



PRE-APPLICATION CONFERENCE

Thursday September 18, 2025

Willamette Room
City Hall
22500 Salamo Rd

11:00 am:	Proposed Consolidation of 22 Lots into 3 Parcels	
Applicant:	Garrett Stephenson	
Property Address:	1317 7 th St	
Neighborhood Assn:	Willamette	
Planner:	Darren Wyss	Project #: PA-25-19





Pre-Application Conference Request

For Staff to Complete:

PA 25-19

Conference Date: 9/18/25

Time: 11:00am

Staff Contact: Darren Wyss

Fee: \$1,200

Pre-application conferences are held on the first and third Thursdays of the month between 9:00 am and 1:00 pm. Appointments must be made by 5:00 pm, 15 days before the meeting date. The applicant has a choice of an in-person or virtual meeting. To schedule a conference, submit this form, a site plan, and accompanying materials through the [Submit a Land Use Application](#) web page. The City will contact you to collect payment. Pre-application notes are valid for 18 months.

Property Owner Information

Name:

Email:

Phone #:

Address:

Applicant Information

Name:

Email:

Phone #:

Address:

Address of Subject Property (or tax lot):

REQUIRED ATTACHMENTS:

- ☐ A project narrative with a detailed description of the proposed project. Briefly describe the physical context of the site.
- ☐ A list of questions or issues the applicant would like the City to address.
- ☐ A dimensional site plan that shows:
 - ☐ North arrow and scale
 - ☐ Location of existing trees (a tree survey is highly recommended)
 - ☐ Streets Abutting the property and width of right of way
 - ☐ Location of creeks and/or wetlands (a wetland delineation is highly recommended)
 - ☐ Property Dimensions, existing buildings, and building setbacks
 - ☐ Slope map (if slope is 25% or more)
 - ☐ Location of existing utilities (water, sewer, etc.)
 - ☐ Conceptual layout, design, proposed buildings, building elevations, and setbacks
 - ☐ Location of all easements (access, utility, etc.)
 - ☐ Vehicle and bicycle parking layout (including calculation of required number of spaces, based on use and square footage of building), if applicable
 - ☐ Location of existing and proposed access and driveways. Include the proposed circulation system for vehicles, pedestrians, and bicycles, if applicable.
 - ☐ Proposed stormwater detention system with topographic contours

I certify that I am the owner or authorized agent of the owner:

APPLICANT:

DATE:

The undersigned property owner authorizes the requested conference and grants city staff the **right of entry** onto the property to review the application.

PROPERTY OWNER:

DATE:



August 19, 2025

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA ELECTRONIC SUBMITTAL

Planner
City of West Linn Planning & Development
22500 Salamo Road, Suite 100
West Linn, OR 97068

RE: Pre-Application Conference Request
Our File No.: 139169-289680

Dear Planner:

Please be advised this office represents the Applicant and owner of the subject property in this Pre-Application Conference Request. As required, we are including this document as the narrative and list of questions to be discussed at the Pre-Application Conference as required by the City.

For background, the proposal is simply a minor partition application to consolidate 22 existing lots into 3 new parcels. The Applicant previously received a Planning Manager Decision from the City of West Linn dated September 16, 2024, with File Number MIP-23-07, for a proposal that is the same as the current proposal, except that the prior proposal included the vacating of undeveloped roads that ran through the proposed parcels. Now, the Applicant seeks the same approval, except that no road vacations are proposed. Instead, the three proposed parcels are based around the borders of these undeveloped roads that are not going to be vacated. To be clear, no physical development is proposed or approved with this application, only a reduction in the number of existing lots and a reconfiguration of legal boundaries.

To help illustrate the proposal, both a copy of the prior Decision and a proposed partition plan are included in the Pre-Application Conference Request materials. We also previously contacted the City Planning Manager to confirm that a new Pre-Application Conference would be required. He confirmed via email dated August 13, 2025, that a new Pre-Application Conference is required prior to filing an application.

Concerning the questions or issues the Applicant would like the City to address in the Pre-Application Conference, the Applicant wants to ensure it is on the same page with City Planning Staff that aside from submittal of a new plan showing the altered parcel boundaries that are a result of the roads not being vacated, this is the same proposal that was approved in the prior Decision MIP-23-07. It was thought that the prior Decision could just be modified to remove the condition of approval regarding the road vacation but after conferring with Planning Staff, the

Planner
August 19, 2025

Applicant was directed to submit a new minor partition application. The Applicant wants to confirm this is still the case. As a result, much of the findings from the Prior Decision MIP-23-07 can be reused and the future application can be approved. If there is anything else Planning Staff wants the Applicant to address in its application, the Applicant would like it to please be identified during the Pre-Application Conference.

Best regards,

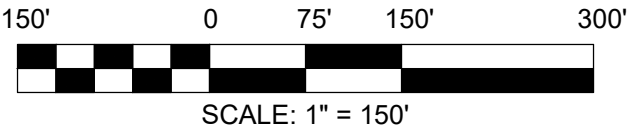
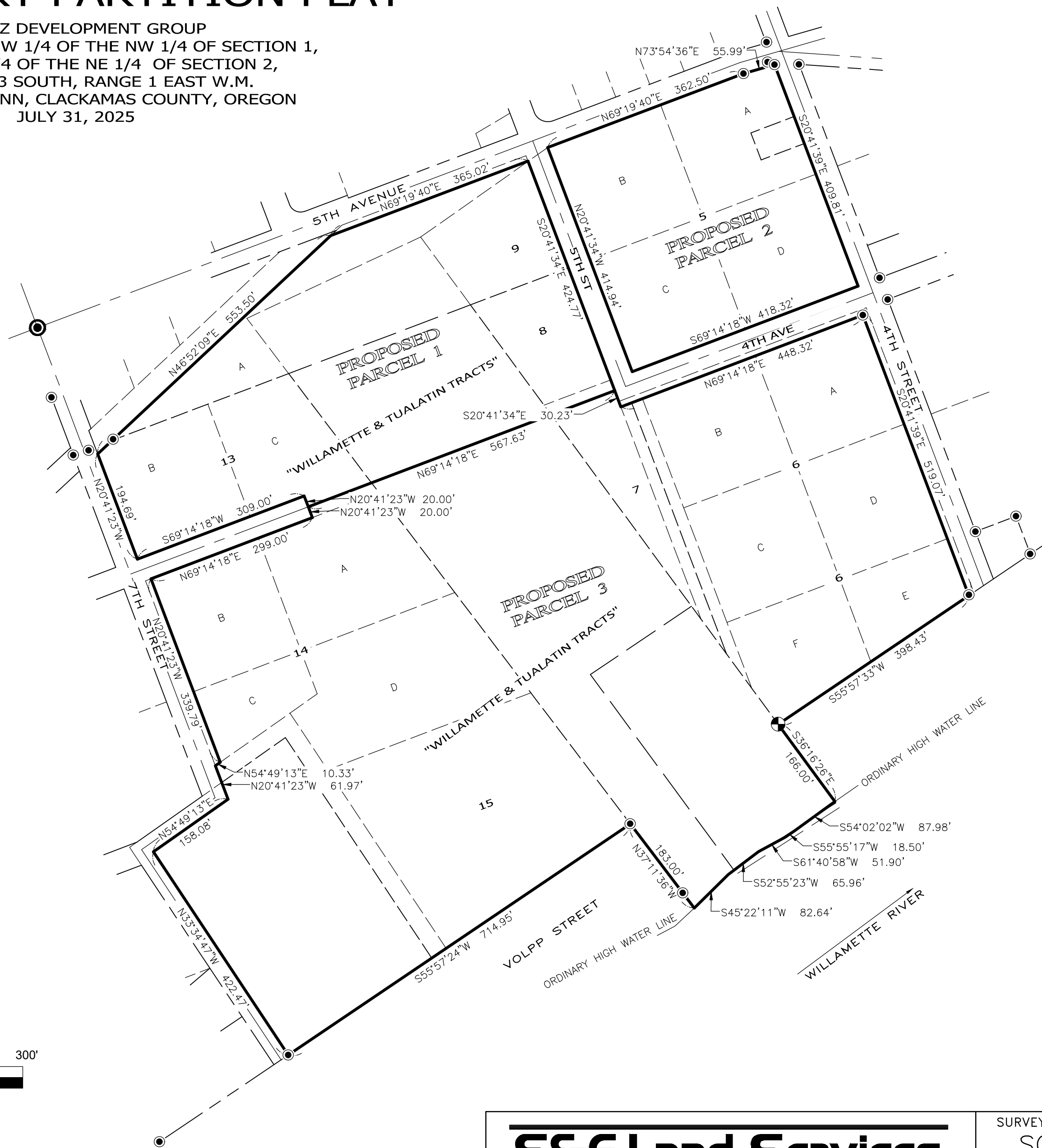
SCHWABE, WILLIAMSON & WYATT, P.C.

/s/ Garrett H. Stephenson

GST:jmhi
Enclosures

PRELIMINARY PARTITION PLAT

SHULTZ DEVELOPMENT GROUP
LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 1,
AND THE NE 1/4 OF THE NE 1/4 OF SECTION 2,
TOWNSHIP 3 SOUTH, RANGE 1 EAST W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
JULY 31, 2025



S&F LAND SERVICES MAKES NO
WARRANTIES AS TO MATTERS OF
UNWRITTEN TITLE SUCH AS
ACQUIESCENCE, ESTOPPEL, ADVERSE
POSSESSION, ETC.

2328402_PRELIM P PLAT & SITE PLAN.dwg

S&F Land Services

Your Proven Geospatial Partner

4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225
(503) 345-0328

WWW.SFLANDS.COM EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
JULY 31, 2025	2328402	AFJ	BD/SP/TLB	BD/CCS

SURVEY FOR:
SCHULTZ DEVELOPMENT
GROUP

CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 13, 2008
CHRISTOPHER C. SHERBY
74508PLS

RENEWS 6/30/26

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SHOW THE INTENT OF THE
PRELIMINARY PARTITION PLAT TO PARTITION A PORTION OF THAT
PROPERTY DESCRIBED IN CLACKAMAS COUNTY DOCUMENT NO.
2020-077135 INTO THREE PARCELS, AS SHOWN HEREON.

HORIZONTAL DATUM:

OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
BASED ON GPS OBSERVATIONS.

UNITS IN INTERNATIONAL FEET

PROCEDURE/EQUIPMENT:

FIELDWORK PERFORMED SEPTEMBER, 2023. REAL-TIME KINEMATIC (RTK)
OBSERVATIONS (COLLECTED USING TRIMBLE R10 GNSS RECEIVERS) AND
TRAVERSE DATA (COLLECTED USING A TRIMBLE S6 TOTAL STATION) WERE
ADJUSTED USING THE LEAST SQUARES METHOD IN TRIMBLE BUSINESS
CENTER (TBC); THE RESULTING RELATIVE ACCURACY IS IN CONFORMANCE
WITH THE PRINCIPLES STATED IN O.R.S. 92.050.

AREAS:

PROPOSED PARCEL 1: 312,691 SF = 7.178 ACRES ±
PROPOSED PARCEL 2: 173,313 SF = 3.979 ACRES ±
PROPOSED PARCEL 3: 1,009,797 SF = 23.182 ACRES ±
TOTAL PROPOSED PARCEL AREA: 1,495,801 SF = 34.339 ACRES ±

LEGEND:

- FOUND MONUMENT-BRASS CAP
- FOUND MONUMENT-IRON PIPE
- FOUND MONUMENT - 5/8" IRON ROD
- CENTERLINE
- RIGHT OF WAY
- BOUNDARY LINE
- EASEMENT
- LOT/PARCEL LINE

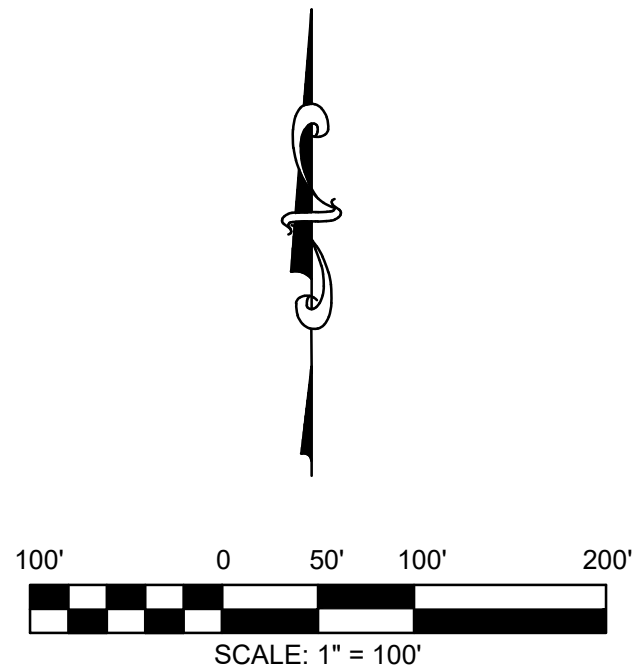
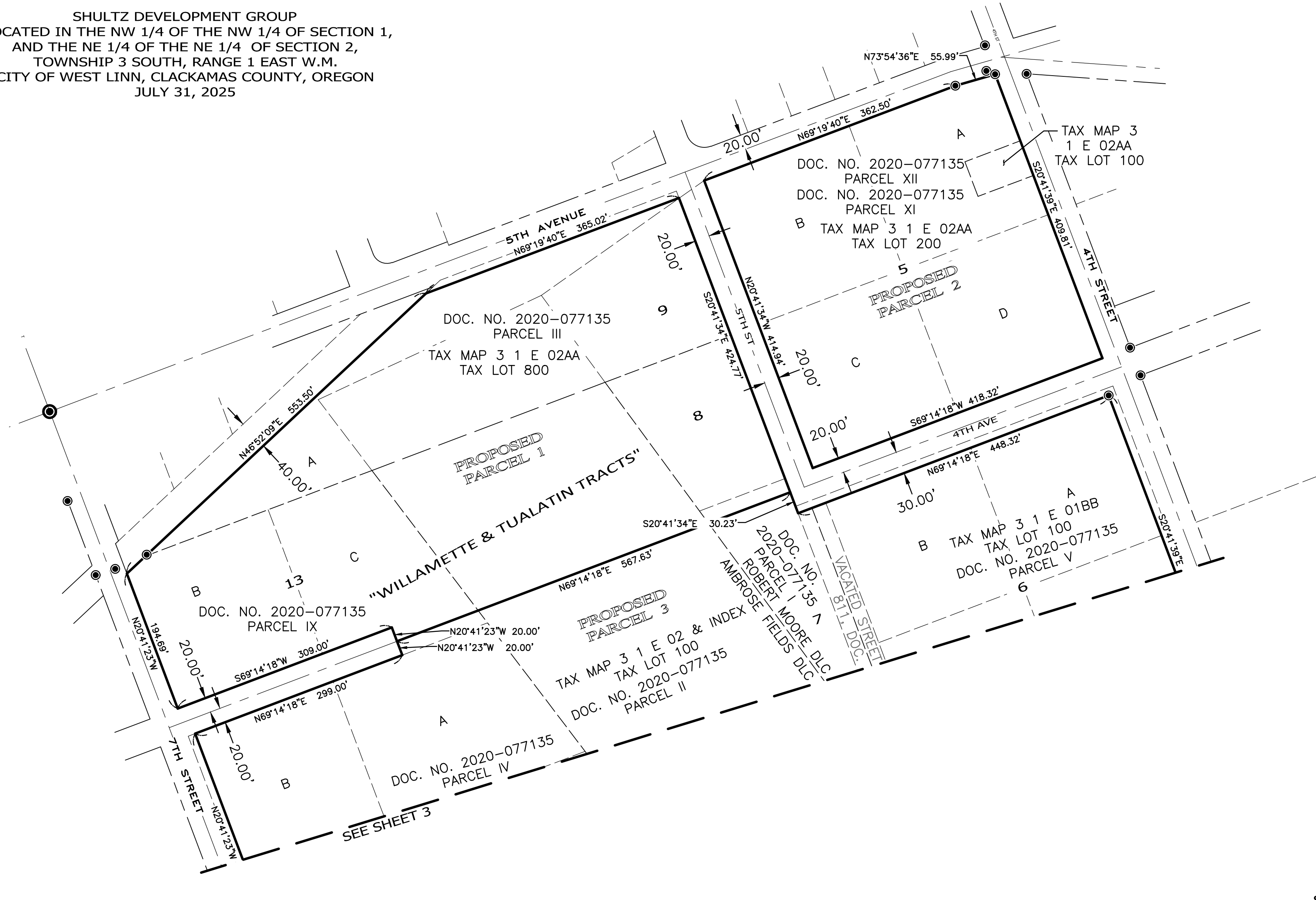
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SHEET 1: OVERALL BOUNDARY
SHEET 2: LOT 1 AND LOT 2
SHEET 3: LOT 3

SHEET 1 OF 3

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SURVEY FOR:
SCHULTZ DEVELOPMENT
GROUP

CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON

SHEET 2 OF 3

REGISTERED
PROFESSIONAL
LAND SURVEYOR

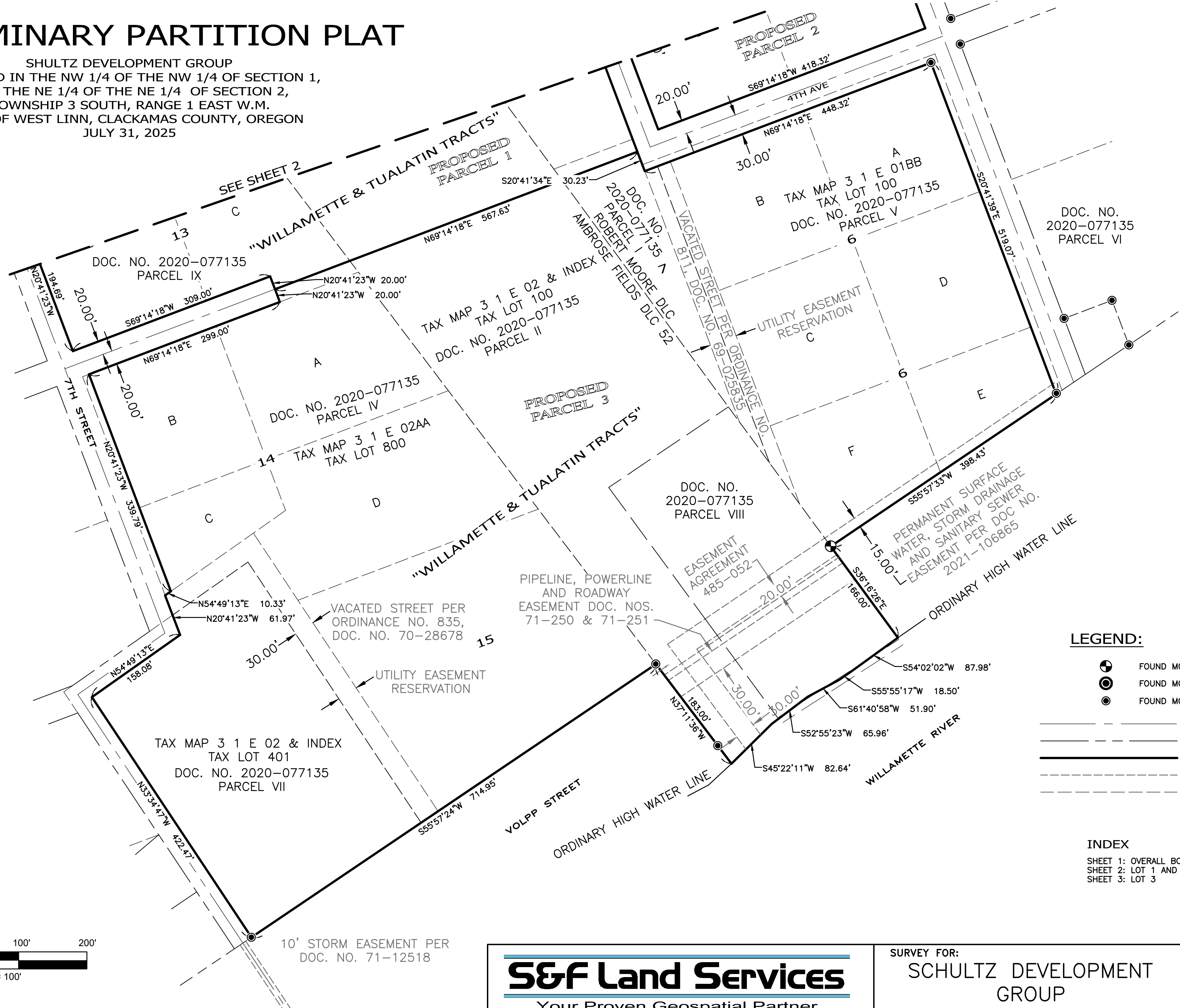
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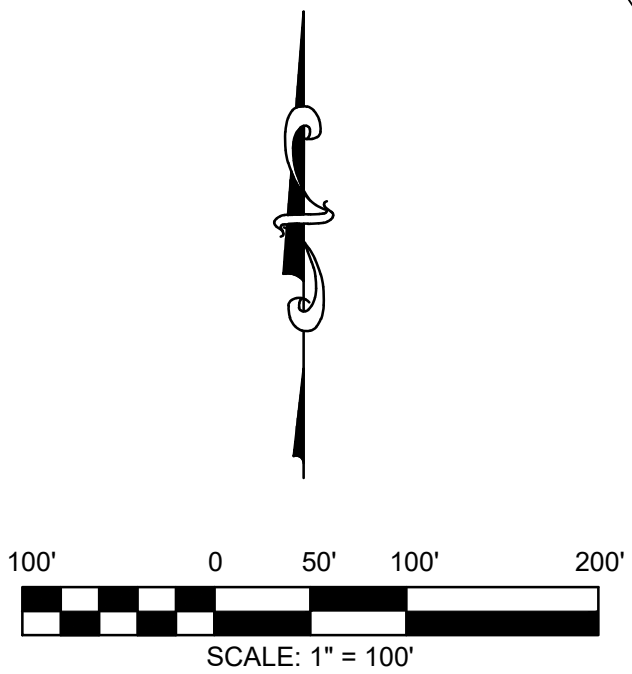
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- LEGEND:**
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SURVEY FOR:
SCHULTZ DEVELOPMENT GROUP

CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
JUNE 13, 2008
CHRISTOPHER C. SHERBY
74508PLS
RENEW 6/30/26



PLANNING MANAGER DECISION

DATE: September 16, 2024

FILE NO.: MIP-23-07

REQUEST: Approval of the consolidation and reconfiguration of 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. No physical development is proposed or approved with this application, only a reduction in the number of lots and a reconfiguration of legal boundaries.

PLANNER: John Floyd, Senior Planner

Planning Manager DSW

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GENERAL INFORMATION

OWNER/APPLICANT: SDG-2, LLC

3242 Wild Rose Loop
West Linn, OR 97068

CONSULTANT:

3J Consulting, Inc.
Attn: Mercedes Serra
9600 SW Nimbus Ave, Suite 100
Beaverton, OR 97009

SITE LOCATION:

1317 7th Street & adjacent unaddressed parcels

SITE SIZE:

34.34 Acres (excluding undeveloped right-of-way)

LEGAL

DESCRIPTION:

Portion of Willamette Tualatin Tracts (1908), unplatted portion of the Ambrose Fields Donation Land Claim, a portion of vacated 5th Street (Ord. 811), and a portion of vacated 7th Street (Ord. 835).

Clackamas County Tax Lots 31E02AA00800, 31E02AA00100, 31E02AA00200, 31E01BB00100, 31E0200100, 31E0200401, and 31E0200500.

COMP PLAN MAP:

Residential, Medium Density & Industrial

ZONING MAP:

Residential (R-10) & General Industrial (GI)

APPROVAL

CRITERIA:

Community Development Code (CDC) Chapter 11: Residential, R-10; Chapter 23: General Industrial, GI; Chapter 27: Flood Management Areas; Chapter 28: Willamette and Tualatin River Protection; Chapter 32: Water Resource Area Protection; Chapter 48: Access, Egress, and Circulation; Chapter 55: Design Review; Chapter 85: Land Divisions - General Provisions; Chapter 92: Required Improvements; and Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE:

The application became complete on July 2, 2024. The 120-day period therefore ends on October 30, 2024.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property and to the affected neighborhood association on July 9, 2024. A sign was placed on the property on July 18, 2024. The notice was also posted on the City's website on July 9, 2023.

EXECUTIVE SUMMARY

The applicant is requesting approval to consolidate and reconfigure 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. The proposed reconfiguration is intended to place the existing single-family dwelling and residentially zoned portion of the site onto Parcel 1 (Outlot A), and separate the industrially zoned portion containing the former Blue Heron aeration and settling basin and river frontage onto Parcels 2 and 3 (Outlots B and C).

No physical development is proposed in the application or authorized through this decision, only a reduction in the number of lots and a reconfiguration of legal boundaries.

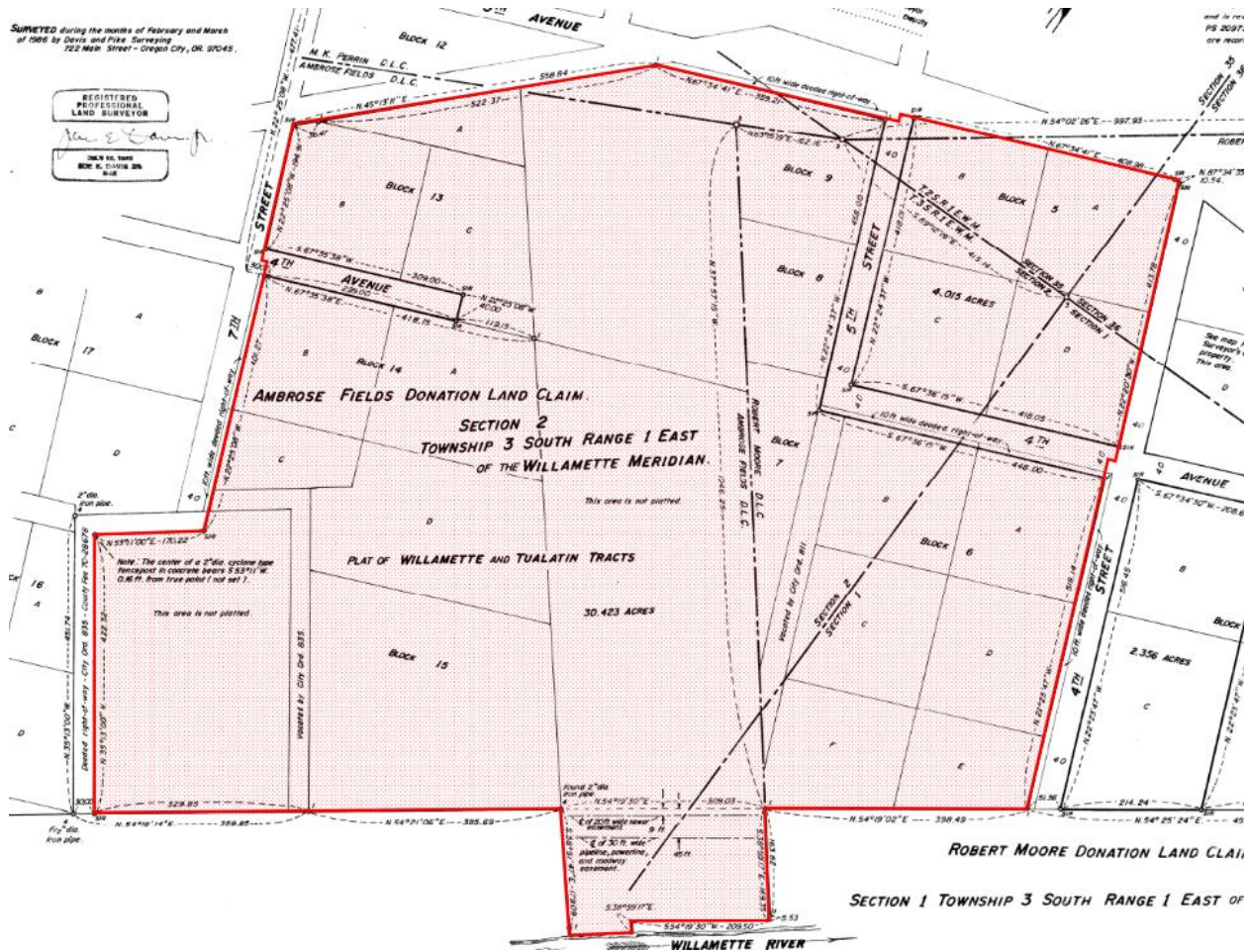
Existing Conditions

The project site consists of 22 contiguous lots-of-record that are roughly bounded by 5th Avenue to the north, 4th Street to the east, Volpp Street and the Willamette River to the south, and 7th street right-of-way (both developed and undeveloped) to the west.



Aerial Photograph with Affected Tax Lots.

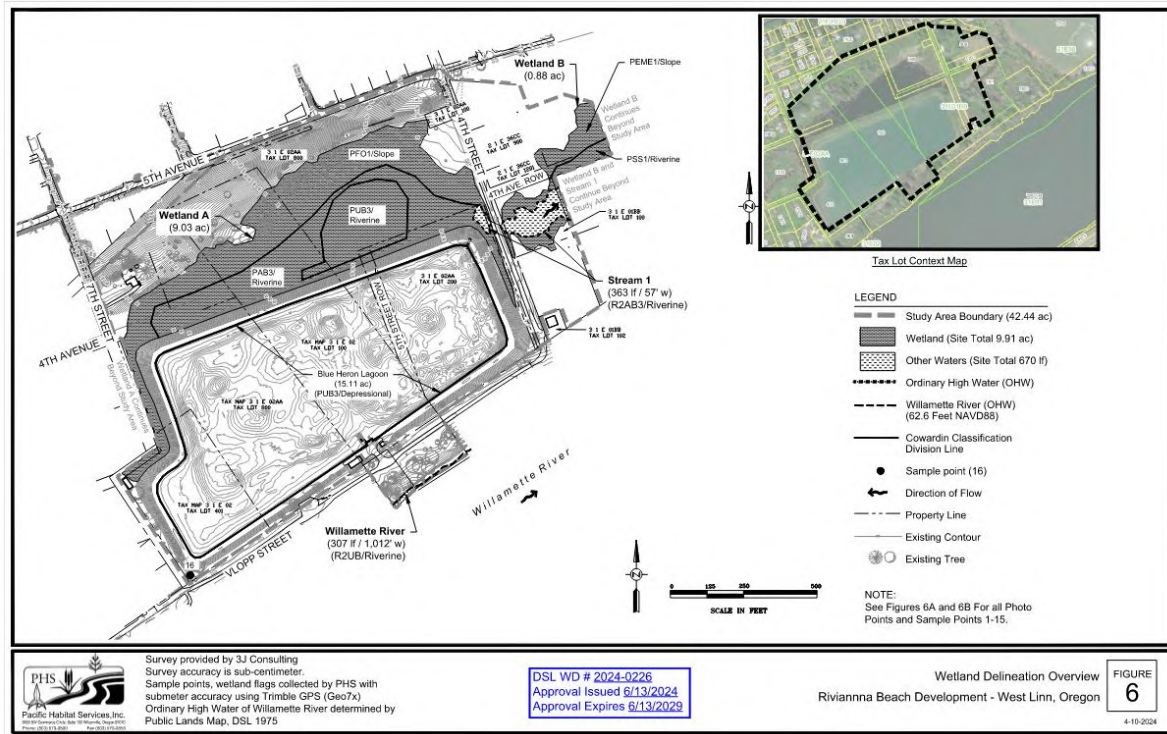
The existing legal boundaries include both platted and unplatted lands. A title report identified 12 lots in the legal description for the project area, the applicant's narrative identified 22 lots, and a survey of the site recorded in 1986 (PS-21046) identified 24 potential tracts. Without examining the full history or chain of title for each parcel or tract, the record clearly establishes that the proposal will consolidate the site into fewer parcels than currently exist.



Excerpt from a 1986 recorded survey for Publishers Paper Company (PS-21046).

The topography of the site is characterized by steep slopes that descend from 5th Avenue into an approximately 9.03 acre wetland complex in the northern middle of the site, and a fallow industrial pond created by engineered dikes in the southern half of the site. A single-family dwelling constructed around 1920 is located on the westernmost part of the site.

The site is bisected by an unnamed stream flowing from west to east, and at a low enough elevation to be part of the Willamette River Floodplain and floodway (FEMA Map Numbers 41005C0257D & 41005C0259D). The unnamed stream is identified as a significant riparian corridor on the West Linn Water Resources Area (WRA) Map. The wetland is also identified on the WRA Map and Local Wetland Inventory as WI-02. The applicant has provided a wetland delineation prepared by Pacific Habitat Services (Exhibit PD-1), and the Oregon Department of State Lands (DSL) issued a concurrence letter approving the delineation on June 13, 2024 (Exhibit PD-3).



