

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer</i>	PROJECT NO(S): <i>MIP-16-03</i>	
NON-REFUNDABLE FEE(S) <i>\$200</i>	REFUNDABLE DEPOSIT(S) <i>\$2800</i>	TOTAL <i>\$3,000</i>

Type of Review (Please check all that apply):

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

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

Site Location/Address: 18822 Old River Road West Linn, OR 97068	Assessor's Map No.: 21E3CB Tax Lot(s): 3001 Total Land Area: 33,128 SF
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Brief Description of Proposal:

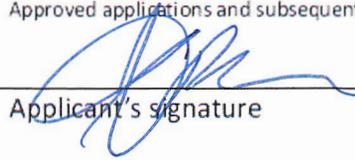
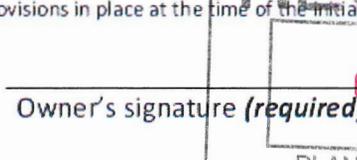
3-Parcel partition for residential homes

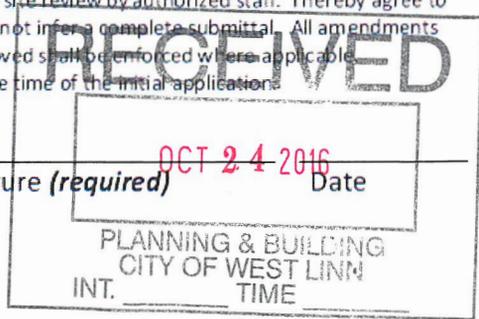
Applicant Name: <small>(please print)</small>	Jeff Parker 1800 Blankenship Rd #200 West Linn, Or 97068	Phone: 503-742-1942 Email: jeff@blackhawkd.com
Address:		
City State Zip:		
Owner Name (required): <small>(please print)</small>	Jeff Parker 1800 Blankenship Rd #200 West Linn, Or 97068	Phone: 503-742-1942 Email: jeff@blackhawkd.com
Address:		
City State Zip:		
Consultant Name: <small>(please print)</small>	All County Surveyors & Planners, Inc Attn: Dave Reichert PO Box 955 Sandy, OR 97055	Phone: 503-668-3151 Email: dave@allcountysurveyors.com
Address:		
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.

	Date		Date
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West Linn

Expedited Land Division Acknowledgement Form

Are you intending to apply for an Expedited Land Division?

Yes No

(If "Yes", your application must include a written description of how the proposal satisfies ORS 197.360(1).)

(If "No", it indicates your intention to use the procedure set forth in the City of West Linn Community Development Code Land Division regulations.)

(This completed form must accompany the separate ELD or standard subdivision application form.)

Applicant Name: Jeff Parker

Applicant Signature: [Signature] Date: 10/29/14

Applicant Mailing Address: 1800 Blankenship Road Ste 200.

Owner's Name: West Linn, OR 97068 Same

Owner's Signature: _____ Date: _____

Owner's Mailing Address: _____

Site Address: 18822 Old River Drive, West Linn, OR 97068

RECEIVED
OCT 24 2016
PLANNING & BUILDING
CITY OF WEST LINN
INT. _____ TIME _____



3-PARCEL PARTITION

10/21/2016

West Linn, Oregon

18822 Old River Drive

October, 2016

Representative:

Ray Moore, P.E., P.L.S.

Dave Reichert, L.S.I.T.

All County Surveyors & Planners, Inc.

P.O. Box 955

Sandy, OR 97055

Phone: 503-668-3151

Email: dave@allcountysurveyors.com



RENEWAL DATE: 12/31/2016

Applicant:

Parker Development NW

Attn: Jeff Parker

1800 Blankenship Rd #200

West Linn, Or 97068

Phone: 503-742-1942



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Project Summary

The purpose of this project is to partition a parcel of land in West Linn into three parcels for future residential home construction.

The subject property is Tax Lot 3001 of Map 21E3CB (Parcel 4 of Partition Plat 2016-077) located at 18822 Old River Drive in West Linn. The total site area is 33,128 square feet and it is zoned R-10. A house, garage, and driveway located on the property were recently demolished and removed, making the land now vacant.

The land is essentially flat towards the west side of the property, rolls downhill towards the east, eventually sloping steeply to the east down to a nearby creek. Easterly portions of the property fall within areas of WRA, HCA, and a Riparian Area. No impacts to these areas are proposed with this application. Future home construction on Parcel 2 and Parcel 3 may require special permits for impacts to these sensitive areas.

The location and dimensions of curb and sidewalk improvements were discussed with City Engineering at the Pre-Application Meeting. Construction of the curb and sidewalk is not feasible for several reasons:

1. The existing roadways are not centered in the existing rights-of-way.
2. The off-centered roads fall towards the subject property.
3. Therefore, standard half-street improvements would make the asphalt width narrower than it exists now, because the new curb would lie closer to the opposite edge of pavement.
4. Widening the roadways at the opposite edge of pavement is also not feasible because of existing trees, hedgerows, bushes, fences and mailboxes that exist in those areas.

Therefore the developer proposes to pay a fee-in-lieu for the roadway improvements. An Engineer's Estimate is included with this Planning Package.

This project will also provide the three future homes with sanitary sewer and water services. Parcel 1 will utilize the existing sanitary sewer and water services for Tax Lot 3001. New sanitary sewer laterals will be installed from the main line in Old River Rd to serve Parcel 2 and Parcel 3, as well as a new sanitary sewer service for Tax Lot 3000 (Parcel 5 of Partition Plat 2016-077). New water meters will be installed from the main line in South Calaroga Drive to serve Parcel 2 and Parcel 3.

Responses to West Linn Community Development Code

Chapter 11

SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

Sections:

- 11.010 PURPOSE
- 11.020 PROCEDURES AND APPROVAL PROCESS
- 11.030 PERMITTED USES
- 11.040 ACCESSORY USES
- 11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.060 CONDITIONAL USES
- 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

11.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

Response: The proposed partition conforms to the purpose of zone R-10.

11.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 11.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

B. A use permitted under prescribed conditions (CDC 11.050) is a use for which approval will be granted provided all conditions are satisfied, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

C. A conditional use (CDC 11.060) is a use the approval of which is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance.

Response: This narrative will address CDC Chapters 11, 48, 85, and 92.

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 8, 2014)

Response: The proposed partition is for future residential homes.

11.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.

4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1298, 1991; Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 5, 2014; Ord. 1635 § 9, 2014)

Response: Not applicable.

11.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60 CDC, Conditional Uses.

1. Cultural exhibits and library services.
2. Lodge, fraternal, community center and civic assembly.
3. Public safety facilities.
4. Public support facilities.
5. Recycle collection center.
6. Religious institution.
7. Schools.
8. Senior center.
9. Utilities, major.
10. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1172, 1985; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 7, 2011)

Response: No conditional uses are proposed.

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.

Response: All proposed lots are greater than 10,000 square feet. See attached plan.

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

Response: All proposed lots meet the requirement. See attached plan.

3. The average minimum lot width shall be 50 feet.

Response: All proposed lots meet the requirement. See attached plan.

4. *Repealed by Ord. 1622.*

5. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.

Response: All proposed lots meet the requirement. See attached plan.

b. For an interior side yard, seven and one-half feet.

Response: All proposed lots meet the requirement. See attached plan.

c. For a side yard abutting a street, 15 feet.

Response: All proposed lots meet the requirement. See attached plan.

d. For a rear yard, 20 feet.

Response: All proposed lots meet the requirement. See attached plan.

6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.

7. The maximum lot coverage shall be 35 percent.

8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

9. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard

may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

10. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1175, 1986; Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 2, 2013; Ord. 1622 § 24, 2014)

11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 9, 2014)

11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
6. Chapter 42 CDC, Clear Vision Areas.
7. Chapter 44 CDC, Fences.
8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
9. Chapter 48 CDC, Access, Egress and Circulation.
10. Chapter 52 CDC, Signs.
11. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009)

Response: This narrative will address CDC Chapters 11, 48, 85, and 92.

Chapter 48 ACCESS, EGRESS AND CIRCULATION

Sections:

- 48.010 PURPOSE
- 48.020 APPLICABILITY AND GENERAL PROVISIONS
- 48.025 ACCESS CONTROL
- 48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES
- 48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES
- 48.050 ONE-WAY VEHICULAR ACCESS POINTS
- 48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS
- 48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS
- 48.080 BICYCLE AND PEDESTRIAN CIRCULATION

48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008)

48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

Response: All proposed lots have access to a public street.

- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.
- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land

satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

F. Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer. (Ord. 1584, 2008; Ord. 1636 § 32, 2014)

Response: There are no proposed flag lots.

48.025 ACCESS CONTROL

A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the City. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

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.

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 lot or 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.

Response: All new parcels will take access from South Calaroga Drive, a public street.

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

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

6. Access spacing.

a. 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 and non-traversable medians.

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

7. Number of access points. For single-family (detached and attached), 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 (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Response: Each new parcel will have only one access point.

8. Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
- b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

Response: No access easements will be required.

- c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

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

1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.

Response: The proposed development does not change any existing block lengths.

