



CITY OF  
**West Linn**  
 PLANNING AND DEVELOPMENT

**STAFF REPORT  
 PLANNING MANAGER DECISION**

DATE: February 9, 2017  
 FILE NO.: MIP-16-03  
 REQUEST: Approval of a three-parcel minor partition at 18822 Old River Drive  
 PLANNER: Peter Spir, Associate Planner

Planning Manager AB Development Review Engineer EL

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## GENERAL INFORMATION

<b>OWNER/ APPLICANT:</b>	Jeff Parker 1800 Blankenship Road #200 West Linn, OR 97068
<b>CONSULTANT:</b>	Ray Moore, All County Planners and Surveyors, PO Box 955, Sandy, OR 97055
<b>SITE LOCATION:</b>	18822 Old River Drive
<b>SITE SIZE:</b>	33,128 square feet
<b>LEGAL DESCRIPTION:</b>	Assessor's Map 21E 13CB Tax Lot 3001
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>ZONING:</b>	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 11: Single-Family Residential Detached, R-10; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
<b>120-DAY RULE:</b>	The application became complete on January 4, 2017. The 120-day period therefore ends on April 29, 2017.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 500 feet of the subject property and the Robinwood Neighborhood Association on January 10, 2017. A sign was placed on the property on January 19, 2017. The notice was also posted on the City's website on January 10, 2017. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant seeks approval for a three-parcel partition of a 33,128 square foot parcel at the southeast corner of Old River Drive and Robin View Drive in the Robinwood Neighborhood. There are no structures on the property.

Parcel 1, the westernmost parcel, will comprise 10,211 square feet, Parcel 2, the middle parcel, will comprise 10,127 square feet. Parcel 3, the easternmost parcel, will comprise of 12,790 square feet. The proposed parcels meet the dimensional standards of the R-10 zone. All parcels will be accessed via Robin View Drive.

A Water Resource Area and Habitat Conservation Area associated with Trillium Creek occupies the southeast portion of the site. No development is proposed in these areas, therefore the application is exempt from those permits.

**Public comments:** The following individuals submitted written comment by the date specified in the notice: Scott Miller P.E. (19082 Old River Drive) Lori and Jeff Wente (3601 Robin View Drive) Walt and Jane Lierman (18866 Old River Drive) Kelly Neumeier (3723 Robin View Drive) Judy and Jim Weichmann (3564 Cherokee Ct.) John and Ellen Worcester (3600 Robin Creek Lane) John and Amy McClaran (18775 Old River Drive) Denise and Richard Van Rheen (3721 Robin View Drive).

## DECISION

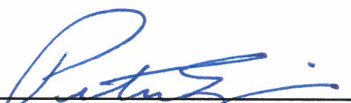
The Planning Manager (designee) approves this application (MIP-16-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Tentative Plan for a Three-Parcel Partition Plat, date stamped December 30, 2016 (see Figure 6 of this report).
2. **Engineering Standards.** All public improvements and facilities including street improvements, utilities, grading, onsite storm water design, street lighting, street trees, easements, and easement locations are subject to the Public Works Director's review, modification, and approval. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes identified in the attached Staff Findings. All improvements must be designed, constructed, and completed prior to final plat approval. The Director of Public Works may allow a fee in lieu of improvements as indicated.

completed prior to final plat approval. The Director of Public Works may allow a fee in lieu of improvements as indicated.

3. **Site work.** Development shall follow and comply with the “Conclusions and Recommendations” found on pages 10-17 of the Geo Pacific engineering report, dated December 30, 2016, which is part of the record. At time of building permit applications, additional geotechnical studies may be required by the Building Official.
4. **WRA setbacks.** All development, except approved storm water facilities, shall be keep out of the WRA boundary, (25 feet from top of slope) as shown in Figure 3 of the Geo Pacific report, dated December 30, 2016 and as shown on the applicant’s Tentative Plan Map (Figure 6 of this report).
5. **Clear Vision Area.** Vegetation shall be removed from the Clear Vision Area at the intersection of Old River Drive and Robin View Drive as necessary to satisfy the standards of CDC Chapter 42.

The provisions of the Community Development Code Chapter 99 have been met. Per CDC 99.160 (B) (7), I declare to have no past or present involvement with the applicant, other interested persons or the property and I am able to render a fair and impartial decision.

  
Peter Spir, Associate Planner  
(Designee)

2-10-17  
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 10th day of February, 2017.

Therefore, the 14-day appeal period ends at 4 p.m., on February 24, 2017.



**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-16-03**

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

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

***11.030 PERMITTED USES***

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit. (....)

**Staff Finding 1: The application is for the creation of three parcels to accommodate one single family detached residential unit, which is a permitted use, on each parcel. (One single family home occupied this site until 2016 when it was demolished by permit.) The criteria is met.**

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

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

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet. (....)
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.
  - b. For an interior side yard, seven and one-half feet. (....)
  - c. For a rear yard, 20 feet.
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. (....)
9. The floor area ratio shall be 0.45. (....)

**Staff Finding 2: All parcels will exceed the 10,000 square foot minimum lot size. The lot frontages on Robin View Drive range from 65.6 to 73.1 feet which exceeds the required 35**

foot minimum front lot line width. The proposed lot average widths range from 65 to 72.5 feet which exceeds the required 50 foot average minimum lot width.

The front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be met at the time that building permits are applied for. The criteria is met.

## **CHAPTER 48 ACCESS, EGRESS AND CIRCULATION**

### *48.025 ACCESS CONTROL*

#### *B. Access Control Standards*

*1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)*

**Staff Finding 3: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. For example, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The applicant gets credit for the house, demolished by permit in 2016, which generated traffic since 1942. The addition of two new homes should only generate a combined ADT of 19.14 trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. (The ADT for three homes would be only 28.7 trips: well below the 250 required for a traffic study.) This criterion is satisfied.**

*2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*

**Staff Finding 4: There are two existing driveways accessing this property off Robin View Drive. The applicant will replace those driveways with one new driveway for each parcel. Traffic from the parcels will access Robin View Drive: a local street with very low trip volumes. Existing vegetation along Robin View Drive and near the intersection with Old River Drive will be removed to comply with the Clear Vision Area standards of CDC Chapter 42. This criterion is satisfied by condition of approval 5.**

(...)

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

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

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

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

**Staff Finding 5: The applicant proposes individual driveways for each of the three parcels. The driveways will meet the minimum 10 foot driveway width at the time the building permits are applied for. This criterion is satisfied.**

## **CHAPTER 55 DESIGN REVIEW**

### **55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

(Design Review is only applicable to significant trees as cross referenced by CDC 85.200(J) (9))

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that 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.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist’s findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

**Staff Finding 6: There are no heritage trees on the subject property. There are four significant trees #2469, 2706, 2707 and 2710 according to the City Arborist. These trees have been identified in the applicant’s submittal. (See also Figure 7 of this report.)**

Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The

method for delineating the protected trees or tree clusters (“dripline plus 10 feet”) is explained in subsection (B) (2) (b) of this section. Exemptions of subsections (B) (2) (c), (e), and (f) of this section shall apply.

**Staff Finding 7: No development is proposed on Type I or II lands (e.g. inside the WRA). All development will occur on non-Type I and II lands. (Sheet 1 of 4 shows the required building setback lines for each parcel which indicates where development will occur. See Figure 6 of this report.) This criteria does not apply.**

- a. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this “dripline plus 10 feet” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B) (2) (c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

**Staff Finding 8: The applicant is proposing to save all significant trees (2707 and 2710) located on Type I and II land and one tree (2706) on non-Type I and II lands. Tree 2706 is a 60-inch conifer and is protected by a tree conservation easement from a 1999 minor partition (MIP-99-08).**

**Tree 2706’s dripline plus 10 feet comprises 2,965 square feet or 11.6 percent of the non-Type I and II land. Saving 11.6 percent satisfies the requirement of 55.100(B) (2) (a): “up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees”.**

**The applicant is proposing to remove one significant tree (#2469/46-inch oak) on non-Type I and II lands. Tree 2469’s dripline plus 10 feet comprises 6,024 square feet or 23.6 percent of the Non-Type I and II land. Staff would prefer that tree 2469 be saved; however, since tree 2706 is already protected by the existing tree conservation easement saving both trees would mean that 35.2 percent of the non-Type I and II lands would be set aside which exceeds the 20 percent requirement of this section. Staff notes the criteria above: “... in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.”**

Therefore, the applicant's proposed removal of tree 2469 is allowed by this criteria. The criteria is met.

## CHAPTER 85

### GENERAL PROVISIONS (LAND DIVISION)

#### 85.200 APPROVAL CRITERIA

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

#### A. Streets.

1. *General. The location, width and grade of streets shall be considered in their relation to existing and planned streets (...) Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the Public Works Director. (...)*

**Staff Finding 9: The proposal does not include the creation of any new streets. Per the Public Works Director, "green street" cross section improvements for Old River Drive and Robin View Drive shall be installed abutting the subject property including a swale/raingarden and street trees in lieu of standard curb and landscape strip. (The "green street" design is an option allowed in the new TSP (See Table 29 & 30, note 4).) The section on Old River Drive shall be constructed with a sidewalk and sidewalk easement on Parcel 1. The section on Robin View Drive shall be built within the existing ROW and will require widening the paved street on the north side of the ROW to achieve a 20 foot wide paved street section. The Public Works Director determined that it is acceptable to shift the road (Robin View Drive) slightly to minimize impact to the neighbor across the street and still preserve the intent to the TSP/CDC code requirements. This also minimizes any impact to the existing trees on the north side of the street as this street edge follows closely to the existing underground telecom trench in the same location. Road improvements will be designed to drain appropriately. A fee in lieu of sidewalk improvements is acceptable along Robin View Drive. A curb shall be constructed at the intersection radius of Old River Drive and Robin View Drive. The installation of an LED street light at the corner and undergrounding of overhead utilities is required. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met by condition of approval 2.**

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

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. (...)*

4. *The decision-making body shall consider the Public Works Director'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 Public Works Director of the following criteria:*  
(...)

**Staff Finding 10:** Per the West Linn Transportation System Plan (TSP), Old River Drive is a Neighborhood Route. Robin View Drive is a Local Street. Old River Drive's paved width ranges from 25-34 feet. Robin View Drive's paved width is 23 feet. Per the TSP, each travel lane shall have a minimum width of 10 feet.