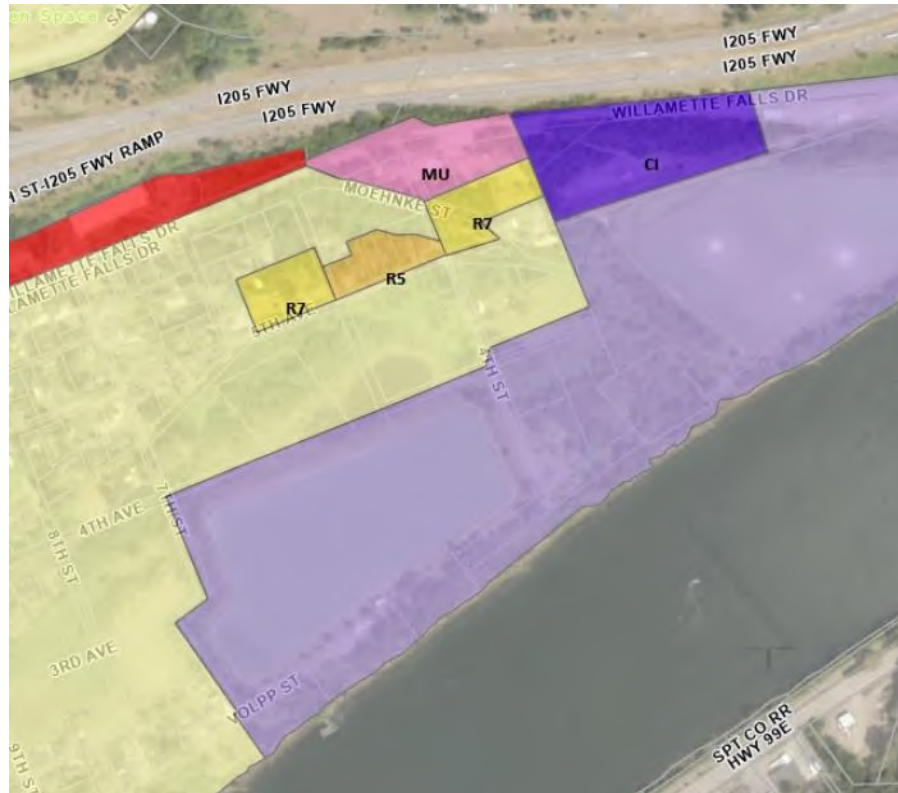
Map Excerpt from DSL Concurrence Letter (Exhibit PD-3)

Surrounding land uses include single-family residential to the west, north and northeast; a wetland complex and industrial uses to the east; and the Willamette River to the south.

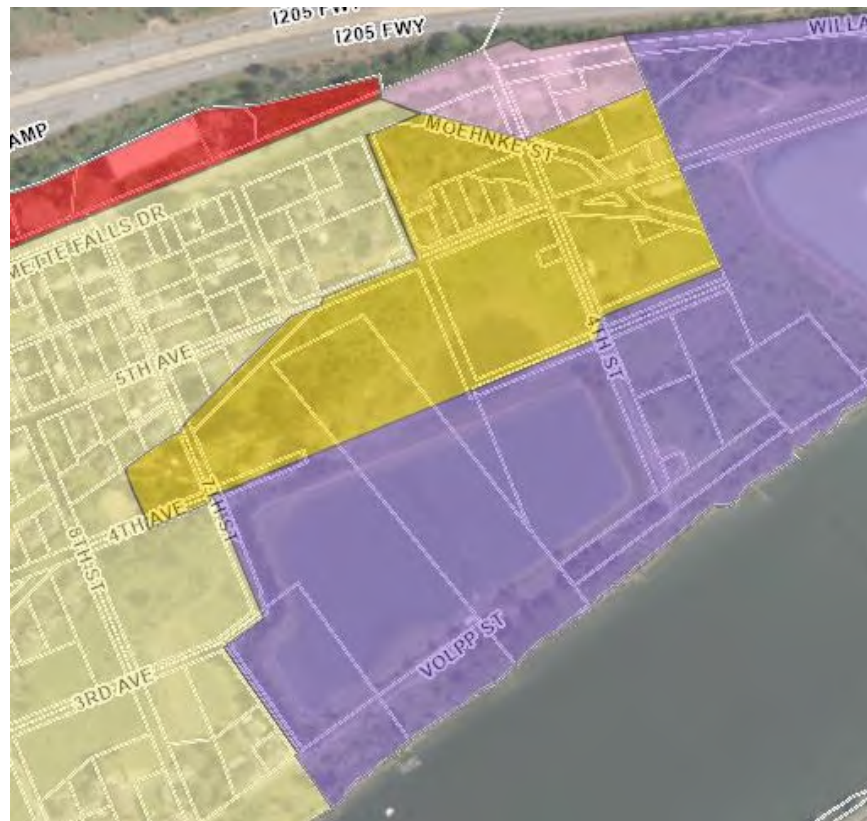
Zoning and Comprehensive Plan Designations

The site is located in two zoning districts, with the centerline of the undeveloped 4th Avenue right of way forming the boundary between the residential zone (R-10) on the northern side, and the general industrial (GI) Zone on the southern portion. These designations are consistent with this historical use of the site, with the residential portion developed with a single-family dwelling and used for pastureland, and the southern portion developed with industrial infrastructure that supported paper mill operations across the river in Oregon City.

While not relevant to this decision, it should be noted that the West Linn Zoning Map designation of R-10 is not consistent with the City's Comprehensive Plan Designation of Medium-Density Residential. As set forth in CDC Section 5.020 (Classification of Zone), the R-10 District is typically applied to lands containing a Low-Density comprehensive Plan Designation, therefore the site would be more properly zoned with an R-5 or R-4.5 designation that permits a higher overall density, as is the case on the north side of 5th avenue. The reason for this discrepancy is unknown and reconciliation of this disparity is neither proposed or required in the application.



Zoning Map Excerpt (R-10 / General Industrial)



Comprehensive Map Excerpt (Medium Density Residential / Industrial)

Proposed Parcel Sizes

The applicant is requesting a three-lot partition of 34.34 acres with no proposed changes to the site, existing structures, uses, zoning, existing roadways, or access roads. Vacation of the existing rights-of-way crossing the site will be proposed under a separate application and required prior to final plat per Condition 3. Per the application narrative (Exhibit PD-1), the proposed lot reconfiguration and associated street vacations would result in the following parcel sizes:

	Parcel 1	Parcel 2	Parcel 3
Lot Area	486,002.5 sq.ft. 11.16 acres	957,851.6 sq.ft. 21.99 acres	51,953 sq.ft. 1.19 acres
To be Vacated ROW			
- 4 th Avenue	15,093.7 sq.ft.	19,478.2 sq.ft.	0 sq.ft.
- 5 th Street	16,197.8 sq.ft.	0 sq.ft.	0 sq.ft.
Total Lot Area	517,294 sq.ft. 11.88 acres	977,329.8 sq.ft. 22.44 acres	51,953 sq.ft. 1.19 acres

Public Comments:

The City received twelve written comments on this application. These include eleven comments from residents and one from the Department of State Lands as part of the Wetland Land Use Notification process. These comments can be summarized as follows:

Department of State Lands

The Department of State Lands issued a Wetland Land Use Notification Response (WLN# WN2024-040) on July 3, 2024 (Exhibit PD-4). In that application they noted that, “The proposed parcel division may create a lot that is largely wetland and thus create development problems.” The report also noted that a state permit is required when 50 cubic yards of fill, removal, or other ground alteration occurs in essential salmonid habitat and within wetlands, below ordinary high water of waterways, and within other waters of the state.

Staff Response: The proposed parcel 1 contains an existing single-family home outside of the wetland area. No further development of the site is currently proposed with this application, and the boundaries of the site were chosen to correspond to the existing residential zoning designation. Any future development of the site will require discretionary review and will be limited to areas outside of the stream corridor and wetland complex per the requirements of CDC Chapter 32 (Water Resource Area), and the Department of State Lands will be provided an additional opportunity to comment at that time through the Wetland Land use Notification process.

Resident Testimony

The following individuals submitted comments on the application, which are contained in Exhibit PD-5. The majority of comments pertained to the resident beavers on site, with the remainder pertaining to infrastructure impacts.

- Jennifer Aberg
- Carrie Beal
- Mei H. Brunson
- Amanda Ford
- Veronica Fox
- Jennifer La Follette
- Mae Lucey
- Tate Peterson
- Rachel Tillman
- Kate Zaborocki

Topic: Beavers

Jennifer Aberg provided the following testimony regarding beavers and tree removal in an email dated July 18, 2024.

My concern of this request is the following note on page 40 and the lack of delineation of the Wetland boundary on his map.

Note from application: "There is a beaver dam located near 4th street that has artificially raised the water level in the stream. It is the owner's intent have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level."

Based on this notation he is violating a few codes as highlighted in green below...

In addition, the application has the following tree called out. This tree is highly threatened as stated below from the following website.

Mei Brunson provided testimony against the relocation of beavers or the removal of dams, and encourage mitigations solutions including the following:

"...if the project is approved, I urge you to require the developer to instead implement mitigation solutions. There are list provided on this website: " Better solutions often exist through infrastructure adaption and "living with beavers". Mitigation solutions like flow devices, culvert protectors or tree fencing can prevent blocked water from flooding things out and trees from felling. The materials are easy to source and install, and allow the beavers to stay in place - providing ecosystem benefits."

Katie Zaborocki provided testimony with specific questions regarding beaver management:

1. Can an owner remove the beavers/dam within an existing wetland with the express purpose of reducing water levels and minimizing wetlands areas that were present and established at the time the property was acquired in order to make more favorable development conditions?

3. I'm trying to parse out but it seems that dam removal (eg the removal of large wood) within wetlands may be subject to the removal/fill laws in Oregon. Would the City consider wetland ecosystems that create constraints to development as "direct and demonstrable threat to real property?" Also, since this is also a flood plain are there any other issues the city would be concerned with regarding removal/fill?

4. Chapter 32 Section 32-030 Table 32-1 indicates "realigning water resources" as an allowable activity after the alternate review process. Would beaver dam removal that impacts wetlands boundaries be predicated on the project complying with the WRA alternate review process or could this be done any time on private property? Would the City consider beaver dam removal as a realignment strategy or will that be further reviewed based on the report by the natural resource professional?

Additional residents expressed a generalized concern for the impacts of the project to the beaver population, noting they were a keystone species and the subject of recent state legislation (Beal, La Follette, Lucey, Peterson, Tillman).

Staff Response: The application is limited to a change in the legal boundaries of the parcels within the project area, and no physical development is proposed or authorized with this application that will necessitate the removal of a tree. Wetland boundaries were identified on the preliminary tentative plat and identify areas outside of the wetland area on Parcel 1 that may be suitable for future development (Sheet 200, dated 6-4-24). In addition, the applicant presented a letter dated July 19, 2024 from Beaver State Wildlife Solutions clarifying that the quoted language above is outdated and the applicant had employed their services to develop a beaver management plan for the site, which would remove the necessity for removing the beaver population. To ensure beaver management activities comply with federal, state, and local requirements if applicable (i.e. CDC Chapter 32 – Water Resource Area Protection), condition of approval #4 has been applied which requires the developer to any necessary federal, state, and/or local permits prior to commencing any work to modify or remove a beaver dam. This condition is a reasonable requirement as no specific actions have yet been identified by the applicant regarding future beaver management.

Topic: Lack of Infrastructure

Amanda Ford provided testimony regarding the lack of infrastructure and associated upgrades, including the following:

- *The area lacks adequate road connectivity and through streets*
- *The neighborhood's footprint presents challenges for necessary improvements*

- *Issues with emergency access due to narrow streets, averaging 20 feet wide, and insufficient parking and sidewalks*
- *The developer is only required to improve the street bordering the new construction*
- *Anticipated congestion with approximately 494 additional daily vehicle trips*
- *The increased presence of delivery vehicles, garbage trucks, and utility maintenance vehicles will obstruct roads during the construction phase*
- *Safety concerns for pedestrians, particularly in popular walking areas around the wetlands*
- *Inadequate sidewalks, especially critical for children walking to school given the "Safe Routes to School" designation on 5th Avenue*
- *Proximity of construction less than 100 feet from the wetland border poses risks to the protected riparian zone feeding the Willamette River*
- *Potential adverse effects on the ecosystem, including wildlife habitats, from construction waste, vehicle emissions, chemical runoff, and light pollution*

Veronica fox also commented on the adequacy of the existing infrastructure:

"I am concerned about the impact on walking on 4th street and Vollp street. This is a walking neighborhood and any development that would restrict the community from access to these roads for walking should be prohibited. Also the area is now a country walk with very few cars. With this new construction, what is going to be the impact for pedestrians? Will this developer be required to provide sidewalks along the entire exterior of their property, since we can no longer walk in the road due to increased traffic. Also, 7th avenue is even now narrow and dangerous to drive due to low visibility at the top of the hill, these 50 additional cars will make that road impossible to drive. What is going to be done to handle the additional traffic on such narrow roads, 5th avenue and 7th are now one lane roads and two cars cannot utilize at the same time."

Staff Response: The application is limited to a change in the legal boundaries of the parcels within the project area. No change of use is proposed from the existing condition, and no physical development is proposed or authorized with this application that will add additional vehicular or pedestrian trips to the transportation network. All lots front an improved public right of way, no change is proposed to their access or the adjoining street network, and the reduction in lots will reduce the development potential of the site by extinguishing hardship rights provided by CDC 32.110 (Hardship Provisions) that applies to all lots of record created prior to January 1, 2006. As a result, to exact improvements would be disproportional to the impact (or lack thereof) created by the proposal, and are better addressed as part of any future (re)development application within one of the proposed parcels.

DECISION

The Planning Manager (designee) approves this application (MIP-23-07), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan, Elevations, and Narrative.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Partition Plat, Sheet C200, dated 06-04.24 (Exhibit PD-1).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Street Vacations.** Prior to recording of the final plat, the applicant shall vacate those sections of 4th Avenue and 5th Street that are internal to the proposed lot consolidation (South of 5th Avenue, west of 4th Street, and east of 7th Street).
4. **Beaver Management.** The applicant shall comply with all federal, state, and local permitting and other legal requirements as part of any beaver management within the project site. Any required approvals shall be obtained from each governmental authority having applicable jurisdiction prior to the removal of beaver dams, the modification of dams, or associated vegetation removal.

The provisions of the Community Development Code Chapter 99 have been met.



John Floyd, Senior Planner

September 16, 2024
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established

standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 18th day of September 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on October 2nd, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-23-02**

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

Chapter 11: Residential, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. *Single-family attached or detached residential unit.*
 - a. *Duplex residential units.*
 - b. *Triplex residential units.*
 - c. *Quadplex residential units.*
2. *Cottage clusters.*
3. *Townhouse.*
4. *Community recreation.*
5. *Family day care.*
6. *Residential home.*
7. *Utilities, minor.*
8. *Transportation facilities (Type I).*
9. *Manufactured home.*

[...]

Staff Finding 1: Staff adopts the applicant's findings.

"The proposed partition will consolidate 22 existing lots into 3 lots for the purpose of conservation and future development. The subject site has both Residential R-10 and GI-General Industrial zoning. Parcel 1 will consolidate the area zoned Residential R-10 into a single 11.88-acre lot for the purpose of future development. Homes are not proposed at this time."

The criteria are met.

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

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

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size	10,000 sf	For a single-family attached or detached unit
Average minimum lot or parcel size for a townhouse project	1,500 sf	

<i>STANDARD</i>	<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>50 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<p><i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.</i></p> <p><i>Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</i></p>
<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
<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>
<i>Street side yard</i>	<i>15 ft</i>	
<i>Rear yard</i>	<i>20 ft</i>	
<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>
<i>Maximum lot coverage</i>	<i>35%</i>	<p><i>Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> <i>This does not include detached garages, carports, or accessory structures.</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<ul style="list-style-type: none"> A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex	0.60	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.

1. The sidewalk provisions of Chapter 43 CDC shall apply.

Staff Finding 2: The proposed lot consolidation will place all of the R-10 zoned land onto Outlot A/Parcel 1, in a configuration that substantially exceeds the minimum lot area of 10,000 square feet (11.88 acres proposed) and the minimum lot widths of 35 and 50 feet (214 and 425 feet respectively). The existing home will have a new sideyard setback of approximately 125 feet, with the other setbacks unaffected by the proposal.

Additionally, staff adopts the applicant's findings.

"The proposed partition will consolidate 22 existing lots into 3 lots for the purpose of conservation and development. The site has both Residential R-10 and General Industrial GI zoning. Parcel 1 will consolidate the area zoned Residential R-10 into a single 11.88-acre lot for the purpose of future residential development. The proposed lot will exceed the dimensional requirements of this section however the lot will be configured to allow for

future development in conformance with the dimensional requirements of the R-10 zone. Homes are not proposed at this time. Parcel 2 will be reconfigured to a 22.44-acre parcel with industrial GI zoning. Parcel 3 will be reconfigured to a 1.19-acre parcel with industrial GI zoning. The dimensional standards of this section can be met by a future land division.”
The criteria are met.

Chapter 23: General Industrial, GI

23.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

1. *Agricultural sales and services.*
2. *Animal sales and services:*
 - a. *Kennels.*
 - b. *Veterinary, small and large animals.*
3. *Automotive and equipment:*
 - a. *Cleaning.*
 - b. *Fleet storage.*
 - c. *Repairs, light and heavy equipment.*
 - d. *Sales/rentals, light and heavy equipment.*
 - e. *Storage, recreational vehicles and boats.*
4. *Construction sales and services.*
5. *Laundry services.*
6. *Manufacturing of products:*
 - a. *From raw materials.*
 - b. *From previously prepared materials.*
7. *Packaging and processing.*
8. *Postal service.*
9. *Public safety facilities.*
10. *Public support facilities.*
11. *Research services.*
12. *Scrap operations, recycling collection center.*
13. *Utilities, minor and major.*
14. *Wholesale, storage and distribution:*
 - a. *Mini-warehouse.*
 - b. *Light.*
 - c. *Heavy.*
15. *Transportation facilities (Type I). (*

Staff Finding 3: Staff adopts the applicant’s findings.

