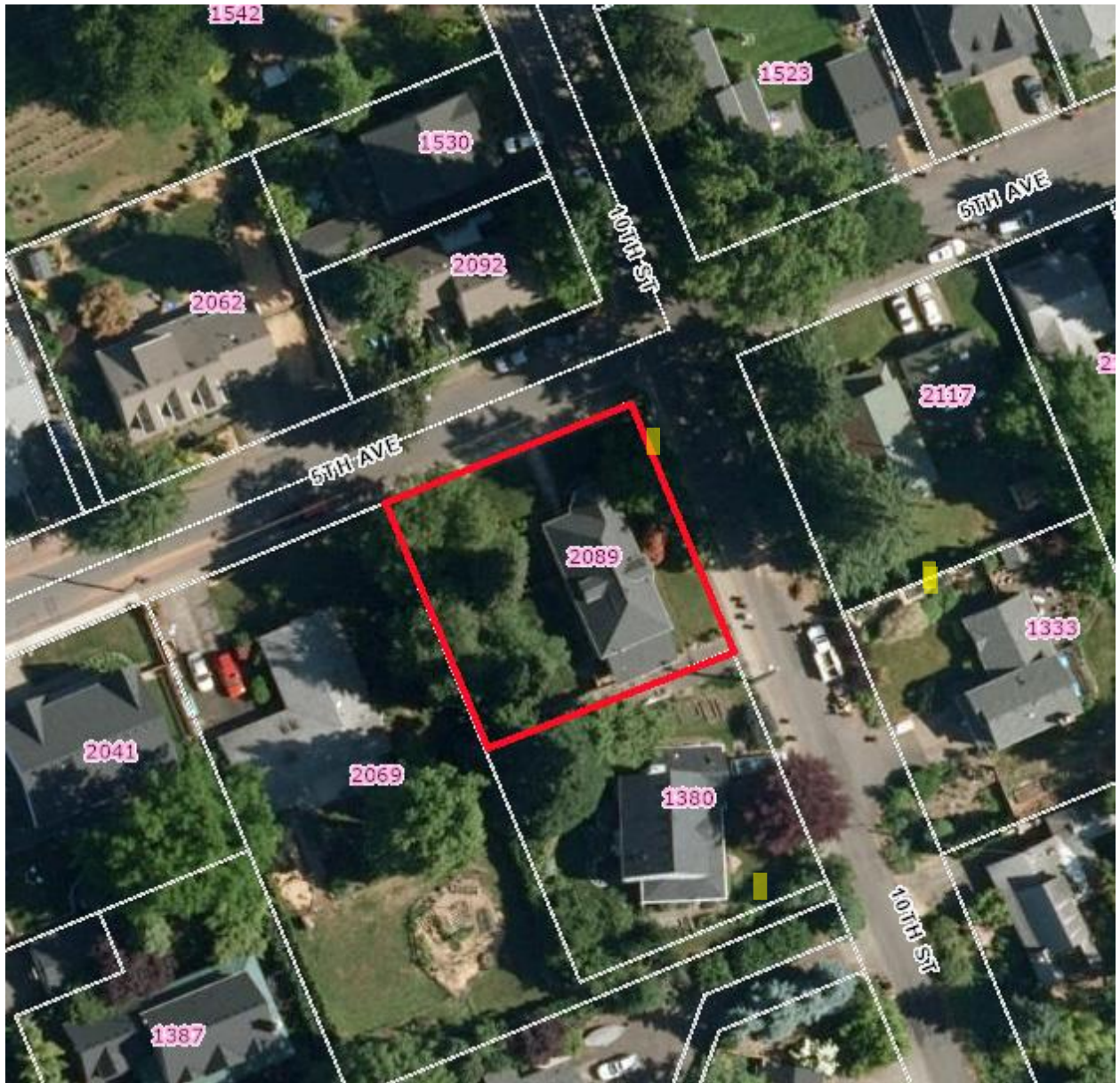
Site Plan



Crop from Assessor's Map
22E30CB

Existing Conditions

The subject property is shown outlined in red on the aerial photograph below. The property is fairly level, sloping downhill to the south from 5th Avenue. The grade is less than 5 percent. There are coniferous trees along the west border of the site that will need to be removed to allow for site development. There are no creeks, wetlands or other natural resource areas on the property.



Aerial Photograph of Existing Conditions

Public Facilities

City of West Linn sanitary sewer, storm sewer and water lines are located in 5th Avenue and 10th 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. Please refer to those documents for proposed utility information.

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 adopted 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
Minimum lot size	10,000 SF	For a single-family attached or detached unit.	Not applicable to detached duplexes.
Average min. Lot or Parcel size for a Townhouse Project	1,500 SF		Not applicable to detached duplexes.
Minimum lot width at front lot line	35 ft.	Does not apply to Townhouses or Cottage Clusters.	The lot widths at the front lot line are: Parcel 1- 55.1', Parcel 2-48.2'.
Average Minimum lot width	50 ft.	Does not apply to Townhouses or Cottage Clusters.	Does not apply to detached duplexes.
Minimum Yard Dimensions or Minimum building setbacks		Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for in a Cottage Cluster Project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall	Not applicable to the proposed project as it does not include a Cottage Cluster.