The Public Works Director will allow a "Green Street" cross section improvements for Old River Drive and Robin View Drive abutting the subject property including a swale/raingarden and street trees in lieu of standard curb and landscape strip. For Robin View Drive this means shifting the road slightly to minimize impact to the adjacent neighbor and still preserve the intent to the TSP/CDC code requirements. This also minimizes any impact to the existing trees on the north side of the street as this street edge follows closely to the existing underground telecom trench in the same location.

Per the TSP, the Neighborhood Route required minimum ROW width is 58 feet. Old River Drive ROW is 60 feet wide. The Local Street required minimum ROW width is 36 feet. Robin View Drive ROW is 50 feet wide. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met by condition of approval 2.

(...)

10. *Additional right-of-way for existing streets. Wherever existing street rights-of-way adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be provided at the time of subdivision or partition.*

**Staff Finding 11:** No additional ROW is needed to meet the Transportation System Plan (TSP) standards for Neighborhood Routes and Local Streets. This criterion is satisfied.

(...)

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

17. *Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide...or in response to right-of-way limitations.*

**Staff Finding 12:** The "Green Street" cross section improvements for Old River Drive and Robin View Drive abutting the subject property including a swale/raingarden and street trees in lieu of standard curb and landscape strip. A fee in lieu of sidewalk improvements is



acceptable along Robin View Drive. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met by condition.

(...)

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

**Staff Finding 13: The applicant proposes access to all lots from Robin View Drive. This criterion is satisfied.**

(...)

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. ....

**Staff Finding 14: The Public Works Director requires the installation of all required off-site improvements in the Robin View Drive and Old River Drive ROWs. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met by condition.**

C. Pedestrian and bicycle trails.

(...)

**Staff Finding 15: The 2016 Transportation System Plan (TSP) identifies the need for sidewalks and bicycle lanes on both sides of Old River Drive from the vicinity of Riverside Court to Cedar Oak Drive. (See Figures 7 and 10 of the TSP.) These improvements are listed as a medium priority. Condition of Approval 2 requires the construction of a "Green Street" design which will accommodate pedestrian use along Old River Drive. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met.**

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 (...)

**Staff Finding 16: All on-site grading will include erosion control measures and shall comply with the "Conclusions and Recommendations" found on pages 10-17 of the signed and stamped Geo Pacific report, dated December 30, 2016. At the time of building permit**

applications, additional geotechnical studies may be required by the Building Official. The criteria is met by conditions of approval 2 and 3.

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 Public Works Director, 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.*

**Staff Finding 17:** There is an eight-inch water line in the Old River Drive ROW and a six-inch line in the Robin View Drive ROW. Private laterals from these lines will serve the lots. The Public Works Director has confirmed the water system has sufficient water volume and pressure to serve the subdivision. A fire marshal for Tualatin Valley Fire and Rescue (TVFR) reviewed the location of existing hydrants near the site and determined that no additional hydrants are required. Prior to approval of the final plat, the applicant shall perform a fire flow test and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present.

The Public Works Director requires the applicant replace the existing 6" AC line on Robin View Drive & Old River Drive with 8" ductile iron line that is within the limits of the proposed improvement per the water master plan. The City will reimburse the developer for the design & construction of this capital maintenance item subject to city procurement policy. Water line reimbursement may include 16% in SDC credit per the Water SDC Project List. As an option, the City can reimburse for 100% of the water line replacement and the developer will pay the traditional SDCs. No reimbursement is provided for new improvements directly serving the development such as new water services. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria are met by condition of approval 2.

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.

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.

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

**Staff Finding 18:** The Public Works Director has confirmed that there is sufficient sanitary system and sewage treatment facility capacity. The applicant proposes to install private laterals from the public sanitary sewer line in the Old River Drive ROW across the north portion of the minor partition to serve the three lots. Staff finds that the proposed design, outside the ROW, is inconsistent with the approval criteria (G) (3) and (7) above. Staff finds that the applicant has not demonstrated why private sewer laterals are necessary or appropriate. There are no physical impediments to constructing the public sewer line in the Robin View Drive ROW. The Public Works Director requires extending the public sewer line within the Robin View Drive ROW to the east edge of the minor partition. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria are met by condition of approval 2.

J. Supplemental Provisions

1. Wetland and natural drainageways.

32.020 APPLICABILITY

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

**Staff Finding 19:** Trillium Creek is identified on the Water Resource Area (WRA) Map and traverses the rear or southeast portion of the property. The associated WRA boundary affects Parcel 3 and a small portion of Parcel 2. None of Parcel 1 is in the WRA. Per CDC Table 32-2, the WRA boundary extends 50 feet from the point where the slope leading away from the top of the ravine diminishes to less than 15 percent. However, footnote 4 of that same table allows a reduction of the boundary/setback to 25 feet, but only if the applicant can provide a geotechnical engineer's report that the reduced boundary/setback will not result in erosion or slope instability.

The applicant's geotechnical engineer: Geo Pacific - has provided signed and stamped findings that the reduced boundary/setback will not result in erosion or slope instability. Their report also provides recommendations to ensure that. Those recommendations are on pages 10-17 of the Geo Pacific report. Also, at the time of building permit applications, additional geotechnical studies may be required by the Building Official.

Therefore, the WRA boundary/setback from top of slope is reduced to 25 feet. (To clarify: the 25 foot setback is from the point where the slope diminishes below 15% for more than 50 feet. That location is approximately 55 feet from the top of the ravine so actual home construction on Parcel 3 would be setback, at minimum, 80 feet (25 + 55) from the top of the ravine and 155 feet from Trillium Creek.)

All parcels will have sufficient area to accommodate development with no encroachment into the WRA. Sheet 1 of 4 shows the required building setback lines for each parcel which indicates where development will occur. No development, activity or uses are proposed in the WRA; therefore no WRA permit is required. (The Applicant's Tentative Plan Map and Condition of Approval 5 define and delineate the WRA boundary.) The criteria is met by condition of approval 3.

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

**Staff Finding 20:** The Habitat Conservation Area (HCA) located at the southeast corner of this property is regulated under the Willamette and Tualatin River Protection Area provisions of CDC Chapter 28. Where no development is proposed within the HCA, no Willamette and Tualatin River Protection Area permit is required. Staff Findings 21-23 (below) specifically address the exemptions of 28.040.

#### 28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

*The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)*

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

**Staff Finding 21:** A "Medium" HCA is located in the ravine at the southeast corner of the property and comprises 262 square feet. The remainder of the site (92 percent) is designated "Habitat and Impact Areas Not Designated as HCAs" which allows development. (See Figure 5 of this staff report.) No development or encroachment will occur in the HCA and therefore, per 28.040(S), no Willamette and Tualatin River Protection Area permit is required.

T. *The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas Not Designated as HCAs" shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas Not Designated as HCAs" goes to the edge of a clearly defined top of bank, the applicant's*

home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

**Staff Finding 22: All home construction and related development will be in the “Habitat and Impact Areas Not Designated as HCAs” and is therefore exempt from Willamette and Tualatin River Protection Area permitting. All development will be at least 25 feet from the top of bank as defined by Chapter 32 which exceeds the required 15 foot setback of 28.040(T) above. The criteria is met.**

*U. Maintenance, alteration, expansion, repair and replacement of existing structures are exempt, provided impermeable surfaces do not exceed 5,000 square feet and that it complies with the provisions of Chapters 27 and 28 CDC. The following standards shall also apply:*

- 1. Rebuilding of existing residential and non-residential structures within the same foundation lines as the original structure(s) including, but not limited to, those damaged or destroyed by fire or other natural hazards; or*
- 2. The alteration, expansion, repair and replacement of a house or structure per the standards of CDC 28.110(E) not to exceed 5,000 square feet of impermeable surface per that section; or*
- 3. The alteration, expansion, repair and replacement of a house or structure vertically where the applicant is adding additional floors or expanding above the footprint of the existing structure regardless of whether the structure’s footprint is in an HCA or not.*

**Staff Finding 23: There are no structures on the site. This exemption relates to existing structures and is not applicable.**

28.110 (H). Partitions, subdivisions and incentives.

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

**Staff Finding 24: The City has verified a small 262 square foot HCA location in the ravine at the southeast corner of the property. All lots have a buildable area on non-HCA lands. The site is 92 percent non-HCA. Development will be on non-HCA areas or “Habitat and Impact Areas Not Designated as HCAs” per the HCA Map. Regarding criteria 28.110 (H) (4) above, it does not apply since this property is not adjacent to the Willamette River. The criteria is met.**

85.200 (J)...

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

4. *Lighting.* All subdivision street or alley lights shall meet West Linn Public Works Design Standards.

**Staff Finding 25:** The Public Works Director requires the installation of street trees on Robin View Drive and Old River Drive and an LED street light at the intersection. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes. The criteria is met by condition of approval 2.  
(...)

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. (...)*

**Staff Finding 26:** The subject property needs to meet three criteria for exemption from undergrounding existing overhead utilities. The subject property meets two of the three exemption criteria: the area is built out with adjacent properties having above-ground utilities, and the property is under one acre. However, it has 343 feet of street frontage which triggers the requirement to locate overhead utilities underground. The Public Works Director requires that the applicant provide an updated utility and public improvements plan for review and approval that addresses the required undergrounding of overhead utilities. The criteria is met by condition of approval 2.

(...)

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).*

**Staff Finding 27:** There are no heritage trees on the subject property. The applicant is proposing to save all significant trees (2707 and 2710) located on Type I and II land and one tree (2706), located on non-Type I and II lands. Tree 2706 is a 60-inch conifer and is protected by a tree conservation easement from a 1999 minor partition (MIP-99-08).



Tree 2706's dripline plus 10 feet comprises 2,965 square feet or 11.6 percent of the non-Type I and II land. Saving 11.6 percent satisfies the requirement of 55.100(B) (2) (a): *"up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees"*.

The applicant is proposing to remove one significant tree (#2469/46-inch oak) on non-Type I and II lands. Tree 2469's dripline plus 10 feet comprises 6,024 square feet or 23.6 percent of the Non-Type I and II land. Staff would prefer that tree 2469 be saved; however, since tree 2706 is already protected by the existing tree conservation easement saving both trees would mean that 35.2 percent of the non-Type I and II lands would be set aside which exceeds the 20 percent requirements of this section. Staff notes the criteria above: *"Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so."* Therefore, the applicant's proposed removal of tree 2469 is allowed by this criteria. The criteria is met.

