



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: July 15, 2014
 FILE NO.: MIP-14-04
 REQUEST: Request for a 2-lot Partition at 1754 Willamette Falls Drive
 PLANNER: Tom Soppe, Associate Planner

 Planning Manager  Development Review Engineer

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SPECIFIC DATA

OWNER: Dave Smith, DNJ Properties, LLC, 1754 Willamette Falls Dr., West Linn, OR 97068

APPLICANT: Colleen Spurgeon, Township Surveys, 1415 Washington St., Oregon City, OR 97045

SITE LOCATION: 1754 Willamette Falls Dr.

SITE SIZE: 10,239 Square Feet

LEGAL DESCRIPTION: Assessor's Map 3-1E-02BA Tax Lot 1900

COMP PLAN DESIGNATION: Commercial

ZONING: GC, General Commercial; Willamette Falls Drive Commercial Design District overlay

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 85, Land Division, General Provisions; Chapter 19, General Commercial, GC

120-DAY RULE: The application was found complete by staff on June 10, 2014. The 120-day period therefore ends on October 8, 2014.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and the Willamette Neighborhood Association on June 16, 2014. The notice was printed in the West Linn Tidings on June 26, 2014. A sign was placed on the property on June 17, 2014. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a two-lot partition in the downtown area of Willamette on the north side of Willamette Falls Drive. On the eastern half of the site there is an old house that is used for the law offices of the property owner's firm. The western half of the property, proposed to become a separate buildable parcel, contains a driveway and a fenced-in area. There are trees along the east and west edges of the site. No development is proposed at this time, only the partition of the land itself. The applicant's intention is to create a developable parcel on the western half of the site while continuing to operate his business on the eastern parcel. The

property is located within the Willamette Falls Drive Commercial District overlay zone (identified as between 10th and 15th streets).

The parcel is approximately 103 by 99 feet. The proposed partition would create two parcels 99 feet deep. Parcel 1 would be 50 feet wide with 4,970 square feet. Parcel 2 would be 53 feet wide with 5,269 square feet. Parcel 2 has an existing building on it, which is a house that has been converted to law offices. This is non-conforming in terms of its overly large side setback so Chapter 66 Non-Conforming Structures applies.

The property is in the GC zone and the Willamette Falls Drive Commercial District overlay. No variances are required or proposed. While they will not be affected by the proposal, there are non-conforming aspects of the existing building on site. While off-street parking is not required for this overlay district per 46.140, any off-street parking that is provided (including the existing driveway on Parcel 2) has to conform to the dimensional standards of Chapter 46 per this same section. Therefore the applicable approval criteria include:

- Chapter 19, General Commercial (GC) zoning district;
- Chapter 58, Willamette Falls Drive Commercial District;
- Chapter 46, Off-Street Parking, Loading, and Reservoir Areas
- Chapter 66, Non-Conforming Structures
- Chapter 85, Land Division General Provisions, criteria in Section 85.200;


DECISION

Staff approves application MIP-14-04 subject to the following proposed conditions:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Preliminary Plan of a Partition Plat, dated March 26, 2014 on Page 45 of Exhibit PD-4.
2. Engineering Standards. All public improvements and facilities associated with public improvements required by this approval are subject to the City Engineer's review, modification, and approval. These must be engineered, constructed, and completed by final platting.
3. Street Fee-in-Lieu. The applicant shall provide a fee-in-lieu for street improvements calculated by the Engineering Division based on the property's amount of lineal street frontage on Willamette Falls Drive.

Staff has determined that with the recommended condition of approval as discussed above, the application meets the criteria of chapters 19, 46, 58, 66, and 85.

This decision was processed under the provisions of Chapter 99.



TOM SOPPE, Associate Planner

July 15, 2014

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to or on July 8, 2014. Approval will lapse 3 years from effective approval date.

Mailed this 16th day of July, 2014.

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

July 30, 2014.

Site Aerial View



Source: West Linn GIS, 2014

Public comments:

None received to date.

Notes to Applicant.

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.
- Additional Permits Required. Your project may require the following additional permits:
 - Final Plat. Contact the Engineering Division. **While it is not required by the CDC for this partition, staff's suggestion to applicant is to move the proposed partition line at least 1.5 feet to the east; see Staff Response 5 in the addendum.**

- Building permit, the final permit after others are completed and conditions of approval are fulfilled. Contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov.

Final inspection: Call the Building Division's Inspection Line at (503) 722-5509.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-14-04**

Staff recommends adoption of the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

**Chapter 19
GENERAL COMMERCIAL, GC**

(...)

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

(...)

22. Professional and administrative services.

(...)

Staff Response 1: This is a set of law offices which falls under the CDC definition for "professional and administrative services" in Chapter 2 Definitions. While the building started out as a single-family house, it is now classified as B occupancy (Business) with an Office use per a 2010 Certificate of Occupancy from the building permit (in Building file CMIS-10-046). While it is still classified as VB construction, more typical for single-family houses, it is officially a commercial occupancy per this certificate. Staff determines this is a conforming use in a commercial structure.

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
2. The average minimum lot width shall be 50 feet.
3. The average minimum lot depth shall not be less than 90 feet.

Staff Response 2: Each of the two parcels is at least 50 feet wide, including at the front lot lines; this will remain the case even after the implementation of Condition of Approval 4 which

requires the partition line be moved 1.5 feet to the east on the final plat. Each lot is also over 90 feet in depth. Staff determines the criteria are met.

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply.

(...)

7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

Staff Response 3: The site backs up to R-10 zoning. The existing building on Parcel 2 is 36.5 feet from the rear property line, and any new development on Parcel 1 will have setbacks reviewed when it is proposed. There are no side setback requirements specified in the GC zone. Therefore the existing side setback to the east for the building on Parcel 2 (19.1 feet), and the 7.5-foot setback proposed between the new property line and the existing building are acceptable per Chapter 19; however see Staff Response 5 below for their level of conformance to the standards for the Willamette Falls Drive overlay zone.

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

(...)

9. Chapter 52 CDC, Signs.

Staff Response 4: The freestanding sign southwest of the existing building is currently compliant with Chapter 52. The line as proposed and as relocated by Condition of Approval 4 would bisect the existing freestanding sign (the two dots shown as “sign” on the submitted plan represent the two poles of this sign). Nothing in Chapter 52 prevents this bisection, and the one existing sign would simply count as the one allowed freestanding sign for each parcel. Therefore the applicant may want to relocate their sign to Parcel 2 should Parcel 1 be sold and redeveloped; per 52.103(A) this relocation would require a Permanent Sign Permit.

CHAPTER 58 WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

58.040 EXEMPTIONS

Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt. All exemptions must be approved by the Planning Director.

(...)

58.090 STANDARDS

(...)

C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.

b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet. The setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it.

c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if the applicant can demonstrate that he can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.

d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.

Staff Response 5: The existing building is non-conforming in the building design type and placement, the latter referring to its overly large front and iside setbacks. These conditions are pre-existing and non-confmorming for the Willamette Falls Drive Commercial District. However no permit to Enlarge/Alter a Non-Conforming Structure is needed; this is because the non-conformity is not worsened and not affected by the partitioning. Lot coverage will be acceptable on Parcel 2 with the existing building, as up to 100% lot coverage is allowed. For Parcel 2 the submitted partition plan would create a setback that is not compatible with what is described under Subsection (1)(b) above as the existing building would be 7.5 feet from the partition line, not six or less. However Section (C) above states that all of these standards are for new construction and remodels, not partitions. Therefore the applicant is not prevented from creating this 7.5-foot setback, but would have to meet the setback of six feet or less if the existing building is ever remodeled. Also, having a setback of six feet or less would also allow maximum development potential on proposed Parcel 1. Therefore while this application is not conditioned to have a setback of six feet or less, staff suggests the applicant consider

submitting a final plat where this setback maximum is met via moving the proposed partition line at least 1.5 feet to the east. Staff determines the criteria are met for this partition. Any future development will have to meet all of these requirements on Parcel 1, as well as all other design requirements for development throughout the remainder of 58.090(C).

CHAPTER 46

OFF-STREET PARKING, LOADING, AND RESERVOIR AREAS

46.140 EXEMPTIONS TO PARKING REQUIREMENTS

To facilitate the design requirements of Chapter 58 CDC, properties in the Willamette Falls Drive Commercial District/Overlay Zone, located between 10th and 16th Streets, shall be exempt from the requirements for off-street parking as identified in this chapter. Any off-street parking spaces provided shall be designed and installed per the dimensional standards of this code.

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet.

Staff Response 6: No off-street parking is required in this overlay, but any that is provided must meet parking space dimensional requirements. The existing driveway on Parcel 1 is proposed to remain for the time being but would likely be reconfigured or removed when Parcel 1 is developed in the future. It is 17 by 52 feet, and is not divided into individual spaces. Therefore it is an existing non-conformity that is not changed by the proposal. If future development on Parcel 1 includes new or existing parking areas, these will have to meet the provisions of Chapter 46 at that time. This is analyzed under Staff Response 7 below.