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges. (Ord. 1635 § 25, 2014; Ord. 1636 § 33, 2014)

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

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

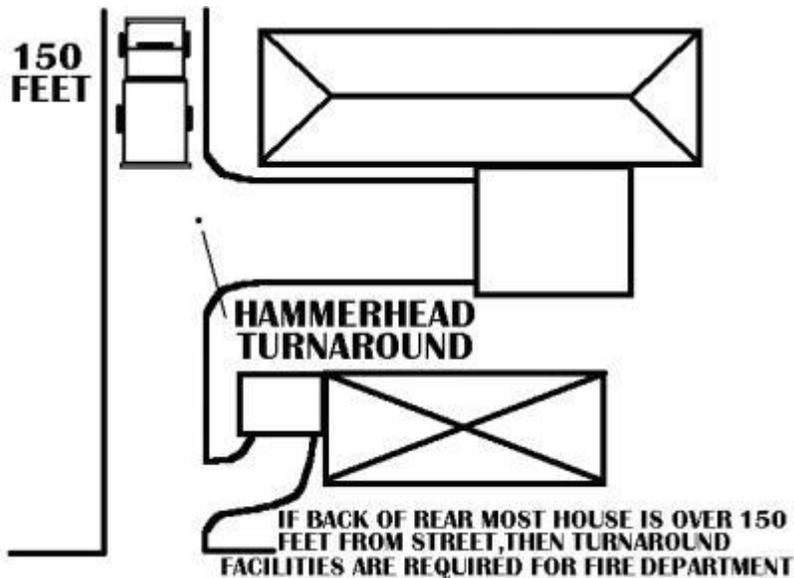
In the event that alternate access is not available as determined by the Planning Director and City Engineer, access may be permitted after review of the following criteria:

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

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.
3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.
4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.

Response: Final driveway designs will be determined with the permitting construction of the homes.



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

1. A turnaround may be required as prescribed by the Fire Chief.
2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.
3. A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.
4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.

D. Access to five or more single-family homes shall be by a street built to full construction code standards. All streets shall be public. This full street provision may only be waived by variance.

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

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Minimum vertical clearance of 13 feet, six inches.
4. Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.
5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.

6. A minimum centerline turning radius of 45 feet for the curve.

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

G. The number of driveways or curb cuts shall be minimized on arterials or collectors. Consolidation or joint use of existing driveways shall be required when feasible.

H. In order to facilitate through traffic and improve neighborhood connections, it may be necessary to construct a public street through a multi-family site.

I. Gated accessways to residential development other than a single-family home are prohibited. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1513, 2005; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1636 § 34, 2014)

Response: Final driveway designs will be determined with the permitting construction of the homes.

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

Response: This proposal is for residential use.

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

A. Service drives for non-residential uses shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Meet the requirements of CDC 48.030(E)(3) through (6).
4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.

B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

D. Gated accessways to non-residential uses are prohibited unless required for public safety or security. (Ord. 1408, 1998, Ord. 1463, 2000)

48.050 ONE-WAY VEHICULAR ACCESS POINTS

Where a proposed parking facility plan indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility, and the entrance drive shall be situated closest to oncoming traffic, and the exit drive shall be situated farthest from oncoming traffic.

Response: *The lots will take access from a two-way street.*

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

- A. Minimum curb cut width shall be 16 feet.
- B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:
 - 1. On an arterial when intersected by another arterial, 150 feet.
 - 2. On an arterial when intersected by a collector, 100 feet.
 - 3. On an arterial when intersected by a local street, 100 feet.
 - 4. On a collector when intersecting an arterial street, 100 feet.
 - 5. On a collector when intersected by another collector or local street, 35 feet.
 - 6. On a local street when intersecting any other street, 35 feet.
- D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:
 - 1. On an arterial street, 150 feet.
 - 2. On a collector street, 75 feet.
 - 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.
- E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.
- F. Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.
- G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway. (Ord. 1270, 1990; Ord. 1584, 2008; Ord. 1636 § 35, 2014)

Response: *Final driveway designs will be determined with the permitting construction of the homes.*

48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS

A. In order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or his or her designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:

1. Provide inadequate access for emergency vehicles; or
2. Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.

B. A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240(B).

48.080 BICYCLE AND PEDESTRIAN CIRCULATION

A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)

B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(A)(3).

C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.

Response: Not applicable.

Chapter 85 GENERAL PROVISIONS

Sections:

<u>85.010</u>	PURPOSE
<u>85.020</u>	SCOPE - CONFORMITY REQUIRED
<u>85.030</u>	SALE OR NEGOTIATION TO SELL LOT OR PARCEL PRIOR TO APPROVAL OF TENTATIVE PLAN
<u>85.040</u>	<i>REPEALED</i>
<u>85.050</u>	APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND
<u>85.060</u>	INCOMPLETE APPLICATIONS - DECISION-MAKING PERIOD
<u>85.070</u>	ADMINISTRATION AND APPROVAL PROCESS
<u>85.080</u>	SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED
<u>85.085</u>	SUBDIVISION/PARTITION AMENDMENT TRIGGER
<u>85.090</u>	EXPIRATION OR EXTENSION OF APPROVAL
<u>85.100</u>	NON-COMPLIANCE - BOND
<u>85.110</u>	STAGED DEVELOPMENT
<u>85.120</u>	PARTIAL DEVELOPMENT
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<u>85.140</u>	PRE-APPLICATION CONFERENCE REQUIRED
<u>85.150</u>	APPLICATION - TENTATIVE PLAN
<u>85.160</u>	SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN
<u>85.170</u>	SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN
<u>85.180</u>	REDIVISION PLAN REQUIREMENT
<u>85.190</u>	ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
<u>85.200</u>	APPROVAL CRITERIA
<u>85.210</u>	PROPERTY LINE ADJUSTMENTS - APPROVAL STANDARDS

85.010 PURPOSE

A. The purpose of the land division provisions of this code is to implement the Comprehensive Plan; to provide rules and standards governing the approval of plats of subdivisions (four lots or more) and partitions (three lots or fewer); to help direct the development pattern; to lessen congestion in the streets; to increase street safety; to efficiently provide water, sewage, and storm drainage service; and to conserve energy resources.

B. The purpose is further defined as follows:

1. To improve our sense of neighborhood and community and increase opportunities for socialization.
2. To comply with the State's Transportation Planning Rule (TPR), which seeks to encourage alternate forms of transportation and reduce reliance upon the private automobile and vehicle miles traveled by increasing accessibility within and between subdivisions and neighborhoods. This may be accomplished by designing an easily understood, interconnected pattern of streets, bicycle and foot paths, and accommodation of transit facilities. Cul-de-sacs are to be discouraged unless site conditions dictate otherwise.

3. To reduce pedestrian/vehicle conflicts and create a safe and attractive environment for pedestrians and bicyclists.
4. To protect natural resource areas such as drainageways, Willamette and Tualatin River greenways, creeks, habitat areas, and wooded areas as required by other provisions of this code or by the layout of streets and graded areas so as to minimize their disturbance.
5. To protect the natural features and topography by minimizing grading and site disturbance and by requiring proper erosion control techniques.
6. To arrange the lots and streets so as to minimize nuisance conditions such as glare, noise, and vibration.
7. To maximize passive solar heating benefits by orienting the streets on an east-to-west axis which increases exposure to the sun.
8. To arrange for the efficient layout of utilities and infrastructure as well as their extension to adjacent properties in a manner consistent with either adopted utility plans or sound engineering practices.
9. To arrange lots and roads to create reasonably buildable lots and acceptable driveway grades.
10. To encourage the arrangement of increased densities and smaller lots in proximity to needed services and schools as well as transportation corridors so as to reduce vehicle miles traveled and to encourage alternate modes of travel.
11. To encourage design experimentation and creativity.
12. To arrange for the mitigation of impacts generated by new development. These impacts include increased automobile, foot, and bicycle traffic. These impacts are to be mitigated at the developer's cost, by the provision of streets, sidewalks, bicycle and foot paths, and traffic control devices within, contiguous to, and nearby the development site. Similarly, increased demand on local infrastructure such as water lines, sanitary sewer lines, and storm drainage and detention facilities, should be offset by improving existing facilities or providing new ones. (Ord. 1636 § 49, 2014; Ord. 1647 § 7, 2016)

85.020 SCOPE – CONFORMITY REQUIRED

- A. This division shall apply to all subdivisions and partitions within the City limits of West Linn.
- B. No person shall subdivide or create a partition except in conformity with the provisions of this code and Chapter 92 ORS. Chapter 92 ORS states that all partitions and subdivisions of land require a final plat to be prepared by a registered professional land surveyor; all corners must be monumented, the partition or subdivision plat must be approved by the City and County surveyor, as appropriate, and recorded with the County recorder.
- C. No building permit shall be issued for any parcel or lot which was created by subdivision or partition if it is not approved and in conformity with the provisions of this code.

D. No excavation of land or construction of any public or private improvement shall take place or be commenced except in conformity with the provisions of this code. (Ord. 1636 § 50, 2014)

85.030 SALE OR NEGOTIATION TO SELL LOT OR PARCEL PRIOR TO APPROVAL OF TENTATIVE PLAN

A. No person shall sell any lot in any subdivision to which approval is required until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until the tentative plan has been approved.

B. A person may negotiate to sell any parcel in a partition for which approval of a tentative plan is required, but shall not sell a parcel prior to approval.

C. No building permits will be issued for tentatively approved lots or parcels. The final plat must be recorded before permits will be issued. (Ord. 1636 § 51, 2014)

85.040 SALE OF LOTS PROHIBITED UNTIL SUBDIVISION PLAT IS RECORDED

Repealed by Ord. 1636.

85.050 APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND

A. No person shall create a street or road for the purpose of partitioning an area or tract of land without approval by the approval authority under the provisions of CDC 99.060(A) and (B).

B. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the Planning Director or City Engineer, as applicable, under the provisions of CDC 99.060(A) and (B), procedures for decision-making. (Ord. 1382, 1995)

85.060 INCOMPLETE APPLICATIONS – DECISION-MAKING PERIOD

A. The Director shall not accept incomplete applications; however, if an application for approval of a tentative plan for a subdivision or partition is incomplete, the Planning Director shall notify the applicant of the fact within 30 days of the receipt of the application and allow the applicant to provide the additional required information.

B. The approval authority shall take final action on an application for approval of a tentative plan for a subdivision or partition within 120 days after the application is found to be complete.