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

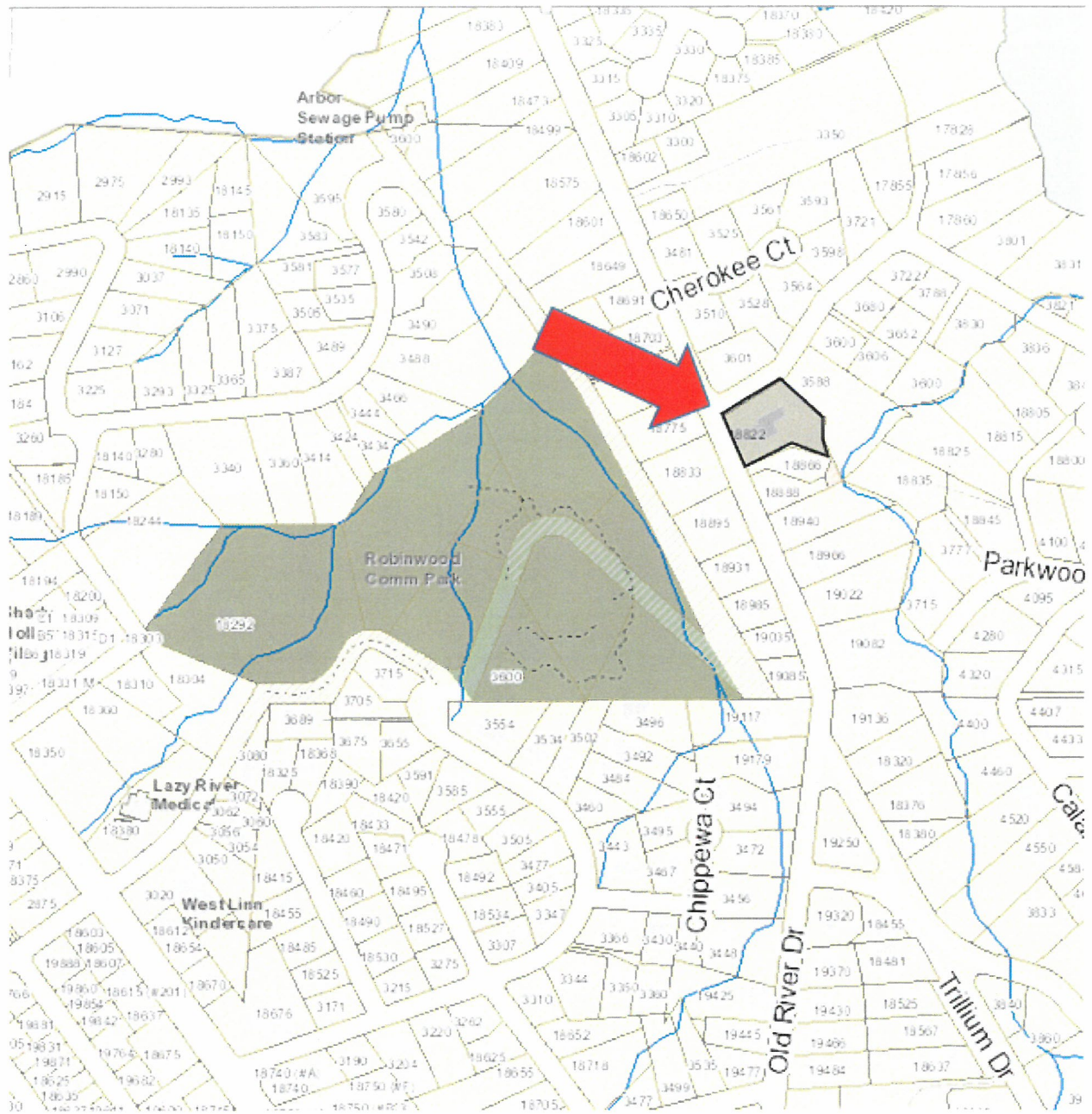
### *92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT*

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

*E. Surface drainage and storm sewer system. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data and comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards. (...)*

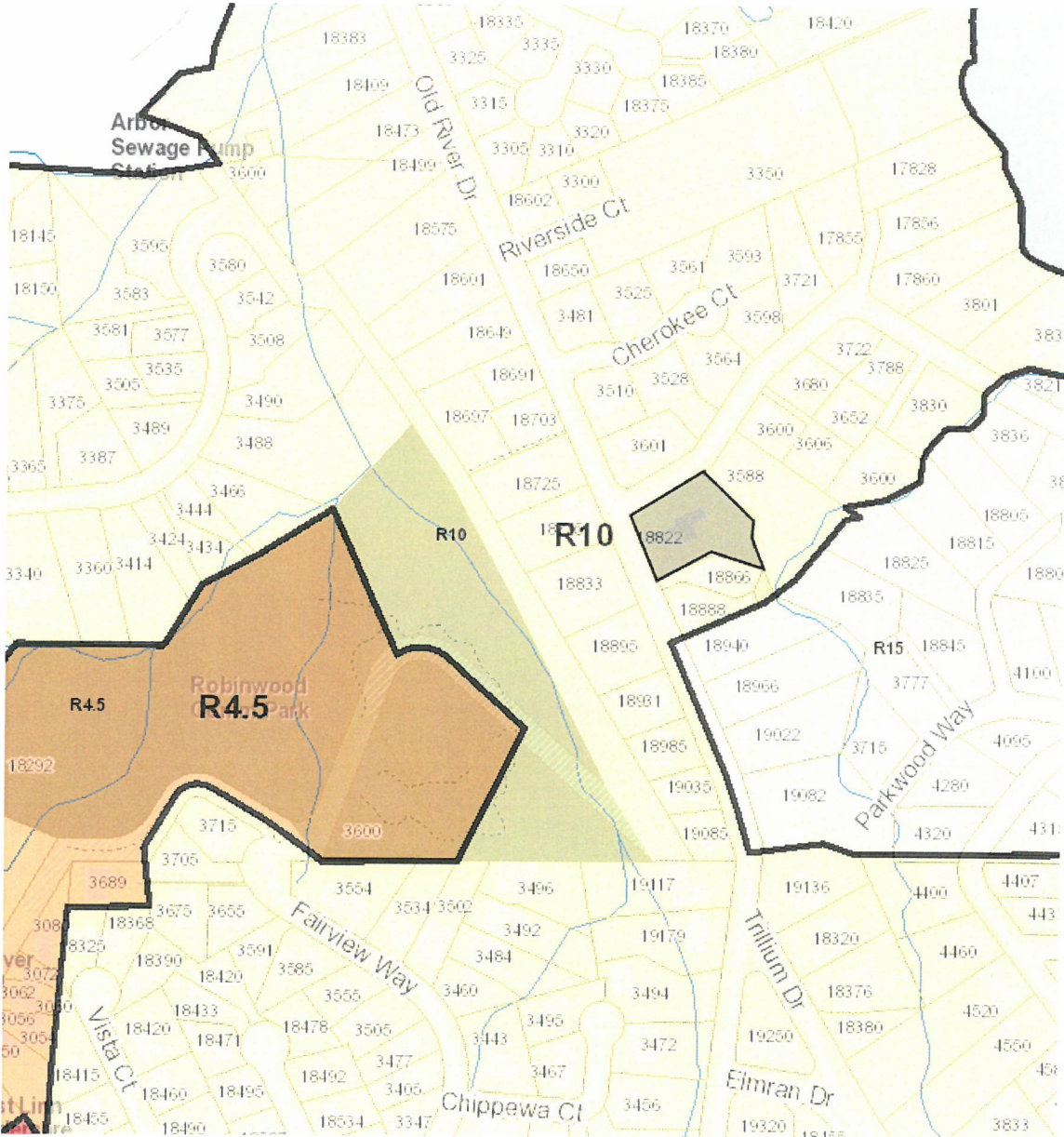
**Staff Finding 28:** The Public Works Director requires storm water facilities consistent with the City's Public Works Standards. The applicant shall provide an updated utility plan for review and approval by the Public Works Director. The criteria is met by condition of approval 2.

