

Partition Narrative

2415 Dillow Drive, West Linn

Icon Construction & Development, LLC

Proposal: This application requests approval of a three-lot partition for property located at 2415 Dillow Drive in West Linn. The property is situated on the north side of Dillow Drive east of Willamette Falls Drive. The subject property is 34,492 square feet in area and is presently developed with a single-family home. The proposed partition will divide the property into 3 lots, with the two in the rear accessed via a shared driveway. The subject property is zoned R-10. The property is described as Tax Lot 7300 of Clackamas County Assessor's Map 2-1E-24DC. A portion of the adjoining property, TL 7400, is also included in the proposed partition.



Vicinity Map

The proposed development conforms to the applicable provisions of the CDC as follows:

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.

Comment: No new streets are proposed. Parcel 1 fronts on Dillow Drive. Parcels 2 and 3 will be accessed via a shared driveway in an easement across Parcel 1. Because of the existing development pattern, which is developed to full R-10 density to the north without the provision of any stub streets, there is no opportunity to provide for additional local street connections. The plan does call for the dedication of an additional 3 feet of right-of-way along the site's frontage on Dillow Drive, consistent with staff comments in the pre-application conference notes.

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.*

Comment: As previously mentioned, the development pattern in this area is already established. There is no opportunity for additional local street connections between Dillow Drive, on the south, and Tulane Street, to the north. Marquette Ct. stops short of the north property line of the subject property and does not provide for a through connection.

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.*

Comment: Same as for B1, above.

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.

Comment: The proposed lots are consistent with the dimensional standards of the R-10 zone and provide reasonable building sites for single-family detached homes. The lots are longer on their north-south axes and, therefore, provide for the opportunity to orient the homes for solar access. The lots do not include portions of existing streets. The easement area for the access drive has not been included in the computation of lot size for purposes of meeting R-10 standards.

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

Comment: See discussion of Chapter 48, below.

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.*

Comment: No double frontage lots or parcels are proposed.

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.*

Comment: The proposed side lot lines are roughly perpendicular to the Dillow Street right-of-way.

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.

Comment: Due to the lack of street frontage or streets that are stubbed to the property line, access to the rear portion of the subject property may only feasibly be provided via the use of a flag lot development pattern. Setbacks are anticipated to be applied on Parcels 2 and 3 with front and rear lot lines being the south and north lines, respectively, and the side lot lines being the east and west lines. Setbacks will be reviewed at the time of building permit application. All parcels exceed the minimum 10,000 sq. ft. lot size standard of the R-10 district, exclusive of area within the access easement. All lots proposed exceed the minimum lot depth standard of the R-10 zone. The proposed access drive serving Parcels 2 and 3 will be 12 feet in width and is located in the two 8 foot access strips with a shared 16-foot wide access and utility easement.

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.

Comment: Not applicable. None of the parcels proposed are large enough to be capable of being redivided.

C. Pedestrian and bicycle trails.

Comment: Not applicable. No pedestrian or bicycle trails exist or are planned in this area.

D. Transit facilities.

Comment: The closest Tri-Met bus service is on Willamette Falls Drive. There are no plans to bring service down Dillow Drive so there is no need for transit facilities.

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

Comment: No grading of building sites is planned at this time. Grading plans will be reviewed at the time of building permit application.

F. Water.

Comment: Water service will be provided from the existing water line in Dillow Drive. No new public water lines are proposed. New water meters will be provided in the public right-of-way, with private water service lines extending to Parcels 2 and 3 via the access easement.

G. Sewer.

Comment: Sewer service will be provided from the existing sewer line in Dillow Drive. No new public sewer lines are proposed. Private service laterals will be extended to Parcels 2 and 3 via the access easement.

H. (Deleted)

I. Utility easements.

There are no new public utilities proposed and, therefore, no new requirements for public utility easements. There will be a joint access and utility easement over the 15 foot easement passing through Parcel 1 to serve Parcels 2 and 3.

J. Supplemental provisions.

1. Wetland and natural drainageways.

Comment: There are no wetlands or drainageways on the subject property or on adjacent parcels.

2. Willamette and Tualatin Greenways.

Comment: The subject property is not located within the Willamette or Tualatin Greenway areas.

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

Comment: A street tree will be provided along the frontage of Parcel 1, consistent with these requirements.

