



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: March 15, 2016
FILE NO.: MIP-15-03
REQUEST: Request for a 3-lot Partition at 18480 Nixon Avenue
PLANNER: Peter Spir, Associate Planner

Planning Manager _____

QJB

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION2
EXECUTIVE SUMMARY2-3
PUBLIC COMMENTS.....	3
DECISION AND CONDITIONS OF APPROVAL.....	3-4
 ADDENDUM	
STAFF FINDINGS.....	5-21
 EXHIBITS	
PD-1 AFFADAVIT OF NOTICE.....	22
PD-2 COMPLETENESS LETTER.....	25
PD-3 APPLICANT'S SUBMITTAL.....	27-45

GENERAL INFORMATION

OWNER/ APPLICANT	Peter Jameson, 18480 Nixon Avenue, West Linn, OR 97068
CONSULTANT:	Michael Wilson, Centerline Concepts, 19376 Molalla Avenue, Suite 120, Oregon City, OR 97045
SITE LOCATION:	18480 Nixon Avenue
SITE SIZE:	104,806 square feet
LEGAL DESCRIPTION:	Assessor's Map 2-1E-13CD Tax Lot 700
COMP PLAN DESIGNATION:	Low Density Residential
ZONING:	R-10: Single-Family Residential Detached Flood Management Area Overlay Zone Willamette and Tualatin River Protection Area Overlay Zone
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 85: Land Division, General Provisions; Chapter 11: Single-Family Residential Detached, R-10
120-DAY RULE:	The application became complete on January 20, 2016. The 120-day period therefore ends on May 19, 2016.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and the Robinwood neighborhood association on January 29, 2016. A sign was placed on the property on February 12, 2016. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a three-lot partition of a 104,806 square foot parcel on the east side of Nixon Avenue in the Robinwood neighborhood. There is an existing detached single family residence (house), detached garage and three accessory buildings on the site that will all be demolished to accommodate the new detached single family dwellings.

Parcel 1, the southernmost parcel, will comprise 41,569 square feet, Parcel 2, located north of Parcel 1, will comprise 32,150 square feet, and Parcel 3, located north of Parcel 2 will comprise 31,087 square feet.

All lots exceed the dimensional standards of the underlying R-10 zone.

The rear of the property is located within the Willamette River Greenway (WRG). The WRG boundary generally coincides with the 28 foot contour near the base of the river embankment. The Habitat Conservation Areas (HCAs), that are to be avoided for development purposes, start behind the existing house and extend east towards the river (see Figure 2). The applicant has stated that all proposed building sites will be located outside HCAs in areas delineated by the City and Metro as "Allow Development"/"Habitat and Impact Areas Not Designated as HCAs". A WRG permit is not required per 28.040(S), but the application will address the criteria of 28.110(H) "*Partitions, subdivisions and incentives*" (see Finding 22).

The 100 year floodplain/base flood elevation (Flood Management Area (FMA)) extends to the 45.5 foot elevation contour on the river bank. The 100-year floodplain also encompasses the front of the property from Nixon Avenue to the 45.5 foot contour (see Figure 1). The floodway covers most of the east portion of the property up to the 22 foot contour.

No FMA permit is required at this time since the FMA Chapter only applies to "development". CDC 27.020 Applicability states: "*A flood management area permit is required for all development in the Flood Management Area Overlay Zone.*" The partitioning of land does not meet the definition of "development" per CDC Chapter 2 (see Finding 24). This chapter will apply when and if building permits ("development") are applied for within the 100-year floodplain. (Staff notes that the applicant will request payment of fees in lieu for street improvements on Nixon Avenue and therefore the FMA permit trigger will be removed.)

Across the property frontage on Nixon Avenue and along the north and south lot lines are rows of arbor vitae. A mix of cedar, locust and cottonwood trees populate the site, many within the floodway. None of the trees are significant per the City Arborist.

All parcels will be accessed via Nixon Avenue.

Public comments:

No comments have been received from the public regarding this application.

DECISION

The Planning Manager (designee) approves this application (MIP-15-03), 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. With the exception of modifications required by these conditions, the project shall conform to the Tentative Plan, sheet 1 of 2 and 2 of 2, date stamped January 19, 2016.
2. Engineering Standards. All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval. Alternately, the applicant may request to provide fees in lieu for street improvements for the frontage on Nixon Avenue.
3. Street Improvements. The applicant shall provide half street improvements including curb, planter strip and sidewalks within the Nixon Avenue ROW abutting the subject property. Curb, planter strip and sidewalk installation shall be completed prior to final platting. Alternately, the applicant may request to provide fees in lieu for those half street improvements.
4. Fire Flow. The applicant shall submit a fire flow test for review and approval by TVFR prior to submittal of the final plat.
5. Underground Utilities. The applicant shall locate overhead utilities underground or request to pay a fee in lieu.
6. Elevation and 100-Year Floodplain Map. Prior to approval of the final plat, the applicant shall provide a map, prepared by a licensed surveyor, which will certify elevations for each lot's anticipated building envelope as well as the 100 year floodplain boundary.

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

Peter Spir

Peter Spir, Associate Planner

March 15, 2016
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 15th day of March, 2016.

Therefore, the 14-day appeal period ends at 5:00 p.m., on March 29, 2016.

ADDENDUM: STAFF FINDINGS IN RESPONSE TO APPROVAL CRITERIA

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

CHAPTER 11

SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. *Single-family detached residential unit.*

(...)

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:

1. *The minimum lot size shall be 10,000 square feet for a single family detached unit.*
2. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
3. *The average minimum lot width shall be 50 feet.*

(....)

FINDING NO. 1: The lots are proposed for single-family detached residential development which is a "permitted use". All lots exceed the 10,000 square foot minimum lot size: parcels 1, 2 and 3 comprise 41,569, 32,150 and 31,087 square feet respectively. The lot frontage is 48 feet for Parcel 1, 2 and 3. This exceeds the minimum lot frontage of 35 feet. The average minimum lot width is 64 feet for Parcel 1, 58 feet for Parcel 2 and 56 feet for Parcel 3. All these dimensions exceed the required average minimum lot width of 50 feet. Tentative Plan, sheet 1 of 2 and 2 of 2, date stamped January 19, 2016 (condition of approval 1) achieves these dimensional standards and represents the approved plan version.

The setback and other standards of section 11.070(5-10) are only applicable at such time that building permits are applied for. They do not apply at the time of land division. These criteria are not applicable.

CHAPTER 85

LAND DIVISION GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

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

A. Streets.

1. General. 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. 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. 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. 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.

(...)

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

Street Classification	Right of Way
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Local Street	40-60
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Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks.

(...)

17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees.

(...)

FINDING NO. 2: Nixon Avenue is an existing local street per the City's Transportation System Plan. It has an existing right-of-way (ROW) width of 50 feet in front of this property which meets the 40-60-foot standard contained in CDC 85.200(A)(2) for a local street. No additional ROW is required.

The City repaved Nixon Avenue from Steamboat Way to Mapleton Drive (including along the lot frontage) to a width of 20 feet in 2015. The City Engineer finds that no additional street widening is required.

The applicant will be required to install curbing, sidewalks and landscape strips for the lot frontage of 144.15 feet. Alternately, the applicant may request to pay fees in lieu for the required street improvements per conditions of approval 2 and 3.

Circulation and street connectivity is already satisfied in this area by Nixon Avenue. Options to achieve connectivity were considered and a finding was made that there are no adjoining properties with street stubouts into this property. All adjoining properties are "built out" and no future connections are possible. The TSP does not identify any street connection on this property or adjacent properties. The criteria is met.

B. Blocks and lots.

1. General. 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. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.

STAFF FINDING NO. 3: This criteria is applicable in the case of new subdivisions that create new public streets and blocks. In contrast, this is a small infill minor partition which has no new streets for access and no new blocks. (All lots have direct driveway access to Nixon Avenue.) The criteria does not apply.

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. 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. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).

STAFF FINDING NO. 4: The lots, although narrow and deep, are all sized to meet the minimum dimensional standards of the underlying R-10 zone and, as such, are "buildable".

The Habitat Conservation Areas (HCAs), that are to be avoided for development purposes, start at the top of bank behind the existing house and extend east towards the river (see Figure 2/light green areas). The applicant has stated that all proposed building sites will be located in areas delineated by the City and Metro as "Allow Development"/"Habitat and Impact Areas Not Designated as HCAs" which comprise approximately 40,100 square feet.

Whereas the west portion of the property comprises lands within the 100 and 500 year floodplains, those lands do not represent an impediment to home development other than the need for an FMA permit to build in the 100 year floodplain. The criteria are met.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter [48](#) CDC, Access, Egress and Circulation.

See Chapter 48: ACCESS
(...)

48.025 ACCESS CONTROL

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to

determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)

(...)

2. 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, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

STAFF FINDING NO. 5: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. Specifically, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. There are two additional lots proposed. The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 trips per day and one trip per evening PM peak hour. That translates into an anticipated ADT of 19.1 new trips, which is below the 250 ADT threshold. (The limitations on future partitioning discussed in staff finding 9 suggest that only one additional lot could be created by replat. The additional 9.57 ADT would still not trigger a TIA.)