“The proposed partition will consolidate the property zoned General Industrial on Parcels 2 and 3 [Outlots B and C]. The application is for the creation of [two new] parcels to accommodate the existing industrial use(s). No new industrial uses are proposed at this time.”

This criteria is met.

23.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

- 1. Sign, subject to the provisions of Chapter 52 CDC.*
- 2. Temporary use, subject to the provisions of Chapter 35 CDC.*
- 3. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.*
- 4. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.*

Staff Finding 4: Parcel 3/Outlot C contains river-frontage and will provide river access for water-dependent uses as permitted by the GI zoning, which will be required to comply with CDC Chapters CDC 28 and 34 at the time of development, as no development is proposed with this application. These criteria will be met.

23.070 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 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 50 feet.*
- 2. The average minimum lot width shall be 50 feet.*
- 3. Repealed by Ord. 1622.*
- 4. Where the use abuts a residential district, the setback distance of the residential zone shall apply.*
- 5. The maximum lot coverage shall be 50 percent.*
- 6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.*

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Staff Finding 5: Both Parcels 2 and 3 (Outlots B and C), exceed the minimum front lot line of 50 feet (approximately 550 feet and 309 feet proposed). Lot coverage, building height, and setbacks will be determined at the time of development. Additionally, staff adopts the applicant's findings.

"Parcels 2 and 3 will consolidate the industrial zoned land onto two parcels. The parcels meet all of the minimum lot requirements of this section. Construction of new industrial uses is not proposed at this time; therefore, the lot coverage, zoning, and building height requirements of this section are not applicable to the proposed partition."

These criterion are met.

Chapter 27: Flood Management Area

27.020 APPLICABILITY

This chapter shall apply to all flood management areas within the jurisdiction of West Linn. A flood management area permit is required for all development in the flood management area

overlay zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.

A. *Basis for Establishing the Special Flood Hazard Areas (SFHA).* The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “Flood Insurance Study: Clackamas County, Oregon and Incorporated Areas,” dated 06/2008 and revised 01/2019, FIRM Panels 41005C0018D, 41005C0019D, 41005C0038D, 41005C0257D, 41005C0259D, 41005C0260D, and 41005C0276D are hereby adopted by reference and declared to be a part of this chapter. The FIS and FIRM panels are on file at West Linn City Hall with the Community Development Department.

B. *Coordination with State of Oregon Specialty Codes.* Pursuant to the requirement established in ORS 455 that the City of West Linn administers and enforces the State of Oregon Specialty Codes, the City of West Linn does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

Staff Finding 6: The proposed lot consolidation does not meet the definition of development as set forth in CDC Chapter 2 (Definitions), as no physical change is proposed (i.e. construction, grading, filling, or clearing), and the reduction in the number of lots will provide greater flexibility to future development and may enable less intense development.

“Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot, parcel, or lot of record. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs).”

Therefore, the provisions of the CDC Chapter 27 do not apply.

Chapter 28: Willamette and Tualatin River Protection

28.030 APPLICABILITY

A. *The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City’s zoning map, and include:*

1. *All land within the City of West Linn’s Willamette River Greenway Area.*
2. *All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.*

3. *In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.*

B. *At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.*

C. *All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.*

D. *The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure.*

Staff Finding 7: The entire project site is located within the boundaries of the Willamette Greenway and is mapped as containing a mixture of high, moderate, low, and undesignated habitat areas. However, as previously discussed in Staff Finding 6, the proposal does not include any activity that meets the definition of development and the consolidation of lots will provide more flexibility to avoid habitat areas. Therefore, the criteria of CDC Chapter 28 do not apply.

Chapter 32: Water Resource Protection

32.020 APPLICABILITY

A. *This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.*

B. *The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:*

- 1. The existence of a WRA;*
- 2. The exact location of the WRA; and/or*
- 3. Whether the proposed development, activity or use is within the WRA boundary.*

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense.

Staff Finding 8: The project area contains wetlands and streams identified as significant on the City of West Linn Water Resource Area Map, as confirmed by the Oregon Department of State Lands in their concurrence letter (Exhibit PD-3). However, as previously discussed in Staff Findings 6 and 7, the consolidation of lots will not result in any new activities, uses, or development within the water resources or adjoining water resource area. Therefore, the criteria of CDC Chapter 32 do not apply.

Chapter 48: Access, Egress and Circulation

48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.*
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.*
- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.*
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.*
- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.*
- F. Property owners with access to their property via platted stems of flag lots may request alternate access as part of a discretionary review if other driveways and easements are available and approved by the City Engineer.*

Staff Finding 9: All proposed lots have access from existing public right-of-ways as demonstrated in the scaled preliminary plat contained in Exhibit PD-1. No new uses, changes or intensification of existing uses, or development is proposed at this time. These criteria area met.

48.025 ACCESS CONTROL

- A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.*
- B. Access control standards.*

1. *Traffic impact analysis requirements. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).*
2. *In order to comply with the access standards in this chapter, the City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit. Access to and from off-street parking areas shall not permit backing onto a public street.*
3. *Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.*
 - a) *Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.*
 - b) *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to ensure access to the closest public street for all users of the private street/drive.*

Staff Finding 10: Staff adopts the applicant's findings.

"The proposed partition will consolidate the site into three manageable parcels to allow for future development, including a residential subdivision. The proposed consolidation will result in fewer lots on the site and will not impact the transportation system or number of trips generated by the proposed lots. A traffic study has not been provided with the partition but will be provided if required by the proposed future development of the site. Vehicle access to each lot will be available through the existing street network."

These criteria are met.

4. *Subdivisions fronting onto an arterial street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots.*

Staff Finding 11: The subject site does not front on an arterial street. The requirements of this section are not applicable.

5. *Double-frontage lots. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.*

Staff Finding 12: The subject site does not include double frontage lots. The requirements of this section are not applicable.

6. *Access spacing.*

a. *The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.*

b. *Private drives and other access ways are subject to the requirements of CDC 48.060.*

7. *Number of access points. For single-family (detached and attached) housing types, one street access point is permitted per lot or parcel when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in CDC 48.060. The number of street access points for multiple family development is subject to the access spacing standards in CDC 48.060. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.*

8. *Shared driveways. For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*

a. *When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

b. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

c. *Exception. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.*

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

- 1. Block length and perimeter. The maximum block length shall not exceed 800 feet along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).*
- 2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.*
- 3. Exception. Exceptions to the above standards may be granted as part of a discretionary review when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and bicycle trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.*

Staff Finding 13: No easements are necessary at this time as all parcels will have direct access to existing public right of ways. New or modified access drives, driveways, and streets are not proposed as part of the partition. Connectivity standards will be addressed as part of the future development of the site under a separate land use application.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted by an adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

In the event that alternate access is not available, the applicant may request access onto an arterial street as part of a discretionary review, and approval may be granted by the Planning Director and City Engineer after review of the following criteria:

- 1. Topography.*
- 2. Traffic volume to be generated by development (i.e., trips per day).*
- 3. Traffic volume presently carried by the street to be accessed.*
- 4. Projected traffic volumes.*
- 5. Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.*
- 6. The ability to consolidate access through the use of a joint driveway.*
- 7. Additional review and access permits may be required by State or County agencies.*

Staff Finding 14: As discussed in Staff Finding 11, the subject site does not front on an arterial street. The requirements of this section are not applicable.

B. Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:

- 1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged but not required.*
- 2. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.*
- 3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. However, in no case shall the last 18 feet in front of the garage exceed 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.*
- 4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.*

C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.

- 1. A turnaround shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.*
- 2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.*
- 3. A minimum centerline turning radius of 45 feet is required unless waived by TVF&R.*
- 4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

D. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.

E. Access and/or service drives for multifamily dwellings shall be fully improved with hard surface pavement:

- 1. With a minimum of 24-foot width when accommodating two-way traffic; or*
- 2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.*
- 3. Minimum vertical clearance of 13 feet, six inches.*
- 4. Turnaround facilities as required by TVF&R standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by TVF&R.*
- 5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.*
- 6. A minimum centerline turning radius of 45 feet for the curve.*

F. Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.

G. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and

Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.

H. Gated accessways to residential development other than a single-family home are prohibited.

Staff Finding 15: No new development or changes in access are proposed with this application, and existing driveways will remain unmodified. The criteria of this section do not apply.

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

- A. Service drives for non-residential uses shall be fully improved with hard surface pavement:*
 - 1. With a minimum of 24-foot width when accommodating two-way traffic; or*
 - 2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.*
 - 3. Meet the requirements of CDC 48.030(E)(3) through (6).*
 - 4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.*
- B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.*
- C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.*
- D. Gated accessways to non-residential uses are prohibited unless required for public safety or security.*

Staff Finding 16: No new development or changes in access are proposed with this application. The criteria of this section do not apply.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

- A. Minimum curb cut width shall be 16 feet.*
- B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.*
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*
 - 1. On an arterial when intersected by another arterial, 150 feet.*
 - 2. On an arterial when intersected by a collector, 100 feet.*
 - 3. On an arterial when intersected by a local street, 100 feet.*
 - 4. On a collector when intersecting an arterial street, 100 feet.*
 - 5. On a collector when intersected by another collector or local street, 35 feet.*
 - 6. On a local street when intersecting any other street, 35 feet.*

D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

- 1. On an arterial street, 150 feet.*
- 2. On a collector street, 75 feet.*
- 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.

F. For non-residential development, curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.

G. Clear vision areas shall be maintained, pursuant to Chapter 42 CDC, and required line of sight shall be provided at each driveway or accessway, pursuant to the West Linn Public Works Design Standards.

Staff Finding 17: No new development or changes to existing access are proposed or required with this application. The criteria of this section do not apply.

Chapter 85: Land Divisions – General Provisions

85.070 ADMINISTRATION AND APPROVAL PROCESS

A. The application shall be filed by the record owner(s) of the property or by an authorized agent who has a letter of authorization from the property owners of record. The burden of proof will be upon the applicant to demonstrate the validity of the ownership, if challenged.

B. Action on the application for a tentative plan shall be as provided by Chapter 99 CDC.

1. The Planning Director shall approve, deny, or approve with conditions an application for a partition subject to the provisions of CDC 85.200, 99.060(A), and 99.110. The Director's decision may be appealed to the City Council as provided by CDC 99.240(A).

2. The Planning Commission shall approve, deny, or approve with conditions an application for a tentative plan for a subdivision subject to the provisions of CDC 85.200, 99.060(B), and 99.110. A petition for review of the Planning Commission's decision may be filed as provided by CDC 99.240.

3. Action on the final plat shall be ministerial and taken by the Planning Director and City Engineer, and the Planning Director and City Engineer shall approve a final subdivision or partition plat upon the finding that the approval criteria set forth in CDC 89.050 have been satisfied. The Planning Director's and City Engineer's decision may be appealed to the Planning Commission by the applicant, and the Planning Commission shall make its decision based on testimony from the applicant and the Director.

Staff Finding 18: The applicant is the property owner and has submitted the required materials (Exhibit PD-1). The Tentative Plan is to create three new lots, and is being processed as a partition which is a Planning Director decision. These criteria are met.

85.140 PRE-APPLICATION CONFERENCE REQUIRED

A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.

B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.

C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements.

Staff Finding 19: The applicant held a pre-application conference with the city on May 19, 2022 (File No. PA-22-15) which was attended by Planning and Engineering staff. This criteria is met.

85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

- 1. The completed application form(s).*
 - 2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.*
 - 3. A narrative explaining all aspects of land division per CDC 85.200.*
- B. The applicant shall pay the requisite fee.*

Staff Finding 20: The application included a completed application form, copies of the tentative plan and supplemental drawings, and a narrative explaining all aspects of the land division. The application was submitted digitally. These criteria are met.

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

D. The following general information shall be shown on the tentative plan of subdivision or partition:

- 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent*

historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.

2. Date, north arrow, scale of drawing, and graphic bar scale.

3. Appropriate identification clearly stating the drawing as a tentative plan.

4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.

5. Names and addresses of the owner, developer, and engineer or surveyor.

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:

a. Two-foot contour intervals for ground slopes less than 20 percent.

b. Five-foot contour intervals for ground slopes exceeding 20 percent.

3. The location of any control points that are the basis for the applicant's mapping.

4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.

5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.

6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.

7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.

8. Zoning on and adjacent to the tract.

9. Existing uses to remain on the adjoining property and their scaled location.

10. The location of any existing bicycle or pedestrian ways.

11. The location of adjacent transit stops.

F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:

1. The street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(14).

2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's

Erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:

- a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or*
- b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or*
- c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.*

Additional on-site measures may later be required if original measures prove to be inadequate in meeting these attainment standards. For the purposes of this code, "one cubic foot in volume" is defined to include the volume of material, wet or dry, at the time of deposition and includes any water of a discolored or turbid nature.

- 3. Any proposed infrastructure improvements that address those identified in the City of West Linn Transportation System Plan.*
- 4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.*
- 5. Any easement(s) – location, width, and purpose of the easement(s).*
- 6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.*
- 7. A street tree planting plan and schedule approved by the Parks Department.*
- 8. Any land area to be dedicated to the City or put in common ownership.*
- 9. Phase boundaries shall be shown.*

Staff Finding 21: The applicant has provided the information required above where applicable. As the project is strictly for a lot consolidation, no infrastructure improvements are proposed or required. The criterion are met.

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

A. General.

- 1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.*
- 2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).*
- 3. A legal description of the tract.*
- 4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.*

[...]

Staff Finding 22: The applicant has provided the information above, including a project narrative addressing the submittal criteria, a statement of ownership, a legal description of the affected properties, and conceptual plan for future division of Parcel 1/Outlot A (to be reviewed and approved under a future application). As stated in the applicant's findings: *"The proposed partition will consolidate the site into three manageable parcels to allow for testing of the site and redevelopment. At this time, the future development of the site is contingent on the results of testing of the site. Future development will be proposed at the time that the site has been fully evaluated and designed. This standard is not applicable."* The criterion are met.

2. *Traffic impact analysis (TIA).*

a. *Purpose.* The purpose of this section is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.

b. *Typical average daily trips.* The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

c. *Traffic impact analysis (no dwellings).* For development applications that do not propose any new dwelling units, a traffic impact analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) *The development application involves one or more of the following actions:*

(A) *A change in zoning or a plan amendment designation; or*

(B) *Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and*

(C) *The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:*

(1) *An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or*

(2) *An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or*

(3) *The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*

(4) *The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or*

(5) *A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.*

[...]

Staff Finding 23: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No development is proposed with this application, therefore no new trips or changes to existing access points onto public right-of-ways will occur. Therefore, a traffic impact analysis is not required for this application. City staff also adopt the applicant's findings.

"The proposed partition will consolidate the site into three manageable parcels to allow for future development, including a residential subdivision. The proposed consolidation will result in fewer lots on the site and will not impact the transportation system or number of trips generated by the proposed lots. A traffic study has not been provided with the partition but will be provided if required by the proposed future development of the site. This standard is met."

These criteria do not apply.

i. Conditions of approval (discretionary review). The following applies to development applications that do not propose any new dwelling units, or for applications that include dwellings and that elect to use the TIA process outlined in subsection (B)(2)(d) of this section. The City may deny, approve, or approve the proposal with appropriate conditions.

1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

j. Conditions of approval (dwellings). The following applies to development applications that include new dwelling units, unless the applicant elects to use the TIA process outlined in subsection (B)(2)(d) of this section. The City may deny, approve, or approve the proposal with conditions necessary to ensure compliance with the approval criteria in subsection (B)(2)(h) of this section. Conditions of approval may include dedication of land and/or construction of streets, transit facilities, sidewalks, bikeways, paths, or accessways if necessary to achieve proposed mitigation measures, pursuant to subsection (B)(2)(d)(5) of this section. Facilities shall be constructed to applicable CDC standards and West Linn Public Works Design Standards.

Staff Finding 24: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No new development is proposed, and any future development of the property will require discretionary review for environmental permitting and future residential and non-residential use(s) of the property at which point right-of-way dedication will be required. Therefore, not conditions relating to right-of-way dedication are proposed at this time.

C. Grading.

1. *If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils, shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).*
2. *The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.*
3. *The grading plan must identify proposed building sites and include tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:*
 - a. *Site characteristics, geologic descriptions and a summary of the site investigation conducted;*
 - b. *Assessment of engineering geological conditions and factors;*
 - c. *Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and*
 - d. *Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.*

Staff Finding 25: No grading is proposed or required as part of the application. These criteria do not apply.

D. Water.

1. *A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Master Plan and most recently adopted updates and amendments.*
2. *Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.*
3. *Adequate looping system of water lines to enhance water quality.*
4. *For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.*

E. Sewer.

1. *A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan, Public Works Design Standards, and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.*
2. *Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths, and show how each lot or parcel would be sewerred.*

F. Storm. A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

Staff Finding 26: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No changes to existing uses are proposed (single-family dwelling on parcel 1, and an existing industrial use on Parcels 2 and 3), and no new connections or other changes to infrastructure or infrastructure demand is proposed at this time. Any necessary upgrades or extensions will occur as part a future development application. Staff also adopts the applicants findings as follows:

G. Service provider permit. A Tualatin Valley Fire and Rescue service provider permit shall be provided.

Staff Finding 27: A Tualatin Valley Fire & Rescue Permit dated January 22, 2024 (TVFR Permit # 2024-0010) was submitted as part of the application (Exhibit PD-1). This criteria is met.