4. Lighting.

Comment: Street lights are already in place along Dillow Drive. No new street lights are needed.

5. Dedications and exactions.

Comment: The site plan provides for an additional 3 feet of right-of-way dedication along the property's frontage, consistent with what was discussed at the pre-application conference. No other exactions are warranted.

6. Underground utilities.

Comment: All new utilities will be place underground.

7. Density requirement.

Comment: The subject property measures 34,492 square feet in site area. The access easement serving Parcels 2 and 3 measures 2,287 sq. ft. Deducting this easement area from the site area leaves a net area of 32,205 sq. ft. Dividing by the minimum 10,000 sq. ft. lot size of the R-10 zone yields a maximum density of 3 lots. Three lots are proposed so both the minimum and maximum density standards are met.

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.*

Comment: The subject property is not in the R-2.1 or R-3 zones so this provision does not apply.

9. Heritage trees/significant tree and tree cluster protection.

Comment: There are not heritage trees on the site. There are also no significant clusters of trees on the property.

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.)*

Comment: Because of the small size of this project, the City did not require a 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.*

Comment: Not applicable. There are no existing curb cuts that need to be closed.

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.*

Comment: Access will be via a shared private access easement located on the 8-foot flag strips of Parcels 2 and 3.

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).*

Comment: Not applicable. The site does not front onto an arterial street.

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.

Comment: Not applicable. No double-frontage lots are proposed.

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.

Comment: No new public street intersections are proposed. The shared access drive complies with the requirements of the CDC.

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.*

Comment: Only one access point per lot is proposed.

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.

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.

Comment: The proposed shared access drive will have an easement shown on the partition plat.

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.
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)

Comment: Adjacent property to the north is fully developed and no street stubs are provided to the subject property. Because of this, it is not possible to extend a local street through the site to create a new block.

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.*

Comment: Not applicable: No access from an arterial street is proposed.

- 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 75 CDC. 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.*

Comment: Not Applicable. The homes on Parcels 2 and 3 will be more than 150 feet from Dillow Street.

- 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.*

Comment: The homes on Parcels 2 and 3 will be more than 150 feet from Dillow Street so the driveway will be designed to conform to these standards. An emergency vehicle turnaround is shown on the Tentative Plan. The requirements for vertical clearance, centerline turning radius, and horizontal clearance are met by the proposed design.

- 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.*

Comment: Not applicable. The proposed access will not serve five or more vehicles.

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

Comment: Not applicable. No multi-family development is proposed.

- 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.*

Comment: The proposed access drive complies with these standards

- 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.*

Comment: Not applicable. The site does not front on an arterial or collector street.

- 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.*

Comment: Not applicable. The site is not a multi-family site and there is no opportunity for a street connection due to development patterns to the north.

- 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)*

Comment: No gated accessways are proposed.

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

Comment: No non-residential uses are proposed so this section does not apply.

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.

Comment: No one-way traffic flow patterns are proposed.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. *Minimum curb cut width shall be 16 feet.*

Comment: The curb cut for the proposed access drive will comply with this minimum.

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.*

Comment: The proposed curb cut will not exceed 36 feet, as shown on the site plan.

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.*

Comment: Dillow St. is a local street and it intersects with Lowery Drive, which is also a local street, approximately 60 feet from the proposed driveway. This standard is met.

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.*

Comment: See E, below.