		<i>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 4' 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>		Parcel 1 is a corner lot. The street side yard dimension is 22.7', which exceeds the 15' minimum standard.
<i>Rear Yard</i>	<i>20 ft</i>		The minimum rear yard proposed for the home to be built on Parcel 2 will not exceed 20 feet. The rear yard of the existing home on Parcel 1, however, measures only 9.7'. This a preexisting nonconforming situation. The existing home was built in 1907, which is well before the City of West Linn had zoning standards. The existing home is oriented towards 5 th Avenue. Further, the dimension of the existing lot prior to partitioning measures slightly longer on the 10 th Street frontage (103.8') than on the 5 th Avenue frontage (103.36'). By definition in CDC Chapter 2, on a corner lot the front lot line is "the shortest lot line along a street (other than an alley) that separates the lot from the street." The existing 9'7' rear yard dimension is not conforming, but predates zoning standards.
<i>Maximum Building Height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>	Homes to be built will comply with the maximum 35' height standard. Compliance with height standards will be reviewed with the building permit application.
<i>Maximum Lot Coverage</i>	<i>35%</i>	<i>Maximum lot cover does not apply to Cottage Clusters. However, the maximum building footprint for a Cottage Cluster is less than 900 sf per dwelling unit.</i> <ul style="list-style-type: none"> <i>This does not include detached garages, carports, or accessory structures.</i> 	The existing home on Parcel 1 has a lot coverage of 1,687 sq. ft. The lot area proposed is 5,609 sq. ft., which yields a percentage coverage of 30%. Lot coverage for the home to be built on Parcel 2 will be less than the maximum will comply with the 35% standard as will be demonstrated at the time of building permit application.

		<ul style="list-style-type: none"> • A developer may deduct up to 200 sf for an attached garage or carport. 	
<i>Minimum Accessway Width to a lot which does not abut a street or a flag lot</i>	15 ft		Not applicable. Both parcels have direct frontage onto public streets.
<i>Maximum Floor Area Ratio</i>	0.45	<i>Max FAR does not apply to cottage clusters.</i>	Not applicable. The proposed project is for detached duplexes.
<i>Duplex, Triplex, and Quadplex</i>	0.60	<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>	The home on Parcel 1 has a floor area of 2,087 sq. ft. per County Assessor's records. The lot area proposed is 5,609 sq. ft., which yields a FAR of 37.2%. Compliance with the floor area ratio standard for the home to be built on Parcel 2 will comply with this standard and will be reviewed at the time of building permit application.

(b) Separate utilities for each dwelling unit;

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

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

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

Comment: Each unit is on a separate lot and all utilities serving the homes are either on the proposed lots or 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 lots front directly onto abutting streets. City sidewalks are existing on both 5th Avenue and 10th Street, as shown on the Tentative Plan.

(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: Parcel 1 has an existing driveway easement that extends onto Tax Lot 4801 as shown on the Tentative Plan. Parcel 2 will have a driveway off of 5th Avenue that does not require any easements.

(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.