**FIGURE 1: LOCATION**

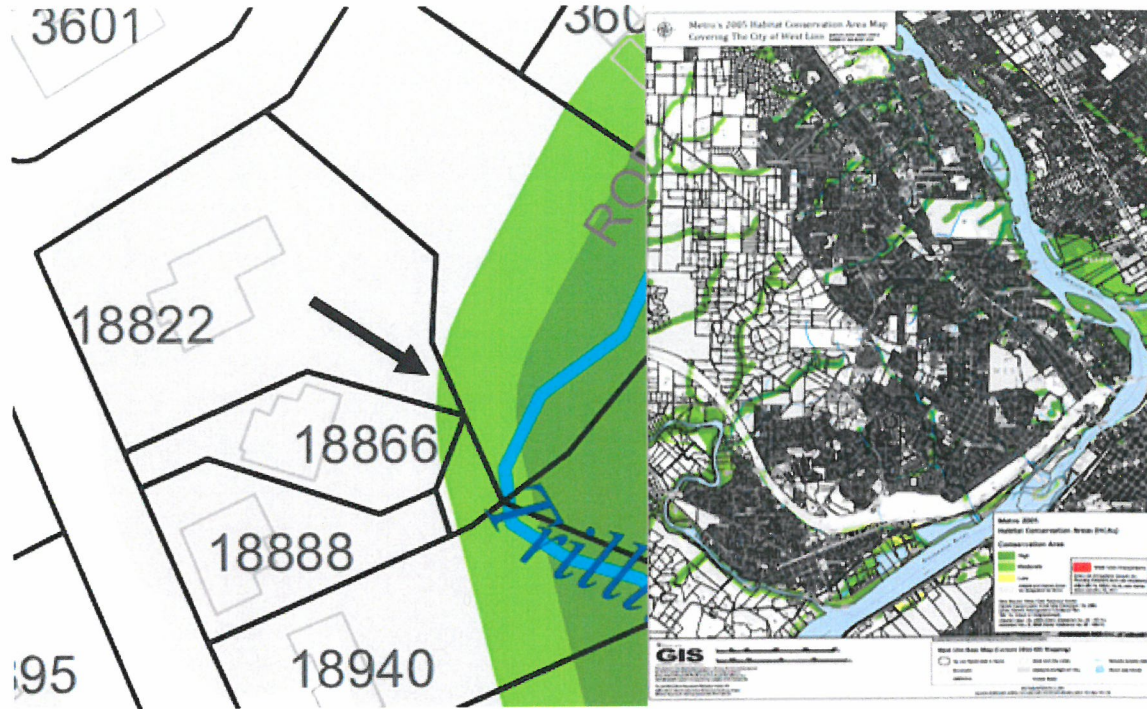




**FIGURE 2: ZONING**



**FIGURE 3: HABITAT CONSERVATION AREAS (HCAs)**



**Metro 2005  
Habitat Conservation Areas (HCAs)**

**Conservation Area**

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

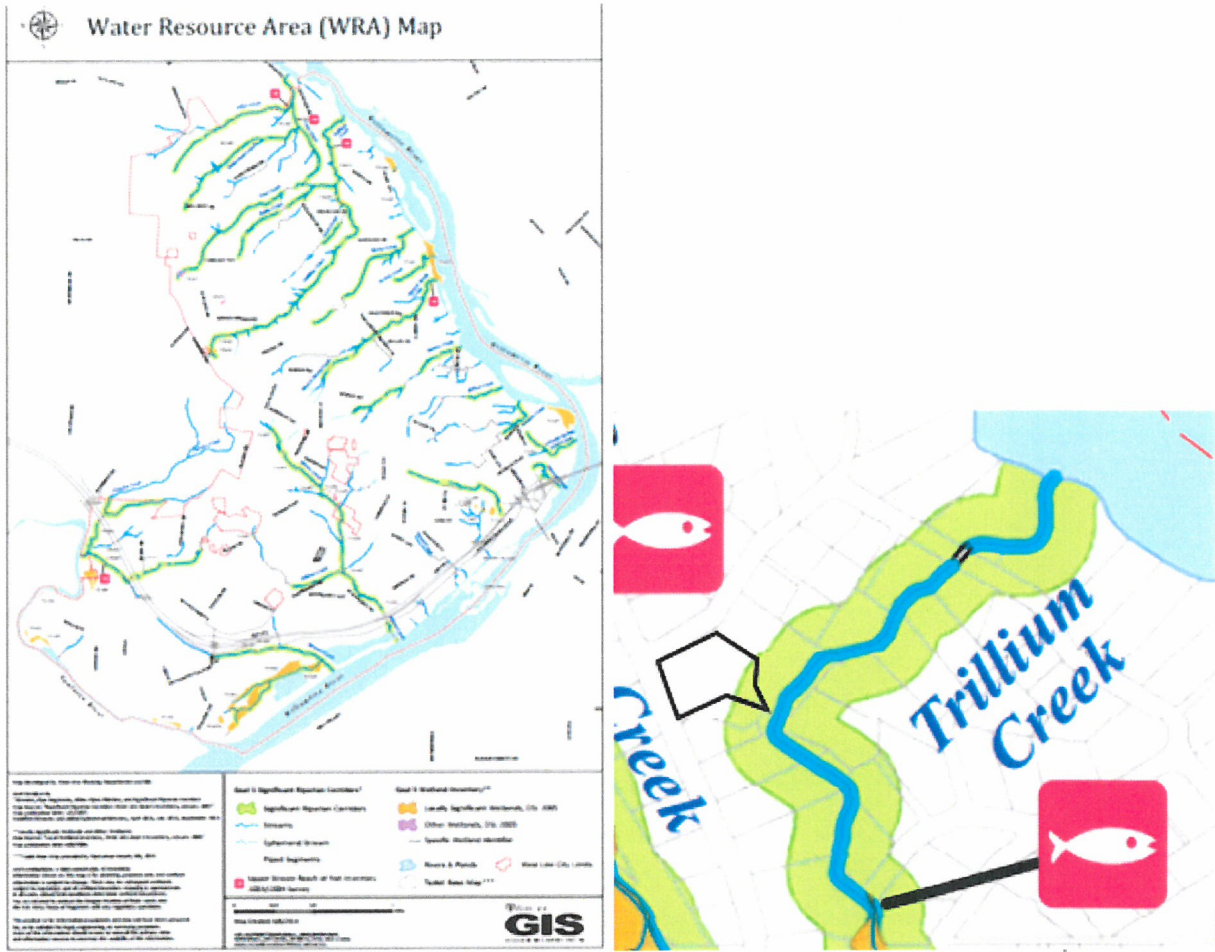
**West Linn Exceptions**

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)




**FIGURE 4: WATER RESOURCE AREA MAP**



**Goal 5 Significant Riparian Corridors\***

-  Significant Riparian Corridors
-  Streams
-  Ephemeral Stream
-  Piped Segments

 Upper Stream Reach of Fish Inventory 2003/2004 Survey

**Goal 5 Wetland Inventory\*\***







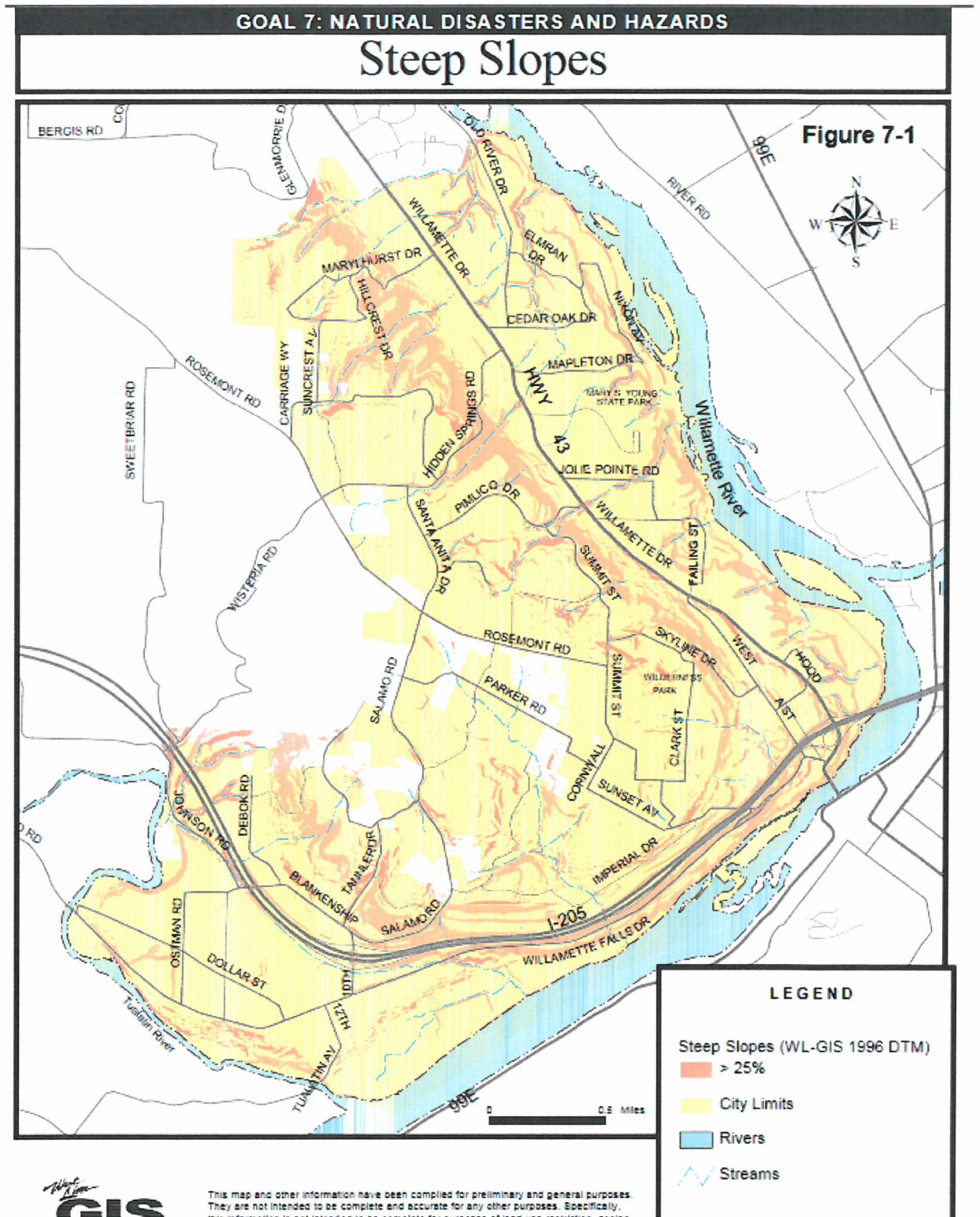
-  Locally Significant Wetlands, DSL 2005
-  Other Wetlands, DSL 2005
-  Specific Wetland Identifier
-  Rivers & Ponds
-  West Linn City Limits
-  Taxlot Base Map\*\*\*