CHAPTER 66

NON-CONFORMING STRUCTURES

66.080 ENLARGEMENT OF OR ALTERATION TO A NON-CONFORMING STRUCTURE: PROCESS AND APPROVAL STANDARDS

(...)

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

1. If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code.
2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.
 - a. The enlargement or alteration will not change the non-conformity; and
 - b. All other applicable ordinance provisions will be met.

Staff Response 7: The only building on site is a house which existed before the overlay zone was implemented; the house was converted to office use years ago. Off-street parking is not required in this overlay but must meet space dimensional standards when it is. The 17 by 52 foot existing driveway on Parcel 1 is therefore an existing non-conformity that will not be changed by this application. Therefore the proposal meets 66.080(B)(2) as it relates to this driveway, as the "alteration" (partitioning) of the property into two parcels will not change this non-conformity. The building is non-conforming to some of the design regulations of the overlay zone in 58.090. These also would not be changed by the partitioning so the proposal meets 66.080(B)(2) for this as well. Also 58.090(C)(1)(b) requires a maximum six-foot setback. Currently the building is non-conforming in that the side yard setbacks are 19.1 feet to the east and 57.5 feet to the west. After partitioning the east setback would not change, so the proposal conforms to 66.080(B)(2) as it relates to the east setback. With the partition line as proposed, the building would still be non-conforming on the west side as the setback would be 7.5 feet. However Condition of Approval 4 would require the final plat's partition line to be 1.5 feet east of what is shown on the submittal for this application, which would bring the west setback for the existing building down to six feet. Therefore 66.080(B)(1) will be met as it relates to the west setback for the existing building, as the non-conformity would be eliminated. Staff determines that the application is compliant with Chapter 66 as of the implementation of Condition of Approval 4.

CHAPTER 85

LAND DIVISION GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets

2. Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:

<u>Street Classification</u>	<u>Right-of-Way</u>
Minor arterial	60 – 80

(...)

Staff Response 8: This arterial street has a 120-foot right of way along site, so no right of way dedication is needed. Staff determines the criterion is met.

3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP. Streets are classified as follows.

(...)

Arterial streets serve to interconnect the City. These streets link major commercial, residential, industrial and institutional areas. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors or local streets for through traffic in lieu of a well-placed arterial street. Access control is the key feature of an arterial route. Arterials are typically multiple miles in length.

(...)

The following table identifies appropriate street width (curb to curb) in feet for various street classifications. The desirable width shall be required unless the applicant or his engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width.

Street Element	Characteristic	Width/Options
Vehicle Lane Widths (minimum widths)	Arterial	11 feet
	Collector	10 feet
	Neighborhood	10 feet
	Local	12 feet
	Turn Lane	10–14 feet
On-Street Parking	Arterials	Limited (in commercial areas)
	Collectors	Some (unstriped)
	Neighborhood	Some (8 feet)
	Local	Some (unstriped)
Bicycle Lanes (minimum widths)	New Construction	5 to 6 feet
	Reconstruction	5 to 6 feet
Sidewalks (minimum width) (See note below)	Arterial	6 feet
	Collector	6 feet
	Neighborhood/Local	6 feet
Landscape Strips	Can be included in all streets	6 feet
Medians	5-Lane	Optional
	3-Lane	Optional
	2-Lane	Consider if appropriate
Neighborhood Traffic Management	Arterials	Not recommended
	Collectors	Under special conditions
	Neighborhood	Should consider if appropriate
	Local	Should consider if appropriate

Transit	Arterial/Collectors	Appropriate
	Neighborhood Route	Only in special circumstances
	Local	Not recommended

NOTE: Commercial/OBC zone development on arterials requires a 12-foot-wide sidewalk which includes three feet for street trees, hydrants, street furniture, etc. Commercial/OBC zone development on local streets requires an 8-foot-wide sidewalk with no planter strip, but shall include cut-outs for street trees. In both commercial and residential areas where site constraints exist, sidewalks and planter strips may be reduced to the minimum necessary (e.g., four feet for sidewalks and no planter strip) to accommodate walking and significant natural features such as mature trees, steep embankment, grade problems, and existing structures, or to match existing sidewalks or right-of-way limitations. These natural features are to be preserved to the greatest extent possible. Requests for this configuration shall require the endorsement of the City Engineer. The City Engineer has the authority to require that street widths match adjacent street widths.

Sidewalk Location	Sidewalk Width
Arterial in GC/OBC zone	12 feet
Collector/Local in GC/OBC zone	8 feet
Storefront on arterial	12 feet
Storefront on collector/local	8 feet
Residential Development	6 feet (+ 6-foot planter strip)

(GC = General Commercial; OBC = Office Business Center)

4. The decision-making body shall consider the City Engineer’s recommendations on the desired right-of-way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer of the following criteria:

- a. The type of road as set forth in the Transportation Master Plan.
- b. The anticipated traffic generation.
- c. On-street parking requirements.
- d. Sidewalk and bikeway requirements.
- e. Requirements for placement of utilities.

- f. Street lighting.
- g. Drainage and slope impacts.
- h. Street trees.
- i. Planting and landscape areas.
- j. Existing and future driveway grades.
- k. Street geometry.
- l. Street furniture needs, hydrants.

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

(...)

d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.

(...)

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.

(...)

Staff Response 9: The main body of the street has 10-foot-wide travel lanes with parking on both sides. There is an additional minor roadway within the same right of way on both sides of the road; on each side this is a one-lane, one-way roadway with one lane of parallel parking. Beyond this there are eight-foot-wide sidewalks. Except for the requirement that arterials have 11-foot-wide travel lanes, the street as built meets the development standards of the table for street feature widths for arterials under Section (3) Street Widths. However the applicant is not being required to modify the travel lanes for the short frontage of the project site. To be required to do so would create a situation where existing conditions are not matched on either side, and some off-street parking spaces would also be eliminated. The other table above (Sidewalk Width/Sidewalk Location) requires arterials in a GC zone to have 12-foot-wide sidewalks, but the applicant is not being required to create a sidewalk here that is inconsistently wide with the developed surroundings. As allowed above Engineering has determined this frontage can remain as is, despite not meeting these particular standards, due

to the existing conditions on both sides . As is typical for this downtown area there is not a planter strip between the sidewalk and the edge of the street. Because there will be no change to the widths or configuration for this short stretch of the street, the applicant is not being required to do street improvements but is being allowed to pay a fee-in-lieu instead. Proposed Condition of Approval 3 requires this fee-in-lieu.

D. Transit facilities.

Staff Response 10: While there is a transit line on this street, no development is proposed at this time. When something is proposed to be developed on Parcel 1 and/or when Parcel 2 is ever redeveloped, the Design Review application(s) for new development would determine potential transit impacts and potential related improvements required to transit stops.

I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Staff Response 11: For most partition and subdivision plats the City requires standard 8-foot front lot line utility easements. However in the GC zone in the Commercial Design overlay, with its downtown-style development, the development of buildings along the front lot lines is allowed and encouraged. Therefore easements immediately behind the front property line would not be appropriate or needed here. There are no public water, sanitary, or storm sewer lines within the site; these are all in the Willamette Falls Drive right of way. There is an electric pole on the front of Parcel 1, the lines for which would be placed under the public sidewalk if a future building is developed along the front property line as allowed. Per the Engineering Division, any easement that may be needed by PGE to access the existing pole in the meantime is a matter to be dealt with between PGE and the property owner. Therefore the lack of easement for this existing pole is not of consequence to the City.

J. Supplemental provisions.

(...)

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Staff Response 12: The applicant proposes to underground all utilities except power lines. The site is in an area that is substantially built out, and in which adjacent properties have above ground power lines. The site's frontage is under 200 feet long. The site is less than one acre in size. Therefore the site fits the exception in which underground utilities are not required per this section. Staff determines the criterion does not apply to this site.

AFFIDAVIT OF NOTICE

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

GENERAL

File No. MIP-14-04 Applicant's Name Dave Smith, D&J Properties
Development Name _____
Scheduled Meeting/Decision Date July 8, 2014

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

A. The applicant (date) 6/16/14 (signed) S. Shroyer
B. Affected property owners (date) 6/16/14 (signed) S. Shroyer
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) 6/16/14 (signed) S. Shroyer
E. Affected neighborhood assns. (date) All 6/16/14 (signed) S. Shroyer
F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 6-26-14 (signed) S. Shroyer
City's website (posted date) 6-16-14 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 6-17-14 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

A. The applicant (date) _____ (signed) _____
B. Affected property owners (date) _____ (signed) _____
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) _____ (signed) _____
E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 7-16-14 (signed) S. Shroyer

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING DIRECTOR DECISION
FILE NO. MIP-14-04**

The West Linn Planning Director is considering a request for a two-lot minor partition at 1754 Willamette Falls Drive.

The decision will be based on the approval criteria in chapters 19 and 85 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov.cdc>.