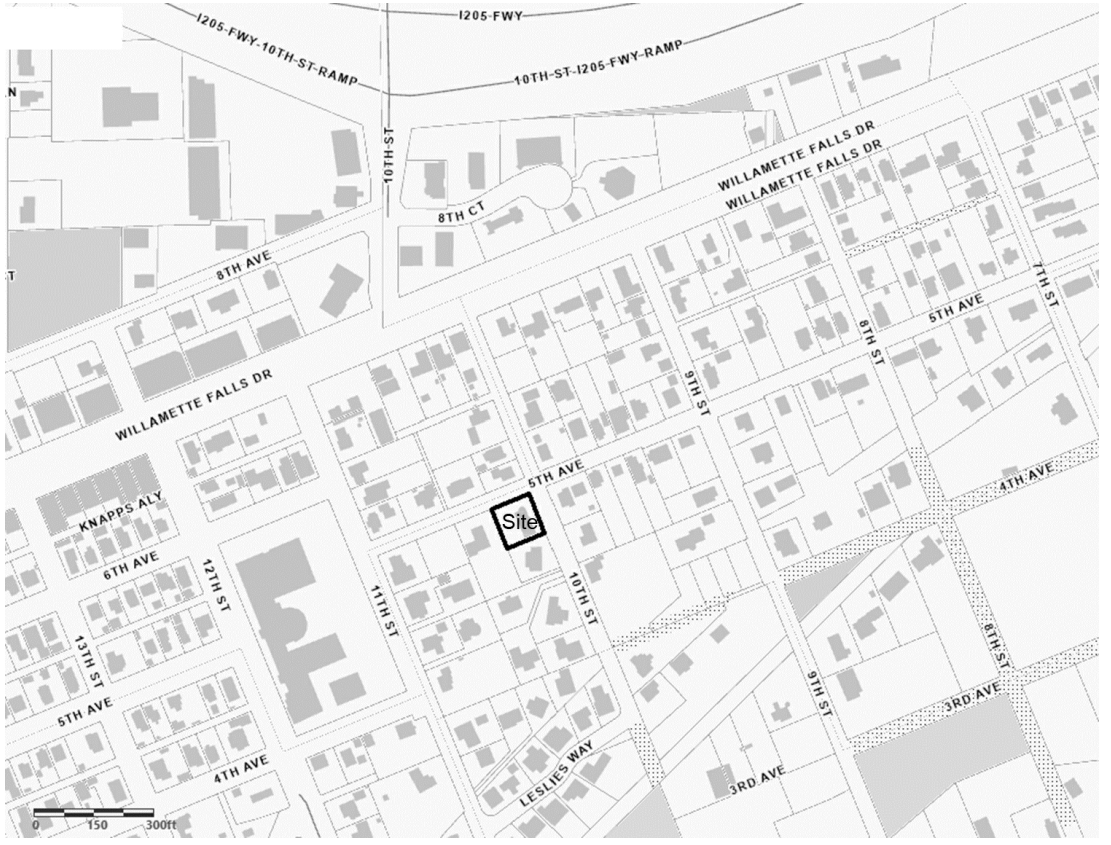
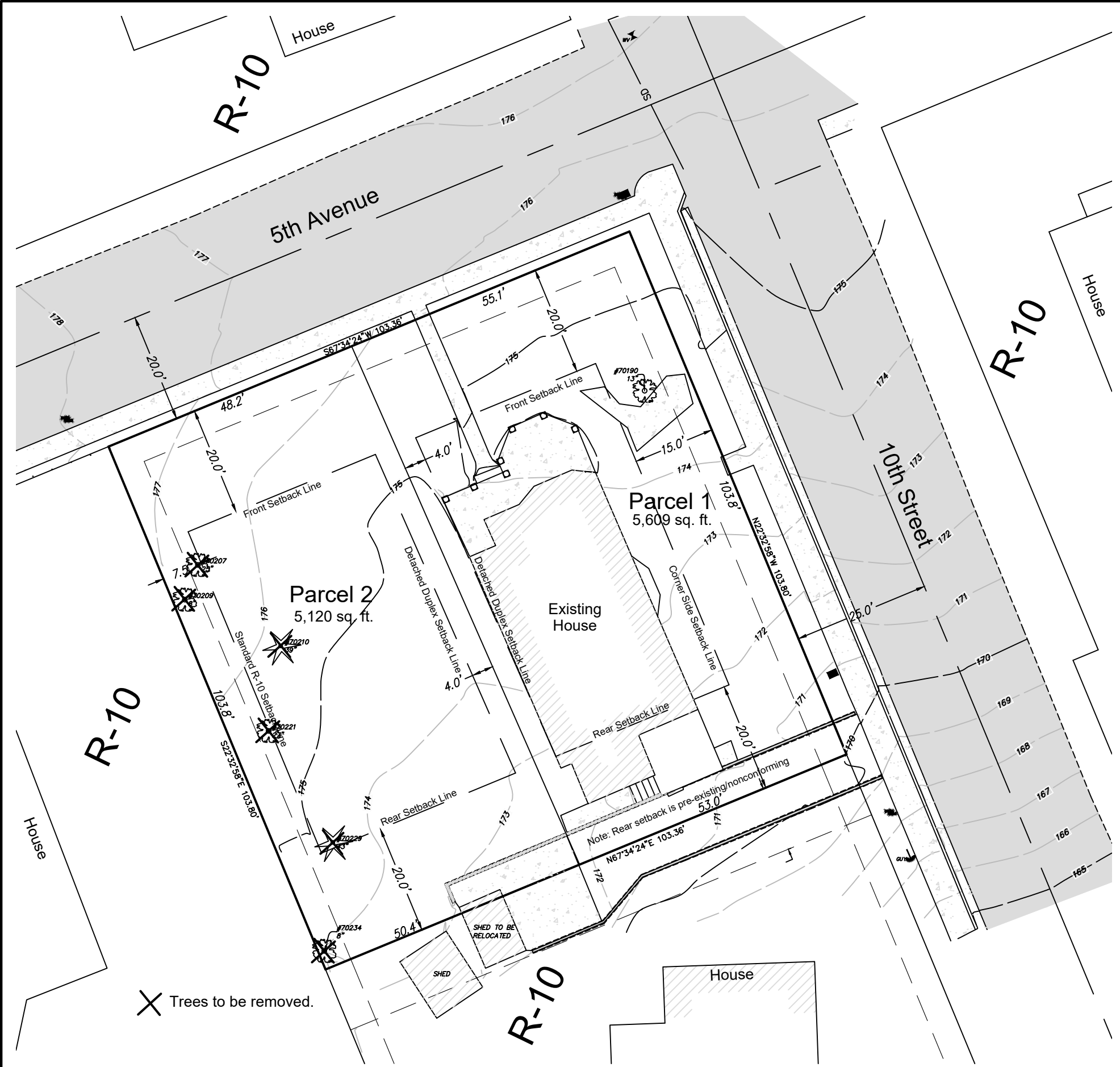
ORS 92.031(4) In reviewing an application for a middle housing land division, a city or county:

(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 frontages on both 5th Avenue and 10th Street are fully improved with street, curb, and sidewalks. No further improvements are anticipated by the applicant.

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.



Vicinity Map

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

Legal: 31E02AB04800

Water: City of West Linn

Sewer: City of West Linn

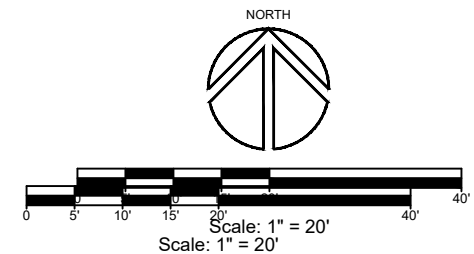
Contours: Centerline Concepts, Inc.