C. If action is not taken within the 120-day period, the applicant may apply to the circuit court for a writ of mandamus to compel the issuance of approval. (Ord. 1382, 1995)

85.070 ADMINISTRATION AND APPROVAL PROCESS

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

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

1. The Planning Director shall approve, deny, or approve with conditions an application for a partition subject to the provisions of CDC 85.200, 99.060(A), and 99.110. The Director's decision may be appealed to the City Council as provided by CDC 99.240(A).
2. The Planning Commission shall approve, deny, or approve with conditions an application for a tentative plan for a subdivision subject to the provisions of CDC 85.200, 99.060(B), and 99.110. A petition for review of the Planning Commission's decision may be filed as provided by CDC 99.240.
3. Action on the final plat shall be ministerial and taken by the Planning Director and City Engineer, and the Planning Director and City Engineer shall approve a final subdivision or partition plat upon the finding that the approval criteria set forth in CDC 89.050 have been satisfied. The Planning Director's and City Engineer's decision may be appealed to the Planning Commission by the applicant, and the Planning Commission shall make its decision based on testimony from the applicant and the Director. (Ord. 1474, 2001)

85.080 SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED

- A. Approval of the tentative plan shall require that the final plat be in substantial conformance. Only such changes in the plat or map as are necessary for compliance with the terms of its approval, changes appropriate to meet accepted engineering practices due to grades or site conditions, or changes to satisfy legislative requirements are appropriate; however
- B. Approval of the tentative plan for the proposed subdivision or the partition shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording.

85.085 SUBDIVISION/PARTITION AMENDMENT TRIGGER

Amendments to subdivision/partitions shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes. (Ord. 1408, 1998)

85.090 EXPIRATION OR EXTENSION OF APPROVAL

The final plat map shall be submitted to the Planning Director and recorded with the County within three years from the date of approval of the tentative plan, or as approved under CDC 99.325. If the final plat is not recorded by that time, the approval expires. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

85.100 NON-COMPLIANCE – BOND

- A. Non-compliance with an approved final plat shall be a violation of this code.
- B. The development and associated conditions of approval shall be completed in accordance with the approved final plat before any occupancy permits will be issued except that when the City Engineer or Planning Director determines that immediate execution of any feature of an approved final plat is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Planning Director or City Engineer shall, as a precondition of the issuance of a required permit, require a

cashier's check, cash, or other surety (generally 125 percent of an engineer's estimated cost of improvements), to secure execution of the feature at a time certain not to exceed one year.

85.110 STAGED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125. However, notwithstanding the provisions of CDC 99.125, in no case shall the time period for final platting and recording all stages with the County be greater than five years without refiling the application. (Ord. 1589 § 1 (Exh. A), 2010)

Response: *This project does not propose staged development.*

85.120 PARTIAL DEVELOPMENT

Where the tentative subdivision or partition plan is limited to only part of the potential development site, the approval authority may require that an applicant submit a tentative layout for the streets for the unsubdivided portion.

Response: *This project does not propose partial development.*

85.130 LAND DIVISION APPLICATION IN CONJUNCTION WITH OTHER LAND USE APPLICATIONS

As provided by CDC 99.070, a land division application filed under this code may be heard concurrently with another application, upon applicant's request.

85.140 PRE-APPLICATION CONFERENCE REQUIRED

- A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.
- B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.
- C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements. (Ord. 1544, 2007)

Response: *See attached pre-application conference notes.*

85.150 APPLICATION – TENTATIVE PLAN

- A. The applicant shall submit a completed application which shall include:
 - 1. The completed application form(s).
 - 2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City.

When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

3. A narrative explaining all aspects of land division per CDC 85.200.
- B. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 19, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 19, 2014)

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

- A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.
- C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.
- D. The following general information shall be shown on the tentative plan of subdivision or partition:
 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
 2. Date, north arrow, scale of drawing, and graphic bar scale.
 3. Appropriate identification clearly stating the drawing as a tentative plan.
 4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.
 5. Names and addresses of the owner, developer, and engineer or surveyor.
- E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:
 1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:
 - a. Two-foot contour intervals for ground slopes less than 20 percent.
 - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
3. The location of any control points that are the basis for the applicant's mapping.
4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
8. Zoning on and adjacent to the tract.
9. Existing uses to remain on the adjoining property and their scaled location.
10. The location of any existing bicycle or pedestrian ways.
11. The location of adjacent transit stops.

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

1. The street - street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).
2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's *Erosion/Sedimentation Control Plans Technical Guidance Handbook*, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:

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

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

3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.
4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.
5. Any easement(s) – location, width, and purpose of the easement(s).
6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.
7. A street tree planting plan and schedule approved by the Parks Department.
8. Any land area to be dedicated to the City or put in common ownership.
9. Phase boundaries shall be shown. (Ord. 1382, 1995; Ord. 1403, 1997; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1636 §§ 53, 54, 2014)

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

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

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.
2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).
3. A legal description of the tract.

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.
5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.
6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction.
2. Traffic Impact Analysis (TIA).
 - a. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.
 - b. Typical average daily trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.
 - c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:
 - 1) The development application involves one or more of the following actions:
 - (A) A change in zoning or a plan amendment designation; or

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

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

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

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

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

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

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

d. Traffic impact analysis requirements.

1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer qualified under OAR 734-051-0040. The City shall commission the traffic analysis and it will be paid for by the applicant.

2) Transportation Planning Rule compliance. See CDC 105.050(D), Transportation Planning Rule Compliance.

3) Pre-application conference. The applicant will meet with West Linn Public Works prior to submitting an application that requires a traffic impact application. This meeting will determine the required elements of the TIA and the level of analysis expected.

e. Approval criteria.

1) Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

(A) The Traffic Impact Analysis was prepared by a professional traffic engineer qualified under OAR 734-051-0040; and

(B) If the proposed development shall cause one or more of the effects in subsection (B)(2) of this section, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet the City's level of service and are satisfactory to the City Engineer, and ODOT when applicable; and

(C) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- (1) Have the least negative impact on all applicable transportation facilities; and
- (2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
- (3) Make the most efficient use of land and public facilities as practicable; and
- (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- (5) Otherwise comply with applicable requirements of the City of West Linn Community Development Code.

f. Conditions of approval. The City may deny, approve, or approve the proposal with appropriate conditions.

- 1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- 2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).
2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

D. Water.

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

Response: This project does not propose any main line changes. Only new services are proposed.

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).
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 Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report 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.

Response: This project does not propose any main line changes. Only new services are proposed.

F. Storm. A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1584, 2008; Ord. 1604 § 65, 2011; Ord. 1635 § 33, 2014; Ord. 1636 § 54, 2014)

85.180 REDIVISION PLAN REQUIREMENT

A redivision plan shall be required for a partition or subdivision, where the property could be developed at a higher density, under existing/proposed zoning, if all services were available and adequate to serve the use.

A. The redivision plan is a sketch plan. A land survey and an engineering drawing are not required except where there are unique soil, topographic, or geologic conditions. Under the provisions of CDC 99.035, administrative procedures, the Planning Director may require additional information.

B. The applicant shall submit a topographic map based on available information and a subdivision layout in accordance with standards set forth in this chapter and the zoning district in which the property is located.

C. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the zoning district in which the property is located.

D. The redivision plan is considered a guide. Its purpose is to assure the efficient use of land and orderly growth. At such time as the property owner applies to redivide the land, a different proposal may be submitted for approval provided it meets all of the requirements. The redivision plan is not binding on the applicant or the City at the time a formal application is submitted under this chapter.

E. The Planning Director shall approve the redivision plan in the manner set forth in CDC 99.060(A)(2), except that no notice shall be given. The applicant may appeal the Planning Director's decision as provided by CDC 99.240(A).

F. The Planning Director's decision shall be based on the following findings:

1. The redivision plan complies with the applicable requirements of this chapter and zoning district in which the property is located.

2. There are adequate water and sewage systems available for the proposed use. (Ord. 1636 § 55, 2014)

85.190 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

A. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

B. The applicant may request a waiver of any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

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.

To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

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.

An applicant may submit a written request for a waiver of abutting street improvements if the TSP prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City

Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission’s decision on the associated application. The in-lieu fee shall be used for in kind or related improvements.

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).

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

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

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.

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

Freeways are State or interstate facilities that provide regional travel connections. These routes have the highest capacity and the most restrictive access requirements. Two local freeway interchanges at 10th Street and at Highway 43 serve the entire City of West Linn. Interchanges are grade-separated facilities with arterial or principal arterial streets. No intermediate vehicular or pedestrian access is allowed.

Principal arterials are typically State highways that provide the high level roadway capacity to local land uses. These routes connect over the longest distance (sometimes miles long) and are less frequent than other arterials or collectors. These highways generally span several jurisdictions and often have Statewide importance (as defined in the ODOT State Highway Classification).

These facilities should provide for a high level of transit service and include transit priority measures to expedite bus travel.

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

Collector streets provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a Citywide circulation function and do not require as extensive control of access and that they penetrate residential neighborhoods, distributing trips from the neighborhood and local street system. Collectors are typically greater than one-half to one mile in length.

Neighborhood routes are usually long relative to local streets and provide connectivity to collectors or arterials. Since neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to access the neighborhood, but do not serve Citywide/large area circulation. They are typically about one-quarter to one-half mile in total length. Traffic from cul-de-sacs and other local streets may drain onto neighborhood routes to gain access to collectors or arterials. Because traffic needs are greater than a local street, certain measures should be considered to retain the neighborhood character and livability of these streets. Neighborhood traffic management measures are often appropriate (including devices such as speed humps, traffic circles and other devices – refer to later section in this chapter). However, it should not be construed that neighborhood routes automatically get speed humps or any other measures. While these streets have special needs, neighborhood traffic management is only one means of retaining neighborhood character and vitality.

