



CITY OF
West Linn

PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: April 4, 2017
FILE NO.: MIP-17-01
REQUEST: Approval of a two-parcel minor partition at 1943 13th Street.
PLANNER: Darren Wyss, Associate Planner

Planning Manager _____ *AB*
Development Review Engineer _____ *EC*

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| STAFF ANALYSIS AND RECOMMENDATION | |
| GENERAL INFORMATION | 2 |
| EXECUTIVE SUMMARY | 3 |
| PUBLIC COMMENTS..... | 3 |
| DECISION AND CONDITIONS OF APPROVAL | 3-4 |
| ADDENDUM | |
| STAFF FINDINGS | 5-12 |
| EXHIBITS | |
| PD-1 AFFADAVIT AND NOTICE PACKET | 13-17 |
| PD-2 COMPLETENESS LETTER | 18-19 |
| PD-3 TVF&R COMMENTS..... | 20-21 |
| PD-4 APPLICANT'S SUBMITTAL..... | 22-98 |
| PD-5 EXISTING EASEMENT 79-35347 | 99-101 |

GENERAL INFORMATION

| | |
|-----------------------------------|---|
| OWNER/ APPLICANT: | Thomas Corff & Terry Moberly 19328 Towercrest Dr. Oregon City, OR 97045 |
| CONSULTANT: | Capital Builders, LLC P.O. Box 19115 Portland, OR 97280 |
| SITE LOCATION: | 1943 13 th Street |
| SITE SIZE: | 14,400 square feet |
| LEGAL DESCRIPTION: | Assessor's Map 2S-1E-35C Tax Lot 1600 |
| COMP PLAN DESIGNATION: | Low-Density Residential |
| ZONING: | R-7, Single-Family Residential Detached and Attached (7,000 sq. ft. min. lot size) |
| APPROVAL CRITERIA: | Community Development Code (CDC) Chapter 12: Single-Family Residential Detached and Attached, R-7; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial. |
| 120-DAY RULE: | The application became complete on February 28, 2017. The 120-day period therefore ends on June 28, 2017. |
| PUBLIC NOTICE: | Notice was mailed to property owners within 500 feet of the subject property and the Sunset neighborhood association on March 13, 2017. A sign was placed on the property on March 23, 2017. The notice was also posted on the City's website on March 13, 2017. Therefore, public notice requirements of CDC Chapter 99 have been met. |

EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition of a 14,400 square foot parcel on the east side of 13th Street in the Willamette Neighborhood. The parcel was rezoned in 2016 from R-10 to R-7 (ZC-16-01) to facilitate the minor partition. There is an existing detached single-family dwelling, which will remain on newly created Parcel 1. The property to the south is zoned MU and contains an accessway to the commercial development (zoned GC) to the east of the property. The property to the north is zoned R-7. The properties to the west, and across 13th Street, are zoned R-10.

The existing 13th Street right-of-way is 55 feet wide and sufficient to accommodate a 28-foot local street cross section with parking on one side. No right-of-way dedication is required. Parcel 1, the northernmost parcel, will comprise 7,400 square feet and Parcel 2, the southernmost parcel, will comprise 7,000 square feet. The proposed parcels meet dimensional standards of the R-10 zone and will take access from Arbor Drive.

The City Arborist visited the site on March 23, 2017 and found one significant tree (Sequoia tree on the border of the south property line) on the property. This tree is proposed to be retained.

There are no environmental overlays on the property. Two non-significant trees are proposed for removal from Parcel 2 for the future construction of a single-family home. Proposed Parcel 2 is currently vacant and the new home will be reviewed for compliance with setbacks at time of building permit application.

Public comments:

Tualatin Valley Fire & Rescue submitted comments on March 2, 2017 (see Exhibit PD-3).

No other public comments were received by the close of the comment period (April 3, 2017 at 4:00pm).

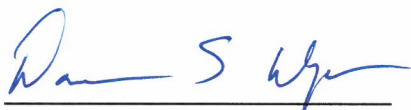
DECISION

The Planning Manager (designee) approves this application (MIP-17-01), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan. With the exception of modifications required by these conditions, the final plat shall conform to the Proposed Plan dated December 14, 2016 (Exhibit PD-4, page 24).**

2. **Engineering Standards.** All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval.
3. **Street Improvements.** Prior to final plat approval, the applicant shall install 6 foot planter strip, 6 foot sidewalk, and street trees per City of West Linn Public Works Standards for the portion of the 13th Street right-of-way abutting the subject property.
4. **Fire Flow.** The applicant shall perform a fire flow test and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present.
5. **Existing Utility Easements.** The applicant shall show the existing 6 foot utility easement (see Exhibit PD-5), recorded in 1979, on the Final Plat.

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



Darren Wyss, Associate Planner

April 4, 2017

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 4th day of April, 2017.

Therefore, the 14-day appeal period ends at 5 p.m., on April 18, 2017.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-17-01

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

I. CHAPTER 12, SINGLE FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7

12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. *The minimum lot size shall be:*

1. *For a single-family detached unit, 7,000 square feet.*
2. *For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.*

Staff Finding 1: The applicant proposes two parcels sized at 7,400 square feet for Parcel 1 and 7,000 square feet for Parcel 2. These criteria are met.

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

C. *The average minimum lot width shall be 35 feet.*

(...)

Staff Finding 2: The applicant proposes Parcel 1 to have a front lot line width and average lot width of 70.59 feet. Parcel 2 has a front lot line width of 66.89 feet and an average lot width of 66.80 feet. These criteria are met.

E. *The minimum yard dimensions or minimum building setback areas from the lot line shall be:*

1. *For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.*
2. *For an interior side yard, seven and one-half feet.*
3. *For a side yard abutting a street, 15 feet.*
4. *For a rear yard, 20 feet.*

F. *The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of CDC [41.010](#) shall apply.*

G. *The maximum lot coverage shall be 35 percent.*

Staff Finding 3: The existing home on proposed Parcel 1 meets setback, lot coverage, and building height requirements. The applicant has not proposed the design nor location of the new single-family home to be located on Parcel 2. The new home will be evaluated for compliance upon the submittal of building permits. These criteria are met.

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

I. *The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.*

Staff Finding 4: The applicant proposes two parcels that abut 13th Street. The applicant has not proposed the design nor location of the new single-family home to be located on Parcel 2. The new home will be evaluated for compliance with floor area ratio requirements upon the submittal of building permits. These criteria are met.

II. CHAPTER 48, ACCESS CONTROL

48.025 ACCESS CONTROL

B. Access Control Standards

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

Staff Finding 5: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. For example, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The addition of 1 additional/new home should only generate an ADT of 9.57 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. This criterion is met.

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 6: The proposal does not require backing onto a public street and the City will not require any other access conditions. This criterion is met.

(...)

7. Number of access points. *For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots...*

Staff Finding 7: The applicant proposes one access to 13th Street, a public street, for each of the two proposed parcels. These criteria are met.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

- A. *Direct individual access from single-family dwellings and duplex lots to an arterial street...*
- 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.*

...

- 3. *Maximum driveway grade shall be 15 percent...*
- 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.*

Staff Finding 8: The applicant proposes access from a local street. The existing home located on proposed Parcel 1 has 10 foot driveway. The applicant proposes a 10 foot driveway for Parcel 2. The maximum grade of both driveways will be less than three percent and any garage will need to meet 20 foot front yard setbacks. These criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

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

...

- D. *There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:*

...

- 3. *Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

...

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

Staff Finding 9: The existing curb cut providing access to the existing home on proposed Parcel 1 has a width of 20 feet. The applicant proposes a minimum 16 foot curb cut for access to Parcel 2. The applicant proposes only one curb cut per proposed parcel and vision clearance will be confirmed by planning staff during the building permit process. These criteria are met.

III. CHAPTER 85, GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

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

A. Streets.

1. *General. The location, width and grade of streets shall be considered in their relation to existing and planned streets (...) Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.*

Staff Finding 10: The proposal does not include any internal streets. The proposal requires installation of planter strip, sidewalk, and street trees adjacent to the subject property's frontage with 13th Street per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

2. *Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.*

Staff Finding 11: The proposal is located on 13th Street, a local street that has a 55 foot right-of-way width adjacent to the subject property. City standards for a 28 foot local residential with parking on one side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, one 8 foot parking lane, and 10 foot travel lanes). No dedication is required for right-of-way purposes. This criterion is met.