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 conditions of approval:

A. Streets.

1. Purpose and guiding principles. The purpose of these standards is to promote safe, efficient, and convenient options for walking, bicycling, and driving while accommodating access to individual properties, as needed, and access to transit. The following principles shall guide land division applications:

a. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets.

b. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class.

c. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried.

d. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

- e. To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.*
- 2. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.*
- 3. Tree protection. Streets shall be laid out to avoid and protect significant trees and significant tree clusters, but not to the extent that it would compromise connectivity requirements per this subsection A, or bring the achievable density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant trees and tree clusters as provided in CDC 55.100(B)(2) or 55.105(B)(2), as applicable.*
- 4. Street connections. The developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project.*
- 5. Street improvements.*
- a. Streets that are internal to the land division site are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements to the City of West Linn Public Works Design Standards. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP), Tables 26 through 30 and Exhibits 6 through 9.*
- b. Waiver of required street improvements and in-lieu fee. An applicant may submit a written request for a waiver of abutting street improvements if the improvement would be prohibited by the TSP. When a requested waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in-kind or related improvements.*
- c. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP, Exhibits 6 through 9.*
- d. Public Works Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the West Linn Public Works Design Standards manual. Where a conflict occurs between this code and the Public Works Design Standards manual, the provisions of this code shall govern.*

6. *Street widths. Street widths shall depend upon the classification of street proposed. The classifications and required cross sections are established in the adopted TSP, Tables 26 through 30 and Exhibits 6 through 9.*

Table 85-1 identifies street width standards (curb to curb) in feet for various street classifications. The standard width shall be required unless the applicant or their engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width through a discretionary review.

Table 85-1: City of West Linn Roadway Cross-Section Standards

Street Element Characteristic Width/Options

Vehicle Lane Widths (Typical widths) Minor Arterial 11 – 12 feet

Collector 10 – 12 feet

Neighborhood Route 10 – 12 feet

Local 10 – 12 feet

On-Street Parking Minor Arterial Limited (in designated commercial zones)

Collector Optional (8 feet typical width)

Neighborhood Route Optional (8 feet typical width)

Local Optional (8 feet typical width)*

Bicycle Lanes (Typical widths) Arterial 5 feet

Collector 5 feet

Neighborhood Route 5 feet

Cycle Track Minor Arterial (30 MPH or greater) 7 feet

Collector (30 MPH or greater) 7 feet

Sidewalks (Typical widths) Minor Arterial 6 feet, 10 – 12 feet in commercial zones

Collector 6 feet, 8 feet in commercial zones

Along Cycle Track 6 feet, 10 – 12 feet in commercial zones

Neighborhood Route/Local 6 feet (4 – 5 feet in Willamette Historical District), 8 feet in commercial zones

Landscape Strips Can be included on all streets 6 feet typical (5 feet for minor arterials)

Raised Medians 5-Lane Optional

3-Lane Optional

2-Lane Consider if appropriate

Neighborhood Traffic Management Arterials None

Collectors None

Neighborhood Route/Local At the discretion of the City Engineer

Transit Minor Arterial/Collector Appropriate

Neighborhood Route Only in special circumstances

Local Not recommended

** The minimum paved width for both internal and adjacent local streets in new subdivision proposals shall be 28 feet, unless reduced in subsection (A)(7) of this section.*

7. *The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and geometry for streets within or adjacent to the*

subdivision. To approve a street design less than the width in Table 85-1, the applicant shall demonstrate with proper documentation that one of the following applies:

- a. The street design will help protect a water resource area and complies with the submittal requirements and approval standards found in Chapter 32 CDC.*
- b. The street design will help protect a flood management area and complies with the submittal requirements and approval standards found in Chapter 27 CDC.*
- c. The street design will help protect the Willamette River Greenway, Tualatin River Greenway, or a habitat conservation area and complies with the submittal requirements and approval standards found in Chapter 28 CDC.*
- d. The street design will help protect steep slopes and complies with the submittal requirements found in CDC 85.170(C) and approval standards found in subsection E of this section.*
- e. The street design will help protect a significant tree cluster and complies with subsection (J)(9) of this section.*

8. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.

9. Alignment. All streets other than local streets or cul-de-sacs shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet. Exceptions to these requirements shall only be approved if the applicant demonstrates that compliance is not practical through a discretionary review.

10. Future extension of streets. The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Where the stubbed street is over 100 feet long, street ends shall contain temporary turnarounds built to Oregon Fire Code standards and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

11. Intersection angles.

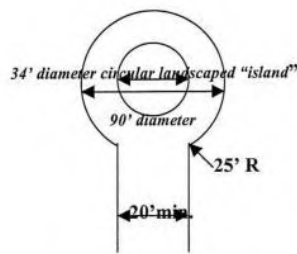
a. Except as specified in subsection (A)(11)(c) of this section, street intersections shall be located and designed as follows:

- 1) Streets shall be located and designed to intersect at, or close to, right angles (i.e., 90 degrees or within three degrees of 90 degrees).*
- 2) All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection.*
- 3) No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point.*
- 4) Street jogs and intersection offsets of less than 125 feet are not permitted.*

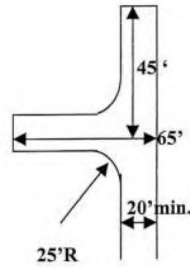
b. Curb radii.

- 1) Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles.*

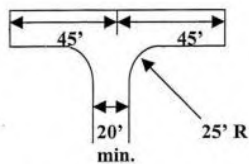
- 2) *Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet.*
- 3) *Other street intersections shall have curb radii of not less than 25 feet.*
- 4) *All radii shall maintain a uniform width between the roadway and the right-of-way lines.*
- c. *Through a discretionary review, applicants may request the City consider modifications of the standards in subsections (A)(11)(a) and (b) of this section; provided, that the following are met:*
 - 1) *Where an intersection is constrained by topography, the applicant may propose lesser intersection angles. However, intersection angles of less than 60 degrees are not allowed unless a special intersection design is requested and approved.*
 - 2) *The intersection of more than two streets at any one point or a street jogs or intersection offset of less than 125 feet is necessary because no alternative design exists.*
12. *Additional right-of-way for existing streets. Wherever existing street rights-of-way adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be dedicated at the time of subdivision or partition.*
13. *Cul-de-sacs.*
 - a. *New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) are not allowed unless the applicant demonstrates as part of a discretionary review that one or more of the following criteria are met:*
 - 1) *Due to existing slopes on the site that exceed 25 percent, it is not feasible to construct a street connection that does not exceed the maximum grade allowed by the Public Works Design Standards; or*
 - 2) *It is not feasible to construct a street connection using the constrained cross-section design, as provided in Exhibits 6 through 9 of the TSP, that avoids one or more of the following:*
 - (A) *A natural resource protected by Chapter 32 CDC;*
 - (B) *Existing transportation or utility facilities, buildings, or other existing development on adjacent land; or*
 - (C) *Existing easements or leases.*
 - b. *New cul-de-sacs and other closed-end streets, consistent with subsection (A)(13)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units and shall comply with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards.*
 - c. *Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.*
 - d. *All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by a physical constraint consistent with subsection (A)(13)(a) of this section.*
 - e. *All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).*



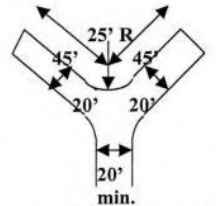
Cul-de-Sac Turnaround



Hammer Head Turnaround



"T" Turnaround



"Y" Turnaround

14. *Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the City. Street names that involve difficult or unusual spellings are discouraged. Street names shall be subject to the approval of the Planning Commission or Planning Director, as applicable. Continuations of existing streets shall have the name of the existing street. Streets, drives, avenues, ways, boulevards, and lanes shall describe through streets. Place and court shall describe cul-de-sacs. Crescent, terrace, and circle shall describe loop or arcing roads.*

15. *Grades and curves. Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.*

16. *Access to local streets.*

a. *Except as provided in subsection (A)(16)(c) of this section, intersection of a local residential street with an arterial street shall be prohibited by the decision-making authority if one or more alternatives exist for providing interconnection of proposed local residential streets with other local streets.*

b. *Where a residential subdivision or partition abuts or contains an existing or proposed major arterial street, the design shall incorporate at least three of the following measures to protect residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic: marginal access streets, reverse-frontage lots with lot depth of at least 100 feet, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other similar measures proposed by the applicant.*

c. *At the applicant's request, the City may consider design alternatives to subsections (A)(16)(a) and (b) of this section through a discretionary review.*

17. *Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multifamily projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land*

uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:

- a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lots or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.*
- b. The alley will be designed to allow unobstructed and easy surveillance by residents and police.*
- c. The alley should be illuminated. Lighting shall meet the West Linn Public Works Design Standards.*
- d. The alley should be a semi-private space where strangers are tacitly discouraged.*
- e. Speed bumps may be installed in sufficient number to provide a safer environment for children at play and to discourage through or speeding traffic.*
- f. Alleys should be a minimum of 14 feet wide, paved with no curbs.*

18. 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)(6) of this section. See also subsection C of this section. If part of a discretionary review, 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.

19. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least six feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curblane. If part of a discretionary review, planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

20. Streets and roads shall be dedicated without any reservations or restrictions.

21. All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

22. Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.

23. Entryway treatments and street isle design. When the applicant proposes to construct certain walls, planters, and other architectural entryway treatments within a subdivision, the following standards shall apply:

- a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.*
- b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curblane, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curblane of the street to which they are perpendicular.*
- c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.*

d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.

e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.

f. Under Chapter 52 CDC, subdivision monument signs shall not exceed 32 square feet in area.

24. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the traffic impact analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP, Figures 6, 7 and 10 and Tables 4 and 6.

Staff Finding 28: Improved streets bordering or bisecting the site include 7th Street, 5th Avenue, 4th Street, and Volpp Street along the perimeter. Unimproved right of ways include 7th street along the southwestern perimeter, and 4th Avenue and 5th Street along the interior. As demonstrated by the long tenure of the existing residential and industrial uses, these facilities are adequate to maintain these uses. No new uses, change of uses, or intensification of existing uses are proposed with the application.

All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses. No new streets are proposed with this application as the proposal is to consolidate lots to rationalize property boundaries and provide more flexibility for future development. The application has been reviewed by the City Engineer, and street improvements will be exacted at the time of future development or redevelopment, and commensurate with the proposed uses at that time.

By reducing the number of lots, the applicant is also reducing the development potential under the Water Resource Area Hardship Provisions of CDC 32.110, which provides for a minimum level of development to all lots created prior to January 1, 2006, and exacting new street improvements would be disproportional to the impact (or lack thereof) created by the proposal. These criteria do not apply.

B. Blocks and lots.

1. Purpose. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.

2. Sizes.

- a. *Except as required under subsection (B)(2)(c) of this section, block lengths shall not exceed 800 feet, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation as part of a discretionary review.*
- b. *Designs of proposed intersections shall demonstrate sight distances consistent with the West Linn Public Works Design Standards.*
- c. *Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet, unless an exception is granted as part of a discretionary review, based on one or more of the following:*
 - 1) *Due to existing slopes on the site that exceed 25 percent, it is not feasible to meet the block length standard without exceeding the maximum street grade allowed by the Public Works Design Standards.*
 - 2) *Physical conditions preclude a block length 530 feet or less. Such constraints may include, but are not limited to, the existence of natural resource areas under protection by requirements of Chapter 32 CDC or Titles 3 and 13 of the UGMFP or by State or Federal law; rail lines; or freeways.*
 - 3) *Buildings, leases, easements or covenants that existed prior to May 1, 1995, or other pre-existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 530 feet or less, considering the potential for redevelopment.*
 - 4) *An existing public street or streets terminating at the boundary of the development site have a block length exceeding 530 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 530 feet. In such cases, the block length shall be as close to 530 feet as practicable.*
- d. *If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart.*
- e. *If streets must cross water features protected pursuant to UGMFP Title 3, a crossing must be provided every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.*

Staff Finding 29: Improved streets bordering or bisecting the site include 7th Street, 5th Avenue, 4th Street, and Volpp Street along the perimeter. Unimproved right of ways include 7th street along the southwestern perimeter, and 4th Avenue and 5th Street along the interior. All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses. No new streets are proposed with this application as the proposal is to consolidate lots to rationalize property boundaries and provide more flexibility for future development. The application has been reviewed by the City Engineer, and street improvements will be exacted at the time of future development or redevelopment, and commensurate with the proposed uses at that time.

While proposed parcels 1 and 2 exceed the minimum block size and length standards of 530 feet, Parcel 2 is currently covered by an industrial facility constructed in the 1970s, and Parcel 1 is mostly covered with a stream corridor, wetland, and their associated water resource area, as confirmed by the Department of State Lands in their letter of Concurrence (Exhibit

PD-3). The size and nature of this wetland, containing a significant amount of water impounded by beaver dams, is of sufficient size and quality to prevent through street connections at this time and make pedestrian and cyclist connections through the site infeasible at this time. Therefore, the creation of new connections is not required. These criteria are met.

3. Lot size and shape. Lot or parcel sizes and dimensions shall conform to the minimum standards of the CDC, unless as allowed by planned unit development (PUD). No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Staff Finding 30: Proposed parcels 1 and 2 contain portions of unimproved 7th Street, 4th Avenue, and 5th Street right of ways that have not been developed due to a lack of historical need and the presence of an unnamed stream and wetland area. The proposed tentative plat shows parcel boundaries that do not include these right of ways. To comply with this standard, Condition 3 has been applied to ensure the right of ways are vacated prior to recoding of the plat. As the street vacation process is a council action and cannot be combined with a partition plat application, this condition of approval is reasonable and achievable by the applicant. As conditioned, this standard is met.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

5. Through lots and parcels. Through lots and parcels have frontage on a street at the front and rear property lines. Through lots and parcels shall be avoided except where they are necessary to avoid residential lots with frontage on arterial streets. Additional exceptions may be granted as part of a discretionary review if an applicant proposes through lots to provide separation from adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. As part of the discretionary review, a planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

6. Lot and parcel side lines. The side lot lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

7. Flag lots. Flag lots are permitted only where it can be shown that there is adequate lot area to divide a property into two or more lots but there is not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:

[...]

8. *Large lots or parcels. In dividing tracts into large lots or parcels that are more than double the minimum area designated by the zoning district:*

a. *Those lots must be arranged so as to allow further subdivision, and must contain such easements and site restrictions as will provide for extension and opening of future streets where it would be necessary to serve potential lots; or*

b. *Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.*

Staff Finding 31: All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses and are not proposed for modification. Therefore, the standards of CDC Chapter 48 do not apply at this time. The reconfigured property lines are proposed at right angles the adjoining right of ways, no flag lots are proposed, and Parcel 1 has been laid out to allow future subdivision as demonstrated in the Future Development Plan submitted with this application, to be processed as a separate and future PUD application exclusive to proposed Parcel 1. These standards are met.

C. *Pedestrian and bicycle trails.*

1. *When pedestrian and bicycle accessways are required pursuant to subsection (B)(2)(d) of this section, trails or multiuse pathways shall be installed, consistent and compatible with Federal ADA requirements and with the Oregon Transportation Planning Rule. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.*

[...]

Staff Finding 32: As discussed in finding 29, a pedestrian or bicycle accessway is not required per Section (B)(2)(d) of this section. The 2019 Parks Master Plan did not identify a trail across the project site. These standards do not apply.

D. *Transit facilities.*

1. *The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing. Additional rights-of-way may be required of developers to accommodate buses.*

[...]

Staff Finding 33: The nearest bus route is approximately 600 feet to the north, therefore the project site is not contiguous or contain a transit route or facility. These criteria do not apply.

E. Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

[...]

Staff Finding 34: The application is for the consolidation of existing lots into three new parcels, and does not propose or require grading as no development is proposed or related to this application. Any future grading on site will require discretionary review due to resource constraints in the area (floodplain, water resource, and Willamette Greenway). These criteria are not applicable.

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Master Plan, updated in 2008, and subsequent superseding revisions or updates. The plan shall include:

[...]

Staff Finding 35: Staff adopts applicant's findings regarding the provision.

"There is no proposed work on the property. The proposal is a request for approval for a 3-lot partition only. No new water service is requested at this time. New parcels will be provided with water service from either the existing 6 inch water on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards."

These criteria are not applicable.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and allow for full gravity service.

[...]

Staff Finding 36: Staff adopts applicant's findings regarding the provision.

"There is no proposed work on the property. The proposal is a request for approval for a 3-lot partition only. No new sewer service is requested at this time. New parcels will be provided with sewer service from either the existing service on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards."

These criteria do not apply.

H. Storm detention and treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, as demonstrated by stormwater plan and report stamped by a professional engineer.

Staff Finding 37: Staff adopts applicant's findings regarding the provision.