Local streets have the sole function of providing access to immediately adjacent land. Service to through traffic movement on local streets is deliberately discouraged by design.

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

City of West Linn Roadway Cross-Section Standards

Street Element	Characteristic	Width/Options
Vehicle Lane Widths (minimum widths)	Arterial	11 feet
	Collector	10 feet
	Neighborhood	10 feet
	Local	12 feet
	Turn Lane	10-14 feet
On-Street Parking	Arterials	Limited (in commercial areas)
	Collectors	Some (unstriped)
	Neighborhood	Some (8 feet)
	Local	Some (unstriped)
Bicycle Lanes (minimum widths)	New Construction	5 to 6 feet
	Reconstruction	5 to 6 feet
Sidewalks (minimum width) (See note below)	Arterial	6 feet
	Collector	6 feet
	Neighborhood/Local	6 feet
Landscape Strips	Can be included in all streets	6 feet

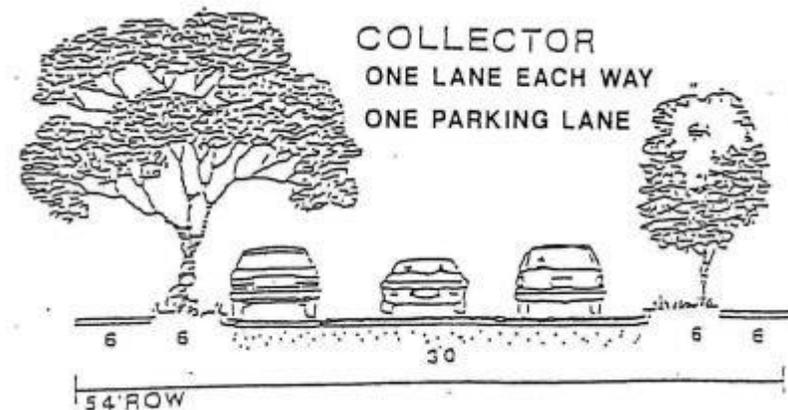
Medians	5-Lane	Optional
	3-Lane	Optional
	2-Lane	Consider if appropriate
Neighborhood Traffic Management	Arterials	Not recommended
	Collectors	Under special conditions
	Neighborhood	Should consider if appropriate
	Local	Should consider if appropriate
Transit	Arterial/Collectors	Appropriate
	Neighborhood Route	Only in special circumstances
	Local	Not recommended

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

Sidewalk Location	Sidewalk Width
Arterial in GC/OBC zone	12 feet
Collector/Local in GC/OBC zone	8 feet
Storefront on arterial	12 feet

Storefront on collector/local	8 feet
Residential Development	6 feet (+ 6-foot planter strip)

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



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

- a. The type of road as set forth in the Transportation Master Plan.
- b. The anticipated traffic generation.
- c. On-street parking requirements.
- d. Sidewalk and bikeway requirements.
- e. Requirements for placement of utilities.
- f. Street lighting.
- g. Drainage and slope impacts.
- h. Street trees.
- i. Planting and landscape areas.
- j. Existing and future driveway grades.
- k. Street geometry.
- l. Street furniture needs, hydrants.

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:
- a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.
 - b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
 - c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.
 - d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.
6. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.
7. Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.
8. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without turnarounds. (Temporary turnarounds built to Fire Department standards are required when the dead-end street is over 100 feet long.)
9. Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than 60 degrees unless a special intersection design is approved. Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles. Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 25 feet. All radii shall maintain a uniform width between the roadway and the right-of-way lines. The intersection of more than two streets at any one point will not be allowed unless no alternative design exists.
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.
11. Cul-de-sacs.
- a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than five acres, or sites accommodating uses other than

residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:

- 1) Physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC), or
- 2) Existing easements or leases.

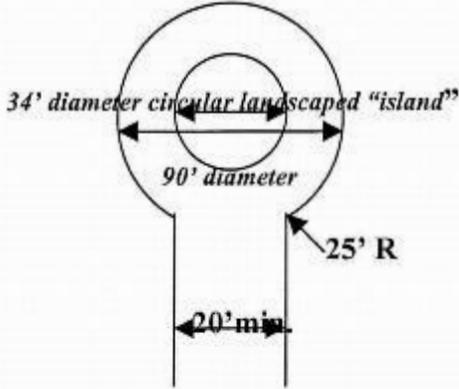
b. New cul-de-sacs and other closed-end streets, consistent with subsection (A)(11)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).

c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.

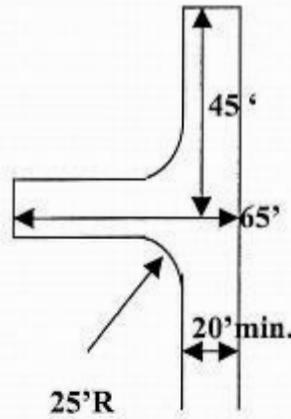
d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.

e. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.

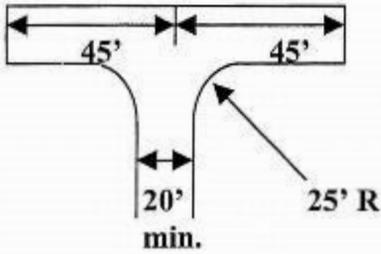
f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).



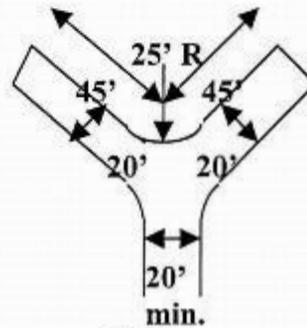
Cul-de-Sac Turnaround



Hammer Head Turnaround



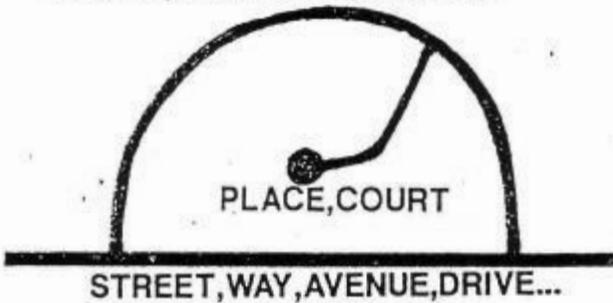
"T" Turnaround



"Y" Turnaround

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

CIRCLE, CRESCENT, TERRACE



13. Grades and curves. Grades shall not exceed 8 percent on major or secondary arterials, 10 percent on collector streets, or 15 percent on any other street unless by variance. Willamette Drive/Highway 43 shall be designed to a minimum horizontal and vertical design speed of 45 miles per hour, subject to Oregon Department of Transportation (ODOT) approval. Arterials shall be designed to a minimum horizontal and vertical design speed of 35 miles per hour. Collectors shall be designed to a minimum horizontal and vertical design speed of 30 miles per hour. All other streets shall be designed to have a minimum centerline radii of 50 feet. Super elevations (i.e., banking) shall not exceed four percent. The centerline profiles of all streets may be provided where terrain constraints (e.g., over 20 percent slopes) may result in considerable deviation from the originally proposed alignment.

14. Access to local streets. Intersection of a local residential street with an arterial street may be prohibited by the decision-making authority if suitable alternatives exist for providing interconnection of proposed local residential streets with other local streets. Where a subdivision or partition abuts or contains an existing or proposed major arterial street, the decision-making authority may require marginal access streets, reverse-frontage lots with suitable depth, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other measures necessary for adequate protection of residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic.

15. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multi-family projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:

- a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lots or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.
- b. The alley will be designed to allow unobstructed and easy surveillance by residents and police.
- c. The alley should be illuminated. Lighting should include non-omni-directional pole mounted high or low pressure sodium lights every 100 to 200 feet.
- d. The alley should be a semi-private space where strangers are tacitly discouraged.
- e. Speed bumps may be installed in sufficient number to provide a safer environment for children at play and to discourage through or speeding traffic.
- f. Alleys should be a minimum of 14 feet wide, paved with no curbs.

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be

constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.

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 to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curbline. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

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

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.

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

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

- a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.
- b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curbline, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curbline of the street to which they are perpendicular.
- c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.
- d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.
- e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.
- f. Under Chapter 52 CDC, subdivision monument signs shall not exceed 32 square feet in area.

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 commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP.

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.

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).

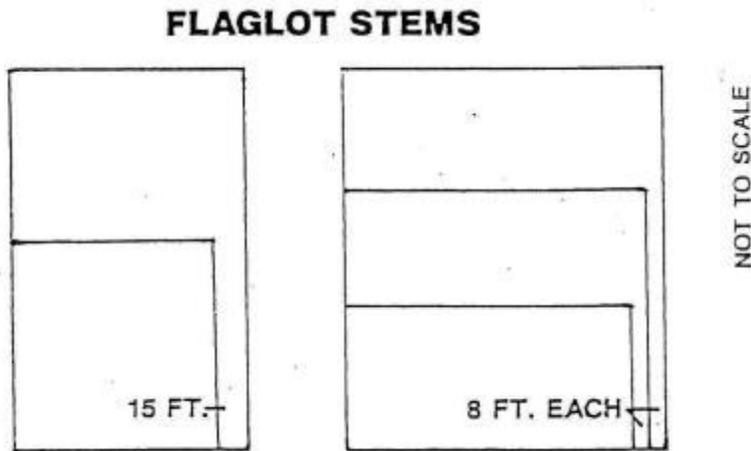
Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

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

5. Double frontage lots and parcels. Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

6. Lot and parcel side lines. The 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.

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:



- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.
- e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

Response: No flag lots are proposed.

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.

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.