FIGURE 5: SLOPES





**FIGURE 6: TENTATIVE PLAN MAP**

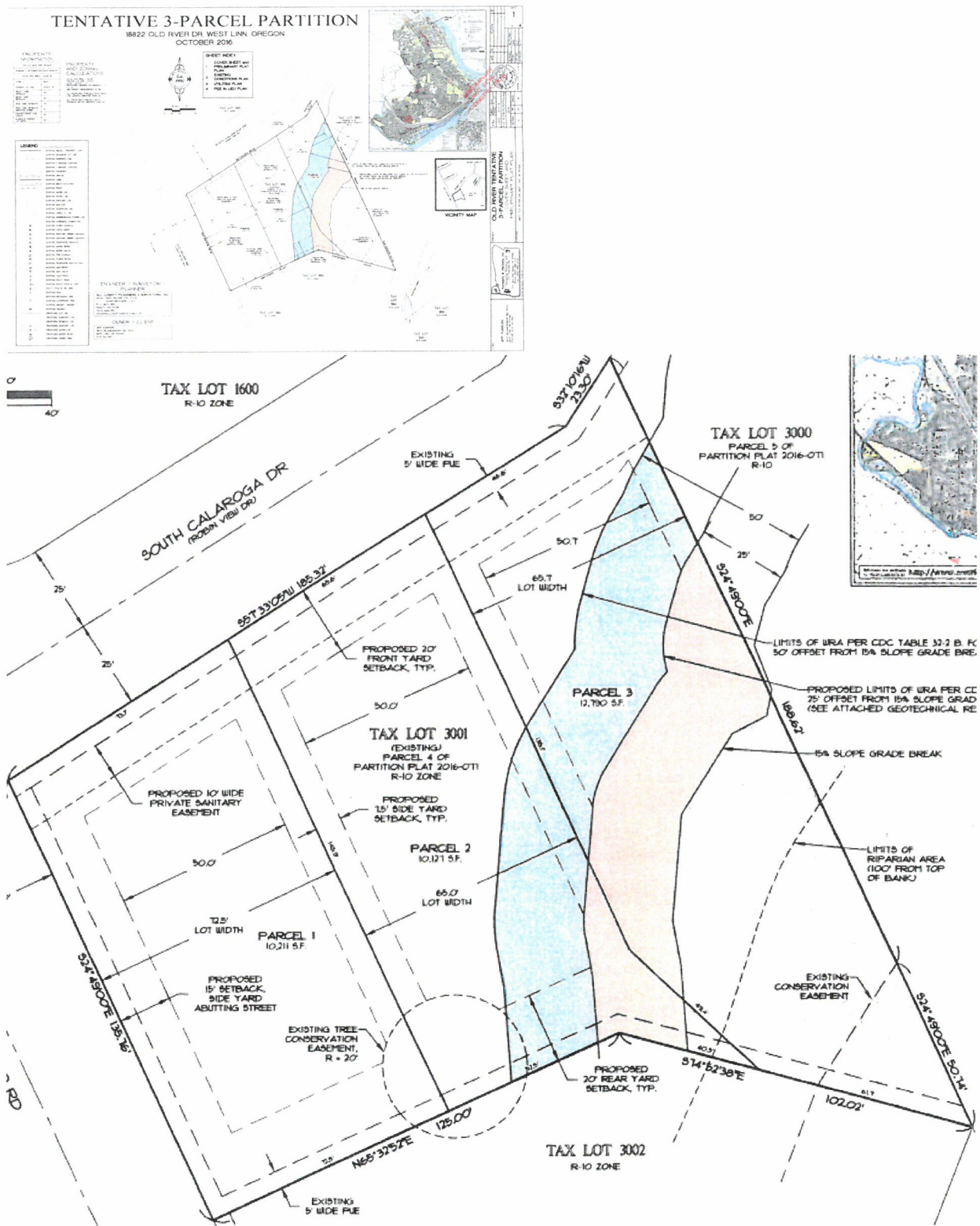
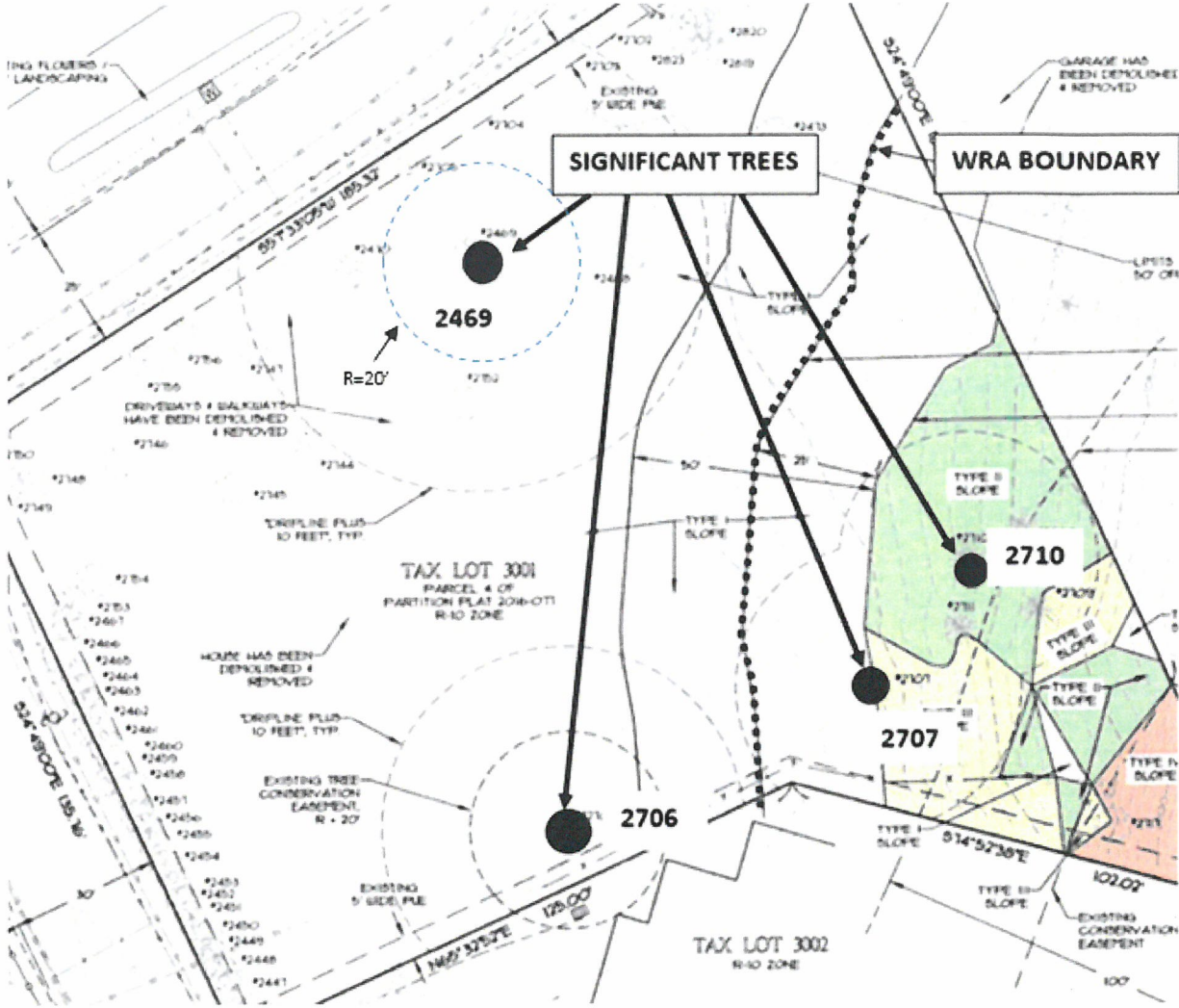


FIGURE 7 SIGNIFICANT TREES



**PD-1 AFFADAVIT AND NOTICE PACKET**

# AFFIDAVIT OF NOTICE

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

## GENERAL

File No. MIP-16-03 Applicant's Name Jeff Parker  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 1-31-17

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

### TYPE A

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

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

Tidings (published date) \_\_\_\_\_ (signed) \_\_\_\_\_  
City's website (posted date) \_\_\_\_\_ (signed) \_\_\_\_\_

### SIGN

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

(date) Jan 19 '17 (signed) [Signature]

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

### TYPE B

- A. The applicant (date) 1-10-17 (signed) S. Shroyer
- B. Affected property owners (date) 1-10-17 (signed) S. Shroyer
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) 1-10-17 (signed) S. Shroyer  
(All)

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

Date: 1-10-17 (signed) S. Shroyer

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

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

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

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. MIP-16-03**

The West Linn Planning Manager is considering a request for a three lot minor partition at 18822 Old River Road.

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

You have been notified of this proposal because County records indicate that you own property within 500 feet of this property (Tax Lot 3001 of Clackamas County Assessor's Map21E3CB) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/18822-old-river-road-3-lot-partition> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on January 31, 2017. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov).

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

## **PD-2 COMPLETENESS LETTER**



*Suit*



CITY OF  
**West Linn**

January 4, 2017

Jeff Parker  
1800 Blankenship Road #200  
West Linn, OR 97068

SUBJECT: MIP-16-03 application for 3-Lot Minor Partition at 18822 Old River Road.

Dear Jeff:

You submitted this application on October 24, 2016 with subsequent resubmittals on December 15, 2016 and December 30, 2016. The Planning and Engineering Departments have now deemed this application **complete**. The City has 120 days to exhaust all local review; that period ends April 28, 2017.

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

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date. Please contact me at 503-723-2539, or by email at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Peter Spir*

Peter Spir

Associate Planner

**PD-3 APPLICANT'S SUBMITTAL**

**For Applicant's Submittal see "Applicant Submittal" on this site:  
<http://westlinnoregon.gov/planning/18822-old-river-road-3-lot-partition>**

## PD-4 PUBLIC COMMENTS

## Spir, Peter

---

**From:** Jeff Wente <graciesys@comcast.net>  
**Sent:** Monday, January 30, 2017 10:43 PM  
**To:** Spir, Peter  
**Subject:** Re: Proposed COWL public ROW improvements (MIP-16-03)

Peter - thanks for taking the time to meet with me today to review this application. I have some additional comments I would like to add to the public record. They are;

There is insufficient time for people to provide comments regarding the improvements to Robin View Dr. that the city engineer wants. There was nothing in the documents available on the web site referring to this, only that the applicant wanted to pay the fee in lieu of the street improvements. I only found out about it today by meeting with you and this is the second to last day to submit comments. Many more people in the neighborhood would have responded if they knew about the city engineers plans.

The neighborhood does not want sidewalks and there are no others anywhere close to this property.

Robin View Dr is a neighborhood street and is fine the way it is. It does not need to be widened or improved. There is limited traffic on the street and the area beyond it is already developed. There is no need to be able to accommodate more traffic.

The developer has offered to pay the fee in lieu of the street improvements. This seems like a reasonable solution - the city gets funding for eventual street improvements while not disrupting the current neighborhood.

When people buy a home there is a reasonable expectation that roads are where they are supposed to be and no one expects to suddenly lose part of their yard because that is not the case.

The City Engineers plans call for moving the road 6-8 feet towards us and thereby eliminating our landscaping and a parking area. The plans also call for paving up to the edge which will necessitate cutting the roots, down 18", along the full length of two 100 foot silver maples that are 65 years old. Not only have you lowered our property values by putting the road closer to our front door, you have now endangered our house by cutting off all the roots on the opposite side of those trees. Will the city pay to repair our house when they come down in a storm?

If sidewalks must go in, we would like to see the approach taken at the recent development near Cedar Oak school with no curbs but street plantings and a asphalt meandering pathway. This would also more closely match a similar pathway down Old River Road.

Sent from my iPad

On Jan 30, 2017, at 4:48 PM, Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)> wrote:





## Spir, Peter

---

**From:** jeff.wente@daimler.com  
**Sent:** Tuesday, January 31, 2017 2:18 PM  
**To:** Spir, Peter  
**Cc:** graciesys@comcast.net  
**Subject:** Additional comments for MIP-16-03

Peter – I would like to add four additional comments to my previous ones.