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

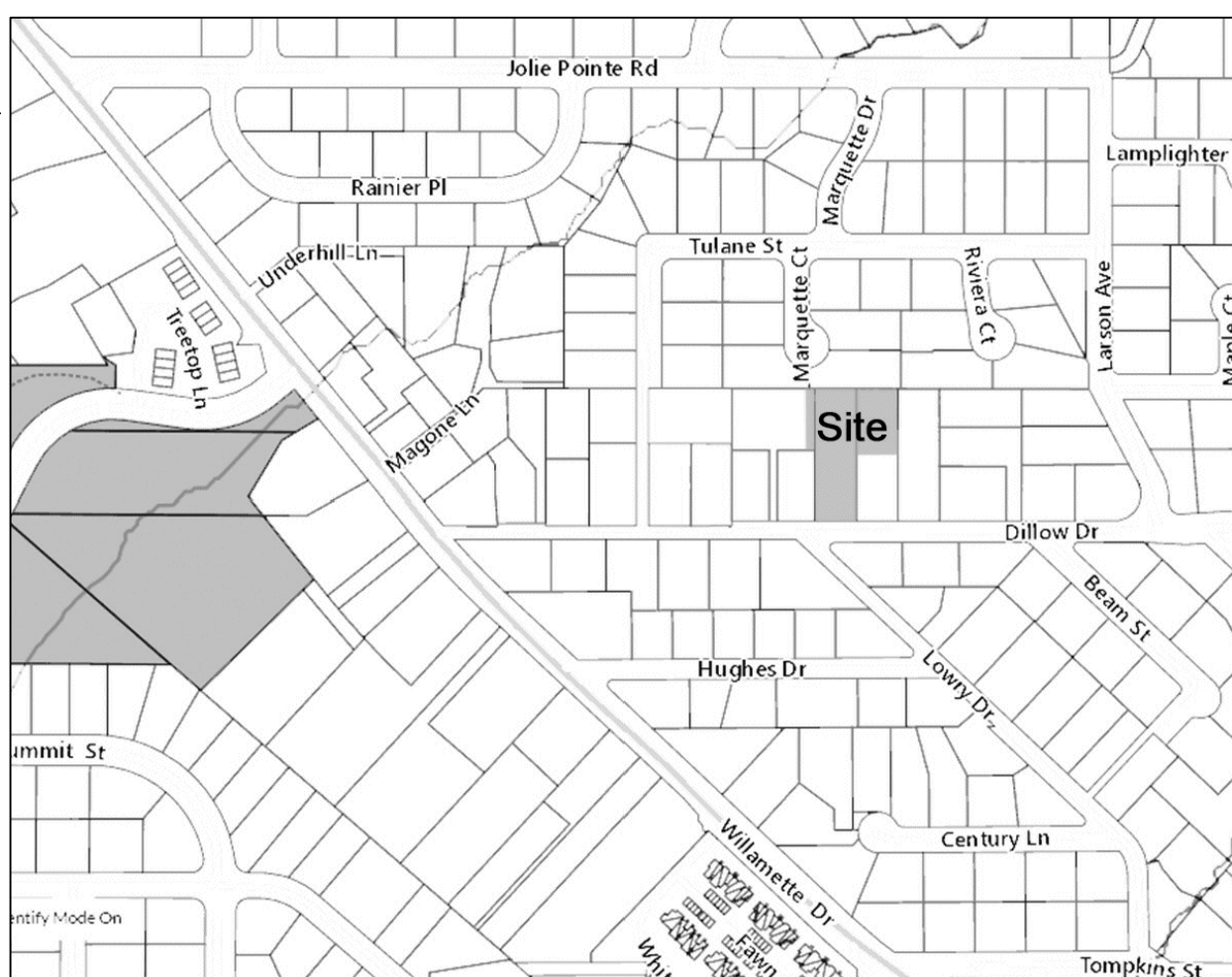
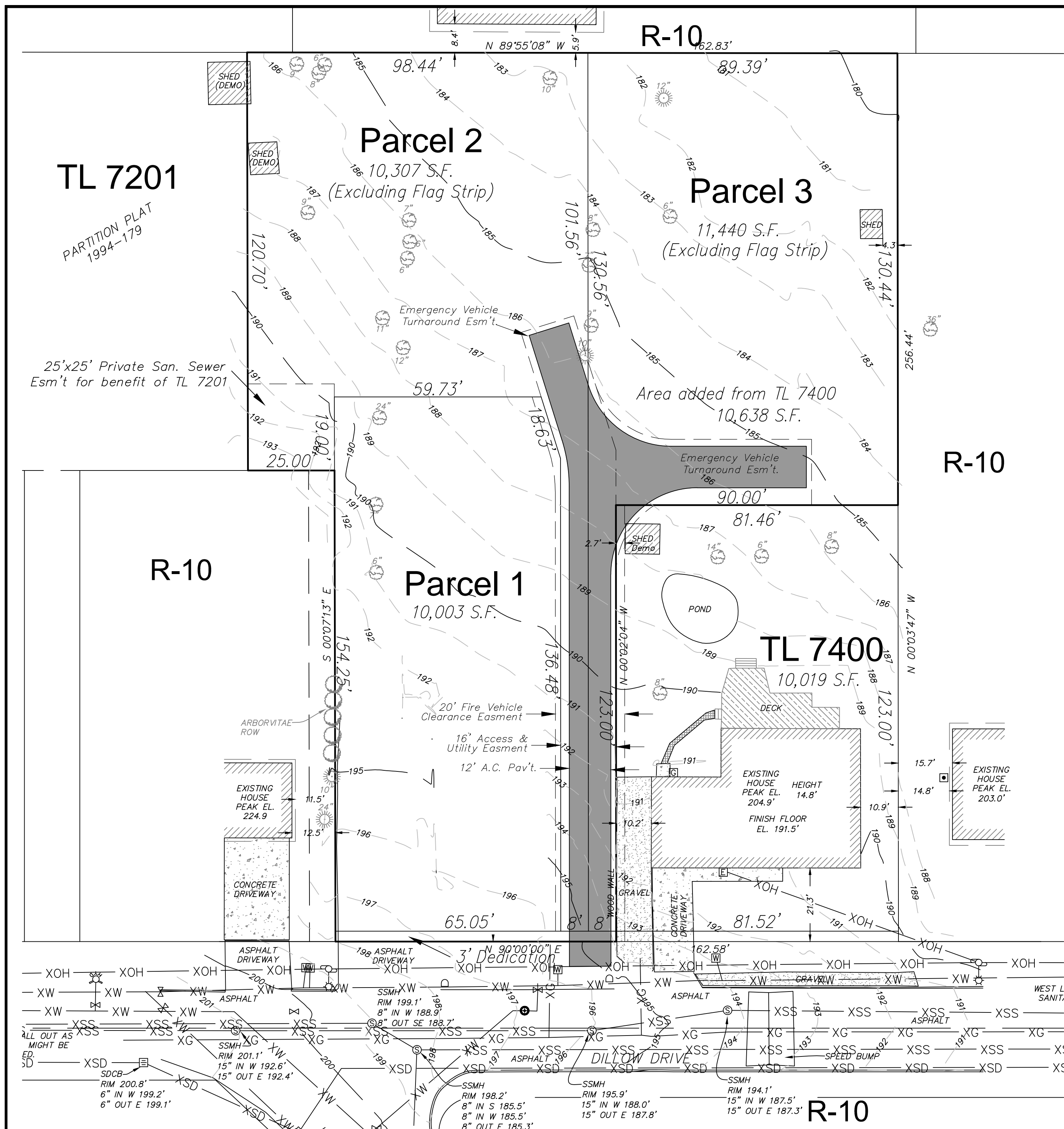
Comment: Because there are three driveways in close proximity, a rolled curb is proposed to be used in lieu of curb cuts.