Site Area: 10,729 square feet

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

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

Zoning: R-10



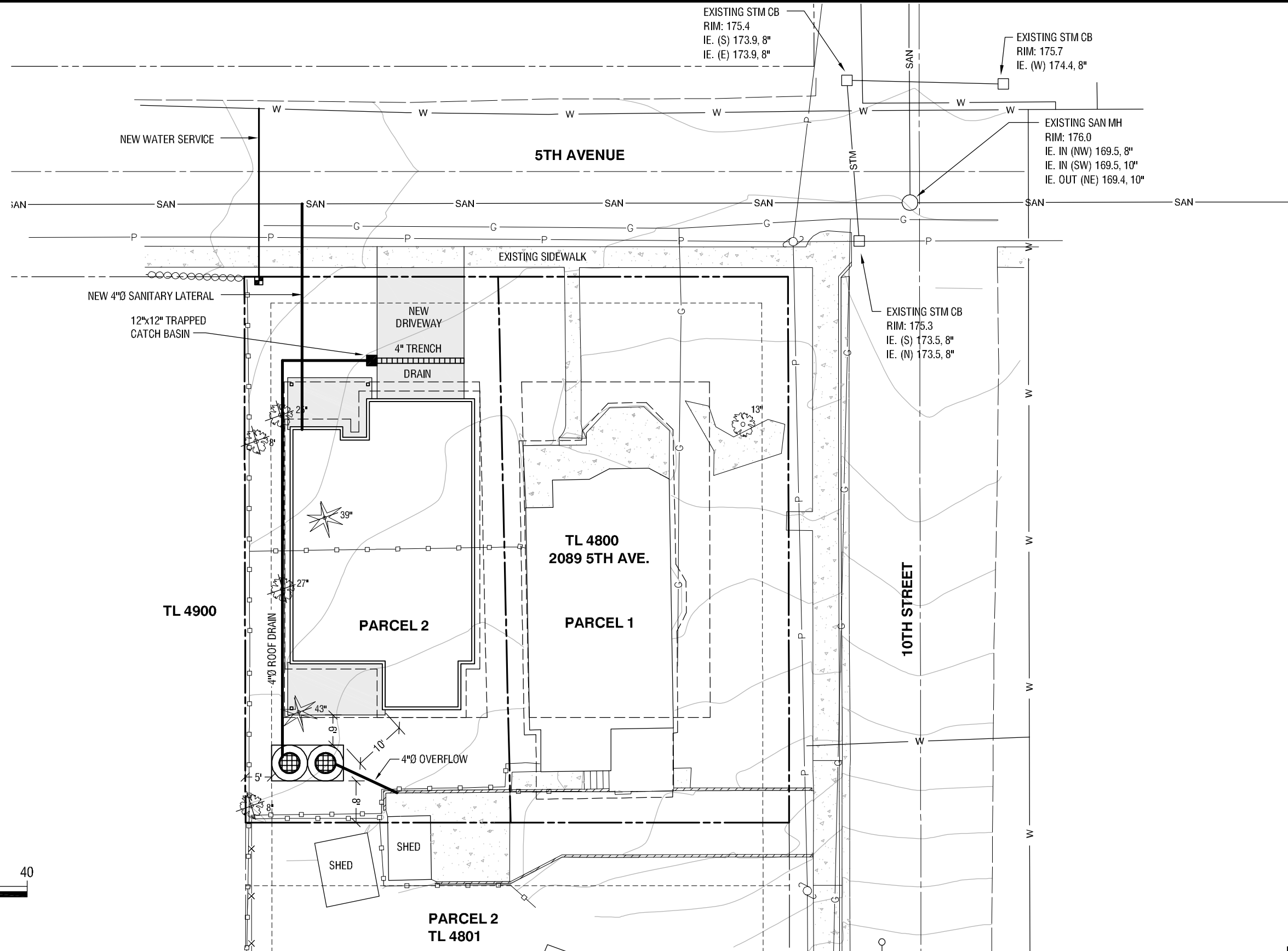
DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 20'			
DATE:	10-10-2024			
FILE:	24-ICN-103	DATE	NO.	REVISION

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

2089 5th Ave. Middle Housing
 ELD Tentative Plat

SHEET:
 1/1



2024-129ZB

PRELIMINARY

DESIGNED:	BDG
DRAWN:	BJS
SCALE:	1" = 20'
DATE:	October, 2024
FILE:	2089 5th Ave Prelim1

Theta, llc

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

Icon Construction & Development, LLC
 1980 Willamette Falls Drive, Suite 200
 West Linn, OR 97068
 PH: (503) 657-0406

2089 5th Avenue
 West Linn, Oregon

1/1



STORM ANALYAIS

2089 5th Avenue

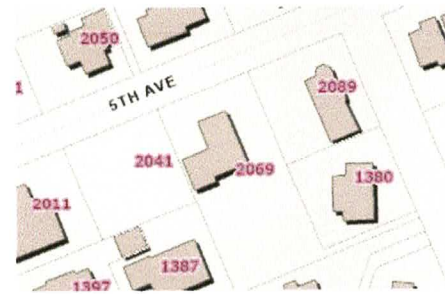
WEST LINN, OREGON

Narrative:

This is a 0.25-acre parcel with a vintage 1907 house to remain and a new house by the middle housing process proposed to the west, that is being redeveloped. This is a corner lot on the south side of 5th Avenue and the west side of 9th Street, and records indicate the house dates to 1900. The property is more or less level along 5th Avenue and slopes at approximately 5% to the south along 10th Street. An infiltration test was completed by Theta LLC (October 2024) with a field rate of 3.375 inches per hour after presoaking the day before and with three 1-hour tests. The test pit was 48-inches deep with 8” of organic material followed by brown silt loam with no seeps or ground water. The Simplified City of Portland Dry Well sizing chart has been used to size the storm facilities (PDX SW 180).