"Development is not proposed on the site at this time; therefore, stormwater detention and treatment are not proposed. Future development will address the stormwater detention and treatment needs with subsequent submittals, per city standards."

This criterion does not apply.

I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as specified in the West Linn Public Works Design Standards.

Staff Finding 38: Staff adopts applicant's findings regarding the provision.

"There is no proposed work on the property. The proposal is a request for approval for a 3-lot partition only. Public utility easements will be provided consistent with City standards, as shown on the Tentative Plan and Preliminary Utility Plan, with subsequent submittals."

This criterion does not apply.

J. Supplemental provisions.

- 1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection.*
- 2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.*

Staff Finding 39: As discussed in Staff Findings 7 and 8, the standards of this chapter are not applicable. There is no proposed work on this property at this time, and any future work will require discretionary review to comply with this standard. While the applicant's findings discussed having a beavers on site professionally trapped and relocated, the application was supplemented with a letter from Beaver State Wildlife Solutions indicating the position of the owner had changed, and that a beaver management plan was being developed that would retain the beavers on site. A condition of approval has been added that requires the applicant to follow all federal and state requirements regarding the management of beaver on their property. These criteria are met.

- 3. Street trees. Street trees are required as identified in Section 8.720 of the municipal code and Chapter 54 CDC.*
- 4. Lighting. All subdivision street or alley lights shall meet West Linn Public Works Design Standards.*

Staff Finding 40: As discussed in findings above and below, no horizontal street improvements are proposed or required for this application for the consolidation of lots into three new parcels. These standards do not apply.

- 5. Dedications and exactions. The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No*

exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Staff Finding 41: Staff adopts applicant's findings.

"There are no new lots, or horizontal work proposed to which would require dedications and exactions. When dedications and exactions are required, it will be provided, per City standards with subsequent submittals."

These standards do not apply.

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. Exceptions shall be permitted in those cases where 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, are also exempted. Where adjacent future development is planned or proposed, 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 Finding 42: No new development is proposed with this lot consolidation. These criteria do not apply.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions do not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less are also exempt.

Staff Finding 43: No new development is proposed or enabled by the application. Staff adopts applicant's findings.

"The proposed partition will consolidate the site into three lots that will allow for testing and redevelopment of the site. The site is proposed for future development in accordance with the Density standards under a future application. The Applicant has provided a future development plan illustrating how the site could be developed in the future."

These standards will be met as part of a future discretionary application.

8. Mix requirement. The "mix" rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential (including duplex, triplex, quadplex, and townhouse development). The intent is that the majority of the site shall be developed as medium high density multifamily housing.

Staff Finding 44: The site is zoned R-10 and General Industrial. These criteria do not apply.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in Section 8.710 of the municipal code, shall be protected. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed. Significant trees and

significant tree clusters, as defined in CDC 2.030, shall be protected pursuant to CDC 55.100(B)(2) or 55.105(B)(2), as applicable.

Staff Finding 45: No development is proposed or approved with this application, and no tree removal is requested with this application. These criteria do not apply.

Chapter 92: Required Improvements

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision, as specified in CDC 92.010. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

[...]

Staff Finding 46: No development is proposed with this partition, as the proposal is to consolidate existing lots into three new parcels. Therefore, the installation of improvements would be unreasonable and disproportional at this time. These criteria do not apply.

Chapter 99: Procedures for Decision Making: Quasi-Judicial

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

[...]

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

[...]

k. Minor partitions;

[...]

Staff Finding 47: The applicant held a pre-application conference with the city on May 19, 2022 (File No. PA-22-15) which was attended by Planning and Engineering staff. This criterion is met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:

- a. *The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.*
 - b. *All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.*
 - c. *Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.*
 - d. *The affected recognized neighborhood association or citizens advisory committee.*
 - e. *For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.*
 2. *At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.*
 - a. *Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.*
 3. *At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated.*
If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.
 4. *At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.*
 5. *The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.*
 6. *At the conclusion of the land use action the signs shall be removed.*
- [...]

Staff Finding 48: As demonstrated in the affidavit in Exhibit PD-6, notice of the project was provided using the Class A procedures. As required by the standards of this section, the noticing included the posting of three signs along 5th Street, 4th Avenue, and the Volpp Street frontages on July 18, 2024; the mailing of a notice to all neighbors within 500 feet, the Willamette Neighborhood Association and affected government agencies on July 9, 2024; and sending emails to the Planning Commission Agenda Notice List. These criteria are met.

PD-1 APPLICANT SUBMITTAL

PD-4 DSL WLUN RESPONSE



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2024-0404

Responsible Jurisdiction

Staff Contact

John Floyd

Jurisdiction Type

City

Municipality

West Linn

Local case file #

MIP-23-07

County

Clackamas

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
03S	01E	02	AA	100,200,800,ROW

Street Address

1317 7th Street

Address Line 2

City

West Linn

Postal / Zip Code

97068

State / Province / Region

OR

Country

Clackamas

Latitude

45.344142

Longitude

-122.642214

Wetland/Waterway/Other Water Features

- ☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- ☒ Local Wetlands Inventory shows wetland, waterway or other water features on the property
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- ☒ The property includes or is adjacent to designated Essential Salmonid Habitat.
- ☒ The property includes or is adjacent to state-owned waters.

Your Activity

MIP-23-07

222

Planning Manager Decision

- ☒ The proposed parcel division may create a lot that is largely wetland and thus create future development problems.

Applicable Oregon Removal-Fill Permit Requirement(s)

- ☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- ☒ A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

DSL Review

Wetland Ecologist Comments

Please see approved delineation WD2024-0226 for approved boundaries, exemptions, and thresholds for the future.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- ☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

7/3/2024

Response by:

Matthew Unitis

Response Phone:

503-910-1559

PD-5 PUBLIC TESTIMONY

Floyd, John

From: Jennifer Aberg <Jennifer.Aberg@VSP.com>
Sent: Thursday, July 18, 2024 11:15 AM
To: Floyd, John
Cc: Willamette Wetlands; Aberg1jen@gmail.com; Jennifer Aberg
Subject: Appeal - FILE NO. MIP-23-07 - a Minor Partition at 1317 7th Street.

You don't often get email from jennifer.aberg@vsp.com. [Learn why this is important](#)

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

Hi John,
My email is pertaining to an appeal of the MIP 23-07 for a minor partition at 1317 7th St.

My concern of this request is the following note on page 40 and the lack of delineation of the Wetland boundary on his map.

Note from application: "There is a beaver dam located near 4th street that has artificially raised the water level in the stream. It is the owner's intent have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level."

Based on this notation he is violating a few codes as highlighted in green below. I would like to appeal this partition based on his need to remove the beaver dam.

In addition, the application has the following tree called out. This tree is highly threatened as stated below from the following website.

[https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.134625/Fraxinus latifolia](https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.134625/Fraxinus_latifolia)

Fraxinus latifolia occurs from California north to British Columbia. While the species may be secure presently, it is highly threatened by the arrival of the Emerald Ash Borer, which is steadily making its way across North America. This nonnative pest has caused serious declines in the eastern ashes.

32.010 PURPOSES

The purposes of this chapter are to:

- A. Comply with Title 13 and Title 3 of Metro's Urban Growth Management Functional Plan while balancing resource protection with property rights and development needs.
- B. Protect or improve water quality by filtering sediment and pollutants and absorbing excess nutrients for the protection of public health, safety and the environment and to comply with both state and federal laws and regulations, including the Clean Water Act and the Endangered Species Act.

- C. Moderate storm water impacts by slowing, storing, filtering and absorbing storm water and to maintain storm water storage and conveyance to prevent or minimize flooding and erosion for the protection of public health and safety.
- D. Prevent erosion and minimize sedimentation of water bodies by protecting root masses along streams that resist erosion and stabilize the stream bank and by protecting vegetation on steep slopes to maintain their stability.
- E. Protect and improve the following functions and values of WRAs that enhance the value of fish and wildlife habitat:
1. Natural stream corridors that provide habitat and habitat connectivity for terrestrial wildlife;
 2. Microclimate habitats that support species adapted to those conditions;
 3. Shade to maintain healthy stream temperatures;
 4. Vegetation to absorb and filter pollution and sediment that would otherwise contaminate the water body;
 5. Sources of organic material that support the food chain;
 6. Recruitment of large wood that enhances the habitat of fish bearing streams;
 7. Moderation of stream flow by storing and delaying storm water runoff; and
 8. Vegetated areas surrounding wetlands that, together with the wetland, provide vital habitat for birds, amphibians, and other species. The beaver is providing a much needed resource to the wetlands. See below information about beavers per the following website – nrdc.org

BEAVERS: CRITICAL ALLIES FOR WETLANDS

Beavers, like humans, are one of only a few species that significantly alter their landscapes.¹ Also like us, these nocturnal, semiaquatic mammals live in families (known as “colonies”).² Beavers are most famous for building dams, which slow the flow of water and raise water levels behind them, creating ponds.³ Beavers also construct shelters, called “lodges,” and create canals for transporting food and building materials.



Beaver colony, dam, pond and lodge, and surrounding wetland ecosystem.

Beavers are known as “ecosystem engineers” because they directly influence resource availability for other species by reshaping the physical environment. They are thus considered a “keystone species” for their profound importance in an ecosystem.⁴ Beaver dams help create and maintain wetlands, transforming the interconnected water system in streams and ponds, in the surrounding soil, and in the ground below.⁵ Beaver dams and ponds replenish groundwater and provide a more consistent water flow in streams.⁶ Beaver ponds also improve water quality in streams, store nutrients for plants, and reduce erosion of stream banks.⁷

By flooding trees along the shoreline and removing trees to build dams, beavers change the types of plants that can grow and extend the area of wetland habitat around a stream.⁸ For example, researchers studied streams in Wyoming and found that the area of wetland habitat around beaver-occupied streams was about three times larger than around those unoccupied by beavers.⁹ These changes provide breeding

F. Provide mitigation standards and guidance to address water quality values and ecological functions and values lost through development within WRAs.

G. Encourage the use of habitat friendly development practices. By taking away the beaver dam Bob will be taking away a vital part of the wetlands habitat.

H. Minimize construction of structures and improvements where they are at risk of flooding, to enable natural stream migration and channel dynamics, and protect water resources from the potential harmful impacts of development.

I. Provide for uses and activities in WRAs that have negligible impact on such areas; and to provide for other uses that must be located in such areas in a way that will avoid or, when avoidance is not possible, minimize potential impacts. (Ord. 1623 § 1, 2014)

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. (By removing the beaver dam, there will be an alteration of the land) The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:

1. The existence of a WRA;
2. The exact location of the WRA; and/or
3. Whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense. (Ord. 1623 § 1, 2014)

32.030 PROHIBITED USES

Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
New house, principal structure(s)	No	No, except by hardship, CDC 32.100 . Geotechnical study may reduce WRA width per Table 32-2 (footnote 4).
Additions to existing house, principal structure(s) and replacement in kind (replacement in kind does not count against the 500 sq. ft. limit so long as it remains within the existing footprint)	No	Yes, so long as it gets no closer to the WRA than building footprint that existed January 1, 2006. Max. 500 sq. ft. of addition(s) to side or 500 sq. ft. to side of building footprint furthest from WRA. No limit on vertical additions within existing footprint. (CDC 32.040(C)). Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New cantilevered decks (over 30 inches), balconies, roof overhangs and pop outs towards the WRA from existing house or principal structure(s)	No	Yes, but only 5 ft. into the WRA. Foundation or supports of structure cannot extend vertically to grade in the WRA. Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
Decks within 30 inches of grade, at grade patios	No	Yes, but only to within 50 ft. of the water resource or 10 ft. behind the top of slope (ravine), whichever is greater. ¹ Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New accessory structure under 120 sq. ft. and 10 ft. tall	No	Yes, but only if it is a minimum of 50 ft. from the water resource or 10 ft. behind the top of slope (ravine), whichever is greater. ¹
Repair and maintenance to existing accessory structures	No	Yes, but no increase in footprint or height.
Storm water treatment and detention (e.g., rain gardens, storm outfall/energy dissipaters)	No	Yes, private and public facilities including outfall and energy dissipaters are permitted if no reasonable alternatives exist.
Driveways/streets/bridges and parking lots	No, unless a WRA crossing is the only available route. No parking lots.	No, unless a WRA crossing is the only available route, or it is part of a hardship application. Parking lots only allowed in hardship cases the maximum distance from water resource.
New fence(s)	No markers or posts in a water resource.	Yes, but only to within 50 ft. of the water resource or behind the top of slope (ravine), whichever is greater. ¹ In remainder of a WRA, only City approved property markers or posts every 25 ft. to delineate property.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
Demolition of structure and/or removal of impervious surfaces in the WRA	Yes, restoration and re-vegetation required.	Yes, restoration and re-vegetation required.
Exterior lighting	No	No, except on existing buildings, additions or hardship cases, but light must be directed away from the WRA and less than 12 ft. high.
Public passive recreation facilities	No, except for bridges and utility crossings.	Yes, but only soft or permeable surface trails, bridges and elevated paths, interpretive facilities and signage. Hard surface ADA trails are allowed in WRA above top of slope associated with well-defined ravine WRAs.
Public active recreation facilities	No, except for bridges and utility crossings.	Yes, but natural surface playing fields and playground areas only in WRA above top of slope associated with well-defined ravine WRAs.
Grading, fill (see also TDAs)	No, except for bridges and utility crossings.	Yes, after a WRA permit is obtained. Restoration and re-vegetation required.
Temporarily disturbed areas (TDAs) (e.g., buried utilities)	No, except as allowed by WRA permit.	Yes, restoration and re-vegetation required.
Removal of existing vegetation By removing the beaver dam existing vegetation will have to be removed. or planting new vegetation	No, except invasive plants and hazard trees per CDC 32.040(A)(2) or per CDC 32.100 .	Yes, if it is replaced by native vegetation. Exemption CDC 32.040(A)(3) applies.
Realigning water resources	Yes, after "alternate review" process	Not applicable

Thank you,
Jennifer Aberg

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Floyd, John

From: Carrie, Beal <gawdess420@gmail.com>
Sent: Thursday, July 18, 2024 5:00 PM
To: Floyd, John
Subject: Beavers on 4th Street

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Having resided at 1355 4th St, West Linn, OR 97068, since 1961, I have had the gift of observing wildlife activity for literal decades.

Increased human activity has thankfully remained nominal over the years, we have such a special place at this location.

The Beavers were not here when I was a kid, they'd been obliterated previous to my birth but used to build dams on the creek that passes under 4th Street according to my Great Grandmother.

I was incredibly exciting to have them return. They are healthy and have established a nice dam on the same side of 4th Street that would back up to the proposed project. Seeing the new babies grow in to adults has been a special experience. It horrifies me, to put it mildly, to hear of the proposed construction, this area is so rich with active wildlife which will be ran off when construction comes. Deer, eagles, the beavers and so many more magnificent wildlife examples to both observe and live amongst which is sacred to local residents and visitors who come here to walk. In inquiring, I've learned that people come from all over the area just to, "Walk the loop."

According to my ancestors, it was always supposed to be the plan to have this area remain intact, it's a coveted, diverse ecosystem that will be removed with the suggested project. I observe daily walkers from dawn until dusk, this project would remove the peace and quiet of such a coveted area which will drive away the wildlife. People stop, take photos and enjoy the glorious animal and bird diversity which would be eliminated.

Please preserve the sanctity and peacefulness of this area. There's not much left locally such as what we have here and this would be a wicked gift from the universe to lose, something that would be impossible to replicate or replace.

Sincerely,

Carrie Beal

1355 4th St

West Linn, OR 97068

503-557-7553

Floyd, John

From: Mei H. Brunson <meibrunson@lclark.edu>
Sent: Friday, July 19, 2024 5:35 PM
To: Floyd, John
Subject: Opposition to 3J developer's beaver removal plan

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Hi John,

I am writing to comment on FILE NO. MIP-23-07, regarding the Minor Partition at 1317 7th Street. I respectfully request that you reject the development's plan to remove the resident beavers from the adjacent protected wetland. The [application](#) makes clear that "Active beaver were seen during the delineation field work within the wetland complex."

The developer states its plan to "have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level." Contrary to what the developer nonsensically claims, the "beaver dam located near 4th street" does not "artificially raise[]" the water level in the stream. Rather, the beavers and their dam are part and parcel of the natural habitat, and their dam cannot be said to "artificially raise[]" water levels. [Artificial](#) means *man-made*. The beavers and their dam should not be meddled with, and to say justify doing so in order to remedy so-called "artificially raised" water levels for development is disingenuous.

Further, trapping and relocation **does not work**. See [this source](#), which describes why beaver trapping and relocation is to be avoided: Not only is there "trauma and loss caused to beavers through relocation activities: capture, handling and release," but "**[r]emoving a 'problem beaver' (or beaver family) away from a location generally doesn't work over the long term.**" Trapping and relocating (or even killing) resident beavers is ineffective, because it only **creates a vacuum into which new beavers will move**, often sooner rather than later. This is why relocation is a "last resort" method in many states, like [Washington](#). Beavers play a significant role in maintaining the health of watersheds in the Pacific Northwest. Of course, this in no way means I advocate for the slaughter of these beavers. Instead, I respectfully request for the developer's interference with the invaluable wetland habitat and its inhabitants (like beavers) be left alone.