Staff finds no justification for any traffic control devices, access consolidations or other limitations on the use of this street. The criteria is met.

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 by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" to the developer/subdivider.

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.

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 assure access to the closest public street for all users of the private street/drive.

c) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.

STAFF FINDING NO. 6: The applicant will utilize “(c) Option 3”. Specifically, individual access to Nixon Avenue will be provided for each parcel. The access spacing standards of (B) (6) do not apply to private driveways on local streets. The proposed access solution meets TVFR requirements. (Additional TVFR requirements will be addressed when building permits are applied for and the building footprint is identified.) The criteria is met.

6. *Access spacing.* The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

STAFF FINDING NO. 7: The applicant proposes that each of the three lots will have individual driveway access to Nixon Avenue. Nixon Avenue is classified as a local street. Table 8-3 of Chapter 8 of the TSP does not apply to private driveways on local streets. Therefore, the criteria is not applicable.

Return to 85.200(B)...

6. *Lot and parcel side lines.* The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.

STAFF FINDING NO. 8: The side lot lines are generally at right angle to the Nixon Avenue. This criteria is met.

8. *Large lots or parcels.* In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:

a. *Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; 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 NO. 9: Despite large parcel sizes of 41,569, 32,150 and 31,087 square feet, over 80 percent of the square footage is constrained by Type I and II lands (floodway, 100-year floodplain, and wetlands). These Type I and II lands (see Figure 1) represent a limitation on future land divisions.

Future land division is also made problematic by the fact that the required average minimum lot width is 50 feet. The average minimum lot width is 64 feet for Parcel 1, 58 feet for Parcel 2 and 56 feet for Parcel 3. After deducting 15 foot wide flag lot stems for future flaglots, none of the lots would meet the average minimum lot width. (The only means of creating an additional future lot(s) would be by replatting and reconfiguring this partition; at which time, it would be subject to the provisions of this chapter.) The criteria is met.

C. Pedestrian and bicycle trails.

1. *Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. 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 NO. 10: There is no connectivity potential from this partition to adjoining properties. Staff notes that the Transportation System Plan (Figures 5-1 and 6-2 of TSP) indicates an off-street bicycle and pedestrian route traversing this area on an ill-defined north to south axis. The Trails System Master Plan refines the TSP mapping by designating Nixon Avenue as a “Secondary Route-On Street” trail. Staff finds that pedestrians and bicyclists already use Nixon Avenue and the adjacent ROW. No additional facilities are required since the applicant will be installing a sidewalk on the site frontage or paying fees in lieu for that purpose. The Trails System Master Plan does not recommend a trail along the Willamette River. The criteria is met.

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 or imminent. Additional rights-of-way may be required of developers to accommodate buses.*

(....)

STAFF FINDING NO. 11: There is no transit service on or adjacent to Nixon Avenue; therefore, the criterion does not apply.

E. Grading.

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

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code and the following:

(....)

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

STAFF FINDING NO. 12: No grading is proposed or necessary in the development of this minor partition. Grading for the home footprints/foundation will occur and be regulated when building permits are applied for. The criteria is met.

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 Plan, plan update, March 1987, and subsequent superseding revisions or updates.

2. Adequate location and sizing of the water lines.

(...)

5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). 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 should allow for full gravity service.

2. *Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.*

(...)

5. *The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.*

(...)

7. *Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.*

8. *The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.*

9. *A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.*

STAFF FINDING NO. 13: All new homes on the three lots will have individual water and sanitary sewer service extended to them from existing sanitary sewer and water lines in the Nixon Avenue ROW. The City Engineer has confirmed the water system has sufficient water volume and pressure to serve the subdivision. (The applicant shall submit a fire flow test for review and approval by TVFR prior to final platting per Condition of Approval 4.) The City Engineer has also confirmed the sufficient capacity of the sanitary system and sewage treatment facility. The criteria is met by condition.

I. Utility easements.

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

STAFF FINDING NO. 14: No easements are required for utilities. The criterion is met.

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. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

STAFF FINDING NO. 15: No development will occur in the wetlands located below the Ordinary High Water mark; therefore, this criterion does not apply.

2. Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.

STAFF FINDING NO. 16: No development will occur in the WRG; therefore, this criterion does not apply. See Staff Finding 22 for discussion of 28.110(H) "Partitions, subdivisions and incentives".

3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.

STAFF FINDING NO. 17: The property already has a row of arbor vitae trees along the street frontage so no street trees are required.

(...)

4. 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 NO. 18: No dedications or easements are required. This criteria does 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. The exception would be in those cases where the

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

STAFF FINDING NO. 19: The property has less than 200 feet of frontage but is over one acre. Therefore, utilities must be either placed underground or the applicant may request payment of fees in lieu per condition of approval 5.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would 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 would also be exempt.

(...)

STAFF FINDING NO. 20: This application is a three lot minor partition and is exempt from the density requirements.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

(...)

55.100 B. Relationship to the natural and physical environment.

(....)

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or

similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

(....)

STAFF FINDING NO. 21: There are no heritage trees on this property. None of the inventoried trees are significant according to the City Arborist. This criteria is not applicable.

No Willamette and Tualatin River Protection Area permit is required based on the exemption of 28.040(S) *"In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas Not Designated as HCAs" and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required."*

28.110 APPROVAL CRITERIA (Willamette and Tualatin River Protection Area)

H. Partitions, subdivisions and incentives.

1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.
3. Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.

STAFF FINDING NO. 22: Staff has verified the HCA boundary on the property with Figure 2. Figure 2 identifies the HCA areas on the property in light green which extend from the river to the top of bank. The remainder of the property from top of bank west to Nixon Avenue is identified as "Allow Development"/"Habitat and Impact Areas Not Designated as HCAs". This area comprises approximately 40,100 square feet which provides all lots with a buildable site for home construction. The criteria is met.

4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:

a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.);

STAFF FINDING NO. 23: The Trails Master Plan and TSP identify the Nixon Avenue ROW as the desired "on street" trail route through this area. There is no trail proposed for the riverfront per the Trails Master Plan and TSP. Therefore, this criteria does not apply.

Chapter 27 FLOOD MANAGEMENT AREAS

27.020 APPLICABILITY

A flood management area permit is required for all development in the Flood Management Area Overlay Zone. (...)

STAFF FINDING NO. 24: The FMA chapter does not apply since no "development", as defined by CDC Chapter 2 "Definitions", is proposed with this application:

"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."

When and if building permits ("development") are applied for within the 100-year floodplain then a Flood Management Area (FMA) permit would be required at that time. Staff finds that the applicant will request payment of fees in lieu for street improvements on Nixon Avenue which removes the FMA permit trigger associated with street development. The criteria is met.

27.100 SUBDIVISION PROPOSAL

- A. All subdivision proposals shall be designed to minimize flood damage and not increase flood levels;
- B. Lowest floor of all structures must be at least one foot above the base flood elevation;
- C. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and streets should drain rapidly; and
- E. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for any land division proposal.

STAFF FINDING NO. 25: The criteria of Section 27.100(A, C and D) "Subdivision Proposal" does not apply since it explicitly applies to "subdivision proposals" which is the creation of four or more lots. It does not apply to "partitions". This is a three lot minor "partition", not a "subdivision"; therefore these criteria does not apply.

(See CDC Chapter 02.030 "Specific Words and Terms" below:

"Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year".

"Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this chapter."

"Partition. Either an act of partitioning land or an area or tract of land partitioned."

"Partition land. To divide land to create not more than three parcels of land within a calendar year.")

Regarding 27.100 (B), which relates to "structures", staff finds the criteria does not apply since no structures are proposed in this application. (At such time that building permits are proposed, FMA permits will be required which will also require demonstration that the habitable floor is one foot above Base Flood Elevations (BFE).)

Regarding 27.100 (E), staff finds this criteria is applicable since it applies to "any land division". Base flood elevation data has not been provided from an authoritative source; therefore, a map showing surveyed elevations for each lot's anticipated building envelope and the 100-year floodplain boundary, prepared by a licensed surveyor, is required per Condition of Approval 6. By that condition, the criteria is met.