References:

1. Icon Construction and Development
2. West Linn Storm Water
3. City of Portland Stormwater Manual



Infiltration:

A safety factor of 2 was applied to the observed rate of 3.375 in/hour for a design rate of 1.69 in/hour or 35.5 minutes per inch. Rapid Soils Solutions found on a test one block away that ground water would be 40-feet or more below the surface. The USDA finds the soil to be Willamette silt loam

SUMMARY

Parcel	New impervious	1.25%	Dry Well
lot	2547 SF	3184 SF	1592 EA (2)
	Sizing chart	2500 SF max	5-ft
	Sizing chart	2500 SF max	5-ft

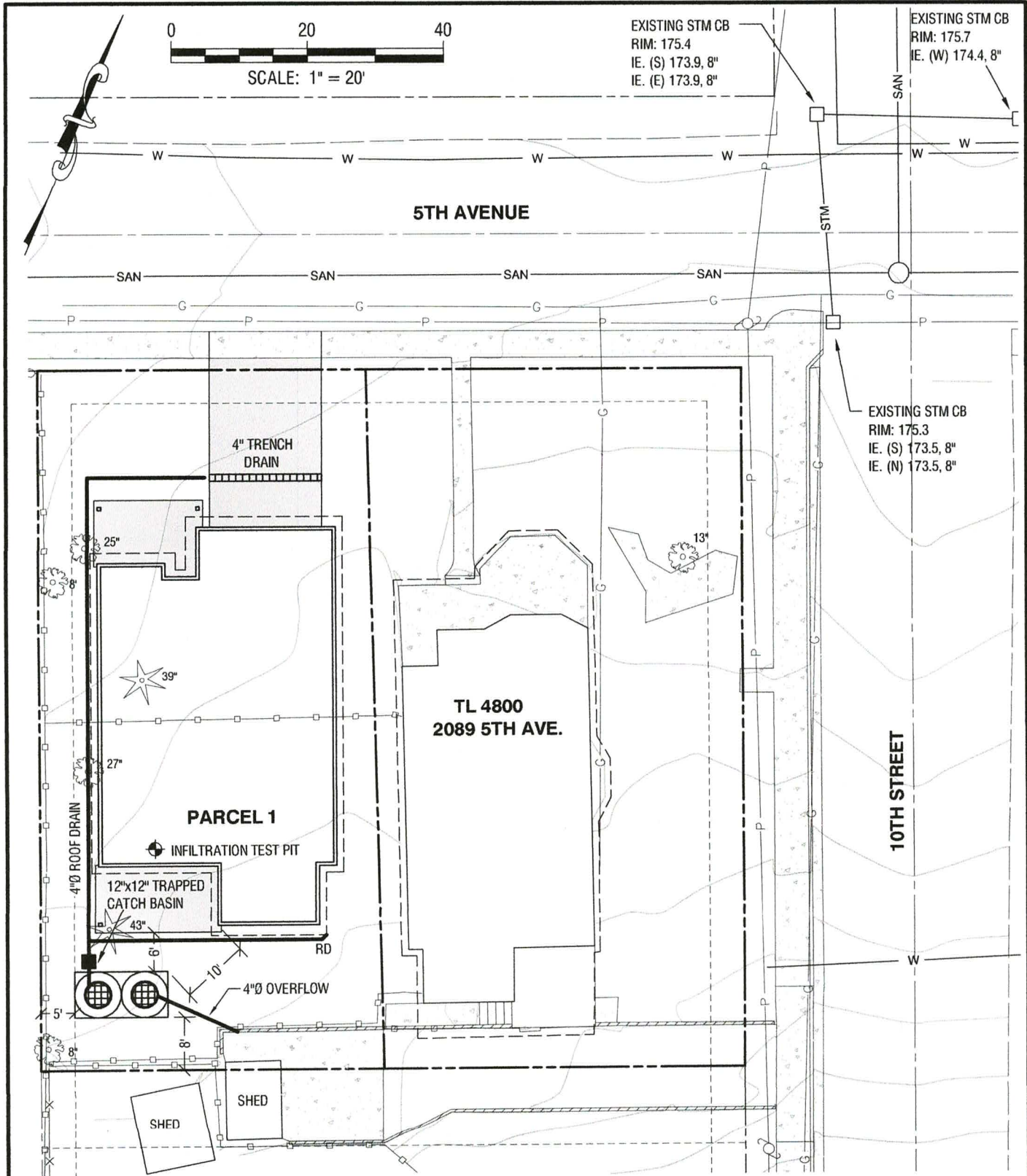
Results and Conclusions:

The simplified approach was found to best fit this situation using two drywells connected together and 5 feet deep. Rain gardens were found to be too large to be accommodated on the lot as were planter boxes. If overflow did occur the flow towards 10 street