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

Staff Finding 12: The proposal is located on 13th Street, a local street that has a 55 foot right-of-way width adjacent to the subject property. City standards for a 28 foot local residential with parking on one side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, one 8 foot parking lane, and 10 foot travel lanes). No dedication is required for right-of-way purposes. The applicant will install required planter strips, sidewalks, and street trees along the subject property's frontage on 13th Street per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

(...)

5. *Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria...*

Staff Finding 13: The proposal is located on 13th Street, a local street that has a 55 foot right-of-way width adjacent to the subject property. City standards for a 28 foot local residential with parking on one side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan and the City Engineer has determined this is the appropriate design as 13th Street is the

sole access for the neighborhood. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, one 8 foot parking lane, and 10 foot travel lanes). No dedication is required for right-of-way purposes. The applicant will install required planter strips, sidewalks, and street trees along the subject property's frontage on 13th Street per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

(...)

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 14: The proposal is located on 13th Street, a local street that has a 55 foot right-of-way width adjacent to the subject property. City standards for a 28 foot local residential with parking on one side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, one 8 foot parking lane, and 10 foot travel lanes). No dedication is required for right-of-way purposes. The applicant will install required planter strips, sidewalks, and street trees along the subject property's frontage on 13th Street per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

(...)

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 15: The applicant will install 6 foot sidewalk and 6 foot planter strip along the subject property's frontage of 13th Street per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

(...)

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 16: The applicant proposes direct access to 13 Street, a public street, for both Parcels 1 and 2. This criterion is met.

(...)

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

B. Blocks and Lots.

(...)

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

Staff Finding 18: Please see Staff Findings 5 through 9. Subject to the Conditions of Approval, this criterion is met.

C. Pedestrian and bicycle trails.

(...)

Staff Finding 19: The West Linn Transportation System Plan does not identify any pedestrian or bicycle facilities on or adjacent to the subject property. The applicant is not required to install any improvements outside of required street improvements. This criterion is met.

F. Water.

(...)

G. Sewer.

(...)

Staff Finding 20: The subject property is currently served by city water in 13th Street. The City Engineer has provided a statement confirming the system has sufficient volume and pressure to serve proposed Parcel 1 and 2, which will both be metered individually at the street. Tualatin Valley Fire & Rescue requires a fire flow test from a hydrant within 600 feet of the partition to demonstrate adequate fire flow to serve the site per Condition of Approval 4. The site is currently served by an existing sanitary sewer line in 13th Street. Proposed Parcel 1 is currently connected to the line. Proposed Parcel 2 will provide a lateral to gravity flow to the existing line and the City Engineer has provided a statement confirming the system has sufficient capacity to serve both proposed Parcels. Subject to the Conditions of Approval, these criteria are met.

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

Staff Finding 21: The City Engineer does not require any new utility easements. The existing 6 foot utility easement (see Exhibit PD-5), recorded in 1979, must be shown on the Final Plat per Condition of Approval 5. Subject to the Conditions of Approval, this criterion is met.

J. Supplemental Provisions

(...)

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

Staff Finding 22: The applicant will install street trees per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, this criterion is met.

(...)

5. Dedications and exactions.

The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Staff Finding 23: The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. The City Engineer has also determined the City's sanitary sewer and water systems have sufficient capacity to serve the site. This criterion is met.

6. Underground utilities.

All utilities...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 24: The subject property needs to meet three criteria for exemption from undergrounding existing overhead utilities. The subject property meets all three exemption criteria. The area is built out with adjacent properties having above-ground utilities, 137.49 feet of site frontage, and less than an acre (14,400 square feet). The applicant is not required to underground existing utilities. This criterion is met.

7. Density requirement.

Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

Staff Finding 25: The subject property is 14,400 square feet. There are no Type I or II lands on the subject property. The R-7 zone requires 7,000 square foot parcel size, which equates to a maximum of 2 parcels for the subject property (14,400/7,000). Seventy percent of 2 parcels equals 1.4 parcels, which is rounded down to 1 parcel to meet the 70 percent density requirement. The proposal for two new parcels exceeds the 70 percent requirement. This criterion is met.

(...)

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

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

Staff Finding 26: The City Arborist visited the site on March 23, 2017 and found one significant tree (Sequoia tree on the border of the south property line) on the property. This tree is proposed to be retained. This criterion 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.

(...)

Q. Joint mailbox facilities

Staff Finding 27: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are met.

92.030 IMPROVEMENT PROCEDURES

(...)

Staff Finding 27: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are met.

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-17-01 Applicant's Name Thomas Corff; Terry Moberly
Development Name _____
Scheduled Meeting/Decision Date 4-3-17

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) 3-13-17 (signed) S. Shroyer
- B. Affected property owners (date) 3-13-17 (signed) S. Shroyer
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 3-13-17 (Au) (signed) S. Shroyer
- 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) N/A (signed) S. Shroyer
City's website (posted date) 3-13-17 (signed) S. Shroyer

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) 3/23/2017 (signed) DSW

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

TYPE B _____

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

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

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

(date) _____ (signed) _____

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

(date) _____ (signed) _____

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIP-17-01**

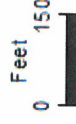
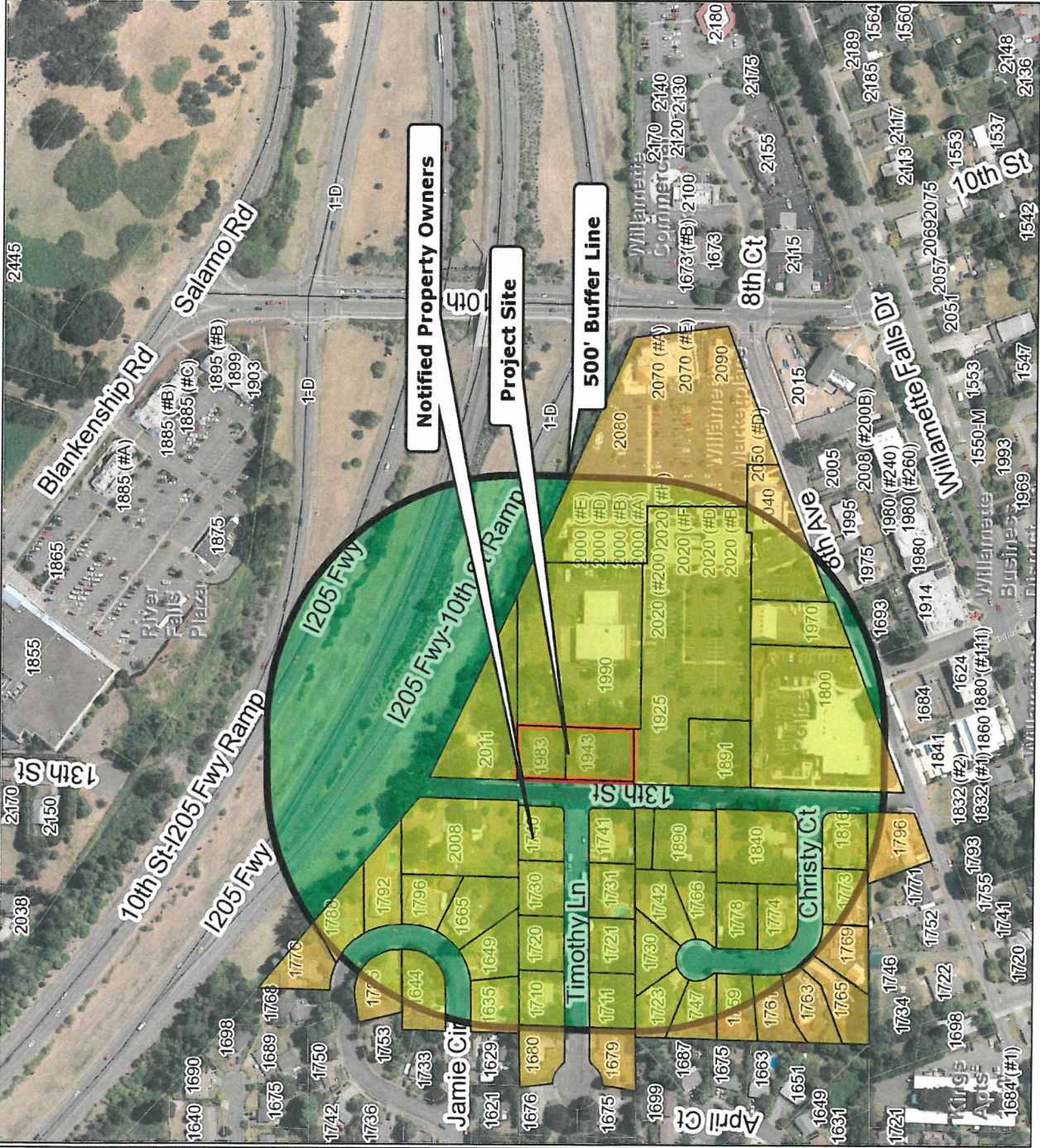
The West Linn Planning Manager is considering a request for a two-lot minor partition at 1943 13th Street (Tax Lot 1600 of Clackamas County Assessor's Map 21E 35C).