FIGURE 1: SITE CONSTRAINTS.
(DEVELOPMENT IS ALLOWED WITHIN THE 500-YEAR FLOODPLAIN)

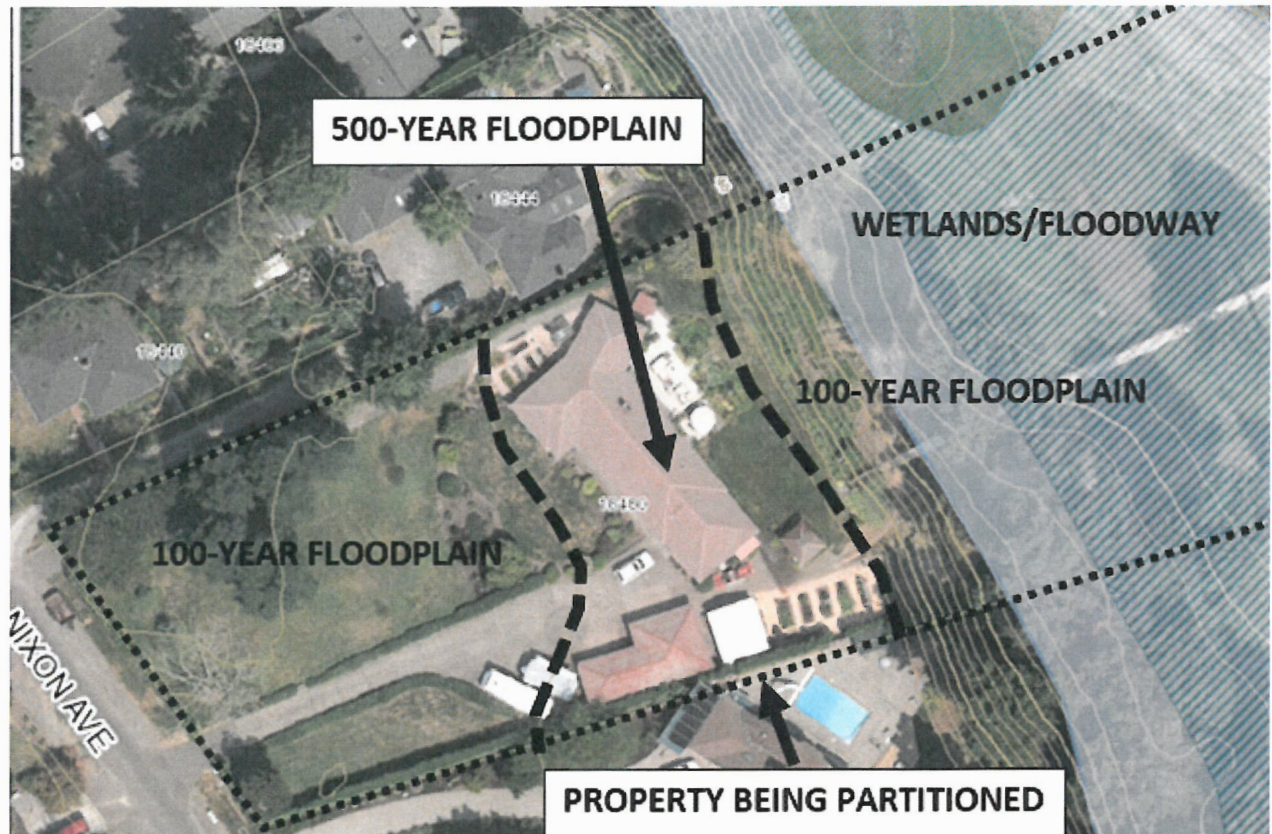
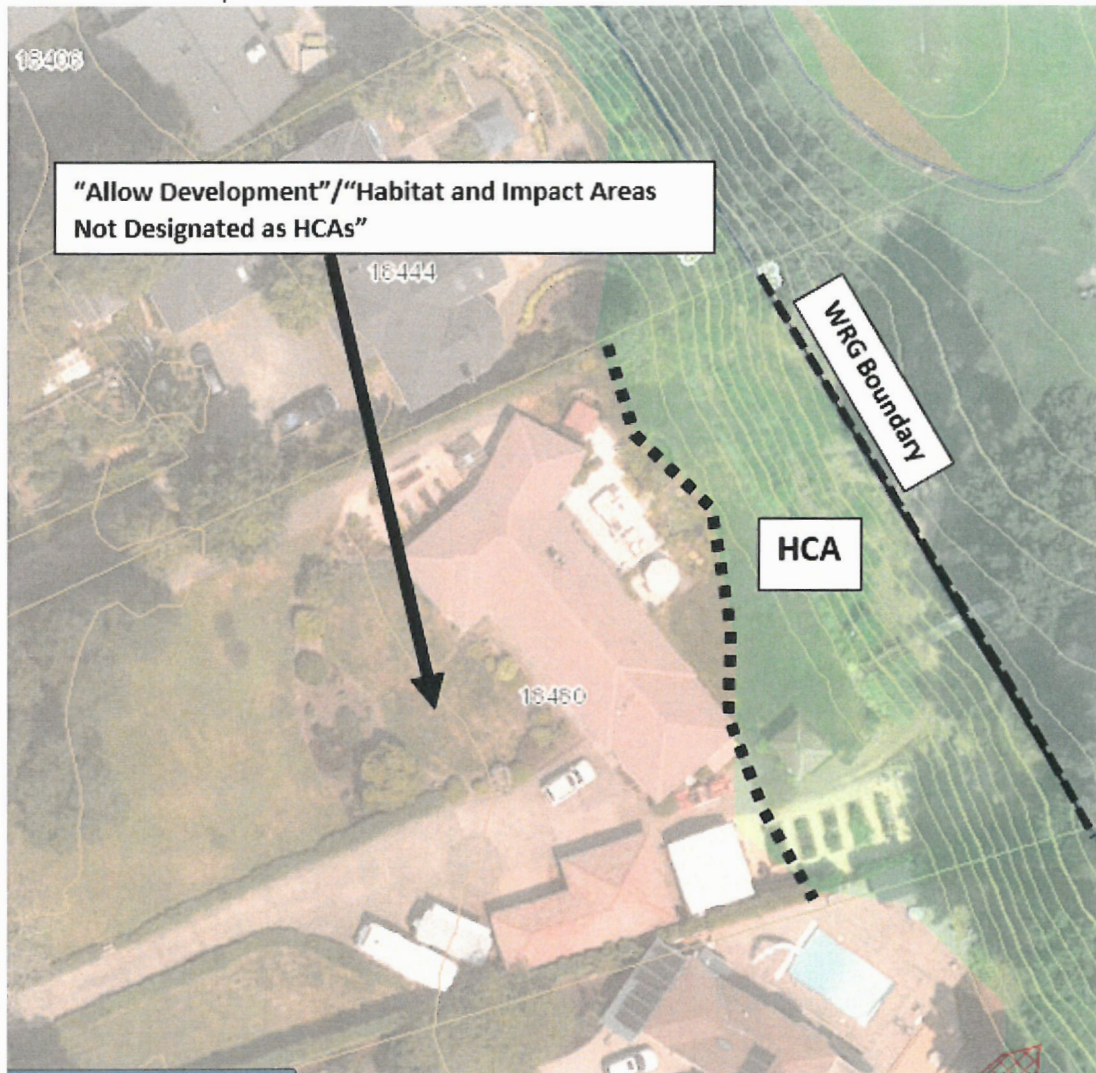


Figure 2: "Allow Development"/"Habitat and Impact Areas Not Designated as HCAs" outside the HCA.



PC-1 AFFIDAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE

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

GENERAL

File No. 11P-15-03 Applicant's Name 18480 Nixon Ave
Development Name _____
Scheduled Meeting/Decision Date 2-22-16

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

TYPE A ☒

A.	The applicant (date) <u>1-29-16</u>	(signed) <u>J. Shroyer</u>
B.	Affected property owners (date) <u>1-29-16</u>	(signed) <u>J. Shroyer</u>
C.	School District/Board (date) _____	(signed) _____
D.	Other affected gov't. agencies (date) _____	(signed) _____
E.	Affected neighborhood assns. (date) <u>1-29-16 All</u>	(signed) <u>J. Shroyer</u>
F.	All parties to an appeal or review (date) _____	(signed) _____

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

Tidings (published date) <u>1/12</u>	(signed) <u>J. Shroyer</u>
City's website (posted date) <u>1/29/16</u>	(signed) <u>J. Shroyer</u>

SIGN

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

(date) 2/12/16 (signed) J. Shroyer

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

TYPE B ☐

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

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

Date: _____ (signed) _____

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

(date) _____ (signed) _____

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

(date) 3-15-16 (signed) J. Shroyer

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIP-15-03**

The West Linn Planning Manager is considering a request for a three lot minor partition at 18480 Nixon Avenue.

The decision will be based on the approval criteria in chapters 11 and 85 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Clackamas County Assessor's Map 2-1E-13CD Tax Lot 700) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/18480-nixon-avenue-3-lot-minor-partition> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on February 22, 2016. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Jennifer K. Wells, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2542, jwells@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

PC-2 COMPLETENESS LETTER



City of West Linn

January 20, 2016

Peter Jameson
18480 Nixon Avenue
West Linn, OR 97068

SUBJECT: MIP-15-03 application for 3-Lot Minor Partition at 18480 Nixon Avenue

Dear Peter:

On January 20, 2016, the Planning Department received your most recent resubmittal. This submittal fulfills the applicable requirements necessary to make a determination that **your application is now complete**. The City has 120 days to exhaust all local review; that period ends May 19, 2016.

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

Staff will now prepare the public notice of the Planning Manager's decision. There will be a 20 day public notice period followed by the Planning Manager's decision. The notice should give you a better indication of expected decision date.