1. During our meeting with Lance, the city engineer, on 1/30 he mentioned that it was a goal of West Linn to get sidewalks everywhere. That may be a goal of the city but I do not think it is a goal of our neighborhood. There have been many previous attempts to get sidewalks into the neighborhood and all have been opposed by the people living near the proposed area. People move into a neighborhood based on the houses and what it looks like and people that move into Robinwood like the fact that there is limited asphalt and more greenery. If someone really wanted sidewalks they would choose to move into a neighborhood that had sidewalks.
2. I can see the cities goal of trying to put in sidewalks in a piecemeal fashion but since the city does not require sidewalks for single family homes even when they are torn down and a new house is built in its place – I submit that this will never succeed and these sidewalks in this proposal will truly be sidewalks to nowhere. I can show you four houses on Old River Road within a quarter mile of this development that were torn down and rebuilt within the last few years – none have sidewalks in front of them. Given the current policy of only doing this on large lots that are being divided will be extremely limited as there are only a few of these left in the neighborhood. Why therefore make this a requirement?
3. I believe a similar new development over by Cedar Oak school was an appropriate use of this policy as it was near a school and on a reasonably busy corner with a hill and a lot of boat traffic going down to the river. None of those conditions apply to this case. There was also no requirement to move the road and impact the neighbors directly across from the development.
4. I am still having a hard time understanding why it is necessary to impact us in such a negative way by moving this road closer to our side. It is already bad enough that we will now have 3 houses facing us when there was just 1 before (4 if you count the other new house going in on the adjacent property). This seems so unnecessary as there are other roads in the immediate vicinity that are also not where the city thinks they should be – specifically Old River Rd at this intersection. At some point is the city going to insist on realigning Old River Rd and taking 10 feet out of the front yard of the houses across the street to build your sidewalks? I would expect you would find great opposition to such a plan.

Sincerely,

*Jeff Wente*

3601 Robin View Dr.  
503-699-4027

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

## Spir, Peter

---

**From:** Lori Wente <lwente@comcast.net>  
**Sent:** Monday, January 30, 2017 6:41 PM  
**To:** Spir, Peter  
**Subject:** Re: Proposed COWL public ROW improvements (MIP-16-03)

Mr. Spir,

My husband Jeff just returned from speaking with Lance Calvert. I want it in the record that we agree with Mr. Parker about the proposed widening of Robinview. So the city wants to root prune the two Silver Maple trees in front of our home that are approx. 100 ft tall in order to widen and move a street that has been there for decades in order to put in a piece of sidewalk that goes nowhere. Where is the common sense and concern for the disruption this will cause us?

To add insult to injury the engineer proposes to take out some of our landscaping, our water meter, our street light that has been there since the 40's, and we will be responsible for moving our own back flow valve at your insistence. No one wants this except some city engineer that probably does not even live in this city.

This street improvement plan was not in the file with any of the other documents. The fact that this information was not available has severely limited our neighborhoods ability to comment. We feel this is unfair to those of us who live here and the city is running roughshod over our needs.

Lori and Jeff Wente  
3601 Robinview Dr.

Sent from my iPad

On Jan 30, 2017, at 4:48 PM, Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)> wrote:

<image001.jpg>

**Peter Spir**  
*Associate Planner.*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-723-2539



**[Click to Connect!](#)**

Please consider the impact on the environment before printing a paper copy of this email.  
This e-mail is subject to the State Retention Schedule and may be made available to the public

## Spir, Peter

---

**From:** Lori Wente <lwente@comcast.net>  
**Sent:** Tuesday, January 31, 2017 3:03 AM  
**To:** Spir, Peter  
**Subject:** Re: Proposed COWL public ROW improvements (MIP-16-03)

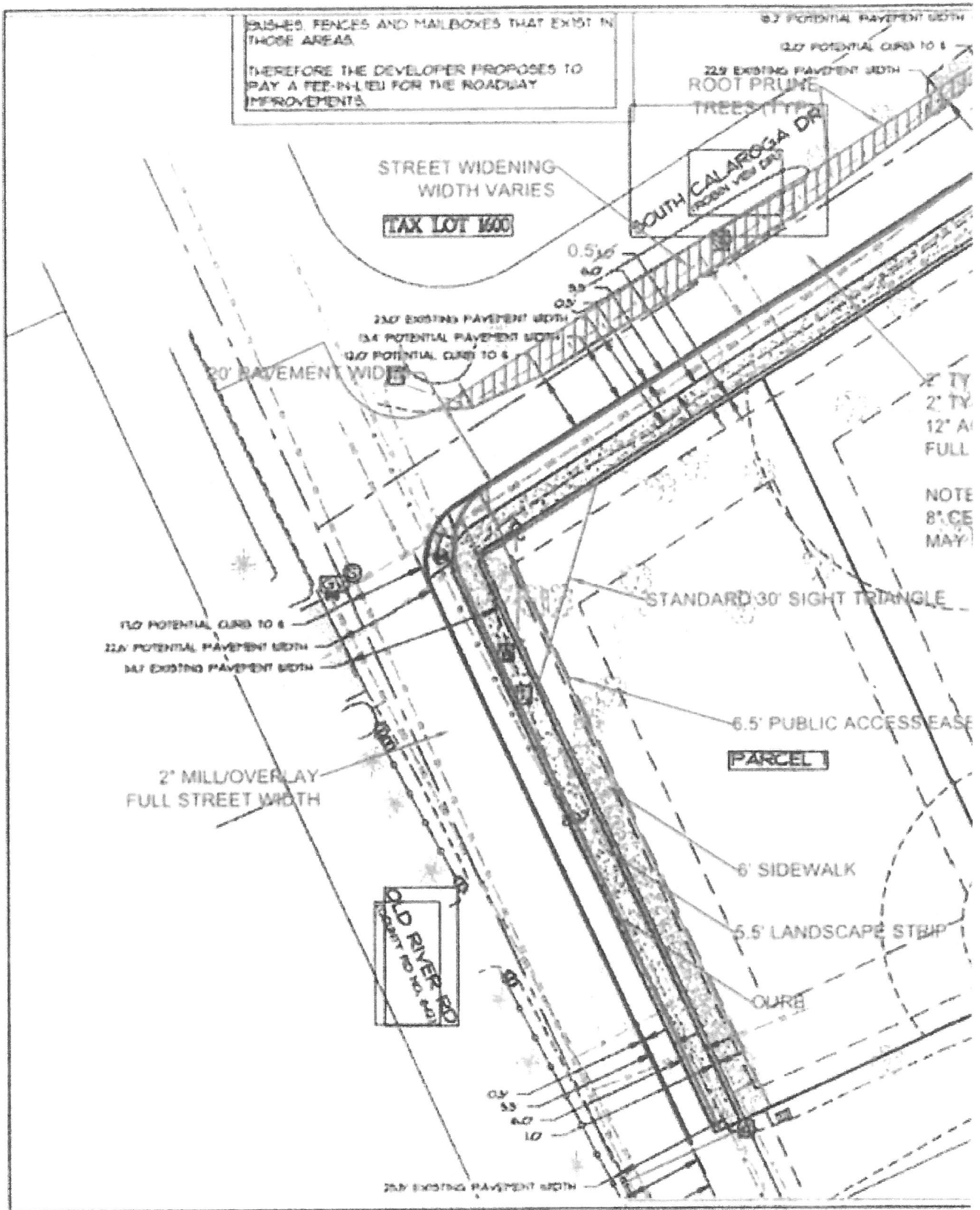
Mr. Spir,

That road predates any modern right of way that is now assigned to that road. The road has not moved. I would argue that it is the right of way that is in the wrong place, the road has always been where it is.

Lori Wente

Sent from my iPad

On Jan 30, 2017, at 4:48 PM, Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)> wrote:



EXISTING FENCES AND MAILBOXES THAT EXIST IN THOSE AREAS. THEREFORE THE DEVELOPER PROPOSES TO PAY A FEE-IN-LIEU FOR THE ROADWAY IMPROVEMENTS.

STREET WIDENING WIDTH VARIES

TAX LOT 1600

SOUTH CALAROGA DR  
TRENDS (TYPE)  
ROOT PRUNE

11.0' POTENTIAL CURB TO C  
22.2' POTENTIAL PAVEMENT WIDTH  
14.7' EXISTING PAVEMENT WIDTH

2" MILL/OVERLAY FULL STREET WIDTH

OLD RIVER RD  
TRENDS (TYPE)  
ROOT PRUNE

STANDARD 30' SIGHT TRIANGLE

6.5' PUBLIC ACCESS EASE

PARCEL

6' SIDEWALK

5.5' LANDSCAPE STRIP

CURE

20.0' EXISTING PAVEMENT WIDTH

13.0' POTENTIAL PAVEMENT WIDTH

13.0' POTENTIAL CURB TO C

22.2' EXISTING PAVEMENT WIDTH

TRENDS (TYPE)

2" TY  
2" TY  
12" A  
FULL

NOTE  
8" CE  
MAY

Peter Spir  
Associate Planner.  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068

## Spir, Peter

---

**From:** John Worcester <worcesj@gmail.com>  
**Sent:** Tuesday, January 31, 2017 10:49 AM  
**To:** Spir, Peter  
**Subject:** Proposed COWL public ROW improvements (MIP-16-03)

Dear Peter -

We live at 3600 Robin Creek, which is affected by the 3 lot division at the corner of Robin View and Old River. We've resided here for 22 years and love the area. We understand that developments occur. Our desire here is to minimize the impact on our wonderful neighborhood. To that end, we have the following suggestions:

- We and our neighbors do not want sidewalks. There are no others anywhere close to this property. They would stand out like a sore thumb and be useless.
- If sidewalks must go in, we would like to see the approach taken at the recent development near Cedar Oak school with no curbs but street plantings and a asphalt meandering pathway. This would also more closely match a similar pathway down Old River Road.
- Robin View Drive is a neighborhood street and is fine the way it is. It does not need to be widened or improved. There is limited traffic on the street and the area beyond it is already developed. There is no need to be able to accommodate more traffic.
- The developer has offered to pay the fee in lieu of the street improvements. This seems like a reasonable solution - the city gets funding for eventual street improvements while not disrupting the current neighborhood.
- When people buy a home there is a reasonable expectation that roads are where they are supposed to be and no one expects to suddenly lose part of their yard because that is not the case. It would be really unfortunate for the Wentes to lose part of their lot, and we see no value added by changing the road.
- The street improvements were only identified today because Jeff Wente went to meet with you. As the comment period closes today there is little time for people to respond and become a party with standing. I am sure many more people would have wanted to comment if they only know what the city was going to require.
- The 46" diameter oak is a significant tree and should be saved to remain as part of the neighborhood.

Thanks for your consideration. If you have any questions, please contact us.

John & Ellen Worcester

## Spir, Peter

---

**From:** John Worcester <worcesj@gmail.com>  
**Sent:** Tuesday, January 31, 2017 2:43 PM  
**To:** Spir, Peter  
**Subject:** Re: Proposed COWL public ROW improvements (MIP-16-03)

Dear Peter -

An additional request: I understand consideration is being given to allowing encroachments into the protected riparian creek zone. This would be a bad idea for two reasons:

First, the protection zone was created for a good reason: this area is a natural resource which is both important environmentally and for its beauty.