The decision will be based on the approval criteria in Chapters 12, 48, 85, 92, and 99 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>.

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/1943-13th-street-2-lot-minor-partition> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on April 3, 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 Darren Wyss, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 722-5512, dwyss@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.

1943 & 1983 13th Street Notification Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 09-Mar-17 09:56 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION

**PROJECT # MIP-17-01
MAIL: 3/13/17 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-2 COMPLETENESS LETTER



CITY OF West Linn

February 28, 2017

Thomas Corff & Terry Moberly
19328 Towercrest Dr.
Oregon City, OR 97045

SUBJECT: MIP-17-01 application for 2-Lot Minor Partition at 1943 13th Street.

Thomas and Terry:

Your application submitted on February 6, 2017 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends June 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 by the Planning Director.

Please contact me at 503-722-5512, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss

Associate Planner

PD-3 TVF&R COMMENTS



March 2, 2017

City of West Linn
Attn: Darren Wyss
22500 Salamo Rd.,
West Linn, OR 97068

Re: MIP-17-01

Dear Darren ,

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

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1))
2. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 12%. When fire sprinklers* are installed, a maximum grade of 15% will be allowed.
3. **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
4. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. (OFC Appendix B)
5. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

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

Sincerely,

A handwritten signature in blue ink that reads "Ty Darby".

Ty Darby
Deputy Fire Marshal II

PD-4 APPLICANT'S SUBMITTAL



Development Review Application

For Office Use Only

| | | |
|---------------------------------------|--|------------------------|
| Staff Contact <i>Darren Wyss</i> | Project No(s). <i>MIP-17-01</i> | |
| Non-Refundable Fee(s) <i>\$500</i> | Refundable Deposit(s) <i>\$2800</i> | Total <i>\$3300</i> |

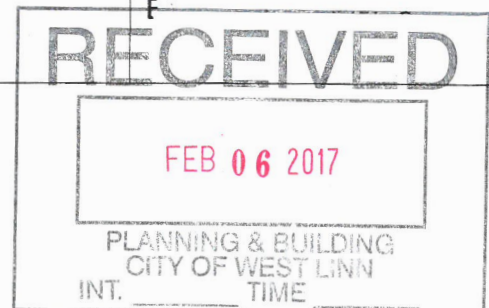
Type of Review (Please check all that apply):

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

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications

require different or additional application forms, available on the City website or at City Hall.

| | |
|---|--|
| Site Location/Address: 1943 13th St, West Linn OR 97068 | Assessor's Map # #1943 - C152528 |
| | Tax Lot(s): |
| | Total Land Area: #1943 - 14.404 Sq Ft |
| Brief Description of Proposal: Two Lots Minor Partition | |
| Applicant Name: Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City OR 97045 (Owner of #1943) | Phone: 503-816-8459 Email: tmoberly@hotmail.com |



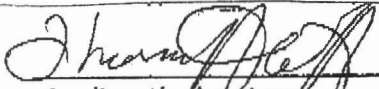
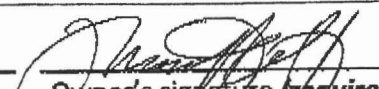
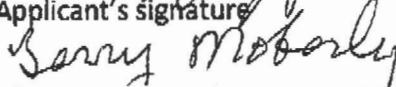
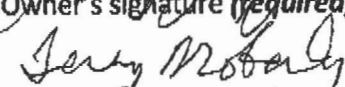
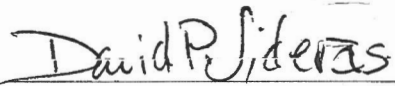
| | |
|---|---|
| (please print) Owner Name Thomas Corff & Terry Moberly 19328 Towercrest Dr., OR City OR 97045 (Owner of #1943) | Phone: 503-816-8459 Email:tmoberly@hotmail.com |
| (please print) Consultant Name: Capital Builders LLC Address: PO Box 19115 Portland OR 97280 | Phone: 503-892-2955 Email:davidsideras@gmail.com |

All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**

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

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

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby accept the terms and conditions of this application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

| | | | |
|--|--------------------|--|------------------|
|  Applicant's signature | 10/27/16 Date |  Owner's signature (required) | 10/27/16 Date |
|  Terry Moberly | 10/27/16 |  Terry Moberly | 10/27/16 |
|  Applicant's signature | 10/27/2016 Date | | |
| Applicant's signature | Date | | |
| Owner's signature | Date | | |
| Applicant's signature | Date | | |
| Applicant's signature | Date | | |
| Applicant's signature | Date | | |

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

2 1 E 35C
WEST LINN

S.W.1/4 SEC.35 T.2S. R.1E. W.M.
CLACKAMAS COUNTY

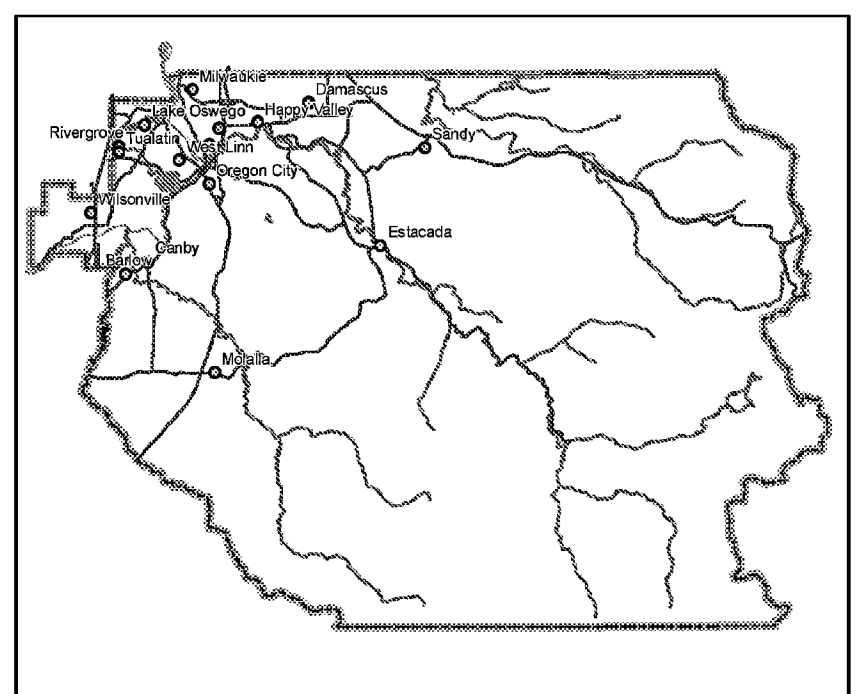
1" = 200'

D. L. C.
WILLIAM BLAND NO. 55
M. K. PERRIN NO. 50 & 66
JOSEPH FIELDS NO. 67

Cancelled Taxlots

- 2500E2
- 900
- 90000
- 90010
- 90100
- 90101
- 90111
- 90121
- 90200
- 90212
- 90215
- 90218
- 90221
- 90222
- 101
- 103
- 201
- 300
- 400
- 600
- 807
- 1000
- 1100
- 1300
- 1400
- 1602
- 1700
- 2400
- 2500E1
- 2501
- 2600
- 2700
- 2800
- 1900
- 2000
- 2100