Contact me at 503-723-2539, or by email at pspir@westlinnoregon.gov if you have any questions or comments. Associate Planner, Jennifer Wells, will be handling your application and staff report from here. She is now your primary contact person. Her contact phone number is 503-723-2542 or jwells@westlinnoregon.gov.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

PC-3 APPLICANT'S SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>PETER SPIN</i>	PROJECT NO(S). <i>MIP-15-03</i>	
NON-REFUNDABLE FEE(S) <i>2800-</i>	REFUNDABLE DEPOSIT(S) <i>500-</i>	TOTAL <i>3300-</i>

Type of Review (Please check all that apply):

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

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

Site Location/Address:

18480 NIXON AVE, WEST LINN

Assessor's Map No.: *21E 13CD*

Tax Lot(s): *700*

Total Land Area: *96,989*

Brief Description of Proposal: *A THREE LOT MINOR PARTITION. EACH LOT HAS DIRECT FRONTAGE ON NIXON AVE AND EXTENDS TO THE WILLAMETTE RIVER. THE EXISTING HOME WILL BE REMOVED. THREE NEW HOMES WOULD BE CONSTRUCTED W/ONE BELONGING TO CURRENT OWNER*

Applicant Name: (please print) *PETER W. JAMESON*

Phone: *503-320-1880*

Address: *18480 NIXON AVE*

Email: *PETER@JRP-PROP.NET*

City State Zip: *WEST LINN, OR 97068*

Owner Name (required): (please print) *PETER W JAMESON / PAMELA J. JAMESON*

Phone:

Address: *SAME AS ABOVE*

Email:

City State Zip:

Consultant Name: (please print)

Phone:

Address:

Email:

City State Zip:

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

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

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

Applicant's signature

Date

Owner's signature (required)

Date

*paid Sept 23 2015
see receipt*

TENTATIVE PLAN - PROPOSED FOOTPRINTS

TAX LOT 700
SECTION 13CD, T.2S., R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
SEPTEMBER 11, 2015 SCALE 1"=40'
SHEET 1 OF 2

SURVEY PERFORMED FOR: PETER JAMESON

CLACKAMAS COUNTY SURVEYOR
RECEIVED: _____
ACCEPTED FOR FILING: _____
SURVEY NUMBER: _____

ZONING REQUIREMENTS		
LOT SIZE	LOTS ALLOWED IN R-10	NUMBER OF LOTS PROPOSED
104,806 SQUARE FEET	4 (GROSS NUMBER PRIOR TO DEDUCTIONS FOR FLAG STEMS OR INTERIOR STREET	3 (70% DENSITY RULE DOES NOT APPLY TO PARTITIONS PER 85.200(2)(7))

SLOPE RANGES

- SLOPES UNDER 15% - 43,869 SQUARE FEET
 SLOPES OVER 35% - 675 SQUARE FEET

LEGEND:

- DECIDUOUS TREE
 EVERGREEN TREE
 ARBORVITAE
 UTILITY POLE
 WATER METER
 GAS LINE
 SANITARY SEWER LINE
 WATER LINE

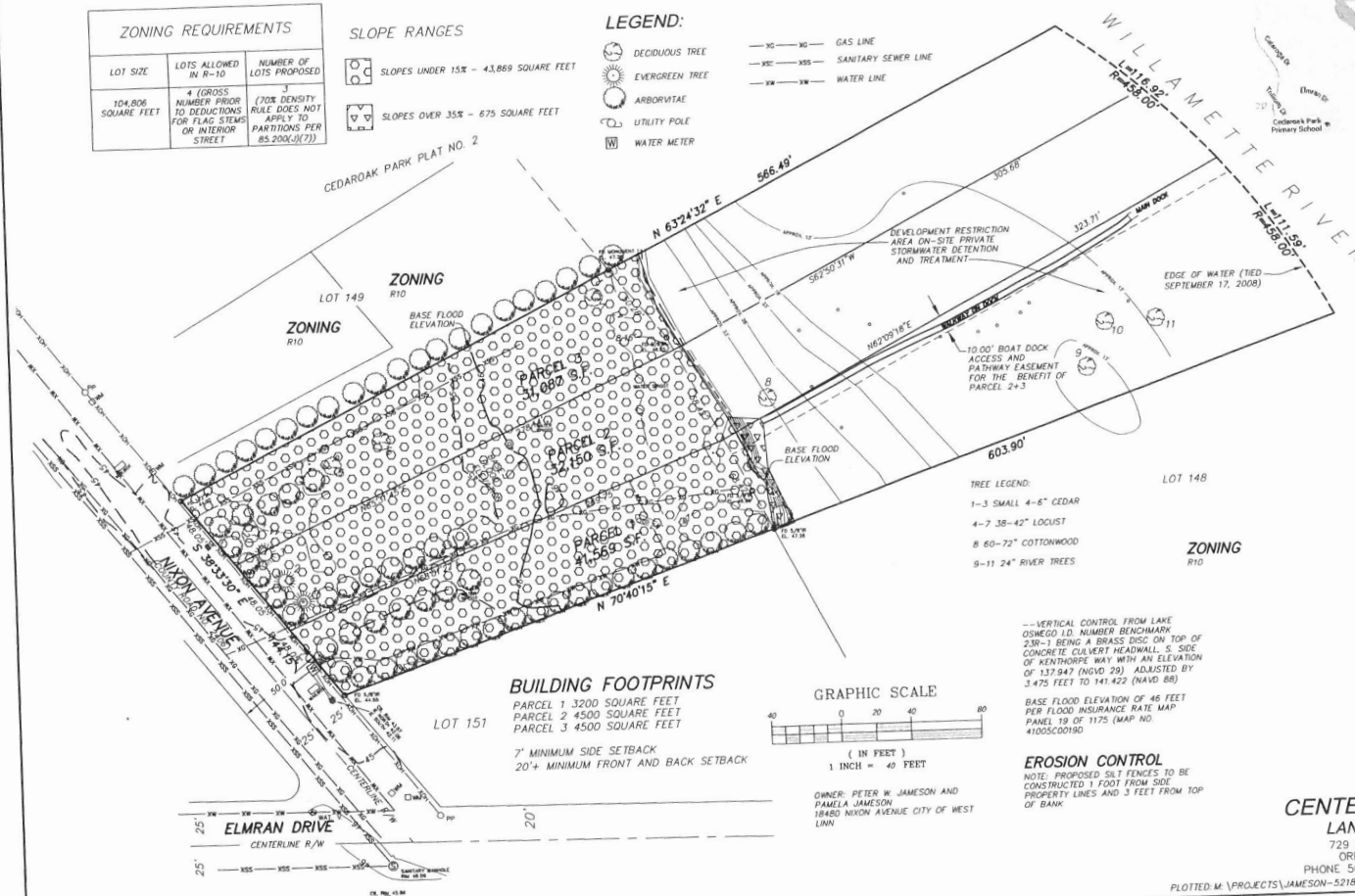
SITE VICINITY MAP



RECEIVED

JAN 19 2016

PLANNING & BUILDING
CITY OF WEST LINN
INT. TIME



SHEET 1 OF 2

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
729 MOLALLA AVE., SUITE 1 & 2
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189
PLOTTED: M:\PROJECTS\JAMESON-5218\dwg\JAMESON-TENT-PLAN2015-18X24.dwg

TENTATIVE PLAN - PROPOSED F

TAX LOT 700
SECTION 13CD, T.2S., R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
SEPTEMBER 11, 2015 SCALE 1"=40'
SHEET 1 OF 2