Or, if the project is approved, I urge you to **require the developer to instead implement mitigation solutions**. There are list provided on this [website](#): "**Better solutions often exist through infrastructure adaption and 'living with beavers'.**" Mitigation solutions like [flow devices](#), [culvert protectors](#) or [tree fencing](#) can prevent blocked water from flooding things out and trees from felling. The materials are easy to source and install, and allow the beavers to stay in place - providing ecosystem benefits."

As it stands, the developer's plan to "trap and relocate" the beavers is unconscionable, unnecessary, and ineffective.

Thank you.

--

Mei Brunson

Floyd, John

From: Amanda Ford <amanda@optimizetech.com>
Sent: Friday, July 19, 2024 4:58 PM
To: Bialostosky, Rory; Baumgardner, Mary; Groner, Lou; Bryck, Carol; Bonnington, Kevin
Cc: City Council; Floyd, John
Subject: Urgent: Protecting West Linn's Precious Wetlands

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Dear Mayor Bialostosky, Council President Baumgardner, Councilor Groner, Councilor Bryck, and Councilor Bonnington,

I hope this letter finds you well. I am writing to you today on behalf of the Friends of Willamette Wetlands, a newly formed group dedicated to preserving one of West Linn's most vital natural habitats, the expansive wetland situated near the confluence of the Willamette and Tualatin Rivers. The proposed development project by Bob Schultz, which aims to construct 52 new residences (26 duplexes), with ADU options on 5th Avenue, presents an urgent and significant threat to this precious ecological treasure.

Growing up in West Linn, I developed a deep love for our community's natural beauty and vibrant spirit. After graduate school and working internationally, I returned to lead our family's global biotech business located in Oregon City. Now, raising my son in West Linn, my commitment to our community and its natural resources has only strengthened. This isn't just a cause for me; it's a personal mission to preserve and protect our home.

The proposed development raises several serious environmental and community concerns:

Lack of Infrastructure:

- The area lacks adequate road connectivity and through streets
- The neighborhood's footprint presents challenges for necessary improvements
- Issues with emergency access due to narrow streets, averaging 20 feet wide, and insufficient parking and sidewalks

No Required Infrastructure Upgrades:

- The developer is only required to improve the street bordering the new construction
- The City of West Linn has not committed to further upgrading the neighborhood infrastructure

Traffic and Road Function Obstacles:

- Anticipated congestion with approximately 494 additional daily vehicle trips
- The increased presence of delivery vehicles, garbage trucks, and utility maintenance vehicles will obstruct roads during the construction phase

Impact on Pedestrians:

- Safety concerns for pedestrians, particularly in popular walking areas around the wetlands
- Inadequate sidewalks, especially critical for children walking to school given the "Safe Routes to School" designation on 5th Avenue

Environmental Concerns:

- Proximity of construction less than 100 feet from the wetland border poses risks to the protected riparian zone feeding the Willamette River
- Potential adverse effects on the ecosystem, including wildlife habitats, from construction waste, vehicle emissions, chemical runoff, and light pollution
- Restrictions on wildlife movements, particularly affecting crucial bird habitats with over 134 species, including vulnerable and threatened species and nesting birds of prey

A gallery documenting the rich biodiversity of this wetland is available on the [Friends of Willamette Wetlands website](#), showcasing its diverse wildlife and bird species. To some, what may appear as a flooded meadow with dead trees is a thriving ecosystem supporting numerous species crucial to the local biodiversity.

In addition to the environmental concerns, saving the Willamette Wetlands aligns closely with the West Linn Strategic Plan's core principles. The amended Sustainability Strategic Plan emphasizes the importance of environmental stewardship, sustainability, and prudent development. Specifically, the plan highlights the need to:

- **Protect and Enhance the Integrity, Stability, and Beauty of the Natural Environment:** This development threatens the stability and beauty of one of West Linn's critical natural areas, contradicting our collective commitment to preserving our natural resources for future generations.
- **Promote Sustainable Development:** The strategic plan calls for development that balances environmental, social, and economic needs. With its significant environmental impact, the proposed project fails to meet this balance.
- **Support Community Resilience:** The wetlands provide critical ecosystem services, including flood mitigation, water purification, and habitat for local wildlife. Preserving these services is essential for the community's long-term resilience against environmental challenges.
- **Encourage Active Community Engagement:** Protecting the wetlands offers an opportunity for community involvement and education about the importance of natural habitats, fostering a culture of sustainability and environmental stewardship.

Given these concerns, I urge the City of West Linn to consider the broader impacts on the wetland environment and surrounding community. Thorough environmental assessments and careful consideration of the project's potential long-term effects are essential.

We respectfully request your support in opposing this development project. The city council's leadership and decisions significantly impact the preservation of the Willamette Wetlands for current and future generations.

Thank you for your attention to this critical matter and your commitment to safeguarding our natural resources. We greatly anticipate your response and the opportunity to collaborate on protecting the Willamette Wetlands.

With sincere regards,
Amanda

Floyd, John

From: Veronica Fox <veronicalynnfox1@gmail.com>
Sent: Thursday, July 18, 2024 11:59 AM
To: Floyd, John
Subject: Re: minor partition for the development on 5th Avenue in West Linn.

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Thank you for your reply. Yes, I live at the dead end on 5th and do not expect any improvements by my home since there are only 4 homes at the end. I was more concerned about the area around the development property on 5th and 7th leading to Willamette Drive. I am encouraged you have visited this area at different times of the year and are aware of the periodic flooding, especially on 4th even before the beavers arrived. I am concerned where all this water will flow in the future. Also, you are familiar with our traffic congestion and one car lanes, so you know what we need there also.

Thank you for your time.
Veronica

On Jul 18, 2024, at 10:29 AM, Floyd, John <JFloyd@westlinnoregon.gov> wrote:

Hi Veronica,

Thank you for reaching out and I understand your concerns. Both I and our engineering staff have been to lower Willamette on many occasions and understand the existing road conditions, having both driven and walked around the neighborhood at various times of year.

Regarding the [notice](#). At this time, the only thing being proposed is the consolidation and reconfiguration of property lines to better align with the existing zoning and to make the boundaries more rational (right now the property is split up into about two-dozen lots of various shapes). The proposed subdivision will be located on Parcel 1 aka "Outlot-A" and will be considered by the city under a separate application. We expect that application to be filed later this year, but ultimately the timing of that project is up to the property owner.

Any future application for development will be required to widen and improve 5th avenue and 4th Street to existing city standards (wider pavement, curb, sidewalks, and stormwater facilities), and potentially make improvements to off-site intersections depending upon the results of future analysis. Improvements may also be required along 7th Street south of 5th Avenue, but because that street dead-ends and does not serve many homes, the applicant may be allowed to pay a fee-in-lieu and the money will be used to make street improvements elsewhere in the neighborhood. Volpp Street will be widened to city standards if and when that part of the property develops. While a single property owner cannot be expected to fix the entire neighborhood, the city can require street improvements that are proportional to the impact they will have on the network.

Thank you for taking the time to comment. If you would like further information, please feel free to email or call me.

Regards,

John

-----Original Message-----

From: Veronica Fox <veronicalynnfox1@gmail.com>

Sent: Thursday, July 18, 2024 10:06 AM

To: Floyd, John <JFloyd@westlinnoregon.gov>

Subject: minor partition for the development on 5th Avenue in West Linn.

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Hi,

I live on 5th avenue and received a notice in the mail due to my near proximity. I am concerned about the impact on walking on 4th street and Vollp street. This is a walking neighborhood and any development that would restrict the community from access to these roads for walking should be prohibited. Also the area is now a country walk with very few cars. With this new construction, what is going to be the impact for pedestrians? Will this developer be required to provide sidewalks along the entire exterior of their property, since we can no longer walk in the road due to increased traffic. Also, 7th avenue is even now narrow and dangerous to drive due to low visibility at the top of the hill, these 50 additional cars will make that road impossible to drive. What is going to be done to handle the additional traffic on such narrow roads, 5th avenue and 7th are now one lane roads and two cars cannot utilize at the same time. I asked that you please drive these roads before you approve these plans and see the problems we are facing now and how difficult this will make our lives in the future.

Thank you for considering what's best for everyone and not just the developer.

Veronica Fox
2780 5th Avenue
West Linn, OR 97068

John Floyd
Senior Planner
Planning
Pronouns: he, him, his

22500 Salamo Rd.
West Linn, Oregon 97068
JFloyd@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



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Floyd, John

From: Veronica Fox <veronicalynnfox1@gmail.com>
Sent: Thursday, July 18, 2024 10:06 AM
To: Floyd, John
Subject: minor partition for the development on 5th Avenue in West Linn.

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Thank you for considering what's best for everyone and not just the developer.

Veronica Fox
2780 5th Avenue
West Linn, OR 97068

Floyd, John

From: Jennifer La Follette <reelflygal007@gmail.com>
Sent: Thursday, July 18, 2024 4:31 PM
To: Floyd, John
Subject: Proposed Bever relocation

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Hello,

As a resident on 10th St. in West Linn, I am disgusted and disappointed to hear that the massively absurd proposed development is now considering relocation of the beavers. Beavers are an important part of our community, providing tremendous habitat for so many aquatic and Avion species.

I urged the West Linn planning manager to halt any and all approval for developing any part of seventh Street and surrounding wetland areas. This precious natural resource needs to be protected for generations to come!

Sincerely,
Jennifer La Follette
1360 10th St

Floyd, John

From: Mae Lucey <maeklucey@gmail.com>
Sent: Friday, July 19, 2024 9:25 AM
To: Floyd, John
Subject: Do not disturb beavers

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Hello John Floyd,

Regarding Bob Schultz and Forward Vision Development, LLC application for 1317 7th Street... Please do not allow this project to remove beavers from their natural habitat, or disturb the beavers and their home. There is no such thing as a beaver “artificially” raising the water level of a stream. Do not allow for the disturbance of our wildlife neighbors, we must coexist NOT remove/relocate them.

Thank you,
Mae Lucey

Floyd, John

From: Tate Peterson <tate.peterson@gmail.com>
Sent: Monday, July 29, 2024 1:50 PM
To: Floyd, John
Subject: Impact of Minor Partition at 1317 7th Street.

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Hello,

I work in the Willamette area of West Linn and live near the surrounding area. I am writing to voice my opposition to the proposed application for the Minor Partition at 1317 7th Street as it is currently written.

I am concerned about the adverse impacts this would have on the adjacent Willamette Wetlands and the protected beaver habitat, in particular the appalling proposal to relocate the resident beavers. The fact that the proposal characterizes the impact of the beaver dams on the water level as "artificial" is absurd. On the contrary, the myriad natural benefits of beavers on their surrounding ecosystems is well researched and has been the basis of a [recent OR law increasing protections](#) for this keystone species. What's more, the Willamette Wetlands very well may not exist without these resident beavers and the positive impact their dams have on water levels. After near-extinction, concerted efforts have been made to protect and encourage the return of beavers to our natural areas and create healthy wetlands and rivers, and the Willamette Wetlands resident beavers are a success story. To remove them would deal a sad and destructive blow to the adjacent wetland ecosystem as well as West Linn area residents who care to protect the natural beauty of our home for future generations.

There are less harmful and destructive ways to mitigate the impacts of beavers, such as [beaver deceivers](#). I strongly urge the city of West Linn to require the developers of this project to employ another method that would allow the resident beavers to remain in their homes and secure the future health of the Willamette Wetlands.

Thank you,
Tate Peterson

Floyd, John

From: Wyss, Darren
Sent: Friday, July 19, 2024 10:24 AM
To: Floyd, John
Cc: Gudelj, Aaron; Myers, Chris; Schroder, Lynn
Subject: FW: In regards to the application for Beaver removal by Bob Schultz

FYI

From: Digby, Dylan <ddigby@westlinnoregon.gov>
Sent: Friday, July 19, 2024 10:10 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Subject: FW: In regards to the application for Beaver removal by Bob Schultz

From: R T <ret2005mom@yahoo.com>
Sent: Thursday, July 18, 2024 10:04 PM
To: City Council <citycouncil@westlinnoregon.gov>; R T <ret2005mom@yahoo.com>; oregon.chapter@sierraclub.org; mercedes.serra@3j-consulting.com; aaron.murphy@3j-consulting.com; duke.pdx@gmail.com
Subject: In regards to the application for Beaver removal by Bob Schultz

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It has been brought to my attention that Bob Schultz has plans to relocate the Willamette Wetland beavers in West Linn. The relocation on page 40 of his development plans apparently.

This is an urgent matter and needs to be stopped before permanent damage is done not just to the beavers, a protected species "In 2023, the Oregon state legislature passed a bill, HB 3464, also known as the "Beaver Believer" Bill, that reclassified beavers as furbearers and increased their protections", but also to protect our area from becoming more vulnerable to fire hazards.

In addition they raise water tables, and protect other species that rely on the habitat that only beavers can create/support.

There are other places for development that do not impinge on these species and deplete our natural fire protection.

The science is well established, and the impact claimed by developers is always understated. Not only does removing the habitat impact them but the process of building the large housing development will cause further negative impact, with increased waste creating strain on our already over used sewer systems, and causing problems for existing home owners and tenants of any new building in that location, as well as habitat.

The City in accepting a proposal of this type would be short sighted and opening itself up to considerable legal costs if it chooses to defend this application.

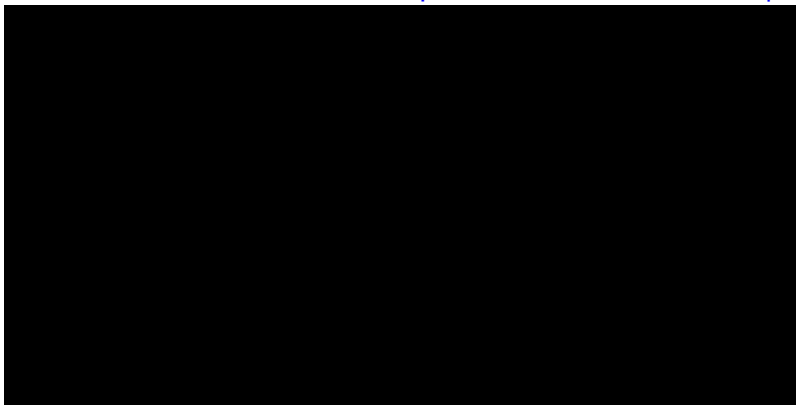
If you insist on ignoring community, listen to the science.

Our community was threatened by fire just a few short years ago causing some of us to evacuate. Do not increase fire hazards by removing the FREE natural fire protection that we have.

<https://www.fs.usda.gov/about-agency/features/ firefighting-beavers>

<https://www.scientificamerican.com/article/beaver-dams-help-wildfire-ravaged-ecosystems-recover-long-after-flames-subside>

[Beaver Dams Protect Landscapes from Wildfire Effects | NASA Applied Sciences](#)



Beaver Dams Protect Landscapes from Wildfire Effects | NASA Applied Sciences

The shorelines along rivers and streams seem to be more resistant to the effects of wildfires if there are beaver dams in the area., That'

Rachel Tillman, concerned citizen

Dylan Digby
Assistant to the City Manager
Administration
Pronouns: he, him, his
[#6011](#)



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Darren Wyss
Planning Manager
Planning

[#6064](#)



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Floyd, John

From: Katie Zabrocki <kzabrocki@gmail.com>
Sent: Friday, July 19, 2024 7:59 AM
To: Floyd, John
Subject: Re: Rivianna Beach Development Follow Up Questions

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Thanks for all this great information John!

I'm sure you're hearing from a few folks now about the beaver dam at this point. I have a few questions as well.

The latest minor lot partition document still includes a note of anticipated beaver/beaver dam removal although it sounds like there has been some flip-flopping verbally on the issue. They likely did not need to include that note as it doesn't seem to be germane to their lot partition application but it does raise a lot of questions ([pg 40 in the pdf, labeled pg 38 in the document](#)).

Note: There is a beaver dam located near 4th street that has artificially raised the water level in the stream. It is the owner's intent have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level.

There is community concern that removing the beavers, which are considered a keystone species for wetland areas, will have a negative impact to the wetland ecosystem and result in diminished wetland areas. (A keystone species, by definition, is a species on which other species in an ecosystem largely depend, such that if it were removed the ecosystem would change drastically.)

1. Can an owner remove the beavers/dam within an existing wetland with the express purpose of reducing water levels and minimizing wetlands areas that were present and established at the time the property was acquired in order to make more favorable development conditions?

3. I'm trying to parse out but it seems that dam removal (eg the removal of large wood) within wetlands may be subject to the removal/fill laws in Oregon. Would the City consider wetland ecosystems that create constraints to development as "[direct and demonstrable threat to real property](#)?" Also, Since this is also a flood plain are there any other issues the city would be concerned with regarding removal/fill?