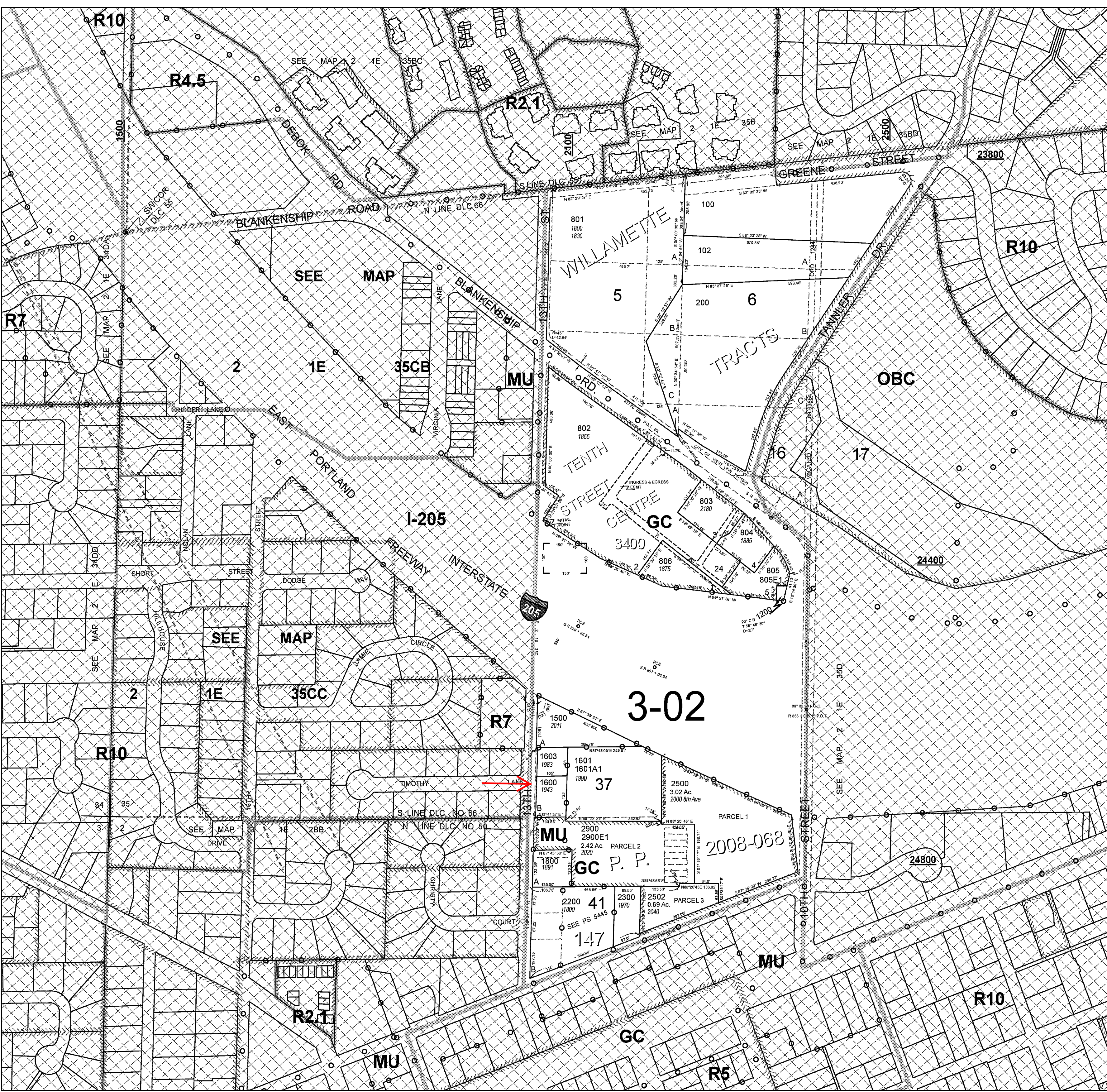
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

2 1 E 35C
WEST LINN

9/19/2015



3-02

GC P.P.

2008-068



The Transportation Solution Experts

☎ 503.746.4386 W. nemariam-engineers.com OR: DMWESB #7323 WA: DMWBE #D3F8822446

Date: August 14, 2016

Mr. Darren Wyss, Associate Planner
22500 Salamo Road
West Linn, OR 97068

RE: 1943 and 1983 13th Street, West Linn, Oregon Zoning Changes

This letter summarizes our findings of the traffic analysis for the proposed zone changes for the properties located at 1943 and 1983 13th Street, West Linn, Oregon. The purpose of the traffic analysis is to address the proposal's compliance with the City of West Linn's Transportation Planning Rule noted in the City's Community Development Code (CDC) 105.050(D).

Per our August 1, 2016 conversation, the traffic analysis is performed qualitatively. The City of West Linn's guidelines does not require quantitative traffic analysis for developments projected to generate less than 1000 vehicles per weekday.

Project Description: The project proposes to change the subject properties zoning from R-10 (lot size 10,000 square feet) to R-7 (lot size 7,000 square feet). The purpose of the proposed zoning change is:

1. To correct a zoning mistake, a lack of a buffer zone, between the Willamette residential neighborhood and the neighboring mixed use property. The properties are located on the edge of an R-10 neighborhood and are part of a transition zone (R-7 properties) between the larger R-10 residential neighborhood and MU (mixed use) properties.
2. To allow partition of the oversized property (approximately 14, 374 square feet) located at 1943 13th Street into two parcels. The property located at 1983 13th Street is indivisible because of the small lot size (approximately 10,000 square feet).

The proposed project will result on one additional single family residential house. The existing single family residence is to remain. On-site parking space for the single-family house will be provided.

Project Location: The subject properties are located on the eastside of 13th Street at its intersection with Timothy Lane. At this location, 13th Street and Timothy Lane are local streets. Attached is the site vicinity map for your reference.

Timothy Lane at this intersection is 34 feet wide paved roadway with sidewalks on both sides of the street. This street can accommodate curb parking on both sides of Timothy Lane. The roadway width for 13th Street

at this intersection is approximately 30 feet wide. The roadway width can accommodate parking on one side of the roadway. There are no sidewalks along 13th Street.

Timothy Lane and 13th Street at this intersection provide access to 18 single family residential development (eleven single family houses on Timothy Lane and seven single family houses on 13th Street). The intersection of 13th Street/Timothy Lane is an uncontrolled intersection. Both streets consist of one lane approach for each direction. There are no pavement markings on either 13th Street or Timothy Lane. The statutory speed limit on these streets is 25 miles per hour (mph).

Transportation Planning Rule: This approval criterion requires that a development application that includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR").

Findings:

- **Existing Condition:** Review of the transportation system near the project site vicinity include:
 - **Traffic Volume:** Traffic volumes generated by the existing single-family houses were estimated using trip rates from the Trip Generation Manual, 9th Edition published by the institute of Transportation Engineers. Land-use code #210 (Single-Family Detached Housing) trip rates in this manual were used to estimate the trips. Table 1 below summarizes the trip rates information obtained from this manual.

Trip generation calculations for the existing housing development served by the intersection of 13th Street/ Timothy Lane show that this intersection services a total of 180 vehicles per day. Refer to Table 1 for more details.

Table. 1: 13th Street/Timothy Lane Existing Trip Calculations

| Morning Peak Hour | | | Afternoon Peak Hour | | | Weekday |
|----------------------|-----------------------|-------|-----------------------|------------------------|-------|------------------------|
| In | Out | Total | In | Out | Total | Total |
| $18 \times 0.25 = 5$ | $18 \times 0.75 = 14$ | 18 | $18 \times 0.63 = 11$ | $18.0 \times 0.37 = 7$ | 18 | $18 \times 9.97 = 180$ |

- **Street Capacity and Level-of-Services:** Based on analysis of the traffic volumes served by the intersection at 13th Street/Timothy Lane, it is reasonable to assume the existing transportation system near the project site currently operates at a level-of-service (LOS) A. The City of West Linn operational standards for un-signalized intersections is LOS E or better.
- **Safety for all modes:** Review of the transportation system near the project site did not reveal any apparent safety deficiencies. Pedestrian and bicycle traffic safely and comfortably share the streets with vehicular traffic as traffic volume and speed on the roadways near the project site are low.
- **Future Condition:** Trips generated by the additional single family house were estimated to determine the impact of the proposed land division on the existing transportation system.