2. The all-weather surface (asphalt, etc.) trail should be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails within 10 feet of a wetland or natural drainageway shall not have an all-weather surface, but shall have a soft surface as approved by the Parks Director. These trails shall be contained within a corridor dedicated to the City that is wide enough to provide trail users with a sense of defensible space. Corridors that are too narrow, confined, or with vegetative cover may be threatening and discourage use. Consequently, the minimum corridor width shall be 20 feet. Sharp curves, twists, and blind corners on the trail are to be avoided as much as possible to enhance defensible space. Deviations from the corridor and trail width are permitted only where topographic and ownership constraints require it.

3. Defensible space shall also be enhanced by the provision of a three- to four-foot-high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.

4. The bicycle or pedestrian trails that traverse multi-family and commercial sites should follow the same defensible space standards but do not need to be defined by a fence unless required by the decision-making authority.

5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director that the principal users of the path will be recreational, non-destination-oriented foot traffic, and that alternate paved routes are nearby and accessible.

6. The trail grade shall not exceed 12 percent except in areas of unavoidable topography, where the trail may be up to a 15 percent grade for short sections no longer than 50 feet. In any location

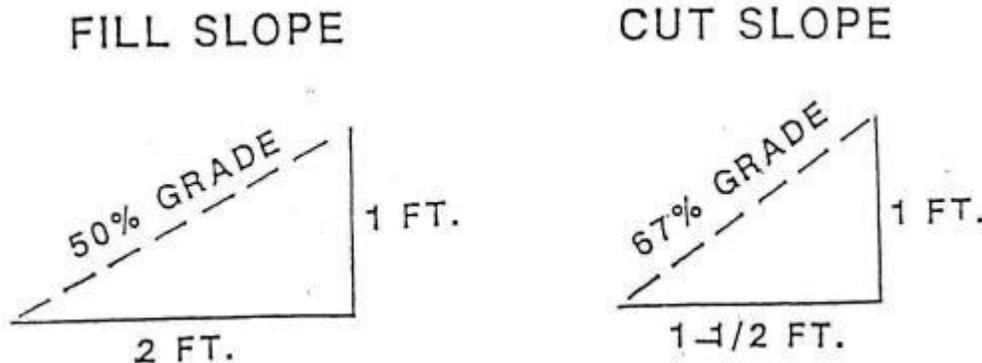
where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

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.
2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site as deemed appropriate by the City Engineer.
3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop where feasible. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.
4. Transit stops should include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users. Tri-Met must approve the final configuration.

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:
 - a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).
 - b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade).



2. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.
3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.
4. The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.
5. Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.
6. *Repealed by Ord. 1635.*
7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:
 - a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
 - b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section).
 - c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
 - d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
 - e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.
8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:
 - a. At least 70 percent of the site will remain free of structures or impervious surfaces.
 - b. Emergency access can be provided.
 - c. Design and construction of the project will not cause erosion or land slippage.
 - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

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.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.
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.

Response: This project does not propose any main line changes. It is proposed that new water services be taken from the water main line in South Calagora Drive for Parcel 2 and Parcel 3. Parcel 1 will utilize the existing service for the subject property.

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.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
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.

H. *Deleted during July 2014 supplement.*

Response: This project does not propose any main line changes. It is proposed that new sanitary sewer services be taken from the sanitary sewer main line in Old River Road for Parcel 2, Parcel 3, and Tax Lot 3000. Parcel 1 will utilize the existing service for the subject property.

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.

Response: A 10' wide private sanitary sewer easement is proposed. See attached plans.

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.

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.

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

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.

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.

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.

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.

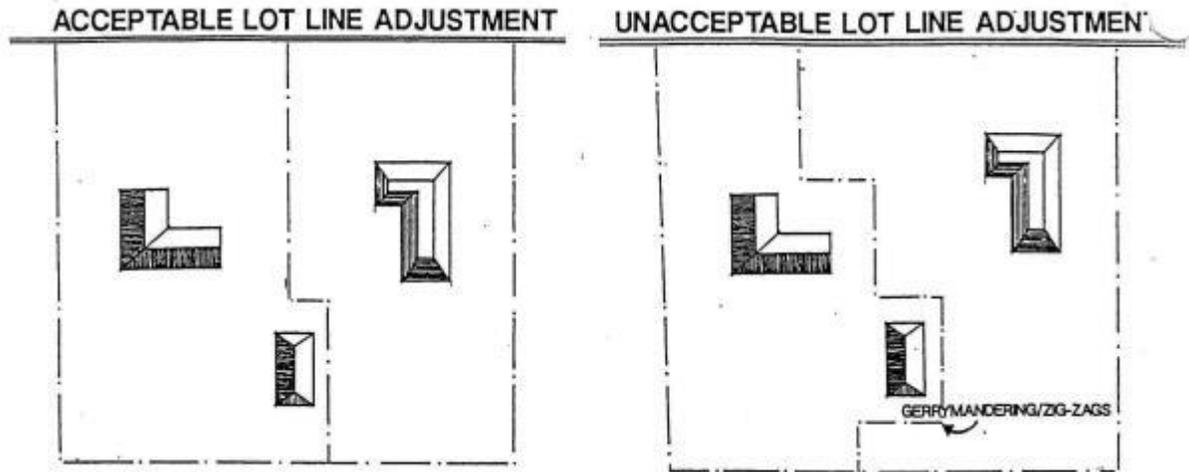
8. Mix requirement. The "mix" rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential. The intent is that the majority of the site shall be developed as medium high density multi-family housing.

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; Ord. 1647 § 8, 2016)

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the line adjustment.
2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district.
3. Reducing the lot or parcel size shall not violate the site development regulations for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).
4. The property line adjustment is as defined by ORS Chapter 92.



5. The lot line adjustment will not affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are dedicated or any required utility relocations are paid for by the applicant.

6. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to lot line adjustments. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1635 § 35, 2014; Ord. 1636 § 57, 2014)

Chapter 92
REQUIRED IMPROVEMENTS

Sections:

- 92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT
- 92.020 IMPROVEMENTS IN PARTITIONS
- 92.030 IMPROVEMENT PROCEDURES
- 92.040 SPECIFICATIONS FOR IMPROVEMENTS
- 92.050 CHANGES IN SUBDIVISION PHASE NUMBERS PROHIBITED

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.

1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:

a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.

b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.

2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:

a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.

b. A condition that the applicant build a trail, bicycle path, or other appropriate way.

If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.

Construction staging area shall be established and approved by the City Engineer. Clearing, grubbing, and grading for a development shall be confined to areas that have been granted approval in the land use approval process only. Clearing, grubbing, and grading outside of land use approved areas can only be approved through a land use approval modification and/or an approved Building Department grading

permit for survey purposes. Catch basins shall be installed and connected to pipe lines leading to storm sewers or drainageways.

Response: The Location and dimensions of curb and sidewalk improvements were discussed with City Engineering at the Pre-Application Meeting. Construction of the curb and sidewalk is not feasible for several reasons:

- 1. The existing roadways are not centered in the existing rights-of-way.**
- 2. The off-centered roads fall towards the subject property.**
- 3. Therefore, standard half-street improvements would make the asphalt width narrower than it exists now, because the new curb would lie closer to the opposite edge of pavement.**
- 4. Widening the roadways at the opposite edge of pavement is also not feasible because of existing trees, hedgerows, bushes, fences and mailboxes that exist in those areas.**

Therefore the developer proposes to pay a fee-in-lieu for the street improvements. An Engineer's Estimate is included with this Planning Package.

B. Extension of streets to subdivisions. The extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to a minimum street structural section and width of 24 feet.

Response: No extension of streets is required to serve the new parcels.

C. Local and minor collector streets within the rights-of-way abutting a subdivision shall be graded for the full right-of-way width and approved to the City's permanent improvement standards and specifications. The City Engineer shall review the need for street improvements and shall specify whether full street or partial street improvements shall be required. The City Engineer shall also specify the extent of storm drainage improvements required. The City Engineer shall be guided by the purpose of the City's systems development charge program in determining the extent of improvements which are the responsibility of the subdivider.

Response: See response to "A". No grading is proposed.

D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

Response: The corners of the new parcels will be marked with proper monuments by a Licensed Surveyor.

E. Surface drainage and storm sewer system. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse

impacts from increased intensity of runoff off site of a 100-year storm, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts commensurate to the particular land use application. Mitigation measures shall maintain pre-existing levels and meet buildout volumes, and meet planning and engineering requirements.

Response: See response to "A". No changes to street pavements are proposed therefore no surface drainage improvements are proposed.

F. Sanitary sewers. Sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains.

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his or her share of the construction.

2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.

Response: This project does not propose any main line changes. It is proposed that new sanitary sewer services be taken from the sanitary sewer main line in Old River Road for Parcel 2, Parcel 3, and Tax Lot 3000. Parcel 1 will utilize the existing service for the subject property.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to the City Engineer's recommendations and City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

Response: This project does not propose any main line changes. It is proposed that new water services be taken from the water main line in South Calagora Drive for Parcel 2 and Parcel 3. Parcel 1 will utilize the existing service for the subject property.

H. Sidewalks.

1. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, or special site conditions, the Planning Commission may approve a subdivision without sidewalks if alternate pedestrian routes are available.

In the case of the double-frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the land owner at the time a request for a building permit is received. Additionally, deed restrictions and CC&Rs shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double-frontage lots.

2. On local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC 91.010(A)(2).

3. The sidewalks shall measure at least six feet in width and be separated from the curb by a six-foot minimum width planter strip. Reductions in widths to preserve trees or other topographic features, inadequate right-of-way, or constraints, may be permitted if approved by the City Engineer in consultation with the Planning Director.

4. Sidewalks should be buffered from the roadway on high volume arterials or collectors by landscape strip or berm of three and one-half-foot minimum width.

5. The City Engineer may allow the installation of sidewalks on one side of any street only if the City Engineer finds that the presence of any of the factors listed below justifies such waiver:

- a. The street has, or is projected to have, very low volume traffic density;
- b. The street is a dead-end street;
- c. The housing along the street is very low density; or
- d. The street contains exceptional topographic conditions such as steep slopes, unstable soils, or other similar conditions making the location of a sidewalk undesirable.