SURVEY PERFORMED FOR: PETER JAMESON

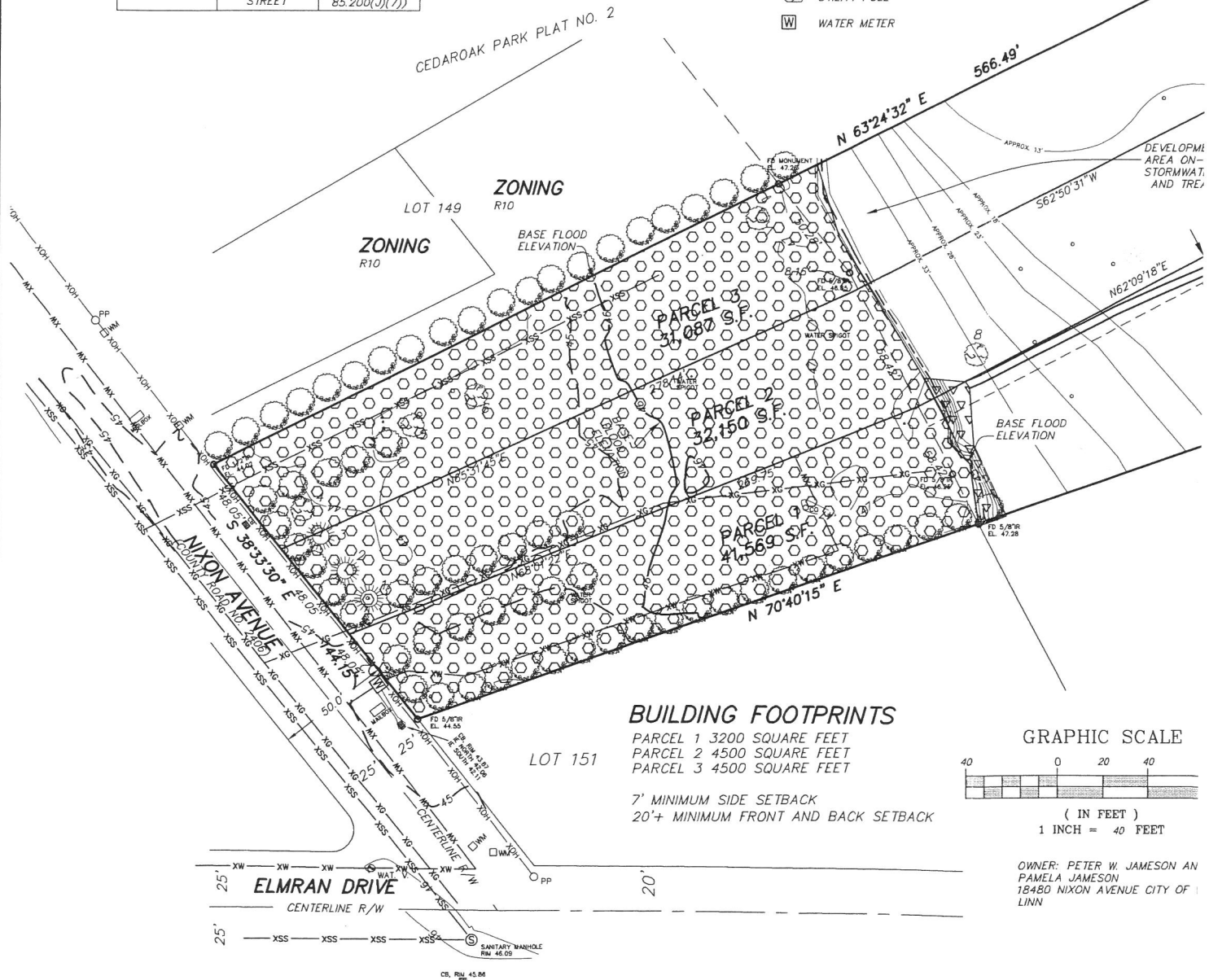
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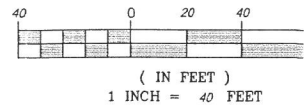


BUILDING FOOTPRINTS

PARCEL 1 3200 SQUARE FEET
 PARCEL 2 4500 SQUARE FEET
 PARCEL 3 4500 SQUARE FEET

7' MINIMUM SIDE SETBACK
 20'+ MINIMUM FRONT AND BACK SETBACK

GRAPHIC SCALE



OWNER: PETER W. JAMESON AND
 PAMELA JAMESON
 18480 NIXON AVENUE CITY OF
 LINN

PROPOSED FOOTPRINTS

PETER JAMESON
R.1E., W.M.,
IS COUNTY, OREGON
SCALE 1"=40'
2

PETER JAMESON

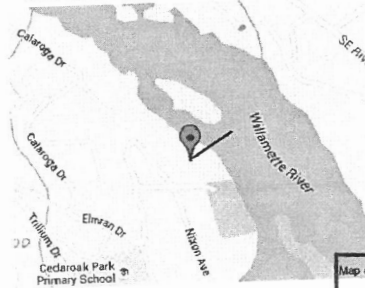
CLACKAMAS COUNTY SURVEYOR

RECEIVED: _____

ACCEPTED FOR FILING: _____

SURVEY NUMBER: _____

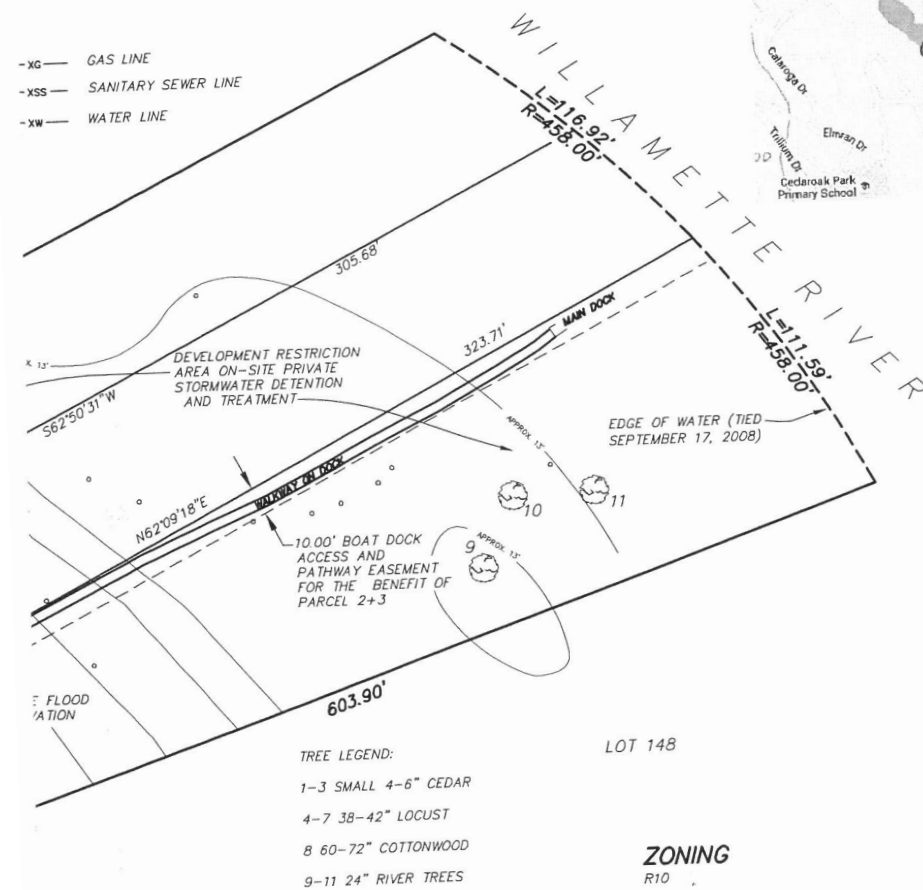
SITE VICINITY MAP



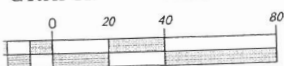
RECEIVED

JAN 19 2016

PLANNING & BUILDING
CITY OF WEST LINN
INT. _____ TIME _____



GRAPHIC SCALE



(IN FEET)
1 INCH = 40 FEET

OWNER: PETER W. JAMESON AND
PAMELA JAMESON
18480 NIXON AVENUE CITY OF WEST
LINN

--VERTICAL CONTROL FROM LAKE
OSWEGO I.D. NUMBER BENCHMARK
23R-1 BEING A BRASS DISC ON TOP OF
CONCRETE CULVERT HEADWALL, S. SIDE
OF KENTHORPE WAY WITH AN ELEVATION
OF 137.947 (NGVD 29) ADJUSTED BY
3.475 FEET TO 141.422 (NAVD 88)

BASE FLOOD ELEVATION OF 46 FEET
PER FLOOD INSURANCE RATE MAP
PANEL 19 OF 1175 (MAP NO.
41005C0019D)

EROSION CONTROL

NOTE: PROPOSED SILT FENCES TO BE
CONSTRUCTED 1 FOOT FROM SIDE
PROPERTY LINES AND 3 FEET FROM TOP
OF BANK

SHEET 1 OF 2



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

729 MOLALLA AVE., SUITE 1 & 2
OREGON CITY, OREGON 97045

PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\JAMESON-5218\dwg\JAMESON-TENT-PLAN2015-18X24.dwg

TENTATIVE PLAN

TAX LOT 700
SECTION 13CD, T.2S., R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
SEPTEMBER 11, 2015 SCALE 1"=40'
SHEET 2 OF 2