Prepared by:
Bruce D. Goldson, PE
Theta, LLC
October 26, 2024
2014-129ZB



EXPIRES: 06/30/2025

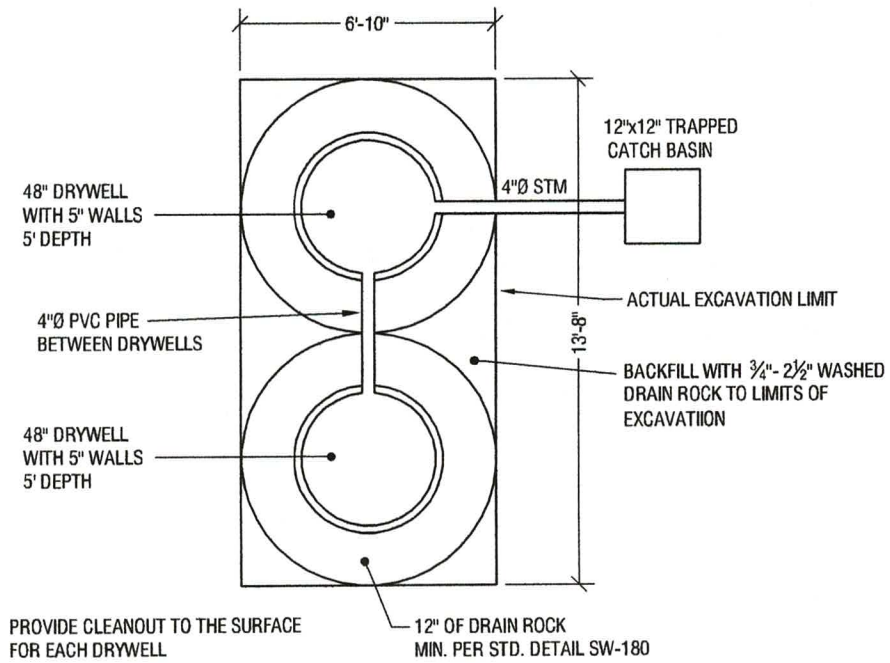


2024-129ZB

STORM DRAINAGE REPORT

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

2089 5th Avenue
 West Linn, Oregon



DRYWELL DETAIL

SCALE: 1" = 5'