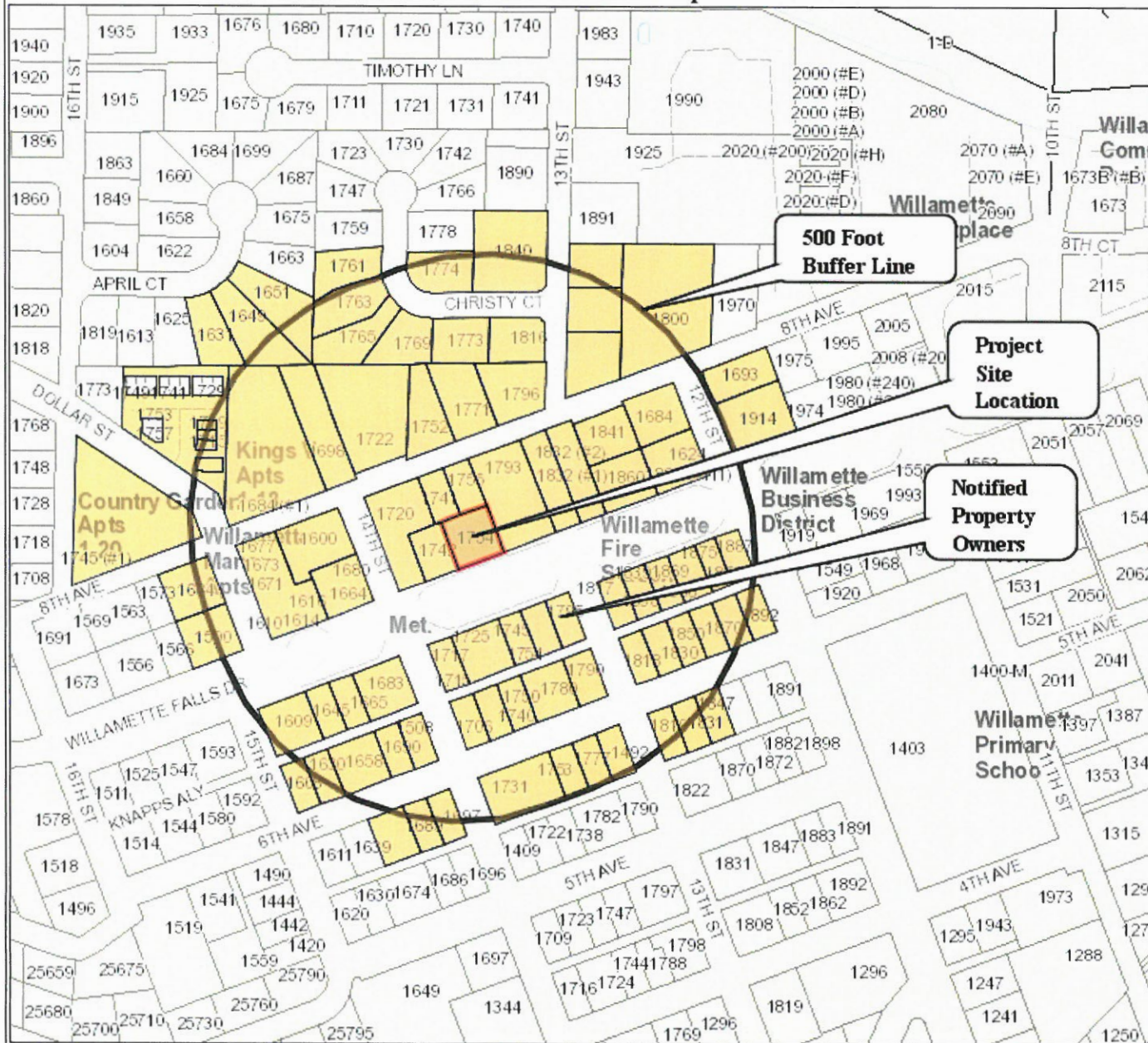
You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 1900 of Clackamas County Assessor's Map 3-1E-02BA) or as otherwise required by the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/1754-willamette-falls-drive-2-lot-minor-partition> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and can definitely influence the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. **The final decision is expected to be made on, and no earlier than, July 8, 2014**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, tsoppe@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

SHAUNA SHROYER
Planning Administrative Assistant

1754 Willamette Falls Drive, Public Notice Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 16-Jun-14 11:39 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.