4. Chapter 32 Section 32-030 Table 32-1 indicates "realigning water resources" as an allowable activity after the alternate review process. Would beaver dam removal that impacts wetlands boundaries be predicated on the project complying with the WRA alternate review process or could this be done any time on private property? Would the City consider beaver dam removal as a

realignment strategy or will that be further reviewed based on the report by the natural resource professional?

Realigning water resources	Yes, after "alternate review" process	Not applicable
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Thanks again for all the info! I may stop back up sometime next week if I have more questions.
Katie Zabrocki

On Mon, Jul 15, 2024 at 2:41 PM Floyd, John <JFloyd@westlinnoregon.gov> wrote:

Hi Katie,

Thanks for coming in last week. In person can often be easier. Answers below in red. Let me know if you need anything else or if my answers need elaboration or clarification.

John

From: Katie Zabrocki <kzabrocki@gmail.com>
Sent: Friday, July 12, 2024 5:17 PM
To: Floyd, John <JFloyd@westlinnoregon.gov>
Subject: Re: Rivianna Beach Development Follow Up Questions

You don't often get email from kzabrocki@gmail.com. [Learn why this is important](#)

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Hi John,

A couple additional questions:

1. Does the use of the PUD model preclude the development from requesting any flood plain variances? The project does not appear to comply with the Criteria listed in ch 27. **No, all flood management regulations of CDC Chapter 27 still apply.**

2. Is there anything about the 7th St Lot consolidation project that would create a condition where the project would become "pre-existing lots of record" and not have to comply with the following table? **I can't speak to all potential circumstances, but the consolidation process will result in fewer lots on the PUD project site as compared to the existing condition.**

Type I or Type II lands	Building Not Allowed	Allowable Density*	
		When Developed	When Transferred
Slopes			
25 – 35%		50%**	75%
35 – 50%		X	75%
More than 50%	X	X	50%
Confirmed Landslide Hazards	X	X	50%
Flood Management			
100-Year Floodplain	X	X	50%
Floodway	X	X	50%
Water Quality Resource Area	X	X	50%
Significant Natural Areas	X	X	50%
Significant Tree/Tree Clusters on Type I and II Lands	X	X	50%
Significant Tree/Tree Clusters on Non-Type I and II Lands	X	X	100%
Planned Public Open Space/Regional Storm Treatment Facility***	X	X	100%

* Development of single-family detached or attached residences, including duplexes, triplexes, quadplexes, townhouses and cottages in cottage clusters, on preexisting lots of record is exempt from this chart; most restrictive density governs in the event of conflict or overlap.

** The "50 percent allowable density when developed" means that if we reduce the number of homes on constrained lands, we reduce the hazard potential which typically increases with higher density and increased site disturbance. Consequently, the density is reduced in half (50 percent). That means that to develop on a predominantly steep lot would require twice the minimum lot size of the underlying zone (e.g., you would need a 20,000-square-foot lot in the R-10 zone). When Type I and II lands are to be developed, the 70 percent rule shall not apply to those areas; it shall only apply to the developable net area as defined in CDC 85.200(j)(7). (Ord. 1408, 1998; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)

thanks!

Katie

On Fri, Jul 12, 2024 at 10:54 AM Katie Zabrocki <kzabrocki@gmail.com> wrote:

Hi John,

Thanks again for talking with me yesterday. I have a couple follow up questions - hopefully these all make sense but let me know if you need any clarification.

1. What is the maximum FAR for 12,500 sf lots within this site using PUD model and with the slopes and wetlands considerations? Is it 45% or less (guaranteed min of 30%) given the site? - maybe there isn't enough information to know...

a. Are the wetlands considered Type I or II as it relates ot FAR calculations? I know Type I and II ands are excluded from the standard FAR calculations and the wetlands are excluded from being developed out of hand, but are included in ensuring a minimum of 30% FAR for the site

Section 24.180 addresses the modification of base zone provisions, in this case the R-10 zone. The PUD process cannot be used to modify allowable FAR, whether this was intentional or an oversight is unknown (but I suspect the latter).

3. In terms of wetland impact for the Rivianna Beach project, can you clarify what other entities are involved (DEQ, ODF, DSL?) or will be reviewing the Alternative Review Process reports/recommendations that will be submitted by the developers biologist team?.

Final notice decisions are not yet determined, but at a minimum those agencies would be on the notice list, along with the US Army Corps of Engineers.

4. Can you share any other information how the city will address lacking road infrastructure if the developers of new housing in the area aren't responsible for comprehensive road improvements (eg last one in can't solve all the issues?). I understand Rivianna is one of several potential housing development projects in the area.

All new dwelling must pay system development charges Non-development related road construction is the purview of the engineering department. You may want to reach out to the City Engineer or Assistance City Engineer.

5. For residential construction in the 100 year flood plain, per ch. 27 in the CDC it's required that the lowest floor, including basement is elevated at or above one foot above the base flood elevation. Does that added height count toward the building's maximum height allowance?

Probably, but that depends on whether and how the surrounding land is filled. The methodology for measuring height is set forth in CDC Chapter 41.

Separately, related to the Waterfront project, I was trying to track down the sale agreement and the clean up stipulations for the blue heron pond. I contacted DEQ and they sent me a clean up guide but I was wondering if there was any additional information.

I've seen a copy online but not sure where. WES and Clackamas County may be the better source as they were the selling agency as I understand it.

Thanks again!

Katie Zabrocki

Willamette Resident

503.440.9119

kzabrocki@gmail.co

John Floyd

Senior Planner

Planning

Pronouns: he, him, his

22500 Salamo Rd.

West Linn, Oregon 97068

JFloyd@westlinnoregon.gov

westlinnoregon.gov

503-742-6058



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PD-6 AFFADAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

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

PROJECT

File No.: MIP-23-07 Applicant's Name: Bob Schultz & 3J Consulting
Development Address: 1317 7th Street
Planning Manager Decision no earlier than July 29, 2024

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Mercedes Serra, applicant representative	7/9/24	<i>Lynn Schroder</i>
Bob Schultz, property owner	7/9/24	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	7/9/24	<i>Lynn Schroder</i>
Willamette Neighborhood Association	7/9/24	<i>Lynn Schroder</i>
Clackamas County	7/9/24	<i>Lynn Schroder</i>
Dept Fish & Wildlife	7/9/24	<i>Lynn Schroder</i>
US Army Corps of Engineers	7/9/24	<i>Lynn Schroder</i>
Dept of Enviromental Quality, Kenneth Thiessen	7/9/24	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 20 days before the decision to:

Willamette Neighborhood Association	7/9/24	<i>Lynn Schroder</i>
Bob Schultz, applicant	7/9/24	<i>Lynn Schroder</i>
3J Consulting, applicant consultant	7/9/24	<i>Lynn Schroder</i>
Friends of Willamette Wetland	7/9/24	<i>Lynn Schroder</i>
Metro	7/9/24	<i>Lynn Schroder</i>
Division of State Lands	7/9/24	<i>Lynn Schroder</i>
PC Agenda Notice List	7/9/24	<i>Lynn Schroder</i>

WEBSITE

Notice of Upcoming Planning Manager Decision was posted on the City's website at least 20 days before the decision.

7/9/24	<i>Lynn Schroder</i>
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SIGN

A sign for Upcoming Planning Manager Decision was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

7/18/24	<i>John M. Floyd</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

9/18/24	Lynn Schroder
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MIP-23-07**

The West Linn Planning Manager is considering a Minor Partition at 1317 7th Street. The applicant is requesting approval to consolidate and reconfigure 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. The proposed reconfiguration is intended to consolidate residentially zoned lands into Parcel 1 (Outlot A), and separate the industrially zoned land containing the former Blue Heron aeration and settling basin and river frontage onto Parcels 2 and 3 (Outlots B and C) respectively. No physical development is proposed with this application, only a reduction in the number of lots and a reconfiguration of legal boundaries.

The Planning Manager will decide the application based on criteria in Chapters 11, 23, 27, 28, 32, 48, 55, 85, and 92 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on July 29, 2024 to jfloyd@westlinnoregon.gov or mail them to City Hall to the attention of John Floyd (address at bottom of this notice). All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

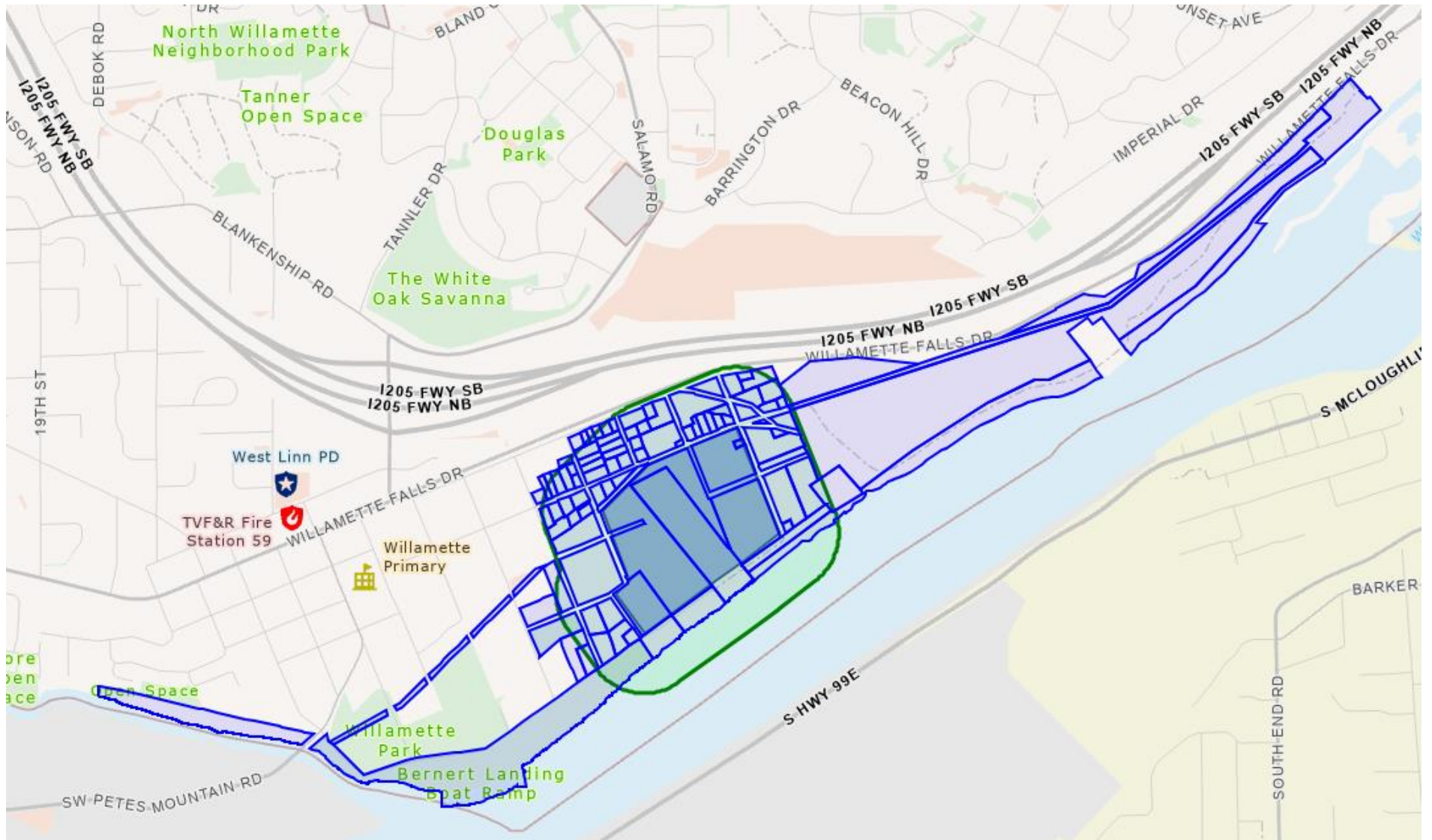
For additional information, please contact John Floyd, Senior Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6058.

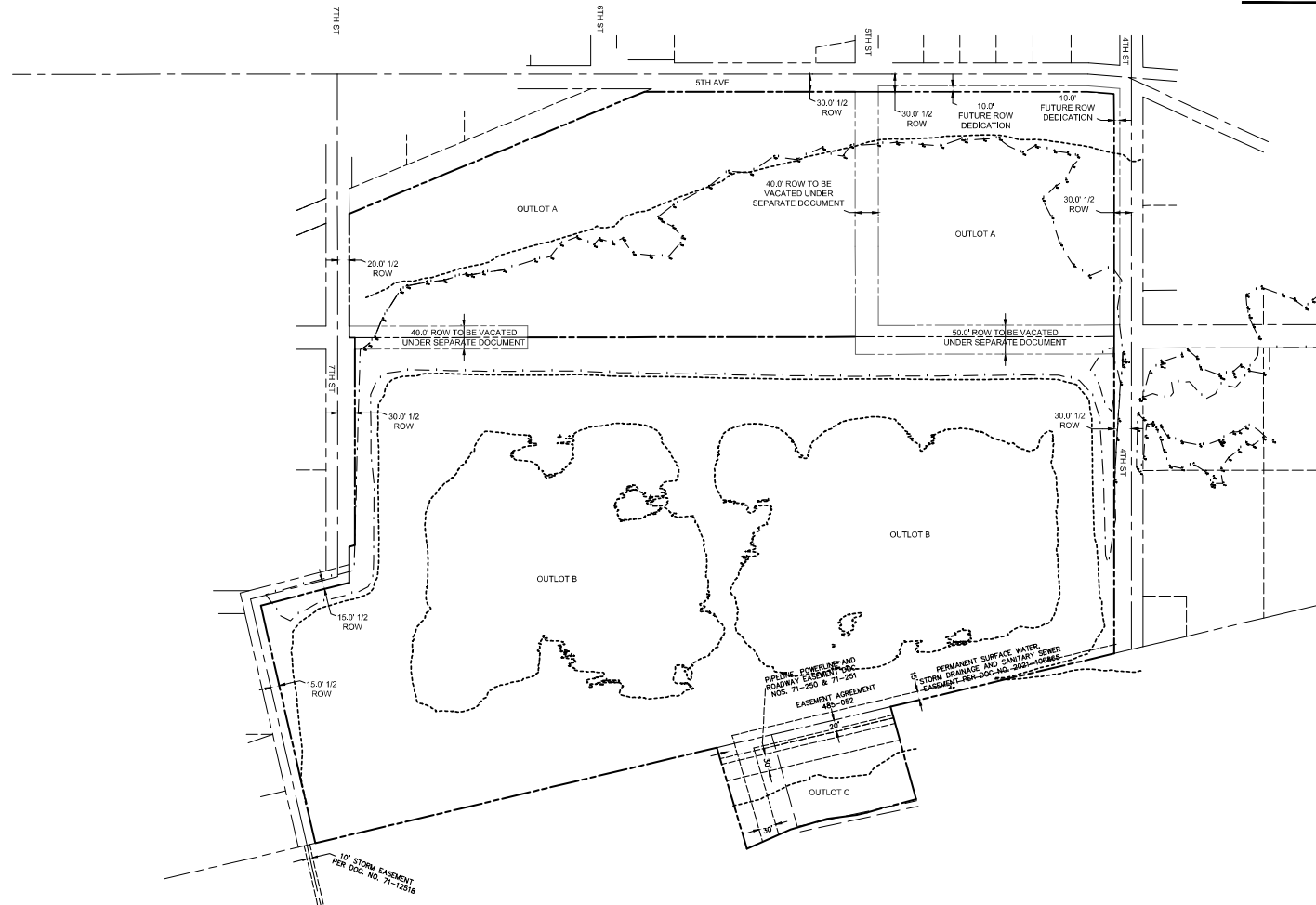
Scan this QR Code to go to Project Web Page:



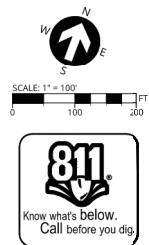
Mail: July 9, 2024

MIP-23-07 – Notified Properties within 500 feet of Clackamas County Assessor's Map 31E0200401, 31E02AA00800, 31E0200100, 31E02AA00200, 31E02AA00100, and 31E01BB00100





LEGEND	
	PROJECT BOUNDARY
	RIGHT-OF-WAY LINE
	RIGHT-OF-WAY CENTERLINE
	EASEMENT LINE
	EXISTING ADJACENT PROPERTY LINE
	LOT/PARCEL LINE
	PROPOSED LOT LINE
	PROPOSED RIGHT OF WAY
	PROPOSED SETBACK LINE
	SURVEY EXISTING EDGE OF WETLAND
	SURVEY EXISTING WETLAND BOUNDARY FLAGS
	SURVEY 100 YEAR FLOODPLAIN



PUBLISH DATE
06-04-2024
ISSUED FOR
MINOR PARTITION
REVISIONS

TENTATIVE PARTITION PLAT
RIVIANNA BEACH
WEST LINN WATERFRONT DEVELOPMENT
FORWARD VISION DEVELOPMENT
WEST LINN, OR

PROJECT INFORMATION
SUBPROJECT # | 22909
TAX LOT(S) | 899
LAND USE # | TBD
DESIGNED BY | SRC
CHECKED BY | JJS

SHEET NUMBER
C200



**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-23-07
MAIL: July 9, 2024 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

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