- **Trips:** Trip rates from the Trip Generation Manual noted above was used to estimate the trips generated by the additional single family house. Land-use code #210 (Single-Family Detached Housing) trip rates were used to estimate the trips. The trip generation calculations in Table 2 show that the proposed single-family house is likely to increase the morning and afternoon peak hour trips by approximately one vehicle per hour and a total of ten vehicles per weekday.

Table. 2: Trip rate estimates and calculations

| Morning Peak Hour | | | Afternoon Peak Hour | | | Weekday |
|-------------------|---------------|-------|---------------------|-----------------|-------|------------|
| In | Out | Total | In | Out | Total | Total |
| (1)*0.25=0.25 | (1)*0.75=0.75 | 1 | (1.0)*0.63=0.63 | (1.0)*0.37=0.37 | 1.0 | (1)9.97=10 |

- **Street Capacity and Level-of-Services:** Impacts to the immediate and adjacent neighborhoods is anticipated to be minimal. The existing transportation system has sufficient capacity to adequately and safely accommodate one additional vehicle during peak hour or a total of 10 vehicles per day.
- **Safety for all modes:** The additional single family house is not likely to have an adverse impact on pedestrian and bicycle traffic safety.
- **Transportation Rule Analysis:** In accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: “TPR”). “Significant” means the proposal would:
 - Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

Response: The proposed land use change will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site.
 - Change standards implementing a functional classification system; or*

Response: The proposed land use change will not require or result in any changes to standards implementing a functional classification system.
 - As measured at the end of the planning period identified in the adopted transportation system plan:*
 - Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

Response: The proposed land use change is consistent with the intended use of the functional classification of the surrounding local streets use.
 - Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

Response: The proposed land use change will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or Comprehensive plan. The transportation system near the project site is expected to continue to operate at LOS A through the City's planning horizon year (year 2040)

3) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Response: The proposed land use change will not worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. The surrounding transportation system has sufficient capacity through the City's planning horizon year 2040.

Recommendation: As noted in the City of West Linn Public Works Standards Section 5 requirements, new sidewalks with curbs along 13th Street should be constructed as the properties develop.

Conclusion: The results of the traffic analysis indicate that the proposed one additional single family housing will not adversely impact the immediate area nor will the project have a measurable impact to the existing transportation system. With the recommended mitigation measure, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area.

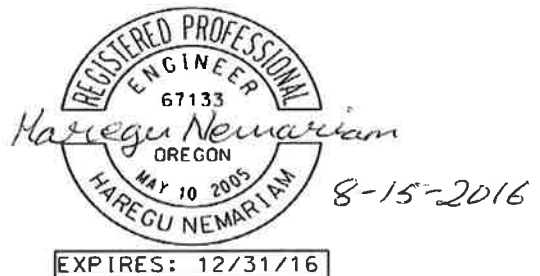
Based on our analysis of the evaluation factors noted above, we believe the proposed project is in compliance with the City of West Linn's Transportation Planning Rule noted in the City's Community Development Code 105.050(D).

Should you have any comments, please do not hesitate to contact me at the address noted below.

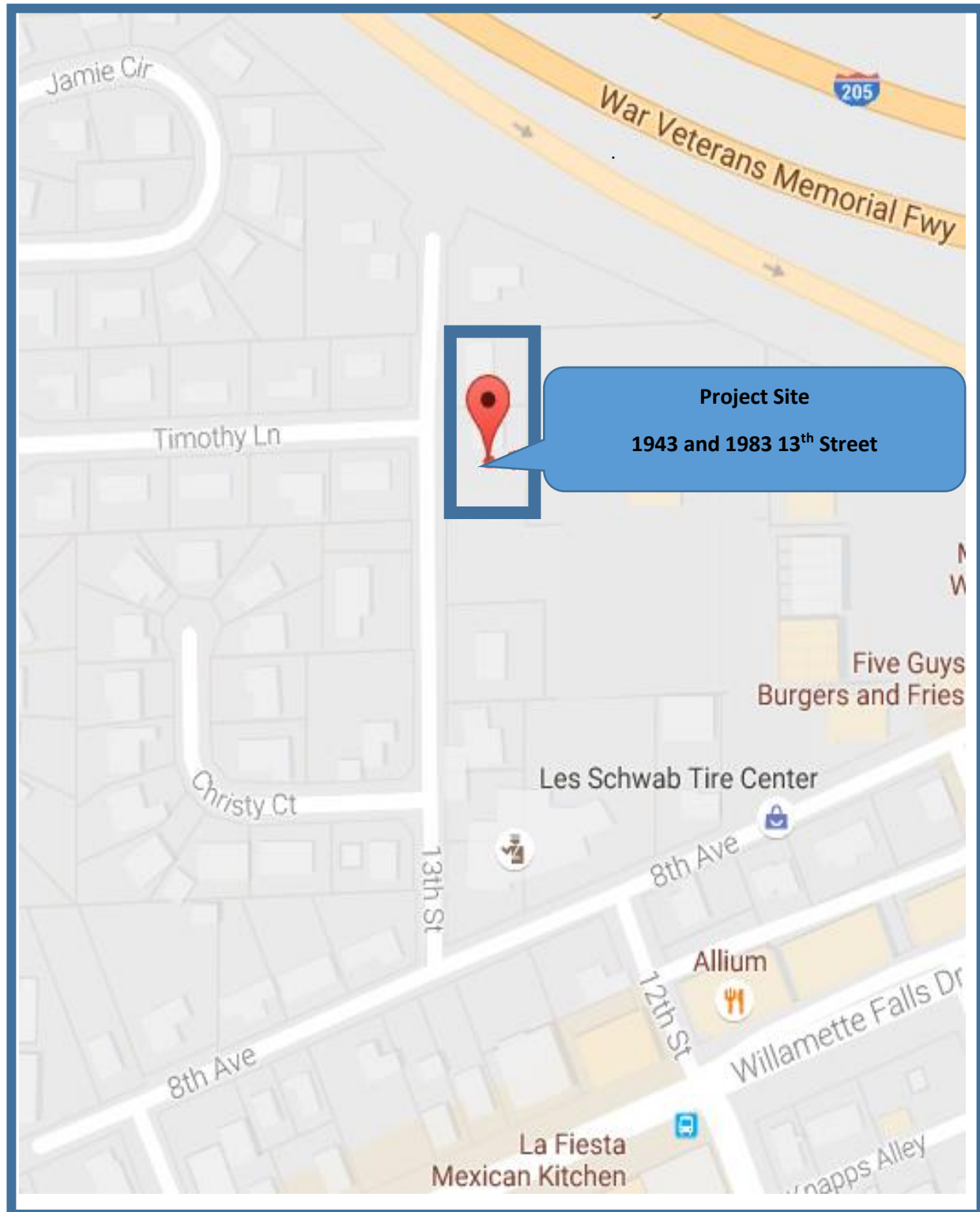
Best Regards,

Haregu Nemariam, PE, Principal Engineer

Nemariam Engineers & Associates, LLC
10976 Ironwood Lane
Portland, OR 97229
Office Tel.: (503) 746-4386; Mobile Tel.:(541) 680-3411



SITE VICINITY MAP



Google map

LOTS A AND B, BLOCK 41, AND BLC
 SW1/4 SECTION 35, T.
 NW1/4 SECTION 2,
 CITY OF WE
 CLACKAMAS COU
 SURVEYED OCTOE
 SHEET 1 C