SURVEY PERFORMED FOR: PETER JAMESON

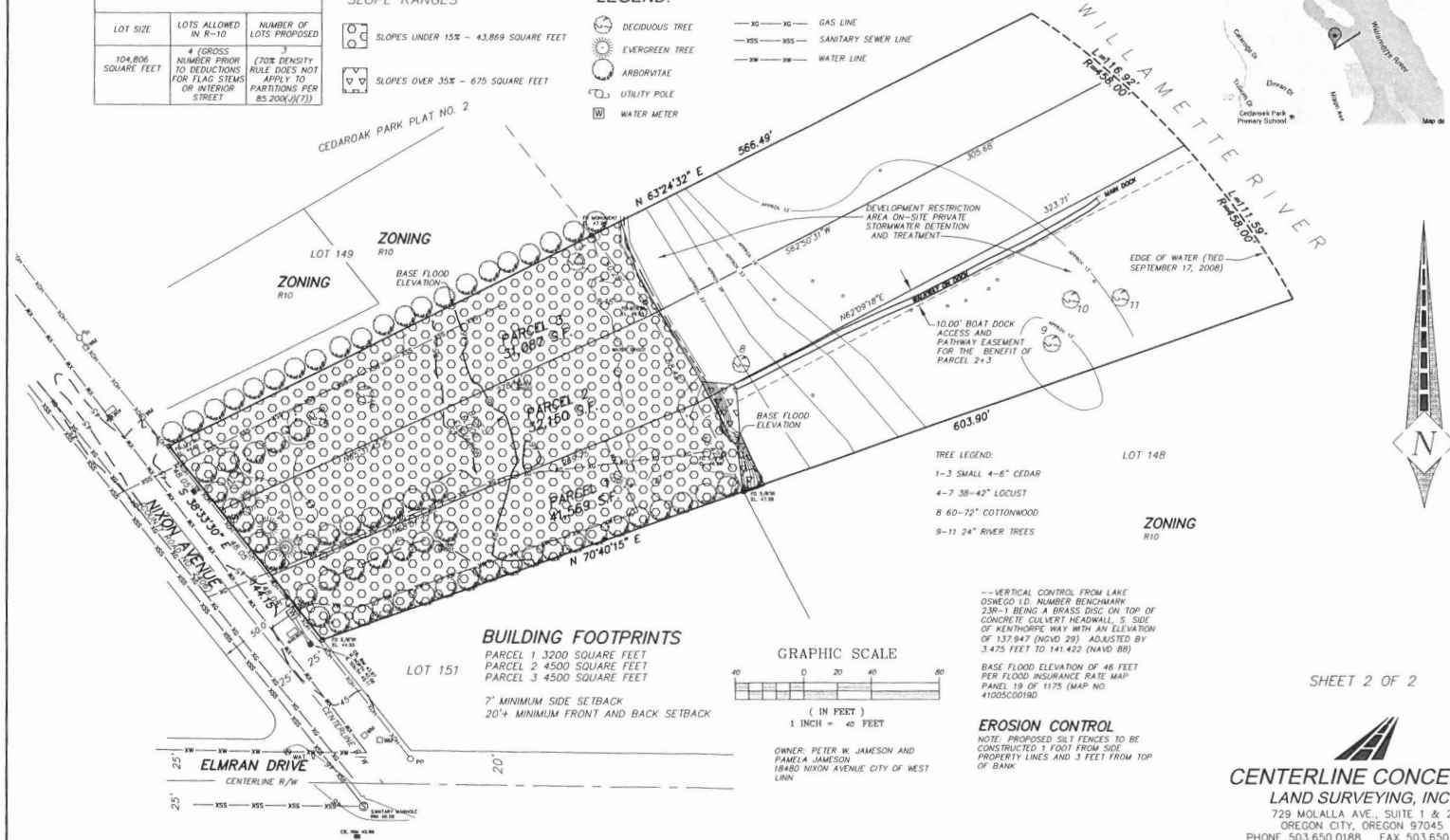
ZONING REQUIREMENTS		
LOT SIZE	LOTS ALLOWED IN R-10	NUMBER OF LOTS PROPOSED
104,806 SQUARE FEET	4 (GROSS NUMBER FROM TO DEDUCTIONS FOR FLAG STEMS OF INTERIOR STREET)	3 (ZON DENSITY RULE DOES NOT APPLY TO PARTITIONS PER 85.200(J(7))

SLOPE RANGES

- SLOPES UNDER 15% - 43,869 SQUARE FEET
 SLOPES OVER 35% - 675 SQUARE FEET

LEGEND:

- DECIDUOUS TREE
 EVERGREEN TREE
 ARBORVITAE
 UTILITY POLE
 WATER METER
 GAS LINE
 SANITARY SEWER LINE
 WATER LINE



CLACKAMAS COUNTY SURVEYOR
 RECEIVED: **RECEIVED**
 ACCEPTED FOR FILING: **JAN 19 2016**
 SURVEY NUMBER: **PLAN 2015-18X24.dwg**
 PLANNING & BUILDING
 CITY OF WEST LINN
 TIME



SHEET 2 OF 2

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 729 MOLALLA AVE., SUITE 1 & 2
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\JAMESON-5218\dwg\JAMESON-TENT-PLAN2015-18X24.dwg

TENTATIVE PLAT

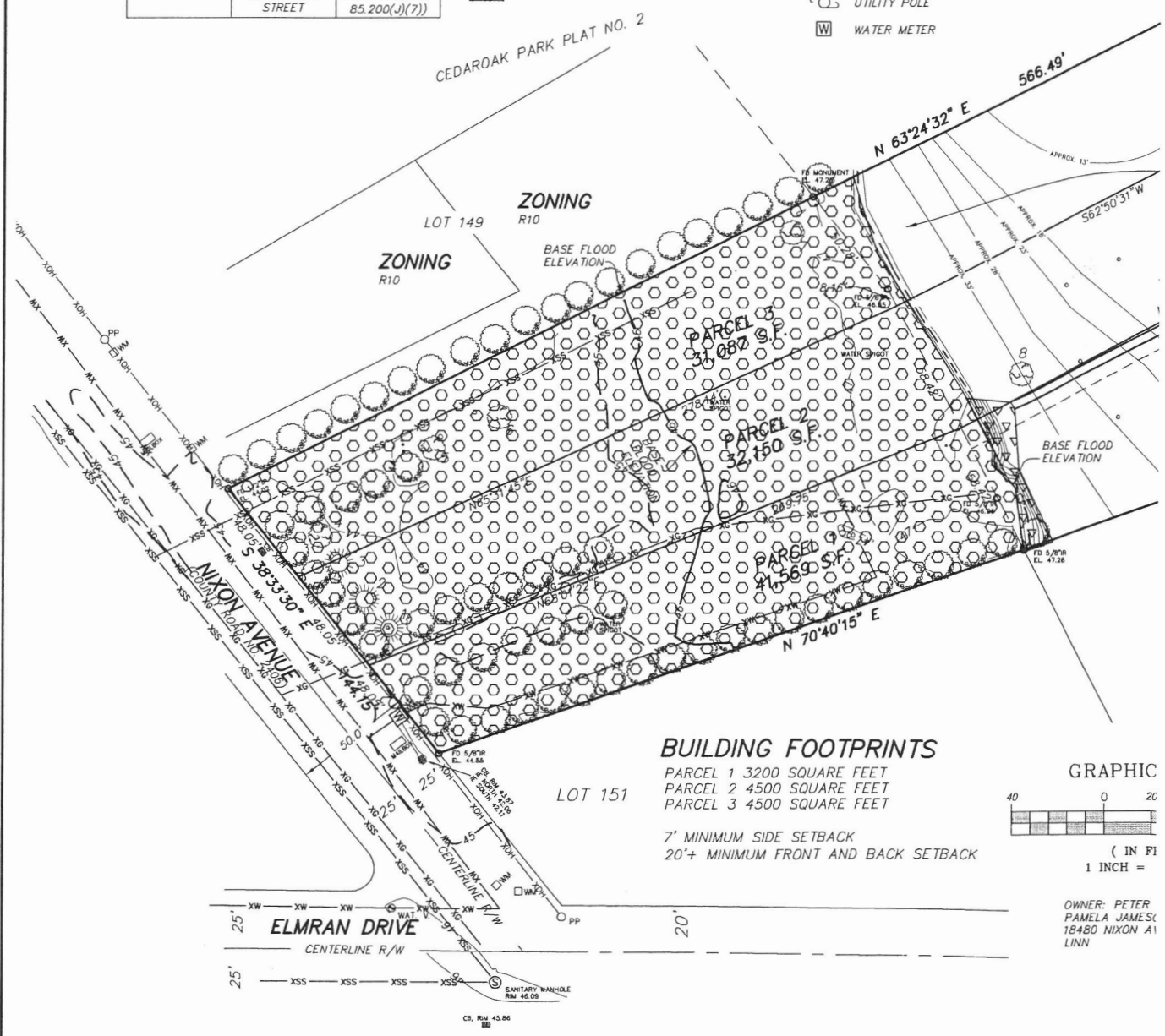
TAX LOT 700
SECTION 13CD, T.2S., R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OR
SEPTEMBER 11, 2015 SCALE 1"=40'
SHEET 2 OF 2

SURVEY PERFORMED FOR: PETER JAMESO

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- DECIDUOUS TREE
 - EVERGREEN TREE
 - ARBORVITAE
 - UTILITY POLE
 - WATER METER
 - GAS
 - SANIT
 - WATER



PLOTTED: M: \PROJECTS\JAMESON-5218\dwg\JAMESON-TENT-PLAN2015-18X24.dwg

TENTATIVE PLAN

TAX LOT 700
SECTION 13CD, T.2S., R.1E., W.M.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
SEPTEMBER 11, 2015 SCALE 1"=40'
SHEET 2 OF 2

SURVEY PERFORMED FOR: PETER JAMESON

CLACKAMAS COUNTY SURVEYOR

RECEIVED:

ACCEPTED FOR FILING:

SURVEY NUMBER:

JAN 19 2016

PLANNING & BUILDING
CITY OF WEST LINN
MAP TIME

SITE VICINITY MAP

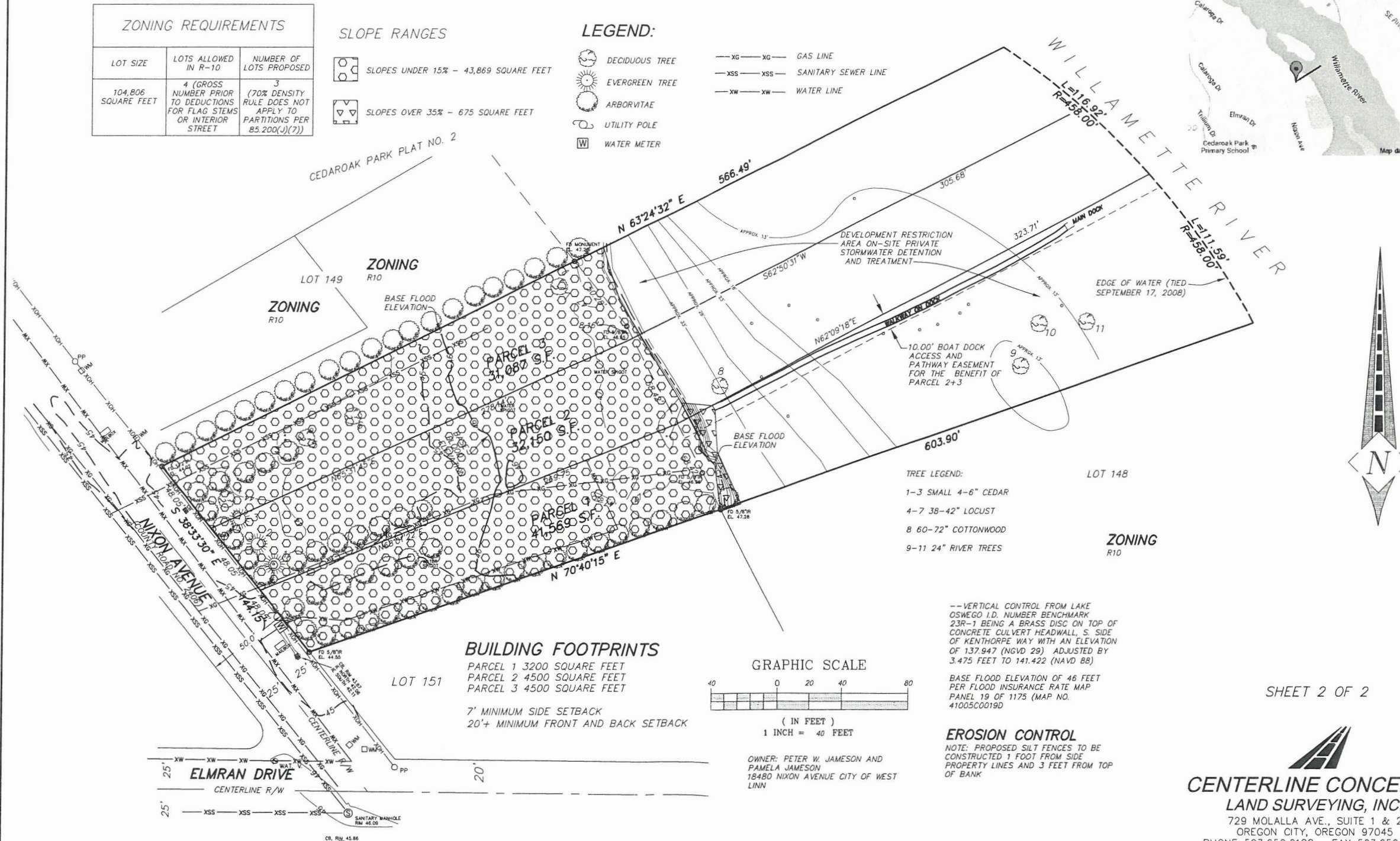
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- DECIDUOUS TREE
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 ARBORVITAE
 UTILITY POLE
 WATER METER
 GAS LINE
 SANITARY SEWER LINE
 WATER LINE



- TREE LEGEND:
- 1-3 SMALL 4-6" CEDAR
 - 4-7 38-42" LOCUST
 - 8 60-72" COTTONWOOD
 - 9-11 24" RIVER TREES

--VERTICAL CONTROL FROM LAKE OSWEGO I.D. NUMBER BENCHMARK 23R-1 BEING A BRASS DISC ON TOP OF CONCRETE CULVERT HEADWALL, S. SIDE OF KENTHORPE WAY WITH AN ELEVATION OF 137.947 (NGVD 29) ADJUSTED BY 3.475 FEET TO 141.422 (NAVD 88)

BASE FLOOD ELEVATION OF 46 FEET PER FLOOD INSURANCE RATE MAP PANEL 19 OF 1175 (MAP NO. 41005C0019D)

EROSION CONTROL

NOTE: PROPOSED SILT FENCES TO BE CONSTRUCTED 1 FOOT FROM SIDE PROPERTY LINES AND 3 FEET FROM TOP OF BANK

SHEET 2 OF 2

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
729 MOLALLA AVE., SUITE 1 & 2
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\JAMESON-5218\dwg\JAMESON-TENT-PLAN2015-18X24.dwg

Sections: 18480 Nixon Ave, West Linn – LOT 700 File: PA-15-30

- 85.010 PURPOSE – The purpose of this minor partition is to develop three riverfront lots from one very large existing lot. Each lot will front on Nixon Ave and extend through to the low water line of the Willamette river in parallel.
- 85.020 SCOPE – CONFORMITY REQUIRED – The scope of this division meets all the subject criteria for the city of West Linn Planning department for this type of minor partition.
- 85.030 SALE OR NEGOTIATION TO SELL LOT OR PARCEL PRIOR TO APPROVAL OF TENTATIVE PLAN – No sale will occur prior to approval of tentative plan.
- 85.040 *REPEALED*
- 85.050 APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND – No new streets will be created with this plan
- 85.060 INCOMPLETE APPLICATIONS – DECISION-MAKING PERIOD – Agreed
- 85.070 ADMINISTRATION AND APPROVAL PROCESS – Agreed
- 85.080 SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED – Agreed
- 85.085 SUBDIVISION/PARTITION AMENDMENT TRIGGER – There will only be three homes built one on each parcel created.
- 85.090 EXPIRATION OR EXTENSION OF APPROVAL – Understood
- 85.100 NON-COMPLIANCE – BOND – Understood
- 85.110 STAGED DEVELOPMENT – Understood, each parcel will be built as an individual site with one home.
- 85.120 PARTIAL DEVELOPMENT – Each home will be built but the Minor partition will be complete
- 85.130 LAND DIVISION APPLICATION IN CONJUNCTION WITH OTHER LAND USE APPLICATIONS – Only one application is being submitted
- 85.140 PRE-APPLICATION CONFERENCE REQUIRED – Completed, August 20,2015
- 85.150 APPLICATION – TENTATIVE PLAN – Included
- 85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN –Included
- 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN – Included
- 85.180 REDIVISION PLAN REQUIREMENT – That is what is being submitted the redivision of one existing lot into three.
- 85.190 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS – Included
- 85.200 APPROVAL CRITERIA –Included
- 85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS – No Property Line adjustments being made

18480 Nixon Ave,

FILE PA-15-30

85.200 Approval Criteria

A. Streets: No new street are being created, current Nixon Ave has just been resurfaced with all required signage, safety and engineering requirements being met. No additional right of way or width changes necessary. There are no sidewalks, curbs or gutters in this area. This plan connects to a local street. A 12 foot planer strip will separate the site from the roadway.

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

- a. The type of road as set forth in the Transportation Master Plan. -A newly repaved neighborhood road
- b. The anticipated traffic generation. - Three to four more cars per day coming and going from home
- c. On-street parking requirements. - None required
- d. Sidewalk and bikeway requirements. - Not present in this neighborhood. The local roads provide
- e. Requirements for placement of utilities. - Per Khoi Le in the engineering department the site meets all necessary requirements. Water lines are new. Two new meters will be added in addition to the sewer connections for two additional homes. Electrical requirements will come from PGE
- f. Street lighting. - Existing
- g. Drainage and slope impacts. - Based on Planning review there are none.
- h. Street trees. - Non-existing however there are many on the site being developed
- i. Planting and landscape areas. - Existing
- j. Existing and future driveway grades. - Existing and future driveway grades are flat
- k. Street geometry. - Street geometry will not change
- l. Street furniture needs, hydrants. - Existing

5. Street with remains unchanged and was just widened by 4 feet to accommodate for items A.B.C. D.

6. Agreed
7. Agreed and conforms with existing
8. No future extension required
9. No intersection angles change, project conforms with existing
10. No additional right of way required.
11. No cul-de-sac. Being created with plan
12. No new street names required.
13. No new grades or curves being created.
14. Current access to local streets is adequate to serve the plan and lots being created.
15. No ally's being created or needed.
16. Sidewalks are not present in the neighborhood and would not conform with existing street or development in the area.
17. Planter strip existing currently exceed the development requirements.
18. No new street or roads to dedicate
19. All lots have access to Nixon Ave.
20. Gated Streets are not present in the area and are not part of this development.
21. All entryway treatments will meet setback and construction standards required. There are no CC&R's or common areas.
22. Agreed subject to proposed costs.