Second, the area is sensitive from an erosion standpoint. It needs to be kept as robust with vegetation as possible, and to prevent rainwater from running down the steep slope. We have had some experience with slippage of the slope on our own property. I'd encourage you to avoid development which increases the possibility of a repeat of our experience.

Thanks,

John & Ellen Worcester

On Tue, Jan 31, 2017 at 10:48 AM, John Worcester <worcesj@gmail.com> wrote:

Dear Peter -

We live at 3600 Robin Creek, which is affected by the 3 lot division at the corner of Robin View and Old River. We've resided here for 22 years and love the area. We understand that developments occur. Our desire here is to minimize the impact on our wonderful neighborhood. To that end, we have the following suggestions:

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- When people buy a home there is a reasonable expectation that roads are where they are supposed to be and no one expects to suddenly lose part of their yard because that is not the case. It would be really unfortunate for the Wentes to lose part of their lot, and we see no value added by changing the road.



- The street improvements were only identified today because Jeff Wente went to meet with you. As the comment period closes today there is little time for people to respond and become a party with standing. I am sure many more people would have wanted to comment if they only know what the city was going to require.
- The 46" diameter oak is a significant tree and should be saved to remain as part of the neighborhood.

Thanks for your consideration. If you have any questions, please contact us.

John & Ellen Worcester

## Spir, Peter

---

**From:** Scott Miller <scott.miller@mfia-eng.com>  
**Sent:** Monday, January 30, 2017 8:58 AM  
**To:** Spir, Peter  
**Subject:** Re: Geo tech report for 18822 Old River Road

Peter:

Thanks for the information.

--

Scott Miller, P.E.  
Principal  
MFIA, Inc. Consulting Engineers  
2007 SE Ash St.  
Portland, Oregon 97214  
(503) 234-0548  
[scott.miller@mfia-eng.com](mailto:scott.miller@mfia-eng.com)  
[www.mfia-eng.com](http://www.mfia-eng.com)

On 1/25/2017 3:31 PM, Spir, Peter wrote:

Scott

Please, let me know if you need further information or have questions.

Best regards

Peter

**Peter Spir**  
*Associate Planner.*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)  
westlinnoregon.gov  
503-723-2539



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## Spir, Peter

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**From:** wlierman@theeconomicsgrp.com <wlierman@aol.com>  
**Sent:** Monday, January 30, 2017 11:37 PM  
**To:** Spir, Peter  
**Subject:** Letter of concern regarding City of West Linn Upcoming Planning Manager Decision - File No. MIP-16-03  
**Attachments:** West Linn City Council.docx

Dear Mr. Spir,

I have attached our letter of concern regarding Mr. Parker's request to move three houses closer to the slope of the ravine that lies behind our home. Is this all we are supposed to do. The information provided was unclear as to whether this material needs to be delivered in person? Or are you the point of contact that will ensure the letter goes before the major and council?

I will be working in Salem tomorrow and will not be able to deliver this in person. Is it sufficient if we send this to you? Please respond asap.

Thank you.

Walt and Jane Lierman  
18866 Old River Drive

West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

January 30, 2017

Dear Mayor Axelrod and Council:

This letter is being sent to draw your attention to a proposed change in location of new homes by builder Jeffrey Parker. Mr. Parker is seeking permission to move three homes closer to the edge of a steep ravine which is located behind our home and several others. This has been labeled three lot “minor partitions” at 18822 Old River Road. However, neighbors in this area likely would not consider this to be “minor” – especially those of us who will have this development in our backyard – literally and figuratively.

Now for the facts. When our home was constructed in 2007, our builder (Bill Dehning) was required by the City of West Linn to 1) strengthen the edge of the ravine with boulders and logs and 2) to construct a water catchment area to control runoff. In addition, our house blueprint was reduced in size by the City of West Linn because of the weight of our home on the ravine. All this was done to preserve the integrity of the slope. Since 2007, the volatility and instability of the slope has increased in spite of these regulations.

Moving three homes closer to the edge of the ravine, as Mr. Parker requests, will degrade the stability of the ravine’s slope and increase the volatility of potential landslides. In fact, a property on the ravine did suffer a landslide last summer. Bill Dehning was forced to spend thousands of dollars of his own money to create the modifications listed above. What about this current request? If there is a landslide who is liable for damages? Which party pays for this modification if it is granted by the city council?

We are concerned that the requirements that Mr. Dehning was forced to follow by an earlier council could possibly be shortcut in this case. Can the council provide information regarding who from the City will monitor the parameters of concern (reinforcement of slope, water runoff catchment and keeping the footprints of these houses from expanding beyond the line of safety). Then there are the attendant issues of old growth fir tree drip lines and the water resources preservation area on the property at 18822 Old River Road. These have been important considerations in the past. We hope that all such environmental protections will be upheld in this case.

At the very least, we ask that the current city council maintain the stringency of controlling development on and near the slope of the ravine; controls that were put in place and upheld by the decisions of your predecessors on earlier city councils.

Thank you for your unbiased consideration in this matter.

Sincerely,

*Walter and Jane Lierman* / Walter and Jane Lierman - 18866 Old River Road

## Spir, Peter

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**From:** R mart <rpmart553@gmail.com>  
**Sent:** Tuesday, January 31, 2017 7:44 AM  
**To:** Spir, Peter  
**Subject:** Parker development old river dr

Hi Peter. Regarding the property development, just a few thoughts. I would be opposed to adding sidewalks. Doesn't make sense because it is inconsistent with the neighborhood. Old trees should stay but also trimmed and cleaned. Thin out the holly On old river and remove some to tidy up. Robin view street should not be moved. Moving it may set a precedent and places all property owners at risk of losing land. Leave boundaries as they are. Thank you. Reg Marto 18888 old river dr

## Spir, Peter

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**From:** Judy Wiechmann <jodyw@comcast.net>  
**Sent:** Monday, January 30, 2017 8:24 PM  
**To:** Spir, Peter  
**Subject:** Urgent: plans for corner Old River & Robin View

Hi Peter, we just learned today (!! ) from the Wentes that there is a plan for a sidewalk and street widening around Parker's lot on Old River at Robin View. No idea why this wasn't shared info earlier. To the point, we really don't want sidewalks when there are none in this older neighborhood (one reason we moved here), and Robin View sure doesn't need widening! We just wanted to go on record on this. We're also not happy that Parker wants to cut down the beautiful, healthy old oak tree on that lot. Thanks for reading this.

Judy and Jim Wiechmann  
3564 Cherokee Ct  
503-816-6500 (cell)

Sent from XFINITY Connect Mobile App



## Spir, Peter

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**From:** Kelly <kellyneumeier@comcast.net>  
**Sent:** Monday, January 30, 2017 10:29 PM  
**To:** Spir, Peter  
**Subject:** Robin View Dr - No sidewalks

Dear Mr Spir,

I have just learned that the current plans for the 3 lot partition at the end of my street of 11 years are supposed to include sidewalks and curbs? Anyone that has been to our neighborhood should know that that doesn't make any sense. Robin View needs some TLC in terms of repaving the length of it but it definitely does not need to be realigned or have stubby sidewalks put in that don't go anywhere and may never go anywhere. Both of my children walked and rode bikes to Cedaroak Park Primary and 100' of sidewalk wouldn't have done th any good. There aren't any sidewalks in this neighborhood other than directly adjacent to the school. Robin View is barely wide enough (but wide enough) to accommodate school buses, garbage trucks and the many walkers, runners and cyclists that frequent it. If these homes have to be built let's get it done quickly and safely while not disrupting all of the long-term neighbors in this quiet area more than is already necessary. No sidewalks to nowhere.

Thank you,

Kelly Neumeier, 3723 Robin View Dr

## Spir, Peter

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**From:** Denise Van Rheen <rdvanrheen@gmail.com>  
**Sent:** Tuesday, January 31, 2017 3:25 PM  
**To:** Spir, Peter  
**Subject:** Proposed COWL public ROW improvements (MIP-16-03)

Dear Mr. Spir,

My name is Denise L. Van Rheen, my husband Richard and I live at 3721 Robin View Drive and are affected by the 3 lot division at Old River and Robin View Drive. We have lived on this street for 26 years. We built our one-story home here because of the wonderful trees, good schools and relatively flat lot. We love the character of the neighborhood and will miss the treed lot where the 4 houses will be built.

Please consider the following:

1. We are against moving Robinview Drive north. We don't want sidewalks and curbs. We appreciate the large shoulders on Old River. If a sidewalk must be built we would request that you follow the example of the recent development on Elmran Drive near Cedar Oak Elementary with a asphalt path and a planted buffer between the path and the road with no curbs. **Sidewalks in this setting is like the bridge to nowhere. There are few, if any, undeveloped lots left to impose sidewalks on.**

(I use a wheelchair and/or scooter and often go on walks with my husband in the neighborhood. I have a different perspective on the use of sidewalks. Often they are an obstacle to wheelchair use and have indentations at each section of the concrete which cause uncomfortable bumps. There are at least 4 wheelchair users in our neighborhood. )

2. We have spoken with our neighbors and we don't feel that Robin View Drive needs to be widened or improved. It works fine just the way it is. There is limited neighborhood traffic on the street and the road does not need to be widened or improved to accommodate more traffic as the neighborhood is already fully developed. Apparently the developer has offered to pay a fee in lieu of the street improvements. This seems like a win for everyone including the city and I'm sure if you took a poll of the neighbors there would be no objection to leaving Robin View Drive just the way it is. It would also be a shame for the Wente's, right across the street, to loose part of their yard for a needless road improvement that no one wants. Perhaps the fine (\$) could be spent on repaving Robin View Drive, since it is in desperate need.

3. Finally, we would appreciate it if every effort could be made to save the large Oak tree on the property which is a significant landmark in the neighborhood.

Thank you for your consideration. If you have any questions or would like further comment please contact us.

