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**STAFF REPORT  
PLANNING MANAGER DECISION**


DATE: June 29, 2016


FILE NO.: MIP-16-01

REQUEST: Approval of a two-parcel minor partition at 1925 19<sup>th</sup> Street.

PLANNER: Jennifer Arnold, Associate Planner

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Planning Manager 

Development Review Engineer 

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## GENERAL INFORMATION

<b>OWNER/ APPLICANT:</b>	Edwards Group, LLC Adam Hoesly & Matt Edwards 14102 Goodall Road Lake Oswego, OR 97034
<b>CONSULTANT:</b>	NW Land Planning: Trisha Clark- PO Box 230121 Tigard, OR 97281
<b>SITE LOCATION:</b>	1925 19 <sup>th</sup> Street
<b>SITE SIZE:</b>	0.48 acres; 20,908.8 square feet
<b>LEGAL DESCRIPTION:</b>	Assessor's Map 21E 34DD Tax Lot 1300
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>ZONING:</b>	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 11: Single-Family Residential Detached, R-10; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
<b>120-DAY RULE:</b>	The application became complete on May 19, 2016. The 120-day period therefore ends on September 16, 2016.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 500 feet of the subject property and the Willamette neighborhood association on June 1, 2016. A sign was placed on the property on June 7, 2016. The notice was also posted on the City's website on June 1, 2016. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition of a 20,962 square foot parcel on the east side of 19<sup>th</sup> Street in the Willamette Neighborhood. There is an existing detached single-family dwelling, detached accessory structure, which will all be removed as part of this development. The surrounding properties are privately owned and zoned R-10.

Parcel 1, the northernmost parcel, will comprise 10,463 square feet and Parcel 2, the southernmost parcel, will comprise 10,463 square feet. The proposed parcels meet dimensional standards of the R-10 zone and will take access from 19<sup>th</sup> Street.

The City Arborist visited the site on April 5, 2016 and found one significant tree on the property. This tree will be preserved with this proposal.

### **Public comments:**

No public comments were received by the close of the comment period (June 21, 2016 at 4:00pm).

## DECISION

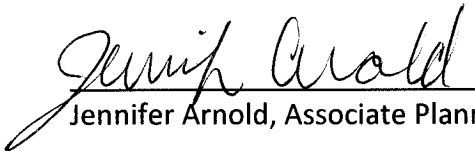
The Planning Manager (designee) approves this application (MIP-16-01), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Tentative Plans for a Two-Parcel Partition Plat, date stamped May 19, 2016.
2. **Engineering Standards.** All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite storm water 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 19<sup>th</sup> Street.
3. **Street Improvements.** Prior to final plat approval, the applicant shall dedicate on the face of the plat an additional ten-feet of ROW and pay fee-in-lieu of

completing half street improvements including curb, planter strip and sidewalks, and street trees for the portion of 19<sup>th</sup> Street abutting the subject property.

4. Access to Parcels 1 and 2. The applicant shall provide one access point from 19<sup>th</sup> Street per parcel. The access drives must be constructed to city standards prior to issuance of final building Certificate of Occupancy.
5. Heritage trees/significant tree and tree cluster protection. The applicant shall preserve, via a Tree Conservation Easement, the one (1) tree identified by the City Arborist to be significant. This easement shall not appear on the plat, but shall be recorded with the County as a separate document. Reference to that document shall be included on the face of the plat. The easement document shall make it clear that the intent of the easement is to protect the tree and it may allow development within its boundaries if approved by the City Arborist, so long as that good tree and root health are maintained.

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

  
Jennifer Arnold, Associate Planner

June 29, 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 29<sup>th</sup> day of June, 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on July 13, 2016.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**MIP-16-01**

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

**I. CHAPTER 11, SINGLE FAMILY RESIDENTIAL DETACHED, R-10**

**Staff Finding 1:** Staff incorporates applicant findings. These criteria are satisfied.

**II. CHAPTER 48, ACCESS CONTROL**

*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.)*

**Staff Finding 2:** No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. For example, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The addition of 1 additional/new home should only generate an ADT of 9.57 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. This criterion is satisfied.

*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 3:** The applicant will use the existing driveway to access parcel 1 and construct a new driveway to access parcel 2. Subject to the Conditions of Approval, this criterion is satisfied.

(...)

*7. Number of access points. For single-family (detached and attached), two-family, and duplex 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...*

**Staff Finding 4: The applicant has proposed utilizing the existing driveway to access parcel 1, and construct a new driveway to access parcel 2. Subject to the Conditions of Approval, this criterion is satisfied.**

#### *48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES*

*B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:*

*1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.*

*2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.*

**Staff Finding 5: The applicant proposes one driveway per parcel, both will provide a minimum of 10 feet of unobstructed horizontal clearance. Subject to the Conditions of Approval, this criterion is satisfied.**

## **IV. CHAPTER 85, 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 (...) Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.*

**Staff Finding 6: The proposal does not include the creation of any new streets. The proposal requires half-street improvements for the portion of 19<sup>th</sup> Street adjacent to the subject property. The applicant has requested to pay a fee-in-lieu of constructing the half-street improvements. The City will accept the fee-in-lieu per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is satisfied.**

*2. Right-of-way and roadway widths.*

**Staff Finding 7:** The proposal is located on 19<sup>th</sup> Street, a neighborhood route that has a 36 foot right-of-way width adjacent to the subject property. The City Engineer requires a ten-foot dedication of right-of-way for future improvements to meet City standards and multimodal goals per Condition of Approval 3. City standards for a neighborhood route without parking and with a shared bikeway is a 56 foot right-of-way (6 foot sidewalks, 6 foot planter strips, and 16 foot travel lanes). The dedication will reduce both Parcels 1 and 2 by approximately 626 square feet, but does not impact meeting minimum lot size for the R-10 zone or future development of the property.