Response: See response to "A". No sidewalks are proposed.

I. Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

Response: See response to "A". No changes to bicycle routing are proposed.

J. Street name signs. All street name signs and traffic control devices for the initial signing of the new development shall be installed by the City with sign and installation costs paid by the developer.

Response: Not applicable.

K. Dead-end street signs. Signs indicating "future roadway" shall be installed at the end of all discontinued streets. Signs shall be installed by the City per City standards, with sign and installation costs paid by the developer.

Response: Not applicable.

L. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.). Sign and installation costs shall be paid by the developer.

Response: Not applicable.

M. Street lights. Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.

Response: Not applicable.

N. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

Response: Public Utility Easements already exist along the frontages of the property. Franchise utilizes will be installed as part of this project.

O. Curb cuts and driveways. Curb cuts and driveway installations are not required of the subdivider at the time of street construction, but, if installed, shall be according to City standards. Proper curb cuts and hard-surfaced driveways shall be required at the time buildings are constructed.

Response: Final driveway designs will be reviewed and during permitting and construction of new homes.

P. Street trees. Street trees shall be provided by the City Parks and Recreation Department in accordance with standards as adopted by the City in the Municipal Code. The fee charged the subdivider for providing and maintaining these trees shall be set by resolution of the City Council.

Response: Final street tree designs will be reviewed and during permitting and construction of new homes.

Q. Joint mailbox facilities shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval. (Ord. 1180, 1986; Ord. 1192, 1987; Ord. 1287, 1990; Ord. 1321, 1992; Ord. 1339, 1993; Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999)

Response: Mailboxes will be installed at the time of home construction.

92.020 IMPROVEMENTS IN PARTITIONS

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

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City. (Ord. 1192, 1987; Ord. 1287, 1990; Ord. 1442, 1999; Ord. 1544, 2007; Ord. 1636 § 59, 2014)

92.030 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this title and permanent improvement standards and specifications adopted by the City and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the improvement plans may be required before approval of the tentative plan of a subdivision or partition. Plans shall be prepared in accordance with the requirements of the City.

B. Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

C. Improvements shall be constructed under the Engineer. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

D. All underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or by any utility company shall be constructed prior to the surfacing of the streets. Stubs for service connections

for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

E. A digital and mylar map showing all public improvements as built shall be filed with the City Engineer upon completion of the improvements. (Ord. 1408, 1998)

92.040 SPECIFICATIONS FOR IMPROVEMENTS

The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this title based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

92.050 CHANGES IN SUBDIVISION PHASE NUMBERS PROHIBITED

Subdivision phase numbers shall remain the same from tentative approval through final platting. The only permitted change would be the addition of an alphabetic suffix. For example, tentatively approved Columbia Heights III could be broken down at final platting into Columbia Heights III-A, III-B, III-C, etc. It could not be broken down numerically into Columbia Heights III, IV, and V.

Exhibit A

Ownership Information

WFG Title 14602663 NW

**RECORDING COVER SHEET
(Per ORS 205.234)**

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet Do Not effect the transaction(s) contained in this instrument itself.

Clackamas County Official Records Sherry Hall, County Clerk	2015-065519
	09/29/2015 08:44:25 AM
D-D Cnt=1 Str=4 JANIS	
\$25.00 \$16.00 \$10.00 \$22.00	\$73.00

After recording return to:
Jeffrey I. Parker

1800 Blankenship Rd. #200

West Linn OR 97068

Mail Tax statements to:
Same as above

Name(s) of Transaction(s):
Described in the attached instrument and required by ORS 205.234(a) (i.e. Warranty Deed)
Statutory Warranty Deed

Direct Party (per ORS 205.125 [1][b]) / **Grantor** (per ORS 205.160):
James Sherwood who took title as James E. Sherwood

Indirect Party (per ORS 205.125[1][a]) / **Grantee** (per ORS 205.160):
Jeffrey I. Parker

Consideration Paid (per ORS 93.030): **\$304,874.29**

**Rerecorded at the request of WFG to correct scriveners error in Grantor name
Previously recorded as Fee No. 2015-062549.**

(Legal description if corrected is attached to included certified document of the original)

WFG Title 14002663 NW

Grantor		Clackamas County Official Records Sherry Hall, County Clerk	2015-062549
James Sherwood			
Grantee		09/16/2015 03:04:54 PM	D-D Cnt=1 Stn=8 CINDY \$10.00 \$16.00 \$10.00 \$22.00 \$58.00
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068			
After recording return to			
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068			
Until requested, all tax statements shall be sent to			
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068 Tax Acct No(s): 00297253			

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

James Sherwood, ^{who} Grantor(s) convey and warrant to Jeffrey I. Parker, Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

Parcel 1, Partition Plat 2002- 51, in the City of West Linn, County of Clackamas and State of Oregon.

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, if any, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$304,874.29, consisting of the gross sales price of \$249,000 paid by grantee to grantor, \$33,000.00 paid by grantee to Franklin Credit Management Corporation on behalf of grantor, and \$22,874.29 paid by grantee to the Oregon Department of Revenue on behalf of grantor.
(Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 14002663 NW

Grantor		Clackamas County Official Records Sherry Hall, County Clerk	2015-062549 09/16/2015 03:04:54 PM
James Sherwood			
Grantee		D-D Cnt=1 Stn=8 CINDY \$10.00 \$16.00 \$10.00 \$22.00	\$58.00
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068			
After recording return to			
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068			
Until requested, all tax statements shall be sent to			
Jeffrey I. Parker 1800 Blankenship Rd., # 200 West Linn, OR 97068 Tax Acct No(s): 00297253			

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

James Sherwood,
Grantor(s) convey and warrant to
Jeffrey I. Parker,
Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

Parcel 1, Partition Plat 2002- 51, in the City of West Linn, County of Clackamas and State of Oregon.

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, if any, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$304,874.29, consisting of the gross sales price of \$249,000 paid by grantee to grantor, \$33,000.00 paid by grantee to Franklin Credit Management Corporation on behalf of grantor, and \$22,874.29 paid by grantee to the Oregon Department of Revenue on behalf of grantor.
(Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 12 day of September, 2015.

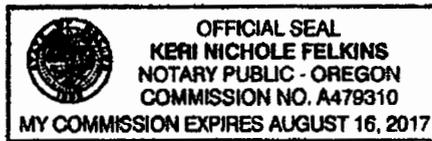
James Sherwood
James Sherwood

State of Oregon County of Clackamas

This instrument was acknowledged before me on this 12 day of September, 2015 by James Sherwood.

[Signature]

Notary Public for OK
My commission expires: 8/16/17



STATE OF OREGON }
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of

Deed Record
2015-02549 2 pgs

has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

this 25th day of September, 2015.

SHERRY HALL, Clerk

By: [Signature]
Deputy



Exhibit B

Land Use Application

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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

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

Site Location/Address:	Assessor's Map No.: 21E3CB
18822 Old River Road	Tax Lot(s): 3001
West Linn, OR 97068	Total Land Area: 33,128 SF

Brief Description of Proposal:

3-Parcel partition for residential homes

Applicant Name: <small>(please print)</small>	Jeff Parker	Phone: 503-742-1942
Address:	1800 Blankenship Rd #200 West Linn, Or 97068	Email: jeff@blackhawkd.com
City State Zip:		
Owner Name (required): <small>(please print)</small>	Jeff Parker	Phone: 503-742-1942
Address:	1800 Blankenship Rd #200 West Linn, Or 97068	Email: jeff@blackhawkd.com
City State Zip:		
Consultant Name: <small>(please print)</small>	All County Surveyors & Planners, Inc	Phone: 503-668-3151
Address:	Attn: Dave Reichert PO Box 955	Email: dave@allcountysurveyors.com
City State Zip:	Sandy, OR 97055	

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
-----------------------	------	-------------------------------------	------

Exhibit C

Pre-Application Meeting Notes

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
October 15, 2015

SUBJECT: Three lot minor partition, lot line adjustment (LLA) and Water Resource Area (WRA) permit for Map 21E13CB tax lot 3001 at 18822 Old River Road. Possible two lot partition of tax lot 3000. WRA permit may be required.

FILE: PA-15-38

ATTENDEES: Applicant: Jeff Parker, Jaymie Johnson, Ray Moore
Public: Kevin Bryck
Staff: Peter Spir (Planning) Noah Brennan (Engineering)

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

Site Information

Site Address: 18822 Old River Road
Site Area: 75,430 square feet
Neighborhood: Robinwood NA
Comp. Plan: Low density residential
Zoning: R-10 (Single family residential detached / 10,000 square foot minimum lot size)
Applicable code: Community Development Code (CDC) Chapter 32: WRA; CDC Chapter 85: Land Division and LLA; CDC Chapter 11: R-10

Project Details: There is an extensive WRA associated with Trillium Creek which bisects the south edge of the properties, generally on an east-west axis. There is a single family home on tax lot 3001 and a garage on tax lot 3000.

The applicant proposes a three lot partition of tax lot 3001 which would be expanded eastwards by LLA. The applicant proposes either a two lot partition of tax lot 3000 or leaving it undivided with one single family home on that lot. The development options at the site will be better understood once a survey of the property slopes is complete and the WRA boundary is determined. For ravines, the WRA boundary is 50 feet beyond the point at which the slope diminishes to less than 15% for at least 50 feet. The 50 foot setback may be reduced to 25 feet if the applicant submits a geotechnical report per 32.060 Table 32-2 sub note 4. No WRA permit would be required if development takes place outside of the WRA boundary. If the

applicant proposes to develop just one house on tax lot 3000, the “hardship” provisions of CDC 32.110 may be used. This would require a WRA permit. CDC 32.110 allows 5,000 square feet or 30% of the WRA for development (whichever is greater) in addition to developable non-WRA lands. It also allows reduced setbacks. Utilization of the hardship provisions prohibits partition of that tax lot.