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.

Comment: The proposed driveways are the minimum needed to provide for access to the three parcels in this development.

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

Comment: There are no obstructions to sight distance at the driveway location.



Vicinity Map

Applicant/Owner:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Engineer:
Theta Engineering, Inc.
PO Box 1345
Lake Oswego, OR 97035
PH: (503) 481-8822

Legal: 2-1E-24DC TL 7300
Plus part of TL 7400

Water: City of West Linn

Sewer: City of West Linn

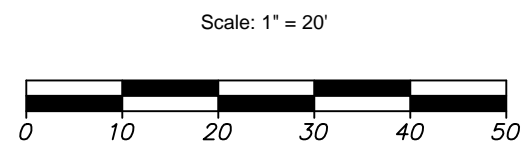
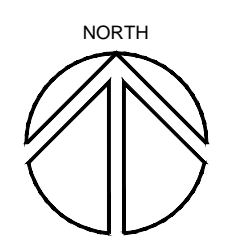
Contours: Centerline Concepts, Inc.

Site Area: 34,492 sq. ft.

Note: All slopes < 15% Grade

Surveyor:
Centerline Concepts, Inc.
700 Molalla Ave.
Oregon City, OR 97045
PH: (503) 650-0188

Zoning: R-10



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 30'			
DATE: December 2016			
FILE: 15-ICN-102	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
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PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
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West Linn, OR 97068
PH: (503) 657-0406

**2415 Dillow Street Partition
Tentative Plan**

SHEET:
1/1