"DAVID TRACTS"
 PLAT NO. 1859

"CHRISTY COURT"
 PLAT NO. 3645

"CHRISTY ADDITION"
 PLAT NO. 2528

"WILLAMETTE TRACTS"
 PLAT NO. 147

INTERSTATE 205

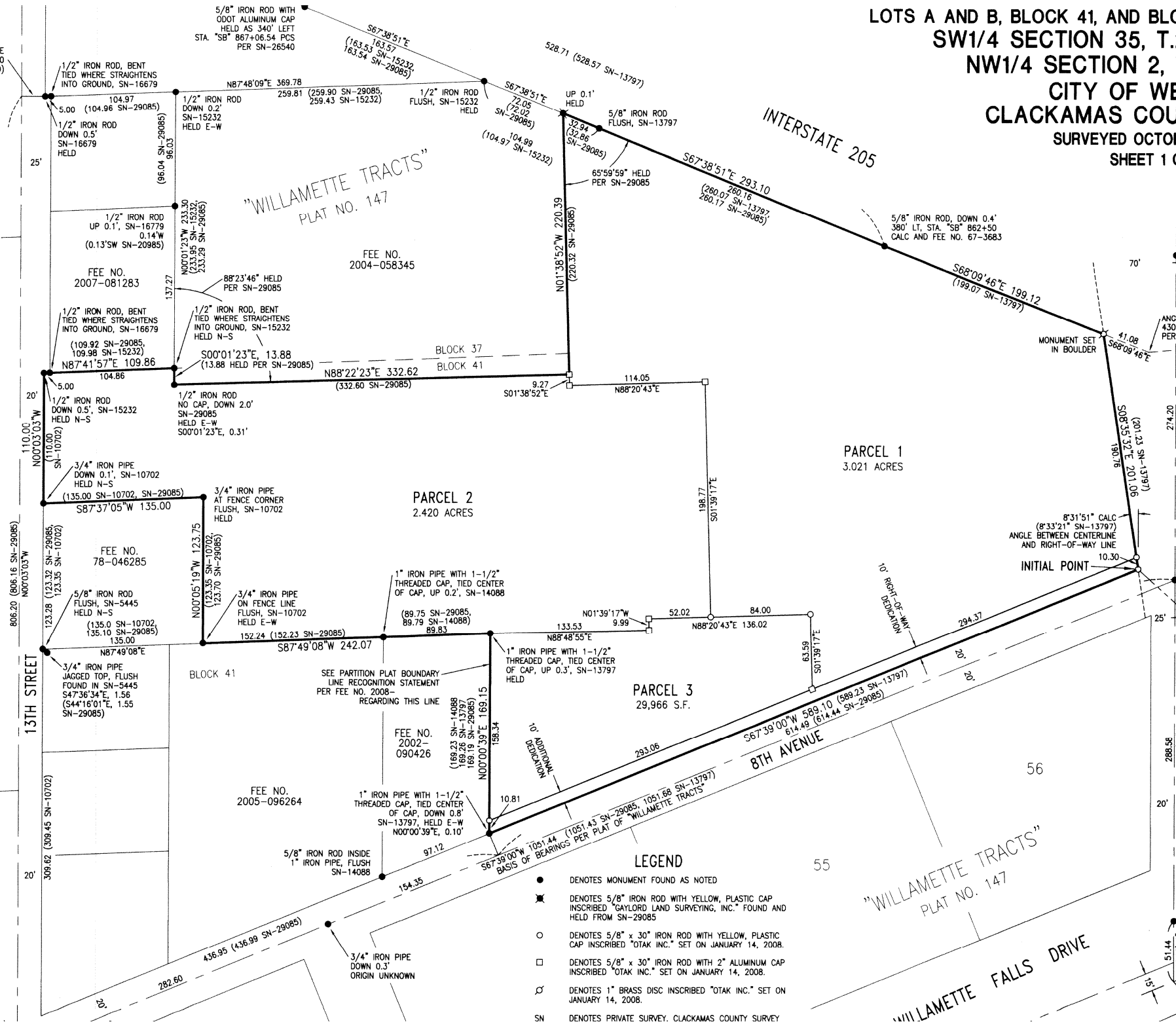
PARCEL 1
 3.021 ACRES

PARCEL 2
 2.420 ACRES

PARCEL 3
 29,966 S.F.

"WILLAMETTE TRACTS"
 PLAT NO. 147

WILLAMETTE FALLS DRIVE



LEGEND

- DENOTES MONUMENT FOUND AS NOTED
- ✱ DENOTES 5/8" IRON ROD WITH YELLOW, PLASTIC CAP INSCRIBED "GAYLORD LAND SURVEYING, INC." FOUND AND HELD FROM SN-29085
- DENOTES 5/8" x 30" IRON ROD WITH YELLOW, PLASTIC CAP INSCRIBED "OTAK INC." SET ON JANUARY 14, 2008.
- DENOTES 5/8" x 30" IRON ROD WITH 2" ALUMINUM CAP INSCRIBED "OTAK INC." SET ON JANUARY 14, 2008.
- ⊙ DENOTES 1" BRASS DISC INSCRIBED "OTAK INC." SET ON JANUARY 14, 2008.
- SN DENOTES PRIVATE SURVEY, CLACKAMAS COUNTY SURVEY

3/4" IRON PIPE IN MON. BOX (NO LID)

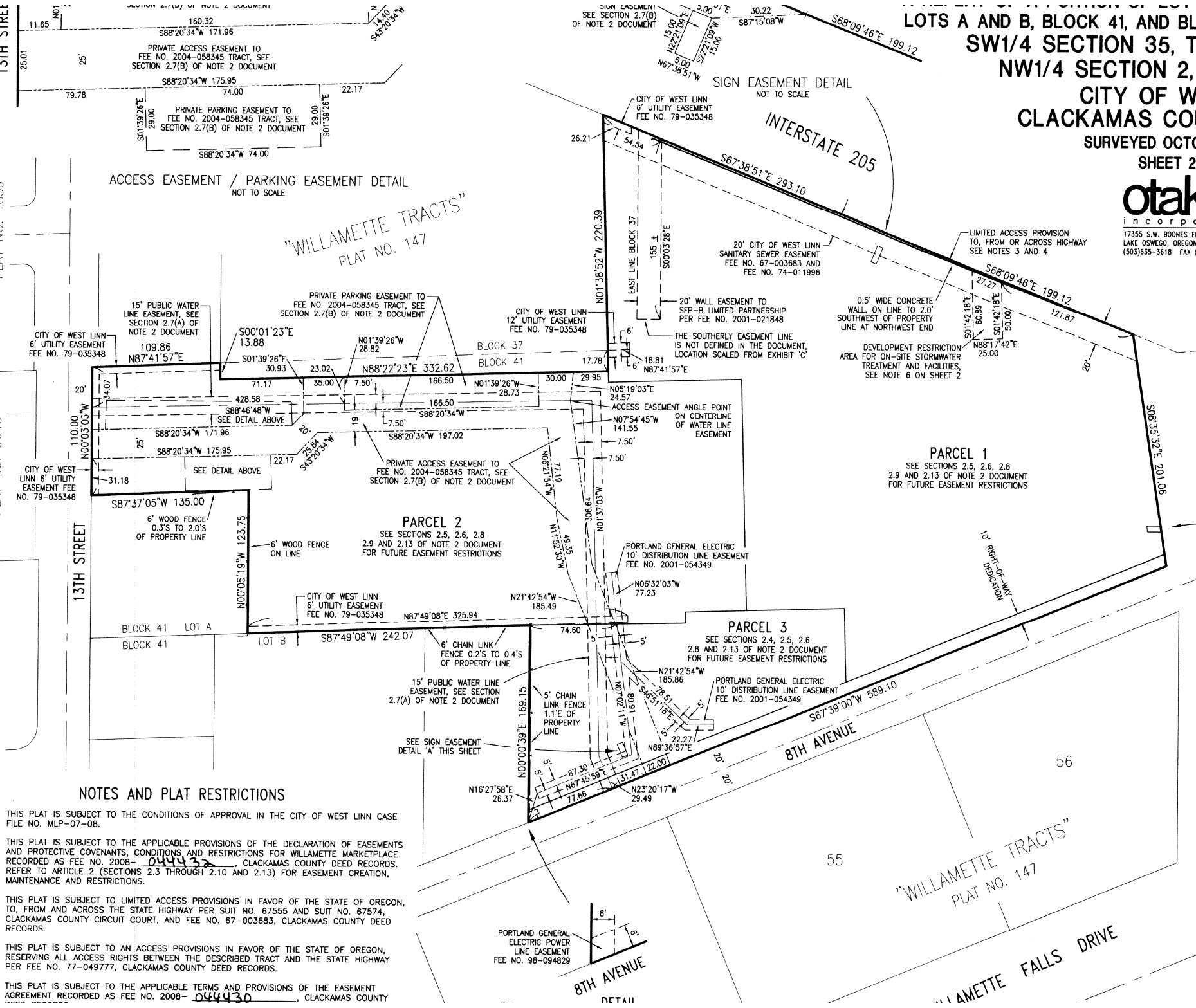
13'