The applicant must inventory and map all trees on the upper/flat portion of the property by location, type, size and tag them in the field. Mike Perkins, the City Arborist, will then make a determination of significance for the on-site trees (mperkins@westlinnoregon.gov). An existing tree conservation easement is noted on the south edge of tax lot 3001.

Engineering Division Comments

Contact Khoi Le at kle@westlinnoregon.gov or 503-722-5517 for engineering requirements. Contact Ty Darby from Tualatin Valley Fire and Rescue (TVF&R) at ty.darby@tvfr.com for their requirements.

Process

For the WRA permit address the submittal requirements and approval criteria of CDC Chapter 32. There is a deposit fee of \$2,600 and an inspection fee of \$250. For a minor partition, address the submittal requirements and approval criteria of CDC Chapter 85. The fee is \$2,800 with a final plat fee of \$1,500 and an inspection fee of \$500. A LLA has a fee of \$800 and final plat fee of \$200. The CDC is online at <http://westlinnoregon.gov/cdc>.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, staff will provide notice per CDC Chapter 99 and schedule a decision date by the Planning Manager. A decision is usually rendered within 5 weeks of the determination of completeness. Appeals of the Planning Manager’s decision are heard by City Council.

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

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

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes***. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***

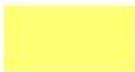
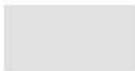
Exhibit D

HCA Map



Metro 2005 Habitat Conservation Areas (HCAs)

Conservation Area

-  High
-  Moderate
-  Low
-  Habitat and Impact Areas no designated as HCAs

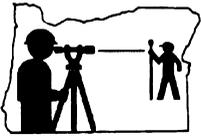
 West Linn Exceptions

West Linn Exceptions include the Planning Director's land use decisions: MISC-08-19, MISC-10-26, and memo dated January 25, 2011

Data Source: Metro Data Resource Center
 Habitat Conservation Areas Map December 15, 2005
 Urban Growth Management Functional Plan
 Title 13, Nature in Neighborhoods
 Adopted Sept. 29, 2005 (Metro Ordinance No. 05 -1077C)
 Amended Dec. 8, 2005 (Metro Ordinance No. 05 -1097A)

Exhibit E

Engineers Estimate – Fee in Lieu



All County Surveyors & Planners, Inc.

PO Box 955 • Sandy, Oregon 97055 • Phone: 503-668-3151 • Fax: 503-668-4730

Preliminary - Engineer's Construction Cost Estimate						
For: Half Street Improvements, 3-Parcel Partition						
Cost Estimate for Fee-in-Lieu						
Job#	15-235					
Date:	October 21, 2016					
Item	Description	Quantity	Units	Unit Cost	Total for Item	Subtotals
1.00 Miscellaneous Construction Work						\$ 13,000
1.01	Mobilization	1	LS	\$ 2,000.00	\$ 2,000	
1.02	Traffic control	1	LS	\$ 2,000.00	\$ 2,000	
1.03	Clearing and grubbing	1	LS	\$ 4,000.00	\$ 4,000	
1.04	Erosion Control	1	LS	\$ 1,500.00	\$ 1,500	
1.05	Hydro-Seeding	1	LS	\$ 500.00	\$ 500	
1.06	Earth work	1	LS	\$ 3,000.00	\$ 3,000	
2.00 Road and Sidewalk Construction (Public Street)						\$ 8,380
2.01	Curb (new streets)	355	LF	\$ 15.00	\$ 5,325	
2.02	Asphalt Concrete (4" thick)	9	TON	\$ 120.00	\$ 1,052	
2.03	Base Rock 3/4" (10" thick)	11	CY	\$ 40.00	\$ 438	
2.04	Saw cut	355	LF	\$ 3.00	\$ 1,065	
2.05	ADA Ramp	1	EA	\$ 500.00	\$ 500	
COMPUTED TOTAL						\$ 21,380
Construction Contingency						\$ 2,138
Grand Total						\$ 23,518

Note:

1. This estimate was produced based upon preliminary plans dated 10-21-16.
2. Quantities shown here are estimated only and should not be used for bidding purposes.
3. This estimate is subject to All County Surveyors & Planners, Inc. GENERAL CONDITIONS (January 1, 2006)

Exhibit F

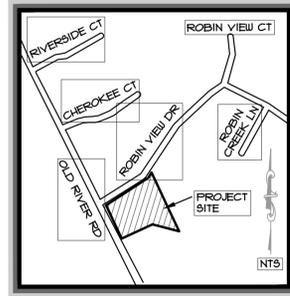
Reduced Plans

3-PARCEL PARTITION

18822 OLD RIVER DR, WEST LINN, OREGON
OCTOBER 2016

PROPERTY INFORMATION

TAX LOT 3001 MAP 21E13CB	
PARCEL 4 OF PARTITION PLAT 2016-011	
TOTAL SITE AREA = 33,128 SF	
ZONE	R-10
MINIMUM LOT SIZE	10,000 SF
FRONT YARD SETBACK	20'
REAR YARD SETBACK	20'
SIDE YARD SETBACK	15'
SIDE YARD SETBACK ABUTTING STREET	15'
MINIMUM FRONT LINE LENGTH	35'
AVERAGE MINIMUM LOT WIDTH	50'



VICINITY MAP

ENGINEER / SURVEYOR / PLANNER

ALL COUNTY PLANNERS & SURVEYORS, INC.
ATTN: RAY MOORE, P.E., P.L.S.
DAVE REICHERT, L.S.I.T.
P. O. BOX 985
SANDY, OR 97055
(503) 668-3151
DAVE@ALLCOUNTYSURVEYORS.COM

OWNER / CLIENT

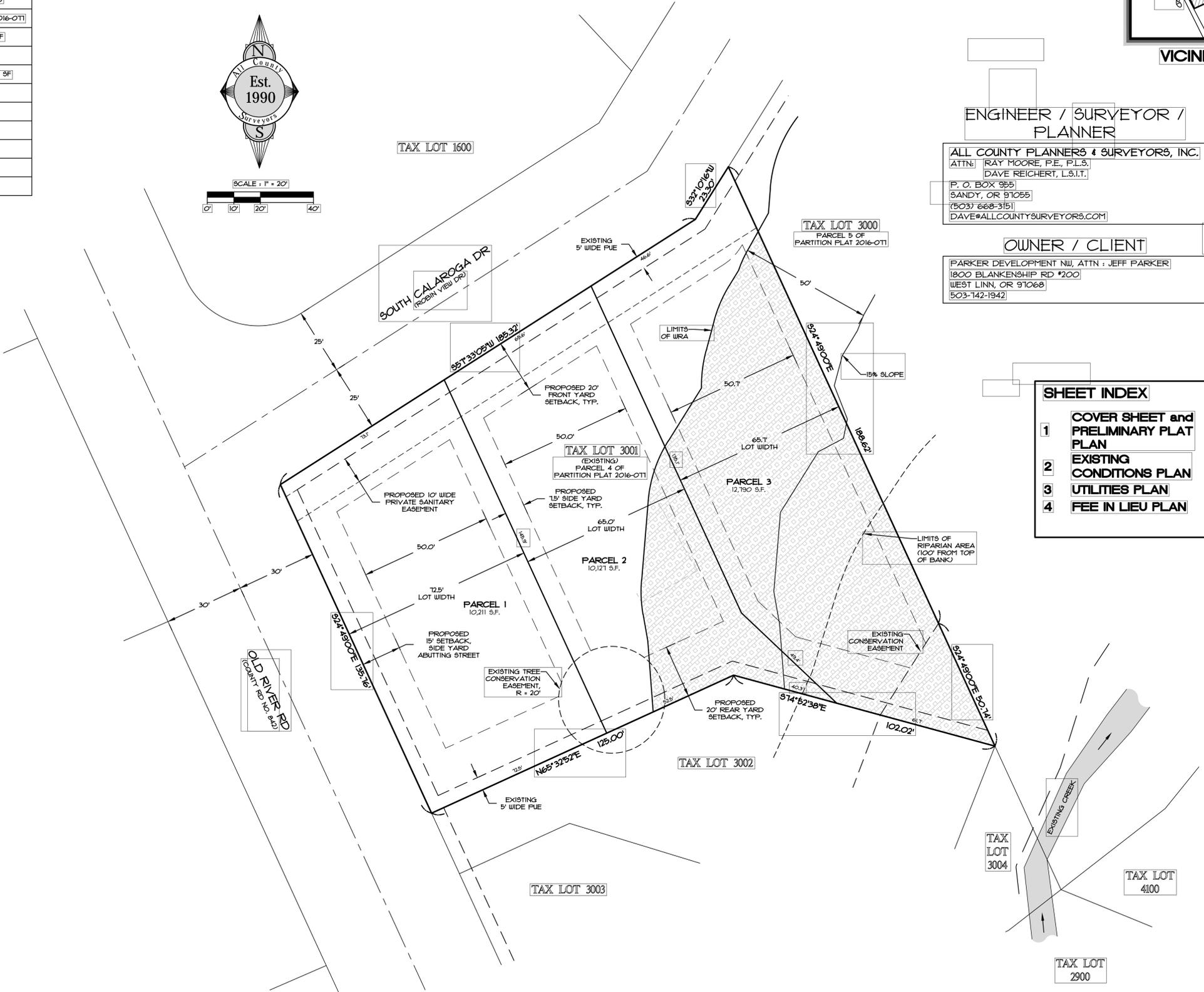
PARKER DEVELOPMENT NU, ATTN: JEFF PARKER
1800 BLANKENSHIP RD #200
WEST LINN, OR 97068
503-742-1942