Sincerely,

Denise and Rich Van Rheen  
503-697-9346

## Spir, Peter

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**From:** John McClaran <johnmccclaran@comcast.net>  
**Sent:** Tuesday, January 31, 2017 12:46 PM  
**To:** Spir, Peter  
**Subject:** Proposed COWL public ROW improvements (MIP-16-03)

Dear Mr. Spir,

My name is John McClaran. My wife Amy and I live at 18775 Old River Drive, which is affected by the 3 lot division at the corner of Robin View and Old River. We've lived here for 16 years and care deeply about preserving the character of our neighborhood. We have no real objection to the inevitable construction of three new homes on the subject property. However, our strong desire here is to minimize any adverse impact the development might have on the character our wonderful neighborhood. To that end we would like you to consider the following modifications to the plan:

1. We don't want sidewalks and curbs. Aside from the border around part of Cedar Oak Park Elementary they aren't found anywhere else in the neighborhood. They seem useless and are not part of any contiguous infrastructure. If a sidewalk must be built we would request that you follow the example of the recent development on Elmran Drive near Cedar Oak Elementary with a path and a planted buffer between the path and the road with no curbs. This would also be similar to the path north of the property bordering the Old River Woods subdivision. This approach would much better reflect the character of the neighborhood as opposed to concrete curbs.
2. We don't feel that Robin View Drive needs to be widened or improved. It works fine just the way it is. There is limited neighborhood traffic on the street and the road does not need to be widened or improved to accommodate more traffic as the neighborhood is already fully developed. Apparently the developer has offered to pay a fee in lieu of the street improvements. This seems like a win for everyone including the city and I'm sure if you took a poll of the neighbors there would be no objection to leaving Robin View Drive just the way it is. It would also be a shame for the Wentes, right across the street, to loose part of their yard for a needless road improvement that no one wants.
3. I regret that there isn't more time to comment on the street improvements. I don't think that many of our neighbors were aware of these changes, particularly the sidewalks, curbs and road improvements. I'm certain that you would get a flood of objections.
4. Finally, we would appreciate it if every effort could be made to save the large Oak tree on the property which is a significant landmark in the neighborhood.

Thank you for your consideration. If you have any questions or would like further comment please contact us.

John and Amy McClaran  
503-680-9497

## Spir, Peter

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**From:** John Worcester <worcesj@gmail.com>  
**Sent:** Wednesday, February 01, 2017 9:18 PM  
**To:** Spir, Peter  
**Subject:** Re: Proposed COWL public ROW improvements (MIP-16-03)

Dear Peter -

Thanks for getting back to me so quickly, and thanks both for including our input and especially addressing our erosion concerns. We appreciate it very much.

John & Ellen Worcester

On Wed, Feb 1, 2017 at 7:47 AM, Spir, Peter <pspir@westlinnoregon.gov> wrote:

Dear Mr. and Mrs. Worcester,

Thank you for your comments. They will be included in the record and staff report.

Regarding encroachment into the Water Resource Area (WRA) associated with Trillium Creek, your concerns about erosion and slippage are well founded. To address that concern, I have made the following findings:

*"Trillium Creek is identified on the WRA Map and traverses the rear or southeast portion of the property mostly impacting Parcel 3 and a small portion of Parcel 2. None of Parcel 1 is in the WRA. Per CDC Table 32-2, the WRA boundary extends 50 feet from the point where the slope leading away from the top of the ravine diminishes to less than 15 percent. However, footnote 4 of that same table allows a reduction of the setback to 25 feet, but only if the applicant can provide a geotechnical engineer's report that the reduced setback will not result in erosion or slope instability.*

*The applicant's geotechnical engineer: Geo Pacific - has provided engineered stamped findings that the reduced setback will not result in erosion or slope instability. Therefore, the setback/WRA boundary from top of slope is reduced to 25 feet. (To clarify: the 25 foot setback is from the point where the slope diminishes below 15% for more than 50 feet. That location is approximately 55 feet from the top of the ravine so actual home construction on Parcel 3 would be setback, at minimum, 80 feet (25 + 55) from the top of the ravine.)*

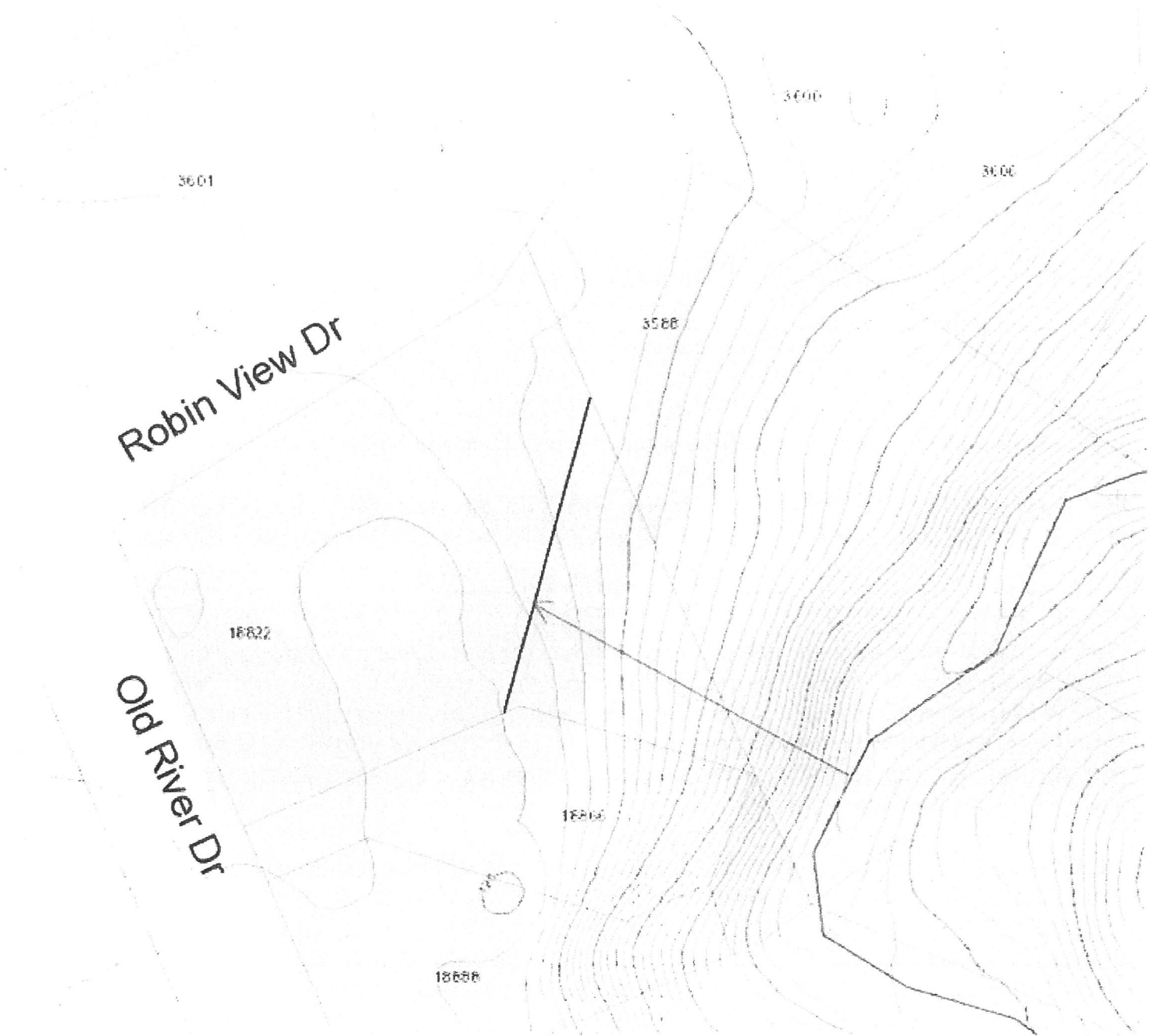
*All parcels will have sufficient area to accommodate development with no encroachment into the WRA. No development, activity or uses are proposed in the WRA; therefore no WRA permit is required. (The Applicant's Tentative Plan Map and Condition of Approval 5 define and delineate the WRA boundary.) The criteria is met."*

To clarify, the nearest home in this minor partition application will be about 155 feet from the creek. The black line represents an approximation of the closest a home could be built at the 18822 Old River Drive

property. I hope this clarifies the proposal relative to the WRA. Please give me a call at 723-2539 to talk or set up a convenient time to drop by our office if you have any comments or unanswered questions.

Best regards

Peter



**From:** John Worcester [mailto:worcesj@gmail.com]  
**Sent:** Tuesday, January 31, 2017 2:43 PM

To: Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)>

Subject: Re: Proposed COWL public ROW improvements (MIP-16-03)

Dear Peter -

An additional request: I understand consideration is being given to allowing encroachments into the protected riparian creek zone. This would be a bad idea for two reasons:

First, the protection zone was created for a good reason: this area is a natural resource which is both important environmentally and for its beauty.

Second, the area is sensitive from an erosion standpoint. It needs to be kept as robust with vegetation as possible, and to prevent rainwater from running down the steep slope. We have had some experience with slippage of the slope on our own property. I'd encourage you to avoid development which increases the possibility of a repeat of our experience.

Thanks,

John & Ellen Worcester

On Tue, Jan 31, 2017 at 10:48 AM, John Worcester <[worcesj@gmail.com](mailto:worcesj@gmail.com)> wrote:

Dear Peter -

We live at 3600 Robin Creek, which is affected by the 3 lot division at the corner of Robin View and Old River. We've resided here for 22 years and love the area. We understand that developments occur. Our desire here is to minimize the impact on our wonderful neighborhood. To that end, we have the following suggestions:

- We and our neighbors do not want sidewalks. There are no others anywhere close to this property. They would stand out like a sore thumb and be useless.
- If sidewalks must go in, we would like to see the approach taken at the recent development near Cedar Oak school with no curbs but street plantings and a asphalt meandering pathway. This would also more closely match a similar pathway down Old River Road.

- Robin View Drive is a neighborhood street and is fine the way it is. It does not need to be widened or improved. There is limited traffic on the street and the area beyond it is already developed. There is no need to be able to accommodate more traffic.
- The developer has offered to pay the fee in lieu of the street improvements. This seems like a reasonable solution - the city gets funding for eventual street improvements while not disrupting the current neighborhood.
- When people buy a home there is a reasonable expectation that roads are where they are supposed to be and no one expects to suddenly lose part of their yard because that is not the case. It would be really unfortunate for the Wentes to lose part of their lot, and we see no value added by changing the road.
- The street improvements were only identified today because Jeff Wente went to meet with you. As the comment period closes today there is little time for people to respond and become a party with standing. I am sure many more people would have wanted to comment if they only know what the city was going to require.
- The 46" diameter oak is a significant tree and should be saved to remain as part of the neighborhood.

Thanks for your consideration. If you have any questions, please contact us.

John & Ellen Worcester

**Peter Spir**  
*Associate Planner.*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)  
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