LOTS A AND B, BLOCK 41, AND BL SW1/4 SECTION 35, T NW1/4 SECTION 2, CITY OF W CLACKAMAS COI SURVEYED OCTO SHEET 2



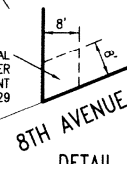
17355 S.W. BOONES FE LAKE OSWEGO, OREGON (503)635-3618 FAX (

"DAVID TRACTS" PLAT NO. 1859
 "CHRISTY COURT" PLAT NO. 3645
 "CHRISTY ADDITION" PLAT NO. 2528



NOTES AND PLAT RESTRICTIONS

1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN THE CITY OF WEST LINN CASE FILE NO. MLP-07-08.
2. THIS PLAT IS SUBJECT TO THE APPLICABLE PROVISIONS OF THE DECLARATION OF EASEMENTS AND PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR WILLAMETTE MARKETPLACE RECORDED AS FEE NO. 2008-044432, CLACKAMAS COUNTY DEED RECORDS. REFER TO ARTICLE 2 (SECTIONS 2.3 THROUGH 2.10 AND 2.13) FOR EASEMENT CREATION, MAINTENANCE AND RESTRICTIONS.
3. THIS PLAT IS SUBJECT TO LIMITED ACCESS PROVISIONS IN FAVOR OF THE STATE OF OREGON, TO, FROM AND ACROSS THE STATE HIGHWAY PER SUIT NO. 67555 AND SUIT NO. 67574, CLACKAMAS COUNTY CIRCUIT COURT, AND FEE NO. 67-003683, CLACKAMAS COUNTY DEED RECORDS.
4. THIS PLAT IS SUBJECT TO AN ACCESS PROVISIONS IN FAVOR OF THE STATE OF OREGON, RESERVING ALL ACCESS RIGHTS BETWEEN THE DESCRIBED TRACT AND THE STATE HIGHWAY PER FEE NO. 77-049777, CLACKAMAS COUNTY DEED RECORDS.
5. THIS PLAT IS SUBJECT TO THE APPLICABLE TERMS AND PROVISIONS OF THE EASEMENT AGREEMENT RECORDED AS FEE NO. 2008-044430, CLACKAMAS COUNTY DEED RECORDS.



PORTLAND GENERAL ELECTRIC POWER LINE EASEMENT FEE NO. 98-094829

8TH AVENUE

DETAIL

DECLARATION

KNOWN ALL PERSONS BY THESE PRESENTS: THAT VPC-OR WEST LINN LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED PARTITION PLAT AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, AND HAS CAUSED THE PARTITION TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92, OREGON REVISED STATUTES; AND IT DOES HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER, THE RIGHT-OF-WAY AS SHOWN ON SAID PLAT; AND IT DOES HEREBY GRANT ALL EASEMENTS NOT PREVIOUSLY GRANTED OR CONVEYED AS SHOWN OR NOTED ON SAID MAP. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS NOTED ELSEWHERE ON THIS PLAT. DECLARANT MAKES NO CLAIM TO ANY LANDS BEYOND THOSE DESCRIBED IN THE SURVEYOR'S CERTIFICATE.

VPC-OR WEST LINN LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP

BY: VENTURE COMMERCE CENTERS, INC., A CALIFORNIA COMPANY, ITS GENERAL PARTNER

BY: [Signature]
ITS: President

ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF MARIN

ON May 9, 2008 BEFORE ME, Margaret A. Meinberg

PERSONALLY APPEARED Robert J. Eves, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
NOTARY SIGNATURE

Margaret A. Meinberg
NOTARY PUBLIC - CALIFORNIA

COMMISSION NUMBER 1660321

MY COMMISSION EXPIRES May 21, 2010

CONSENT AFFIDAVITS

A PARTITION PLAT CONSENT AFFIDAVIT BY SERIES AGI WEST LINN OF APPIAN GROUP INVESTORS DE, LLC, BENEFICIARY UNDER DEED OF TRUST RECORDED IN INSTRUMENT NO. 2007-033896, HAS BEEN EXECUTED AND RECORDED IN INSTRUMENT NO. 2008-044428 OF THE CLACKAMAS COUNTY DEED RECORDS.

A PARTITION PLAT CONSENT AFFIDAVIT BY JP MORGAN CHASE BANK, N.A., BENEFICIARY UNDER DEED OF TRUST RECORDED IN INSTRUMENT NO. 2007-045091, HAS BEEN EXECUTED AND RECORDED IN INSTRUMENT NO. 2008-044427 OF THE CLACKAMAS COUNTY DEED RECORDS.

LOTS A AND B, BLOCK 41, AND BL SW1/4 SECTION 35, T NW1/4 SECTION 2, CITY OF W CLACKAMAS CO SURVEYED OCTC SHEET 3

otak inc or po 17355 S.W. BOONES FE LAKE OSWEGO, OREGON (503)635-3618 FAX (

SURVEYOR'S CERTIFICATE

I GARY E. PAUL, HEREBY SAY THAT I HAVE CORRECTLY SURVEYED THE LANDS REPRESENTED ON THE ANNEXED PARTITION PLAT LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, AND THE NORTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. THAT AT THE INITIAL POINT OF SAID SURVEY I SET A 5/8"x30" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "OTAK INC.", SAID POINT BEING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 8TH AVENUE WITH THE WESTERLY RIGHT-OF-WAY LINE OF 10TH STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 42, "WILLAMETTE TRACTS", PLAT NO. 147, CLACKAMAS COUNTY PLAT RECORDS, AND BEARING N.47°57'23"W., 82.29 FEET FROM A BRASS SCREW WITH A 3/4" BRASS WASHER INSCRIBED "OTAK INC." FOUND AT THE NORTHWEST CORNER OF LOT 5, "WILLAMETTE COMMERCIAL PARK", PLAT NO. 3202, CLACKAMAS COUNTY PLAT RECORDS. FROM SAID INITIAL POINT I RAN S.67°39'00"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 589.10 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN FEE NO. 2007-011704, CLACKAMAS COUNTY DEED RECORDS; THENCE TRACING SAID TRACT ALONG THE FOLLOWING COURSES: N.00°00'39"E., 169.15 FEET; S.87°49'08"W., 242.07 FEET; N.00°05'19"W., 123.75 FEET; AND S.87°37'05"W., 135.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 13TH STREET; THENCE N.00°03'03"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 110.00 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF SAID FEE NO. 2007-011704 TRACT; THENCE TRACING SAID TRACT ALONG THE FOLLOWING COURSES: N.87°41'57"E., 109.86 FEET; S.00°01'23"E., 13.88 FEET; N.88°22'23"E., 332.62 FEET; AND N.01°38'52"W., 220.39 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 205; THENCE S.67°38'51"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 293.10 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S.68°09'46"E., 199.12 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 10TH STREET; THENCE S.08°35'32"E., 201.06 FEET TO THE INITIAL POINT. CONTAINS 6.264 ACRES, MORE OR LESS.

[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2698

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE THREE PARCELS FROM THAT TRACT OF LAND DESCRIBED IN FEE NO. 2007-011704, CLACKAMAS COUNTY RECORDS. THE BASIS OF BEARINGS FOR THIS SURVEY (S.67°39'00"W.) IS THE CENTERLINE OF 8TH AVENUE PER THE PLAT OF "WILLAMETTE TRACTS", PLAT NO. 147, CLACKAMAS COUNTY PLAT RECORDS, BETWEEN THE FOUND 8TH AVENUE CENTERLINE MONUMENTS AT THE INTERSECTIONS WITH 10TH STREET AND 13TH STREET.