2024-129ZB

STORM DRAINAGE REPORT

Theta, llc

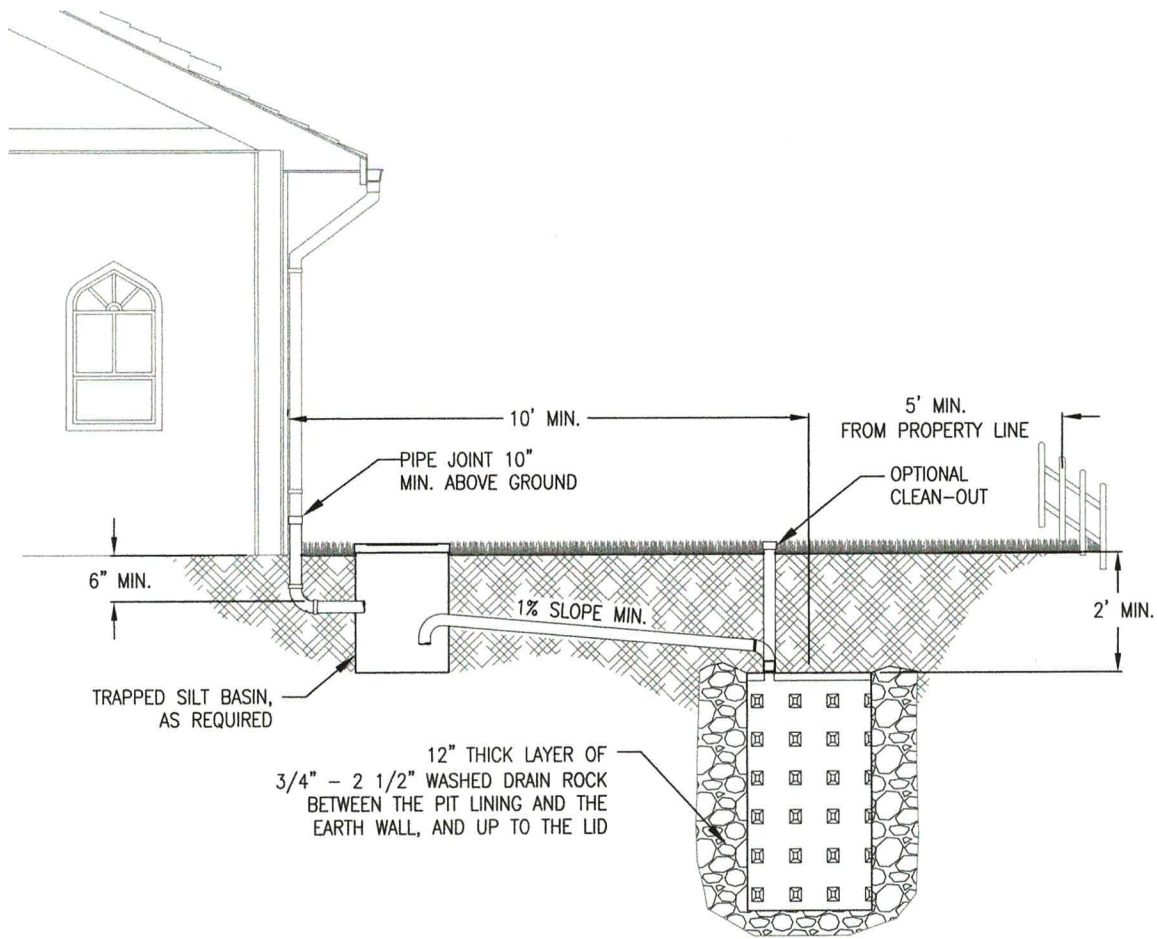
ENGINEERING - SURVEYING - PLANNING

PO Box 1345
Lake Oswego, Oregon 97035

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

2089 5th Avenue
West Linn, Oregon

2
2



1. Sizing: See adjacent table to size the drywell(s) based on impervious area.
2. Siting Criteria: The base of the drywell must be at least 5' above seasonal high groundwater.
3. Setbacks: Measured from the center, the drywell must be 10' from foundations and 5' from property lines except next to the right-of-way where no setback is required between the edge of the drywell drain rock and the property line. The foundation setback is 8" for plastic mini-drywells.
4. Piping: Conform with Oregon Plumbing Specialty Code (OPSC) requirements.
5. Access: In residential settings, an access cleanout is optional but highly recommended.
6. Pre-Treatment: A trapped silt basin such as a sumped catch basin is required except for drywells managing roof runoff and runoff from pedestrian-only areas.
7. The top of the perforated drywell sections must be lower than neighboring foundations.
8. Inspections: Call BDS IVR inspection line, (503) 823-7000. Request 487.3 inspections required.

Drywell Depth	Maximum Catchment Area Managed by One Drywell	
	28" diameter	48" diameter
5'	1000 sf	2500 sf
10'	2500 sf	4500 sf
15'	3500 sf	5000 sf
2x2 plastic mini-drywell (maximum of 2 drywells per catchment)	500 sf	

CONSTRUCTION REQUIREMENTS

Smearing the soil surface during excavation can limit infiltration rates. If smooth excavation tools are used, roughen the sides and bottom of the excavation with a sharp pointed tool. Remove loose material from the bottom of the excavation.