1810 CATALINA LLC
444 AULII DR
PUKALANI, HI 96768

ADAMS STEPHEN
4111 N LOCUST ST
CANBY, OR 97013

ANDERSON IRENE
1693 12TH ST
WEST LINN, OR 97068

ARMOVIT HEIDI C
1765 CHRISTY CT
WEST LINN, OR 97068

BEATTY JAMES W & PAULINE
1690 6TH AVE
WEST LINN, OR 97068

BOBILLOT DIANE C
1740 6TH AVE
WEST LINN, OR 97068

BROWN EDNA M
1773 CHRISTY CT
WEST LINN, OR 97068

BROWN RONALD G CO-TRUSTEE
14204 S MUELLER RD
OREGON CITY, OR 97045

BUTGATTI LYDIA C
1630 6TH AVE
WEST LINN, OR 97068

BUTLER GLENN KENT TRUSTEE
11835 SW EBBERTS CT
BEAVERTON, OR 97008

BUTLER KELLY R & STEPHANIE A
1508 14TH ST
WEST LINN, OR 97068

CALISTA REAL ESTATE LLC
301 CALISTA CT STE A
ANCHORAGE, AK 99518

CHANG ANNIE HSIAO
4343 ROOSEVELT WAY NE APT 301
SEATTLE, WA 98105

CHASTAIN BRIAN M
1888 6TH AVE
WEST LINN, OR 97068

CHAY LLC
1980 WILLAMETTE FALLS DR STE 120-
343
WEST LINN, OR 97068

CLARK RICHARD K & ANGELA M
1774 CHRISTY CT
WEST LINN, OR 97068

CLAYTON HAROLD R & LINDA L
15244 S FORSYTHE RD
OREGON CITY, OR 97045

COKE ANTHONY J & KIMBERLY S
1819 6TH AVE
WEST LINN, OR 97068

CONVERGENT PACIFIC LLC
8975 SW CENTER ST
TIGARD, OR 97223

CROPPER WALTER REUBEN & CHERYL
ANN
1816 13TH ST
WEST LINN, OR 97068

DNJ PROPERTIES LLC
2285 CRESTVIEW DR
WEST LINN, OR 97068

Ret

FARZA JAVAD & MAFAR ZAHRA
7110 SW CLINTON
TIGARD, OR 97223

FLOYD DANIEL T
1831 6TH AVE
WEST LINN, OR 97068

GREENWOOD DARRELL W & VICKI M
24323 SW MOUNTAIN RD
WEST LINN, OR 97068

GRESS MARJORIE A
1645 WILLAMETTE FALLS DR
WEST LINN, OR 97068

HALE JUDY A
1608 6TH AVE
WEST LINN, OR 97068

HANDRIS MARK
1980 WILLAMETTE FALLS DR STE 200
WEST LINN, OR 97068

HANSEN DEBRA L
1707 DOLLAR ST
WEST LINN, OR 97068

HART JULIA L
1755 8TH AVE
WEST LINN, OR 97068

HAYDEN GERALD P TRUSTEE
71 S LA SENDA
LAGUNA BEACH, CA 92651

HIBBARD LORI
11702 SE CRESTED EAGLE LN # F2
HAPPY VALLEY, OR 97086

HIEMSTRA PROPERTIES INC
17420 SW PARRETT MOUNTAIN RD
SHERWOOD, OR 97140

HOFFNER DENISE
1706 6TH AVE
WEST LINN, OR 97068

HOUSTON WILLIAM M III & SUSAN K
21630 SW STAFFORD RD
TUALATIN, OR 97062

JOHNSON JOYCE
3514 SE RISLEY AVE
MILWAUKIE, OR 97267

JOHNSTON RYAN
1769 CHRISTY CT
WEST LINN, OR 97068

KIM BYONG
10354 HALFHITCH DR
ANCHORAGE, AK 99515

KRUEGER KEVIN E & SANDRA
1651 APRIL CT
WEST LINN, OR 97068

LORIAUX D LYNN & TERESA CHOATE
1830 6TH AVE
WEST LINN, OR 97068

MCCOID PAUL M & LINDA K
1677 SE 6TH AVE
WEST LINN, OR 97068

MCDONALD CHRISTINE
1719 DOLLAR ST
WEST LINN, OR 97068

MCFADDEN THOMAS A & SHARON L
1850 6TH AVE
WEST LINN, OR 97068

MERRITT JOSELLE
1285 CATHEDRAL CREEK CT
MERCED, CA 95340

MIXER JAMES W & BARBARA A
1728 6TH AVE
WEST LINN, OR 97068

NEHME EPHRAM
1300 WOODLAND GROVE CT
WESTLAKE VLG, CA 91362

NORTON KRISTOPHER A
1649 APRIL CT
WEST LINN, OR 97068

PAZMOL WILLAMETTE PROPERTIES LLC
1832 WILLAMETTE FALLS DR
WEST LINN, OR 97068

PEAKE STEPHEN
1600 14TH ST
WEST LINN, OR 97068

PETER ANGELA J L-EST
1840 13TH ST
WEST LINN, OR 97068

PETERSEN ADAM A
1818 6TH AVE
WEST LINN, OR 97068

PIOWATY THOMAS M
3950 GOODPASTURE LOOP APT X251
EUGENE, OR 97401

POPE BARBARA L
1790 6TH AVE
WEST LINN, OR 97068

ROLSTON SHEENA
1741 8TH AVE
WEST LINN, OR 97068

ROZES JAMES JONATHAN
1780 6TH AVE
WEST LINN, OR 97068

RUNKEL PROPERTIES LLC
5151 FIRWOOD CT
WEST LINN, OR 97068

SAKYS NICOLE H
1697 19TH ST
WEST LINN, OR 97068

SAMPSON MICHAEL J & BETHANY
1697 6TH AVE
WEST LINN, OR 97068

SCHAEFER DONALD M & MILYNN P
1877 WILLAMETTE FALLS DR
WEST LINN, OR 97068

SCHREIBER DANIEL & NICOLE M
1870 6TH AVE
WEST LINN, OR 97068

SKEE MICHAEL S
1684 DOLLAR ST
WEST LINN, OR 97068

SLOAN WILLIAM TODD & FARZANEH H
1022 SW STEPHENSON CT
PORTLAND, OR 97219

SPARKS JERRY B & LEANNA E
1796 8TH AVE
WEST LINN, OR 97068

STEIN ELIZABETH
19363 WILLAMETTE DR, PMB 171
WEST LINN, OR 97068

SUTHERLAND PROPERTIES LLC
PO BOX 488
WEST LINN, OR 97068

SWANSON RODNEY D & SUSAN V
HARTFORD
1731 6TH AVE
WEST LINN, OR 97068

TEKANDER STEVE
465 SW BORLAND RD
WEST LINN, OR 97068

TUALATIN VALLEY FIRE & RESCUE,
COMMAND & BUSINESS OPERATION
11945 SW 70TH AVE
TIGARD, OR 97223

VAIL DAVID B & CARLA S
1771 8TH AVE
WEST LINN, OR 97068

WALTERS KARI M
1722 8TH AVE
WEST LINN, OR 97068

WEBB LONNY R & KRISTINE A
1294 14TH ST
WEST LINN, OR 97068

WERST DEAN C & JEAN A
1785 WILLAMETTE FALLS DR STE 6
WEST LINN, OR 97068

WILLAMETTE CAPITAL INVESTMENTS
LLC
24979 SW QUARRYVIEW DR
WILSONVILLE, OR 97070

WILLAMETTE FALLS HOLDINGS LLC
1980 WILLAMETTE FALLS DR #200
WEST LINN, OR 97068

WILLAMETTE OLD TOWN PROPERTIES
LLC
21633 SW JOHNSON RD
WEST LINN, OR 97068

WILLAMETTE UNITED METH CH
1683 WILLAMETTE FALLS DR
WEST LINN, OR 97068

WILLIAMS RONALD M & TIFFANY A
1763 CHRISTY CT
WEST LINN, OR 97068

WITTMANN GWENDOLENE R
6720 E GREENLAKE WAY N #407
SEATTLE, WA 98103

WEST LINN CHAMBER OF
COMMERCE
1745 WILLAMETTE FALLS DR
WEST LINN OR 97068

COLLEEN SPURGEON
TOWNSHIP SURVEYS
1415 WASHINGTON ST
OREGON CITY, OR 97045

TRI-MET
PROJECT PLANNING DEPT
710 NE HOLLADAY
PORTLAND, OR 97232

MIKE MCCALLISTER
CLACKAMAS COUNTY PLANNING
150 BEAVERCREEK RD
OREGON CITY OR 97045

STEVE GARNER
BHT NA PRESIDENT
3525 RIVERKNOLL WAY
WEST LINN OR 97068

SALLY MCLARTY
BOLTON NA PRESIDENT
19575 RIVER RD # 64
GLADSTONE OR 97027

ERIK VAN DE WATER
HIDDEN SPRINGS NA PRESIDENT
6433 PALOMINO WAY
WEST LINN OR 97068

JEF TREECE
MARYLHURST NA PRESIDENT
1880 HILLCREST DR
WEST LINN OR 97068

BILL RELYEA
PARKER CREST NA PRESIDENT
3016 SABO LN
WEST LINN OR 97068

AARON BUFFINGTON
ROBINWOOD NA PRESIDENT
3820 RIDGEWOOD WAY
WEST LINN OR 97068

KEN PRYOR
SAVANNA OAKS NA VICE PRES
2119 GREENE ST
WEST LINN, OR 97068

ED SCHWARZ
SAVANNA OAKS NA PRESIDENT
2206 TANNLER DR
WEST LINN OR 97068

TRACY GILDAY
SKYLINE RIDGE NA PRESIDENT
1341 STONEHAVEN DR
WEST LINN OR 97068

TONY BREault
SUNSET NA PRESIDENT
1890 SUNSET CT
WEST LINN OR 97068

JULIA SIMPSON
WILLAMETTE NA PRESIDENT
1671 KILLARNEY DR
WEST LINN OR 97068

ALMA COSTON
BOLTON NA DESIGNEE
PO BOX 387
WEST LINN OR 97068

KEVIN BRYCK
ROBINWOOD NA DESIGNEE
18840 NIXON AVE
WEST LINN OR 97068

DOREEN VOKES
SUNSET NA SEC/TREAS
4972 PROSPECT ST
WEST LINN OR 97068

DAVE SMITH
DJN PROPERTIES, LLC
1754 WILLAMETTE FALLS DR
WEST LINN, OR 97068

MAILED
6-16-14 *SS*

**CITY OF WEST LINN
PLANNING DIRECTOR DECISION
FILE NO. MIP-14-04**

The West Linn Planning Director is considering a request for a two-lot minor partition at 1754 Willamette Falls Drive (Tax Lot 1900 of Clackamas County Assessor's Map 3-1E-02BA).

The decision will be based on the approval criteria in chapters 19 and 85 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov.cdc>.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/1754-willamette-falls-drive-2-lot-minor-partition> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and can definitely influence the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. **The final decision is expected to be made on, and no earlier than, July 8, 2014**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, tsoppe@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

SHAUNA SHROYER
Planning Administrative Assistant



CITY OF West Linn

June 10, 2014

Dave Smith
DNJ Properties, LLC
1754 Willamette Falls Dr.
West Linn, OR 97068

SUBJECT: MIP-14-04 application for a 2-lot Minor Partition at 1754 Willamette Falls Dr.

Dear Mr. Smith:

You submitted this application on May 14, 2014. The Planning Department and the Engineering Division have determined on June 10, 2014 that this application is **complete**. The City now has 120 days (until October 8, 2014) to exhaust all local review per state statute. The application will shortly be scheduled for a Planning Director decision. At least 20 days before the scheduled decision date you will be sent a copy of the decision notice.

Please contact me at 503-742-8660, or by email at tsoppe@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Tom Soppe
Associate Planner

c: Colleen Spurgeon, Township Surveys, 1415 Washington St., Oregon City, OR 97045

c: Julia Simpson, Willamette NA President, 1671 Killarney Dr., West Linn, OR 97068

P:\Development Review\Projects Folder\Projects 2014\MIP14-04 1754 Willamette Falls Dr/compl-MIP-14-04

MAILED
6/11/14 SS

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Tom Soppe</i>	PROJECT NO(S). <i>MP-14-04</i>	
NON-REFUNDABLE FEE(S) <i>500-</i>	REFUNDABLE DEPOSIT(S) <i>2800-</i>	TOTAL <i>3300-</i>

Type of Review (Please check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>1754 Willamette Falls Dr.</i> <i>West Linn, OR (Willamette Area)</i>	Assessor's Map No.: <i>31E02BA</i>
	Tax Lot(s): <i>1900</i>
	Total Land Area: <i>10,239 sq ft</i> <i>Survey</i>

Brief Description of Proposal:

2-10t Minor Partition

Applicant Name: <i>Colleen Spurgeon / Township Surveys</i> (please print)	Phone: <i>503-656-4915</i>
Address: <i>1415 Washington St.</i>	Email:
City State Zip: <i>Oregon City, OR 97045</i>	<i>colleen@townshipsurveys.com</i>
Owner Name (required): <i>Dave Smith / DNS Properties, LLC</i> (please print)	Phone: <i>503-657-6550</i>
Address: <i>1754 Willamette Falls Dr.</i>	Email:
City State Zip: <i>West Linn, OR 97068</i>	<i>Dave@thesmithfirmpc.com</i>
Consultant Name: (please print)	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Colleen Spurgeon</i> Applicant's signature	<i>5/5/14</i> Date	 Owner's signature (required)	<i>5/5/14</i> Date
--	-----------------------	----------------------------------	-----------------------

Township Surveys, LLC
Local Land Surveying since 1975
1415 Washington St., Oregon City, OR 97045
503-656-4915 // info@townshipsurveys.com

05/12/2014

David Smith - Owner
1754 Willamette Falls Drive
West Linn, OR 97068

**Minor Partition Plat Response and Narrative
City of West Linn**

Proposal: This application requests approval of a two lot partition for the property located at 1754 Willamette Falls Drive in the Willamette Area of West Linn. The property is located in the General Commercial (GC) zone. The subject property is 10,239 sq. ft. per survey and is nearly flat. There are currently two structures on the property, a former residence that is now used as an office, and a shed that is located in the rear yard. The applicant is proposing to create a 50 ft. x 99.41 ft. lot on the west side of the parcel, where the driveway and shed are currently located. The existing home would remain on the other lot.