B. LOTS – lots being created meet the depth, with and all setback standards that apply see attached tentative plan.

C. PEDESTRIAN AND BICYCLE TRAILS – Currently Nixon avenue, which has been newly surfaces acts as both pedestrian and bicycle friendly. No new additions to be required or created.

D. TRANSIT FACILITIES – There are no transit facilities in the neighborhood. All currently exist on HWY 43 which is within walking distance to proposed lots.

E. GRADING – No grading required. All proposed lots will be on flat, level property with natural drainage to the river.

F. WATER – All water lines on Nixon have been replaced within the last 3 years to meet local and future requirements. The engineer has confirmed. Two additional meters will be attached to the new existing line to serve each lot.

G. SEWER – Existing sewer line has been completely redone in the area this year per city engineer and will service the proposed partition. Two new sewer connections to the main line will be made per development requirements. All slope, grade and size requirements will be met.

H. N/A

I. UTILITY EASEMENT – Electrical utilities will provide necessary engineering to meet the needs of the two additional lots. PGE is the service provider in the area. Per WL Engineering the Utility companies plan will be required to be met.

J. SUPPLEMENTAL PROVISION REQUIRED TO BE MET PER PRE-APP CONFERENCE.

2. Willamette River Greenway (WRG) permit must be obtained and CDC Ch. 27 & 28 criteria met. Agreed

FMA fee made – \$1050.00

WRG Deposit fee \$1700.00

CDC Ch. 85 Deposit fee \$2800.00

Final Plat Fee \$1500.00

Final inspection fee \$500.

85.210 – this section is not relevant to the project as no lot lines are being adjusted.

Chapter 11

SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

18480 Nixon Ave, West Linn

File: PA – 15–30

Sections:

- 11.010 PURPOSE – Understood
- 11.020 PROCEDURES AND APPROVAL PROCESS –
 - A. Understood
 - B. Agreed
 - C. Understood
 - D. No non-conforming uses or variances anticipated in partition or construction process.
- 11.030 PERMITTED USES – Use will be for 3 single family detached units
- 11.040 ACCESSORY USES – Accessory units may be included
- 11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS – No additional uses under prescribed conditions anticipated.
- 11.060 CONDITIONAL USES – No conditional uses being anticipated
- 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS – Property and proposed partition and construction meets all dimensional requirements and all specified standards for development will be met.
- 11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES – No conditional uses anticipated.
- 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS – Understood

85.160 (E) 1,2,5,6,8,9

*resubmitted
date stamped
Oct 14, 2015 **

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. [SEE ATTACHED EXHIBIT \(C\)](#)
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: [SEE ATTACHED EXHIBIT \(C\) HAS 1' \(ONE FOOT\) SLOPE INTERVALS](#)
 - a. Two-foot contour intervals for ground slopes less than 20 percent.
 - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
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. [SEE ATTACHED EXHIBIT \(A\)](#)
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting. [SEE ATTACHED EXHIBIT \(C\)](#)
8. Zoning on and adjacent to the tract. [R10](#)
9. Existing uses to remain on the adjoining property and their scaled location. [NO, ALL EXISTING STRUCTURES TO BE REMOVED WITH NEW STRUCTURES TO BE ADDED SEE EXHIBIT \(B\) FOR TENTATIVE CHANGES PROPOSED.](#)

[85.160 \(B\)](#)

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. [SEE ATTACHED EXHIBIT \(B\)](#)

85.160 (F) 7,8

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

7. A street tree planting plan and schedule approved by the Parks Department. THERE IS NO STREET PLANTING REQUIRED. ALL EXISTING PLANTING, ROCK AND LANDSCAPE IS TO REMAIN UNCHANGED
8. Any land area to be dedicated to the City or put in common ownership. NO LAND IS TO BE DEDICATED TO THE CITY OR UNDER COMMON OWNERSHIP

85.200 (J) 1 & 3-9

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. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required. NO WETLANDS OR NATURAL DRAINAGE WAYS WILL BE INTERFERED WITH THIS DEVELOPMENT. All utilities are existing and will not impact any natural surroundings.
3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC. THERE ARE NO STREET TREES IN THIS AREA HOWEVER THERE ARE MANY LARGE HERITAGE TREES THAT WILL REMAIN IN PLACE.
4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional. THERE IS NO DEVELOPMENT OR SUBDIVISION LIGHTING BEING ADDED. THERE IS A STREET LIGHT AT THE NE CORNER OF NIXON AND ELMRAN THAT. ALL HOUSE LIGHTING WILL BE EITHER DOWN DIRECTED OR LOW PRESSURE SODIUM ON HOMES.
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. NO EXACTION OR DEDICATION IS BEING IMPOSED OR PROPOSED. THE DEVELOPMENT IMPACT CHANGES VERY LITTLE IN REGARDS TO EXISTING CONDITIONS.

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. **THE SITE IS EXACTLY ONE ACRE AND MEETS THE PRIOR CONDITIONS OF FRONTAGE UNDER 200 FEET WITH EXISTING ABOVEGROUND UTILITIES SERVICING THE ENTIRE NEIGHBORHOOD. THIS IS NOT A NEW DEVELOPMENT IT IS A MINOR PARTITION WITH EXISTING FRONTAGE REMAINING. PGE RECOMMENDED LEAVING EXISTING OVERHEAD BUT SPLITTING OFF EXISTING POLE TO PROVIDE AN UNDERGROUND VAULT TO SERVICE THE TWO ADDITIONAL LOTS.** High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc. **THERE IS NO FUTURE DEVELOPMENT IN THIS AREA ANTICIPATED UNLESS THE NEIGHBORS REMODEL.**

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would 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 would also be exempt. **THIS PROJECT INCREASES THE DENSITY IN THE AREA TO THE CITY'S TAX BENEFIT BUT REMAINS WELL WITHIN THE ZONING PROVIDED FOR THE AREA. IT IS ALSO EXEMPT BECAUSE IT IS THREE LOTS OR LESS.**

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. The intent is that the majority of the site shall be developed as medium high density multi-family housing. **THIS IS NOT A MIXED USE DEVELOPMENT. THE AREA IS ALSO NOT ZONED FOR SUCH A DEVELOPMENT.**

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014) **ALL HERITAGE TREES ARE TO BE SAVED AND HAVE BEEN INVENTORIED PER THE APPLICATION SUBMISSION.**

85.200 (B) 3,4 & 8b

B. Blocks and lots.

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. 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. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). **ALL THREE LOTS ARE BUILDABLE. PROTECTION FOR DRAINAGEWAYS AND WETLANDS ARE VERY SPECIFIC IN THIS AREA. THE BUILDABLE PORTION OF THE LOTS ARE CLEARLY DEFINED.**

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. **THE DEPTH AND WIDTH OF THE LOTS ARE MORE THAN SUFFICIENT TO PROVIDE FOR OFF STREET PARKING AND IN NO WAY WILL BE SUBJECT TO COMERCIAL OR INDUSTRIAL REQUIREMENTS.**

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation. **ACCESS TO THE PROPOSED PARTITION IS THROUGH FRONTAGE ON NIXON AVENUE THAT IS COMMON TO EACH LOT IN THE PROPOSED PARTITION.**

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may: **THE LOT SHAPE AND SIZE PROPOSED WOULD PROHIBIT THEM FROM BEING REDIVIDED AT A LATER DATE.**

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. **WE CAN PROVIDE FOR THIS TYPE OF RESTRICTION**



September 18, 2015

Peter Jameson
18480 Nixon Avenue
West Linn, OR 97068

Re: 18480 Nixon Avenue / 3-lot subdivision
Tax Lot ID# 21E13CD00700

Dear Mr. Jameson,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1)
2. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
 1. Gates serving single-family dwellings shall be a minimum of 12 feet in width.
 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 3. Electric gates shall be equipped with a means for operation by fire department personnel
 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
3. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
4. **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
5. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 600 feet of residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. (OFC Appendix B)

If you have questions or need further clarification, please feel free to contact me at (503) 649-8577.

Sincerely,

Ty Darby

Ty Darby
Deputy Fire Marshal II

Cc: file

Spir, Peter

From: Perkins, Michael
Sent: Tuesday, December 08, 2015 2:02 PM
To: Spir, Peter
Subject: Jameson Property

Peter

There are no significant trees on the Jameson Property.

Michael Perkins, City Arborist/Park Development Coordinator
Parks and Recreation, #1554



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