- DRAWING NOT TO SCALE -



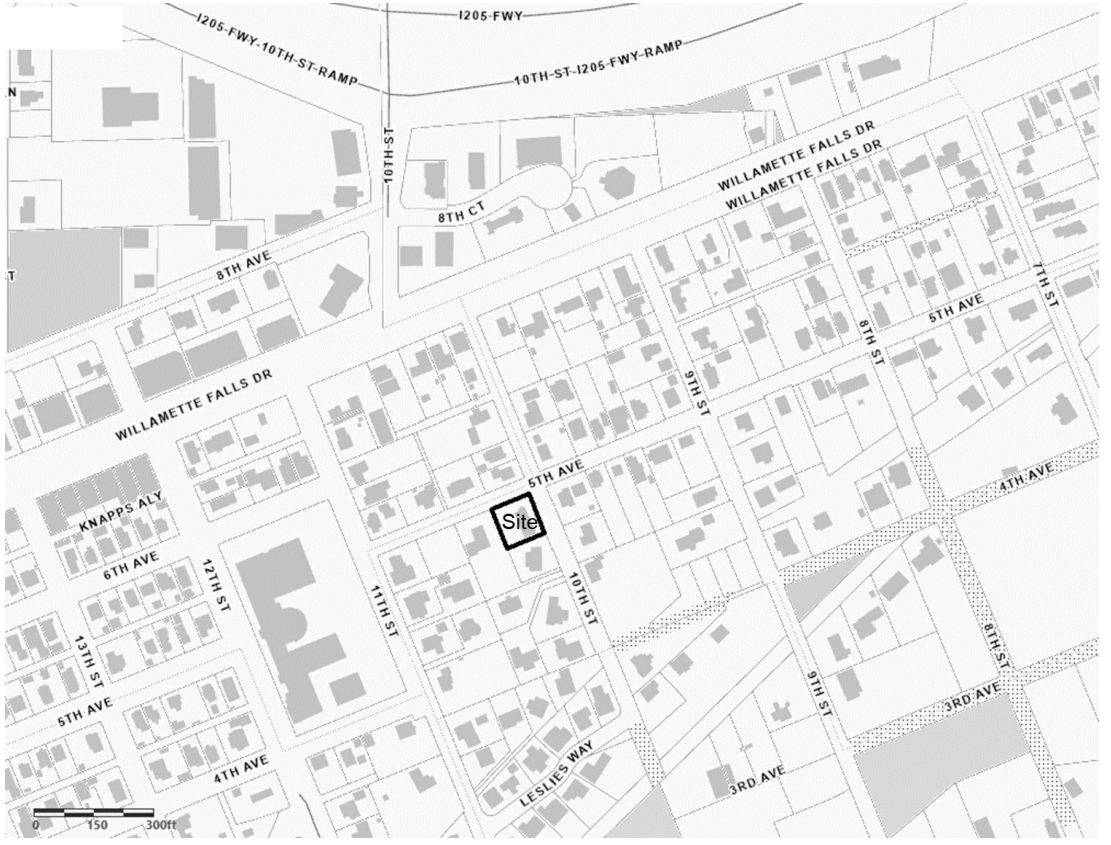
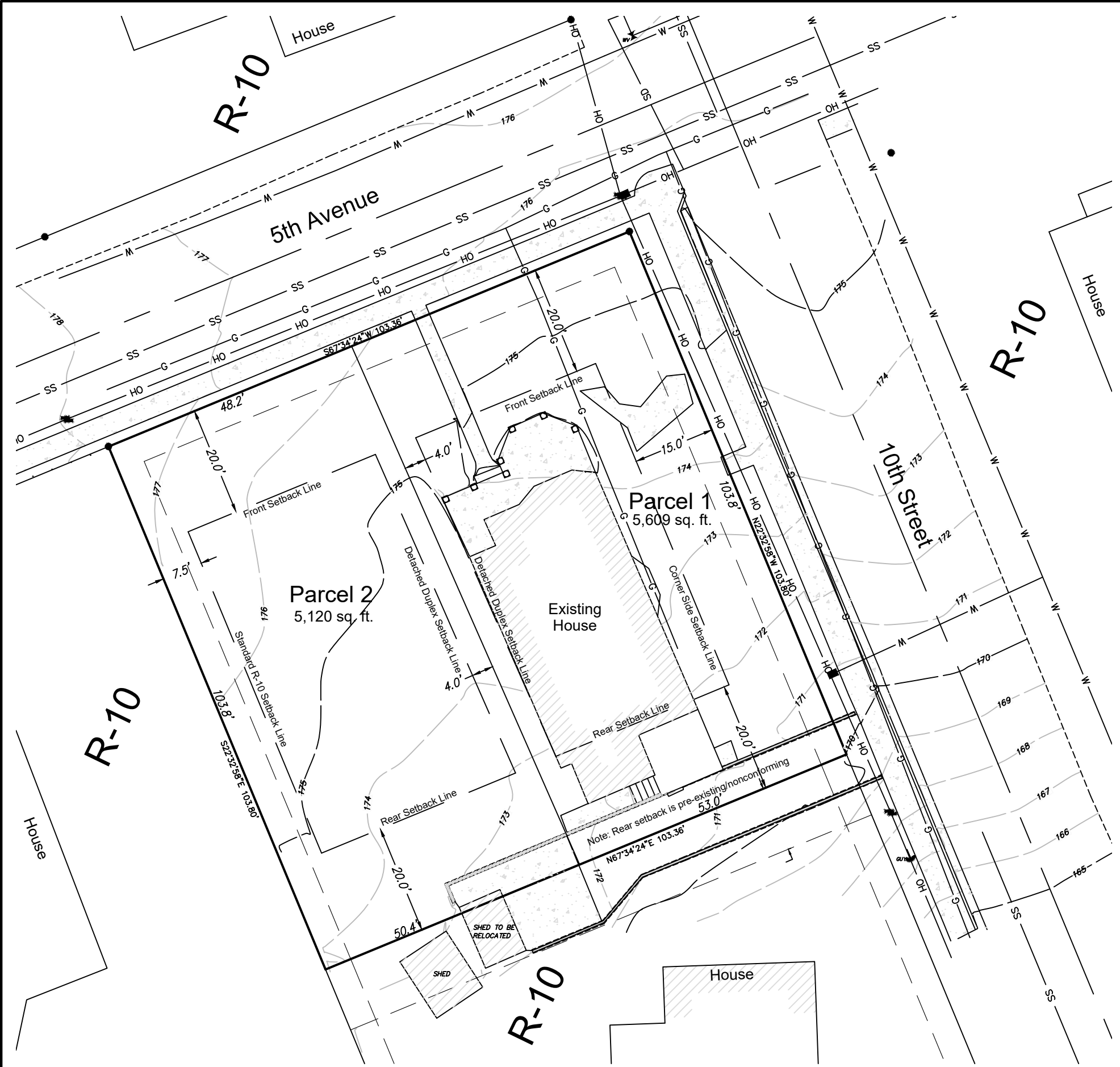
Bureau of Environmental Services



STORMWATER MANAGEMENT
TYPICAL DETAILS FOR
PRIVATE PROPERTY

DRYWELL

SW-180



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: 31E02AB04800

Water: City of West Linn

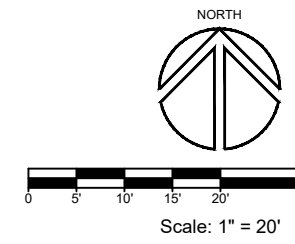
Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

Site Area: 10,729 square feet

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

Zoning: R-10



APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS

Jason Am...
 Deputy Fire Marshal II

TVF&R Permit# 2024-0165

DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 20'			
DATE:	10-10-2024			
FILE:	24-ICN-103	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

2089 5th Ave. Middle Housing
 ELD Tentative Plat

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: Icon Construction & Development, LLC
Address: 1969 Willamette Falls Drive, Suite 260
Phone: 503-657-0406
Email: darren@iconconstruction.net
Site Address: 2089 5th Ave.,
City: West Linn
Map & Tax Lot #: 31E02AB TL 04800
Business Name: Icon Construction & Development, LLC
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # Not applied for yet.

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 # 2024-0165
Permit Type: SPP-West Linn
Submittal Date: 10-16-2024
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]
Fire Marshal or Designee

10-21-2024
Date

Conditions: See approved fire service plan.

See Attached Conditions: Yes No

Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____