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets

Comment: The subject property is located at 1754 Willamette Falls Drive in the Willamette Area of West Linn. No new street is needed for this property partition. The Pre-Application notes indicate that the property is located in the area where there are frontage streets off of Willamette Falls Drive and it does not front on the primary travel lanes. The recommendation is to have a shared driveway between the partitioned

properties with access to the frontage street. There is currently a concrete driveway and access on Parcel 1 that is utilized by the owners of the property for the office building on Parcel 2. Per the pre-application conference notes, the new Parcel 1 would be accessed from a shared driveway with Parcel 2. This current driveway and access point may need to be moved further to the south in order to be shared with Parcel 2. There are existing sidewalks and curbs along the street frontage. Actual driveway placement and curb cut requirements will be addressed with future construction plans.

Right-of-Way

2. *Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:*

<u>Street Classification</u>	<u>Right-Of-Way</u>
Highway 43	60 – 80
Major arterial	60 – 80
Minor arterial	60 – 80
Major collector	60 – 80
Collector	60 – 80
Local street	40 – 60
Cul-de-sac	40 – 60
Radii of cul-de-sac	48 – 52
Alley	16

Comment: The Right-of-Way already exists for this property and we are not creating any new streets or sidewalks are to be created.

B. Blocks and Lots

Comment: No new blocks are being created.

Per 19.070 the CG zone requires an average minimum lot width of 50 ft. and the average minimum lot depth of 90 ft. After division, proposed Parcel 1 will have a minimum lot width of 50 ft. and a minimum lot depth of 99.41 ft. Proposed Parcel 2 will have a minimum lot width of 52.97 ft. and a minimum lot depth of 99.41 ft. This proposed lot will fit the requirement in 19.070.

As this is a property zoned GC, per 85.200 the depth and width of the property will be adequate to provide for the off-street parking and service facilities required by the type of use proposed. The driveway and off-street parking will conform to the criteria in 85.200 with future construction plans.

The access driveway opens to a frontage street along Willamette Falls Drive. The traffic on Willamette Falls Drive should not be impacted by entry and egress from the property. Upon construction, the proposed driveway will conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation. No through lots or parcels are proposed. The lines of the new lot run at right angles to the frontage street. This is not a flag lot.

C. Pedestrian and Bicycle Trails

Comment: Does not apply to this partition.

D. Transit Facilities

Comment: No new transit facilities are needed.

E. Grading

Comment: Per the pre-application summary notes, the lot is generally flat. There are no natural hazards or environmental constraints on the property. Grading, if any, of the future building site will conform to the City standards. Compliance will be reviewed at the time of building permit application.

F. Water

Comment: The subject property is located in the Willamette Pressure Zone. City water is available through the Water Main in Willamette Falls Drive, as shown on the Site Plan. Parcel 2 has a water line that is connected to the Water Main in Willamette Falls Drive and is located at the southwest corner of the Parcel. An additional water line and water meter will need to be installed to serve Parcel 1. No new public water lines will be required.

G. Sewer

Comment: There is an existing public sewer line located in the frontage street in front of both parcels, with a sewer manhole located on the public line in the frontage street in front of 1 the tax lot to the west on Willamette Falls Drive. A new sewer line will need to be installed to serve Parcel 1.

H. Storm

Comment: There is a Storm Sewer Line in Willamette Falls Drive, however, a dry well and/or rain garden can be built to capture storm runoff, per 33.040. There is also a catch basin in the Frontage Street to the east of Parcel 2 for street runoff. Storm water runoff will be addressed on future construction plans and will adhere to the most recently adopted Storm Drainage Master Plan.

I. Utility Easements

Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Comment: Required utility easements will be noted on the final partition plat maps.

J. Supplemental Provisions

Wetlands and Natural Drainage Ways. No wetlands or drainage ways exist on the subject property or adjacent to this site. Does not apply

Willamette and Tualatin Greenways. Does not apply.

Street trees. Street trees are required as identified in the municipal code and in the CDC, however, the property is located on a frontage street with street trees already in a planting strip that separates the frontage street from Willamette Falls Drive.

Lighting. No additional lighting is planned. There are street lights on the power poles at the southwest corner of Parcel 1 and the southeast corner of Parcel 2.

Dedications and exactions. No new dedications or exactions are anticipated in conjunction with this partition.

Underground Utilities. With the exception of power lines, all utilities will be underground as required by this section. Overhead lines are located on Willamette Falls Drive along the frontage street, and a power pole is located at the southwest corner of Parcel 1, which serves the dwelling on the neighboring property at to the north. Another power pole is located at the southeast corner of Parcel 2, with overhead lines connected to the existing dwelling on Parcel 2. This section allows for an exception to be in those cases where the area is substantially built out and the adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. All of those requirements are met for the subject property, and therefore it is requested that the overhead power be allowed to remain.

Density requirement. The subject property contains 10,239 sq. ft. per survey. There are currently two structures on the property, a former residence that is now used as an office, and a shed that is located in the rear yard. The applicant is proposing to create a 50 ft. x 99.41 ft. lot on the west side of the parcel, where the driveway and shed are currently located. The existing home would remain on the other lot.

Mix requirement. Does not apply.

Heritage Trees and Significant Trees and Tree Cluster Protection. There are no Heritage Trees on the property. There are 4 large Douglas Firs on the two parcels, all over 30" in diameter. Parcel 1 has three trees along the west property line, and Parcel 2 has one near the east property line. All trees are to stay.

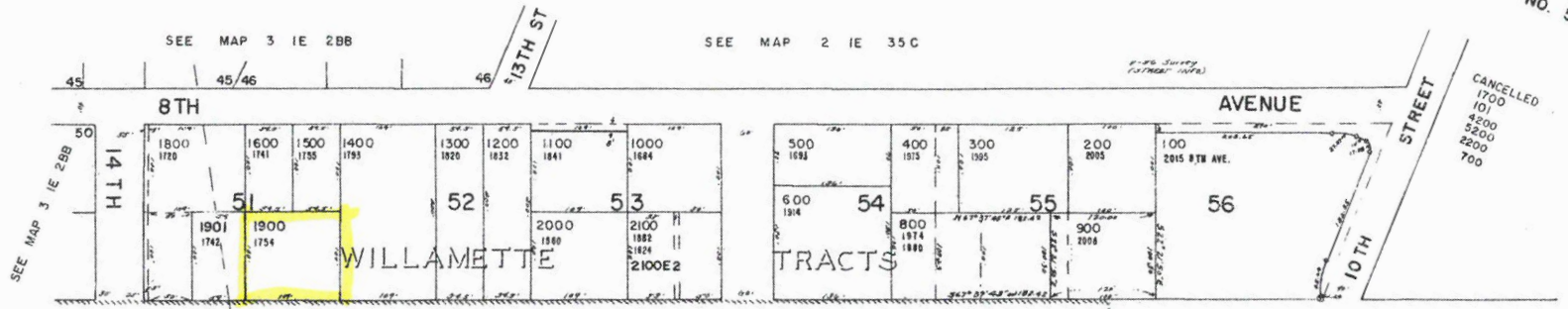
Annexation and Street Lights. Does not apply.

This map was prepared for assessment purpose only.