SHEET INDEX

1	COVER SHEET and PRELIMINARY PLAT PLAN
2	EXISTING CONDITIONS PLAN
3	UTILITIES PLAN
4	FEE IN LIEU PLAN

LEGEND

	EXISTING SUBJECT PROPERTY LINE
	EXISTING NEIGHBOR LOT LINE
	EXISTING EASEMENT LINE
	EXISTING 5' GROUND CONTOUR
	EXISTING 1' GROUND CONTOUR
	EXISTING PAVEMENT
	EXISTING GRAVEL
	EXISTING CURB
	EXISTING BRICK PAVEMENT
	EXISTING FENCE
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	EXISTING SANITARY LINE
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	EXISTING CONIFEROUS TREE
	EXISTING HEDGES / BUSHES
	EXISTING MAILBOX
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	PROPOSED EASEMENT LINE
	PROPOSED SETBACK LINE
	PROPOSED SANITARY LINE
	PROPOSED WATER LINE
	PROPOSED WATER METER

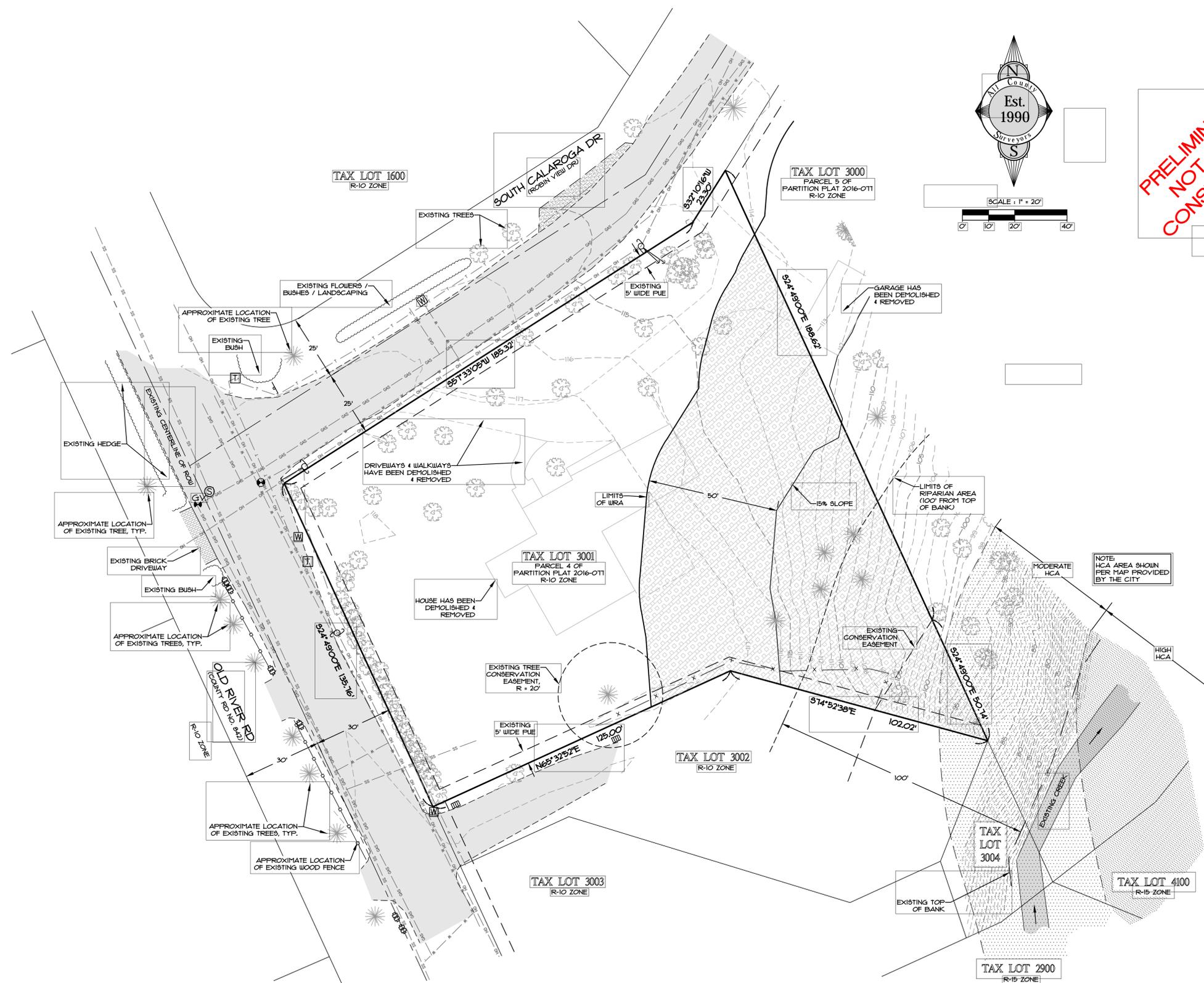


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CONSTRUCTION

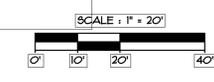
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				OF:	4	
	DATE:		DESIGNED:	RJM/DRR	CHECKED:	RJM
	NO.:		DRAWN:	DRR	APPROVED:	RJM
SCALE:	VERT: 1" = 20'	DATE:	10-21-16	SECTION:	13	
FILE:	15-235-PLANNING.dwg		LEGAL:	TWP:	29	
RANGE:	13	RENEWAL DATE:	12/31/2016			
PROJECT: OLD RIVER 3-PARCEL PARTITION						
COVER SHEET AND PRELIMINARY PLAT PLAN						
LOCATION: 18822 OLD RIVER DR, WEST LINN, OR 97068						
CLIENT: PARKER DEVELOPMENT NU						
JEFF PARKER 1800 BLANKENSHIP RD #200 WEST LINN, OR 97068 PHONE: 503-742-1942						
SURVEYORS & PLANNERS, INC. Surveying, Planning, and Engineering P.O. Box 985, Sandy, OR 97055 Phone: (503) 668-3151 Fax: (503) 668-4730 DATE OF PLOT: 10-21-16						

LEGEND

	EXISTING SUBJECT PROPERTY LINE
	EXISTING NEIGHBOR LOT LINE
	EXISTING EASEMENT LINE
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	PROPOSED WATER METER



PRELIMINARY
NOT FOR
CONSTRUCTION



CLIENT: PARKER DEVELOPMENT NVJ JEFF PARKER 1800 BLANKENSHIP RD #200 WEST LINN, OR 97068 PHONE: 503-742-1942	PROJECT: OLD RIVER 3-PARCEL PARTITION EXISTING CONDITIONS PLAN	LOCATION: 18922 OLD RIVER DR, WEST LINN, OR 97068	DATE OF PLOT: 10/21/16	SCALE: VERT: 1" = 20' HORIZ: 1" = 20'	DATE: 10-21-16	FILE: 18-235-PLANNING.dwg	SECTION: 13	TWP: 29	RANGE: 1E	
				DESIGNED: RLM/DRR	DRAWN: DRR	CHECKED: RLM	APPROVED: RLM			
				REVISION:	NO.	DATE	BY	SHEET 2 4		

Surveyors & Planners, Inc.
Surveying, Planning, and
Civil Engineering
P.O. Box 955, Sandy, OR 97055
Phone: (503) 668-4730
Fax: (503) 668-4730

BY:	REVISION:	SHEET
DATE:	NO.:	4
DESIGNED:	DATE:	OF
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APPROVED:	DATE:	

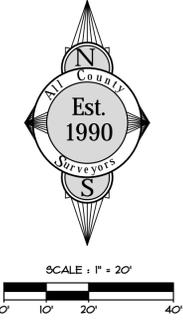
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RANGE:	IE:	13

PROJECT: **OLD RIVER 3-PARCEL PARTITION**
FEE IN LIEU STREET IMPROVEMENT PLAN
 LOCATION: 18922 OLD RIVER DR, WEST LINN, OR 97068

Surveyors & Planners, Inc.
 Surveying, Planning and
 Civil Engineering
 P.O. Box 955, Sandy, OR 97055
 Phone: (503) 668-4731
 Fax: (503) 668-4730

CLIENT: **PARKER DEVELOPMENT NU**
 JEFF PARKER
 1800 BLANKENSHIP RD #200
 WEST LINN, OR 97068
 PHONE: 503-742-1942

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**



LOCATION AND DIMENSIONS OF POTENTIAL CURB AND SIDEWALK ARE SHOWN PER DETERMINATION AND DIRECTION OF CITY ENGINEERING AT THE PRE-APPLICATION MEETING. CONSTRUCTION OF THE CURB AND SIDEWALK IS NOT FEASIBLE FOR SEVERAL REASONS:

1. THE EXISTING ROADWAYS ARE NOT CENTERED IN THE EXISTING RIGHTS-OF-WAY.
2. THE OFF-CENTERED ROADS FALL TOWARDS THE SUBJECT PROPERTY.
3. THEREFORE, STANDARD HALF-STREET IMPROVEMENTS WOULD MAKE THE ASPHALT WIDTH NARROWER THAN IT EXISTS NOW, BECAUSE THE NEW CURB WOULD LIE CLOSER TO THE OPPOSITE EDGE OF PAVEMENT.
4. WIDENING THE ROADWAYS AT THE OPPOSITE EDGE OF PAVEMENT IS ALSO NOT FEASIBLE BECAUSE OF EXISTING TREES, HEDGEROWS, BUSHES, FENCES AND MAILBOXES THAT EXIST IN THOSE AREAS.

THEREFORE THE DEVELOPER PROPOSES TO PAY A FEE-IN-LIEU FOR THE ROADWAY IMPROVEMENTS.

LEGEND	
	EXISTING SUBJECT PROPERTY LINE
	EXISTING NEIGHBOR LOT LINE
	EXISTING EASEMENT LINE
	EXISTING 5' GROUND CONTOUR
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