The nexus for this dedication is found in the fact that the ROW width adjacent to the 125.3 foot subject parcel is approximately 36 feet and inadequate to construct required 52 feet of street infrastructure for a neighborhood route with no parking.

The proportionality is satisfied by the fact new development on Parcel 1 will generate 9.57 trips per day and the only access to the property is using 19<sup>th</sup> Street. Subject to the Conditions of Approval, this criterion is satisfied.

*3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP. (...)*

**Staff Finding 8:** The applicant will dedicate ten feet of ROW per Condition of Approval 3. The dedication is required to meet the neighborhood route without parking and with a shared bikeway requirements found in Chapter 8 of the TSP. The applicant also proposes to not construct half-street improvements per Conditions of Approval 3. The applicant has opted to pay fees-in-lieu of the construction. The City will construct 19<sup>th</sup> Street to meet adopted standards at some point in the future. Subject to the Conditions of Approval, this criterion is satisfied.

*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: (...)*

**Staff Finding 9:** The proposal is located on 19<sup>th</sup> Street, a Neighborhood Route that currently has a 36 foot right-of-way width adjacent to the subject property. The City Engineer requires a ten foot dedication of right-of-way for future improvements to meet City standards and multimodal goals per Condition of Approval 3. The dedication will reduce both Parcels 1 and 2 by approximately 626 square feet, but does not impact meeting minimum lot size for the R-10 zone.

The nexus for this dedication is found in the fact that the ROW width adjacent to the 125.3 foot subject parcel is approximately 36 feet and inadequate to construct required 52 feet of street infrastructure for a neighborhood route with no parking.

The proportionality is satisfied by the fact new development on Parcel 1 will generate 9.57 trips per day and the only access to the property is using 19<sup>th</sup> Street. Subject to the Conditions of Approval, this criterion is satisfied.

(...)

10. *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 provided at the time of subdivision or partition.*

**Staff Finding 10: Please see Staff Finding 9. Subject to the Conditions of Approval, this criterion is satisfied.**

(...)

16. *Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip...or to match existing sidewalks or right-of-way limitations.*

17. *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 6 feet wide...or in response to right-of-way limitations.*

**Staff Finding 11: The applicant will dedicate 10 feet of ROW per Condition of Approval 3 to accommodate the required six-foot sidewalks and planter strips. The applicant also proposes to not construct half-street improvements and pay fees-in-lieu of completing half street improvements including curb, planter strip and sidewalks per Condition of Approval 3. The City will construct 19<sup>th</sup> Street to meet adopted standards at some point in the future. Subject to the Conditions of Approval, this criterion is satisfied.**

(...)

19. *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.*

**Staff Finding 12: The applicant proposes access to both parcels 1 and 2 from 19<sup>th</sup> street, which is a public street. Subject to the Conditions of Approval, this criterion is satisfied.**

(...)

22. *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 transportation analysis (...)*



**Staff Finding 13:** The proposal is not a subdivision. This criteria does not apply. However, the proposal will add only one additional dwelling unit. The addition of one additional dwelling unit should only generate an ADT of 9.57 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. This criterion is satisfied.

*B. Blocks and Lots.*

*(...)*

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

**Staff Finding 14:** Please see Staff Findings 2 through 5. Subject to the Conditions of Approval, this criterion is satisfied.

*C. Pedestrian and bicycle trails.*

*(...)*

**Staff Finding 15:** The West Linn Transportation System Plan does not identify any pedestrian or bicycle facilities on or adjacent to the subject property. The applicant is not required to install any improvements outside of required street improvements. This criterion is satisfied.

*J. Supplemental Provisions*

*(...)*

*1. Wetland and natural drainageways.*

**Staff Finding 16:** The subject property is not in any wetland or natural drainageway, therefore this criterion does 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 17:** The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. The City Engineer has also determined the City's

sanitary sewer and water systems have sufficient capacity to serve the site. This criterion is satisfied.

*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 18:** The subject property needs to meet three criteria for exemption from undergrounding existing overhead utilities. The subject property meets all of the three exemption criteria, the area is built out with adjacent properties having above-ground utilities, 125.3 feet of site frontage, and the subject property is 0.50 acres. This criterion is satisfied.

*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 19:** The subject property is 20,962 square feet. The R-10 zone requires a minimum 10,000 square foot lot size, which equates to a maximum of 2 lots for the subject property. 2 lots is consistent with the proposal as each proposed lot is 10,463 square feet. This criterion is satisfied.

(...)

*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.*

**Staff Finding 20:** There are no heritage trees on the subject property. There is only one significant tree according to the City Arborist. This tree has been identified and shall be preserved per CDC 55.100(B)(2). This criterion is satisfied.

## **V. CHAPTER 92, REQUIRED IMPROVEMENTS**

### **92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT**

*The following improvements shall be installed at the expense of the developer and meet all City codes and standards:*

- A. Streets within subdivisions.*
- B. Extension of streets to subdivisions*
- C. Local and minor collector streets*
- D. Monuments*

**Staff Finding 21: The applicant has requested lieu in fee payments as an alternative to installing the required improvements. Please see Staff Findings 9 through 14. Subject to the Conditions of Approval, these criteria are satisfied.**

*E. Surface drainage and storm sewer system.*

*(...)*

*Q. Joint mailbox facilities*

**Staff Finding 22: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are satisfied.**

### **92.030 IMPROVEMENT PROCEDURES**

*(...)*

**Staff Finding 23: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are satisfied.**