NE 1/4 NW 1/4 SEC. 2 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

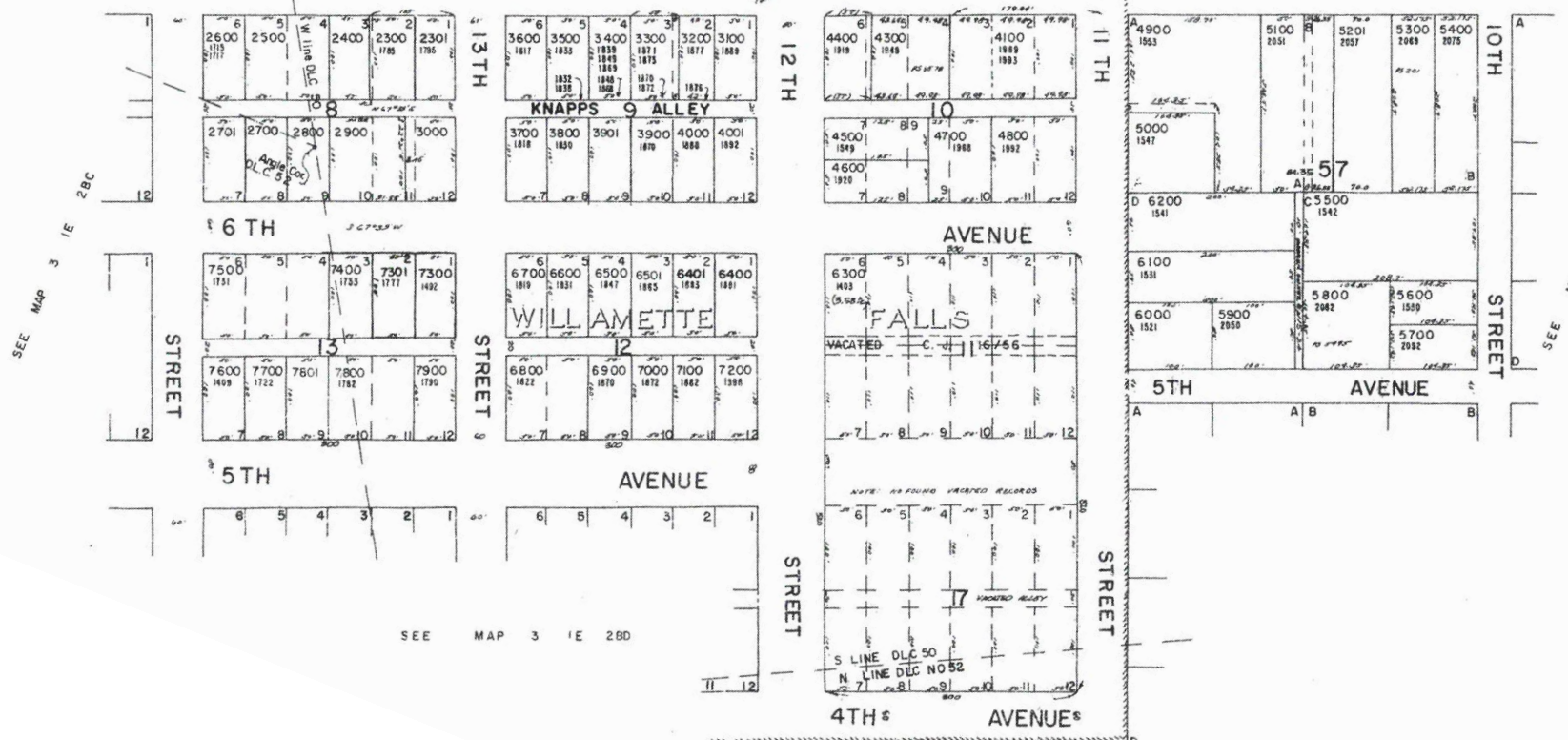
MARSHALL
AMBROSE
D. L. C.
PERRIN
FIELDS
NO. 50
NO. 52

3 1E 2BA
WEST LINN



3-02

WILLAMETTE FALLS DRIVE





Google earth

feet 10
meters 3





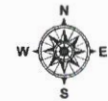
© 2014 Google
© 2014 Google

Google earth

Google earth



1754 Willamette Falls Dr Vicinity Map



Scale 1:54,000 - 1 in = 4,500 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: public
Date Created: 09-May-14 10:05 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
DRAFT
SUMMARY NOTES
January 16, 2013

SUBJECT: 2-lot Minor Partition at 1754 Willamette Dr.

ATTENDEES: Applicants: Dave and Jillian Smith
Staff: Sara Javoronok (Planning), Khoi Le (Engineering)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The applicant proposes to partition an existing General Commercial (GC) zoned parcel into two parcels. There are currently two structures on the property, a former residence that is now used as an office, and a shed that is located in the rear yard. The applicant is proposing to create at a minimum a 50' x 100' lot from the west side of the parcel where the driveway and shed are currently located. The lot could potentially increase to 53'-54' x 100' lot. The existing home would remain on the other lot.

The adjacent properties to the northeast are zoned single family residential (R-10), while those to the south east are zoned GC. The surrounding parcels vary in size from 5,450 square feet to the north and half an acre to the east.

The GC zone requires an average minimum lot width of 50 feet and average minimum lot depth of 90 feet. The City's GIS shows the lot to be approximately 9,746 square feet, but the County Assessor map shows it as 10,900 square feet. City staff checked with Clackamas County and the Assessor map shows the correct property line.

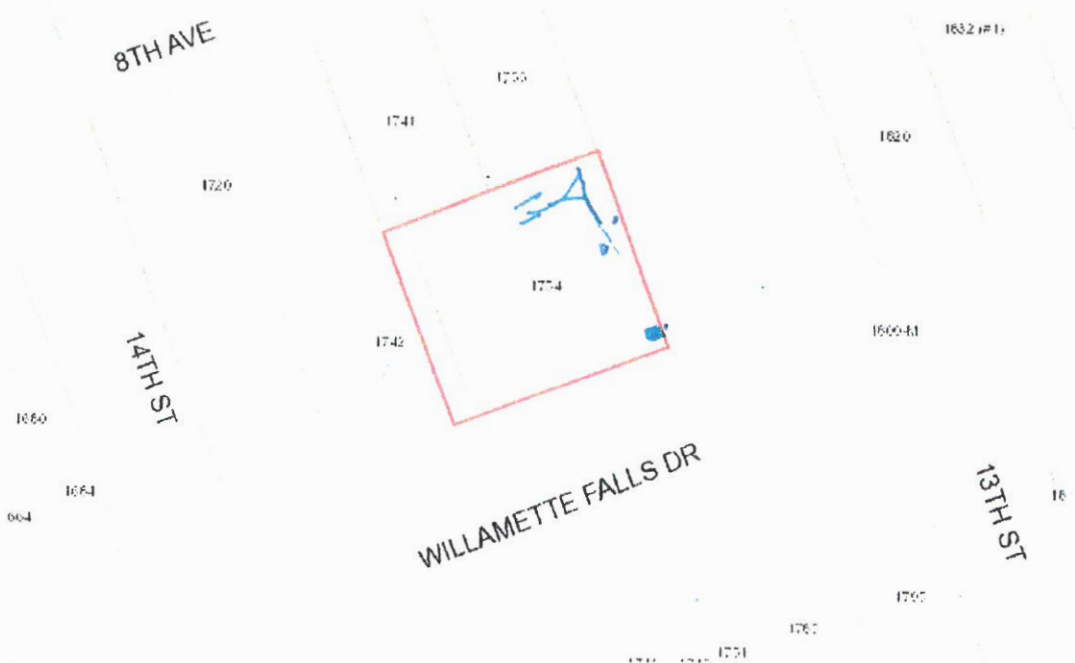
The site is generally flat. There are no natural hazards or environmental constraints, such as wetlands, on this property.

There is currently one access point that is located on what is proposed to be the new lot. Typically, the access spacing standards in Chapter 8 of the TSP would require 300 feet between private driveways on an arterial. However, this property is located in the area where there are

frontage streets off of Willamette Falls Drive and it does not front on the primary travel lanes. Staff recommends a shared driveway between the partitioned properties.



Existing Lot – Aerial



Existing Lot



Site Photo

Engineering Notes

To be added in final notes.

Process

A Minor Partition application is required.

No neighborhood meeting is required for a partition. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. Contact Julia Simpson, President of the Willamette Neighborhood at willamettena@westlinnoregon.gov. If the applicant does a neighborhood meeting, conceptual plans of the proposal should be submitted to the neighborhood association at least 10 days before the meeting.

The Minor Partition (or subdivision) application will require a full and complete response to the submittal requirements of CDC 85.150-170, which include a site plan, tree survey, utilities, a city-wide map showing the site, the Development Review Application Form, the deposit discussed below, and a narrative responding to the appropriate criteria in Section 85.200. *narrative*

The property is located in the Willamette Falls Drive Commercial Overlay Zone and CDC 99.060(D)(2) requires Historic Review Board review of any required design review or new construction on the site, but not the partition of the property.

Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

The CDC is online at <http://westlinnoregon.gov/cdc>. *cut and paste*

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

The deposit for a Minor Partition is \$2,800 dollars. **PLEASE NOTE that this is an initial deposit, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may be likely to occur.**

Once the submittal is deemed complete, staff will send out public notice of the pending Planning Director decision, which can be expected to be 4-5 weeks after completeness in most cases. The decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.

Could have surveyor do the pwr 5

- storm runoff captured.
- rain garden
- during site permit process
- fee-in-lieu of street improvement

Relevant review App
- Survey
-

Revised if complete



PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION		
CONFERENCE DATE: <u>1-16-14</u>	TIME: <u>11:00 am</u>	PROJECT #: <u>PA-14-02</u>
STAFF CONTACT: <u>Sara Javoronok</u>		FEE: <u>\$1,000-</u>

Pre-application conferences occur on the first and third Thursdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted at least 14 days in advance of the conference date. Twenty-four hour notice is required to reschedule.

Address of Subject Property (or map/tax lot): 1754 Willamette Falls Drive, West Linn, Oregon 97068

Brief Description of Proposal: To do a lot line partition creating a new 50' wide buildable lot between 1754 and 1742 Willamette Falls Drive

Applicant's Name: Dave and Jillian Smith

Mailing Address: 2285 Crestview, West Linn, OR 97068

Phone No: (503)453-2684 Email Address: dave@thesmithfirmnpc.com

Please attach additional drawings to 11 x 17 inches in size

- North arrow
- Scale
- Property dimension
- Streets abutting the property
- Conceptual layout, including building elevations
- Easements (access, utility, etc.)

Please list any questions

DNJ PROPERTIES LLC 2285 CRESTVIEW DRIVE PH:503-636-3660 WEST LINN, OR 97068-8272		1165 96-694/1232
Pay to the Order of <u>City of West Linn</u>		Date <u>12/31/13</u>
<u>One thousand and 00/100</u>		\$ <u>1,000.00</u>
PACIFIC WEST BANK 2040 8th Avenue West Linn, OR 97068 503-605-2222		Dollars
For <u>Pre App 1754</u>		<u>[Signature]</u>
⑆ 123206943⑆ 013003694⑆ 1165		

By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.

Property owner's signature

Date

See Above

Property owner's mailing address (if different from above)

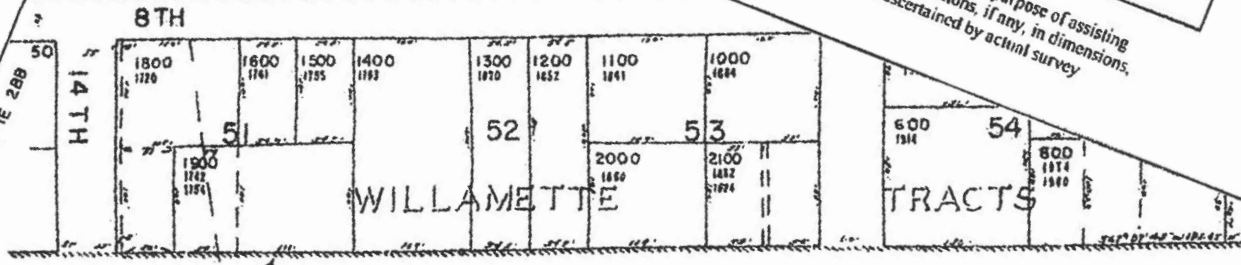


Fidelity National Title Company of Oregon
Map # 31E02BA01900

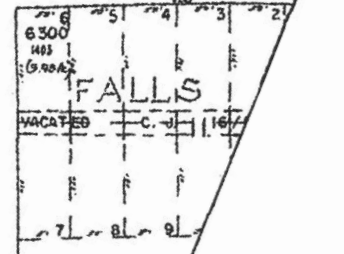
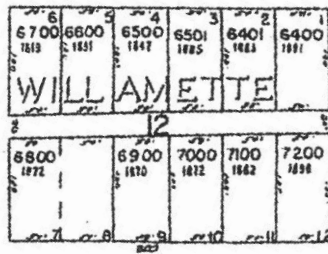
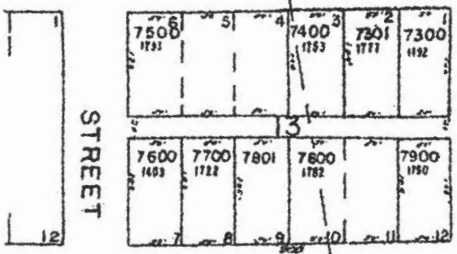
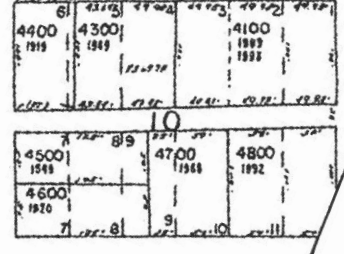
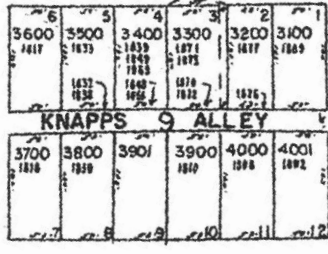
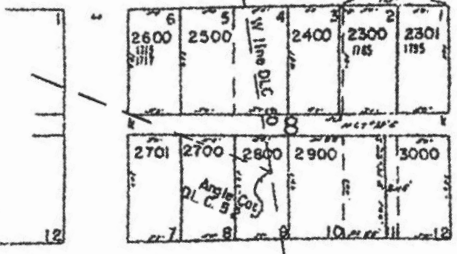
The drawing below is copied from the public records and is provided solely for the purpose of assisting in locating the premises. Fidelity National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.

SEE MAP 3 1E 288

SEE MAP 3 1E 288

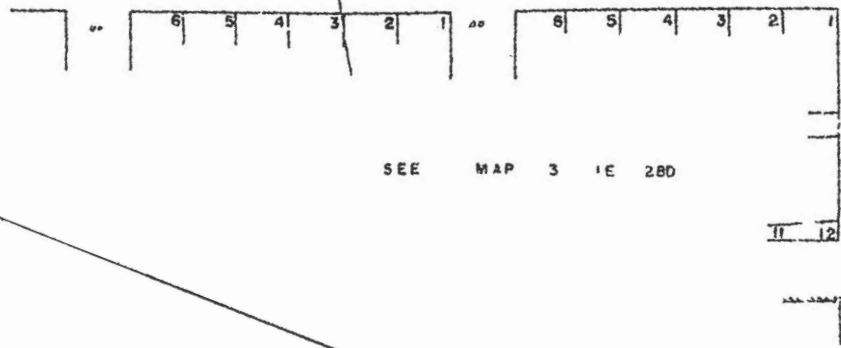


3-02



SEE MAP 3 1E 28C

SEE MAP 3 1E 28D



W
S



Fidelity National Title Company of Oregon

Map # 31E02BA01900



The drawing below is copied from the public records and is provided solely for the purpose of assisting in locating the premises. Fidelity National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.

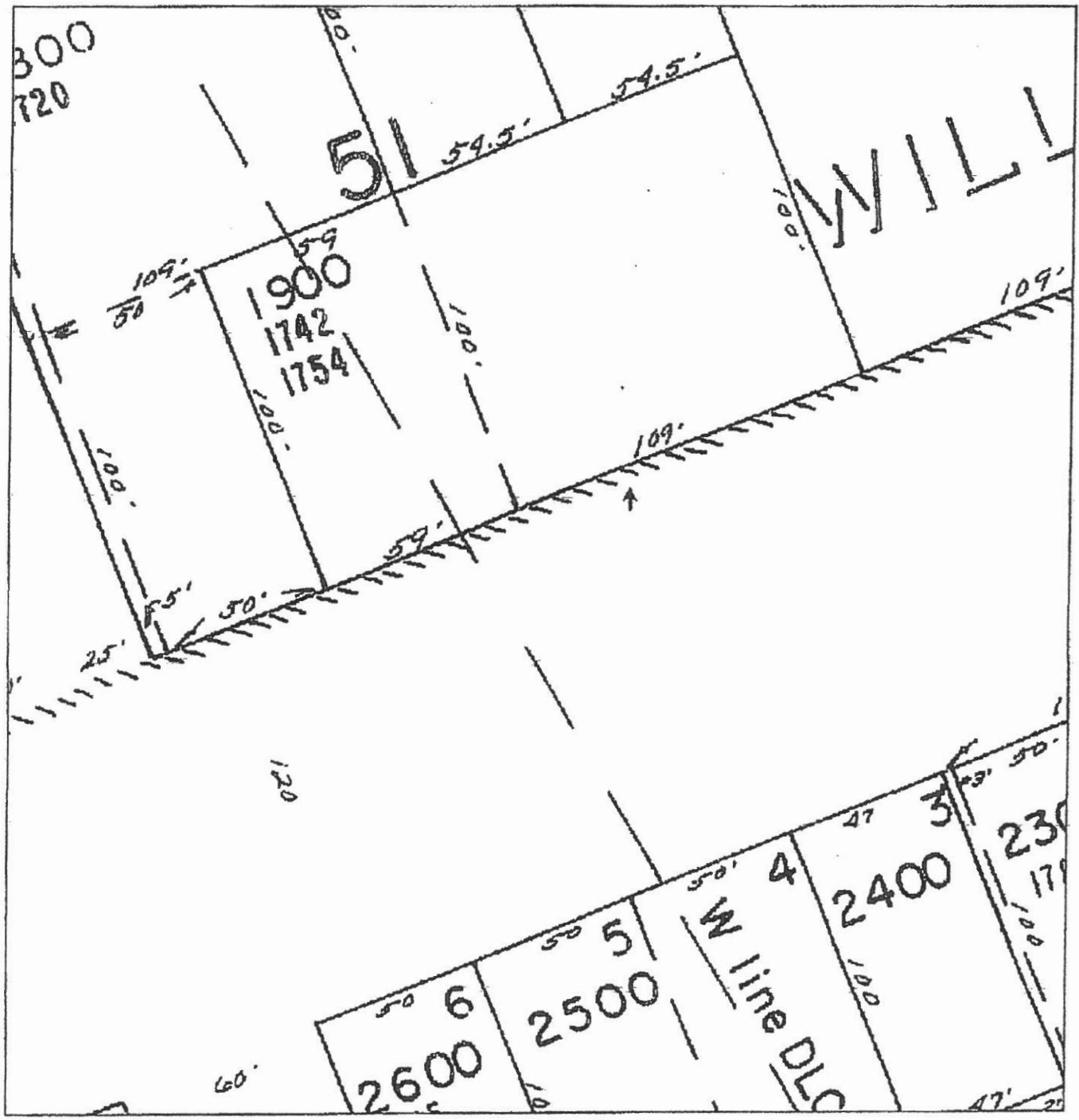


Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

PART OF BLOCK 51, WILLAMETTE TRACTS AND PART OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO 2008-064952, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE N.W. 1/4 OF SECTION 2, T.3S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY OREGON MORE PARTICULARLY DESCRIBED:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 51, SAID CORNER BEING ON THE NORTH RIGHT OF WAY LINE OF WILLAMETTE FALLS DRIVE; THENCE S67°39'00"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 109.00 FEET TO A POINT; THENCE N22°20'24"W LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF SAID TRACT IN DOCUMENT NO 2008-064952; THENCE N67°39'00"E ALONG SAID NORTH LINE, A DISTANCE OF 109.00 FEET TO THE EAST LINE OF SAID TRACT 51 AND SAID DOCUMENT NO 2008-064952; THENCE S22°20'24"E ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

Tax Parcel Number: 00748926

8TH AVENUE

14TH STREET

WILLAMETTE FALLS DRIVE

NOTES

SUBCONTRACTOR TO SPECIFY EXACT LOCATION OF UTILITY LATERALS.
 STORMWATER MANAGEMENT WILL BE TO PLANNING STANDARDS WHEN BUILDING PLANS ARE FINALIZED.
 SETBACK IS SHOWN AS THE SHORTEST DISTANCE BETWEEN SIDE OF STRUCTURE AND EXISTING PROPERTY LINE.
 TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2010-001421, CLACKAMAS COUNTY DEED RECORDS AND SHOWN AS TAX LOT 1900 ON CURRENT CLACKAMAS COUNTY ASSESSOR'S MAP: 3 1E 2 BA
 TOTAL EXISTING AREA = 10,239 S.F. (0.235 ACRES)

LEGEND

- S SANITARY SEWER
- W WATER (EXISTING)
- PS SEWER (PROPOSED)
- PW WATER (PROPOSED)
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- ST STORM SEWER
- FH FIRE HYDRANT
- OHD OVERHEAD LINES
- EM ELECTRIC METER
- GM GAS METER
- PP POWER POLE
- S.F. SQUARE FEET
- o-o- FENCE LINE

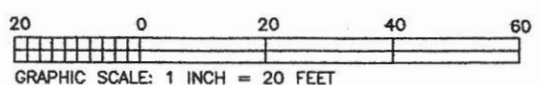
REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 11, 2006
 LEE A. SPURGEON
 65603LS
 EXPIRES 6/30/14

PARCEL 1
 4,970 SQUARE FEET

PARCEL 2
 5,269 SQUARE FEET

HOUSE (1754)
 PORCH 20.4'
 WALK 13.0'

CONCRETE DRIVEWAY



PROJECT: PRELIMINARY PLAN OF A PARTITION PLAT	
LOCATION: PART OF BLOCK 51, WILLAMETTE TRACTS NW 1/4 OF SECTION 2, T.3S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON	
CLIENT: DAVE SMITH	DATE: MARCH 26, 2014
1754 SITE: WILLAMETTE FALLS DR. WEST LINN, OR	SCALE: 1" = 20' JOB NUMBER: 14-6340
TOWNSHIP SURVEYS, L.L.C. 1415 WASHINGTON STREET, OREGON CITY, OR 97045 (503)-658-4915	



Chicago Title Company

10135 SE Sunnyside Road, Suite 200
Clackamas, Oregon 97015
Phone: 503.786.3940 Fax: 503.653.7833
E-mail: trios@ctt.com

METROSCAN PROPERTY PROFILE Clackamas (OR)

OWNERSHIP INFORMATION

Owner	: Dnj Properties LLC	Parcel Number	: 00748926
CoOwner	:	Ref Parcel #	: 31E02BA01900
Site Address	: 1754 Willamette Falls Dr West Linn 97068	T: 03S R: 01E S: 02 Q: NW QQ: NE	
Mail Address	: 2285 Crestview Dr West Linn Or 97068		
Telephone	:		

SALES INFORMATION

Transfer Date	: 01/07/2010	Document #	: 010-001421
Sale Price	: \$500,000 Full	Deed Type	: Warranty
% Owned	: 100	Vesting Type	: Corporation
Prior Transfer Date	:	Prior Document #	:
Prior Sales Price	:		

PROPERTY DESCRIPTION

Map Page Grid : 716 G2
 Census Tract : 207.00 Block: 2
 Neighborhood : Area 05 Commercial West Side
 Subdivision/Plat: Willamette
 Improvement : 141 Sgl Family,R1-4,1-Story
 Land Use : 201 Com,Commercial Land,Improved
 Legal : 147 WILLAMETTE TRACTS TRACTS 1-64
 : PT LT 51
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$117,258
 Mkt Structure : \$224,370
 Mkt Total : \$341,628
 %Improved : 66
 AssdTotal : \$312,054
 Mill Rate : 18.7110
 Levy Code : 003002
 12-13 Taxes : \$5,276.41
 Millage Rate : 18.7110

PROPERTY CHARACTERISTICS

Bedrooms	:	Building SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: .39
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 16,800
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	: 1910
Heat Type	:	Upper Total SF	:	School Dist	: 003
Floor Cover	:	UnFinUpperStorySF:	:	Foundation	:
Stories	: 1	Basement Fin SF	:	Roof Type	:
Int Finish	:	Basement Unfin SF	:	Roof Shape	:
Ext Finsh	:	Basement Total SF	:		

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

25
42
67

77 1000

2015
SP



After recording return to:
DNJ Properties, LLC
3527 Coeur D'Alene Drive
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
DNJ Properties, LLC
3527 Coeur D'Alene Drive
West Linn, OR 97068

File No.: 7034-1484223 (ACM)
Date: October 12, 2009

Clackamas County Official Records
Sherry Hall, County Clerk

2010-001421



\$87.00

01371428201000014210050050

01/07/2010 03:42:09 PM

D-D Cnt=1 Stn=6 KARLYNWUN
\$25.00 \$10.00 \$16.00 \$16.00 \$20.00

STATUTORY WARRANTY DEED

Jill White, as to a 54.375% interest, Katie White, as to a 18.125% interest, as tenants in common and Nancy Hernandez, Trustee of The Roy Dan Edginton Trust, U/T/A dated August 7, 2006, a 27.5% interest, Grantor, conveys and warrants to DNJ Properties, LLC an Oregon Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PART OF BLOCK 51, WILLAMETTE TRACTS AND PART OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO 2008-064952, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE N.W. 1/4 OF SECTION 2, T.3S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY OREGON MORE PARTICULARLY DESCRIBED:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 51, SAID CORNER BEING ON THE NORTH RIGHT OF WAY LINE OF WILLAMETTE FALLS DRIVE; THENCE S67°39'00"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 109.00 FEET TO A POINT; THENCE N22°20'24"W LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE NORTH LINE OF SAID TRACT IN DOCUMENT NO 2008-064952; THENCE N67°39'00"E ALONG SAID NORTH LINE, A DISTANCE OF 109.00 FEET TO THE EAST LINE OF SAID TRACT 51 AND SAID DOCUMENT NO 2008-064952; THENCE S22°20'24"E ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

Subject to:

FATCO

APN: 00748926

Statutory Warranty Deed
- continued

File No.: 7034-1484223 (ACM)
Date: 10/12/2009

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$500,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 5th day of January, 2010.

Jill White ~~Power of Attorney for Katie White~~
Jill White ~~Power of Attorney for Katie White~~
Her attorney in fact Her attorney in fact

The Roy Dan Edginton Trust U/T/A dated August 7, 2006

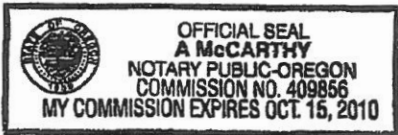
Nancy Hernandez Trustee
Nancy Hernandez, Trustee

STATE OF Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on this 5th day of January, 2010 by Greg White as Power of Attorney for Katie White and Jill White as of _____ on behalf of the .

A. McCarthy

Notary Public for Oregon
My commission expires: 10/15/10



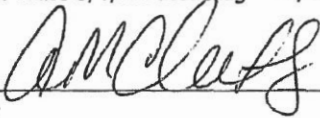
**NOTARY ACKNOWLEDGEMENT
ATTACHED TO DOCUMENT Warranty Deed**

File No: **7034-1484223 (ACM)**

Date: **January 05, 2010**

STATE OF Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on this 5th day of January, 2010
by Nancy Hernandez as Trustee of The Roy Dan Edginton Trust U/T/A Dated August 7, 2006



A. McCarthy
Notary Public for Oregon
My commission expires: 10/15/10



M

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

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(5)