THE NORTHERLY RIGHT-OF-WAY LINE OF 8TH AVENUE WAS HELD 20 FEET NORTHERLY OF AND PARALLEL WITH THE RESOLVED CENTERLINE OF 8TH AVENUE PER THE "WILLAMETTE TRACTS" PLAT. I HELD THE FOUND MONUMENTS ALONG THE CENTERLINE OF 10TH STREET AND THE STATIONING PER SURVEY NO. 26540 TO ESTABLISH SAID CENTERLINE. THE WESTERLY RIGHT-OF-WAY LINE WAS ESTABLISHED BY A STATION AND OFFSET LINE (STA. 856+50, 25' LEFT AND STA. 859+50, 70' LEFT) PER FEE NO. 67-003683 (PARCEL 2), CLACKAMAS COUNTY DEED RECORDS. THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 205 WAS ESTABLISHED BY HOLDING THE FOUND MONUMENTS ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THEIR RESPECTIVE OFFSETS PER SURVEY NO. 26540 AND FEE NO. 67-003683 (PARCEL 1). THE EASTERLY RIGHT-OF-WAY LINE OF 13TH STREET WAS ESTABLISHED 20 FEET EASTERLY OF THE CENTERLINE PER THE "WILLAMETTE TRACTS" PLAT. THE CENTERLINE OF 13TH STREET BEING ESTABLISHED BY HOLDING THE FOUND CENTERLINE MONUMENT AT 8TH AVENUE AND THE OFFSET DIMENSION OF 20 FEET FROM THE FOUND IRON ROD SET IN SURVEY NO. 16679, BEING THE MOST NORTHWESTERLY MONUMENT FOUND IN THIS SURVEY.

THE SOUTHWESTERLY LINES OF FEE NO. 2007-011704 (THE WESTERLY LINE OF PARCEL 3 AND THE SOUTHWESTERLY LINES OF PARCEL 2) WERE ESTABLISHED BY HOLDING THE FOUND MONUMENTS AS NOTED. THE SOUTHERLY AND EASTERLY LINES OF FEE NO. 2007-081283 WERE ESTABLISHED BY HOLDING THE FOUND MONUMENTS AS NOTED. THE SOUTHWEST CORNER AND SOUTHERLY LINE OF FEE NO. 2004-058345 WERE ESTABLISHED BY HOLDING SURVEY NO. 29085 DISTANCE AND ANGLE. THE EASTERLY LINE OF FEE NO. 2004-058345 WAS ESTABLISHED BY HOLDING THE FOUND MONUMENT AND ANGLE PER SURVEY NO. 29085. THE SOUTHEAST CORNER OF FEE NO. 2004-058345 IS THE INTERSECTION OF THE SOUTHERLY AND EASTERLY LINES.

APPROVED THIS

BY [Signature]
CITY OF WE

APPROVED THIS

BY [Signature]
CLACKAMAS

ALL TAXES, FEE ORS 92.095 HA

APPROVED THIS

CLACKAMAS CO

BY [Signature]
DEPU

STATE OF OREG

COUNTY OF CLA

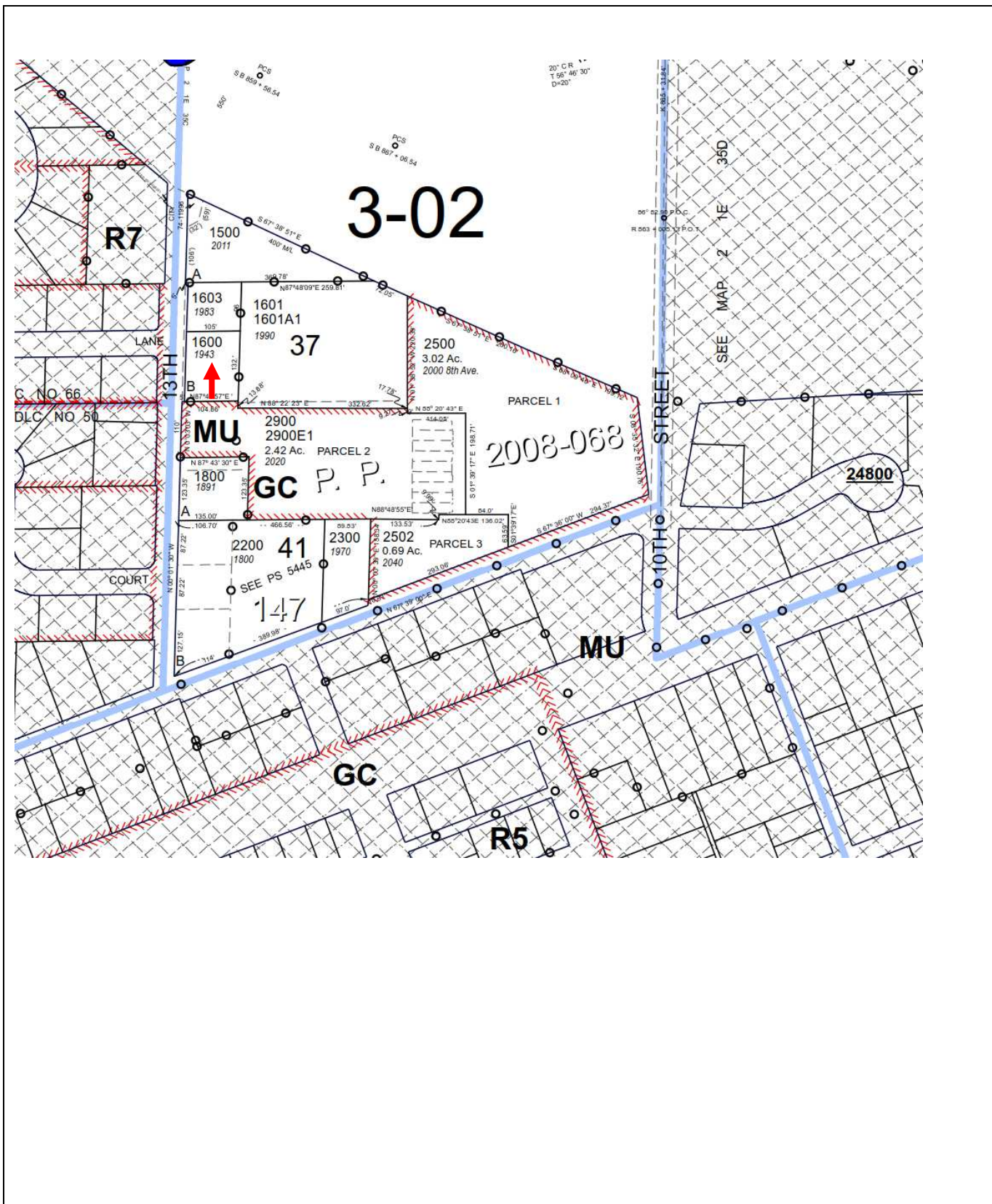
I DO HEREBY C FOR RECORD OI AT 2:45 O'C

AS PARTITION PI

DOCUMENT NO.

SHERRY HALL, C

BY [Signature]
DEPU



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS AS CERTAINED BY ACTUAL SURVEY.



38


After recording return to:

Bonnie McCoy
Les Schwab Tire Centers
PO Box 5350
Bend, OR 97708

Ref: West Linn #258

Until a change is requested all tax statements shall be sent to the following address:

SFP-F, LLC
PO Box 5350
Bend, OR 97708
Attn: Property Tax Accounting

| | | |
|--|---------|------------------------|
| Clackamas County Official Records | | 2011-075380 |
| Sherry Hall, County Clerk | | |
|  | | \$57.00 |
| 01548019201100753800030033 | | 12/29/2011 03:07:34 PM |
| D-D | Cnt=1 | Stn=5 CONNIEBRO |
| \$15.00 | \$10.00 | \$16.00 \$16.00 |

FATCO. NO. ~~YES~~ MRPDX 1211-10

STATUTORY WARRANTY DEED

Les Schwab Tire Centers of Portland, Inc., Grantor, conveys and warrants to SFP-F, LLC, Grantee, all land but not land improvement or buildings, such land being described on the attached Exhibit A, excepting therefrom any land or interest therein previously conveyed to a City, County, or the State.

Subject to: All exceptions of record.

The true consideration for this conveyance is value given and received other than money.

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

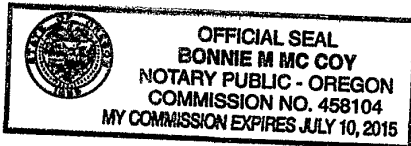
Dated this 27 day of December, 2011.

Les Schwab Tire Centers of Portland, Inc.

By: Corey J. Parks
Corey J. Parks, Secretary

STATE OF OREGON)
)ss.
County of Deschutes)

This instrument was acknowledged before me on this 27 day of December, 2011, by Corey J. Parks, known to me to be the Secretary of Les Schwab Tire Centers of Portland, Inc.



Bonnie M. McCoy
Notary Public for Oregon

EXHIBIT A

Lot B, Block 37, WILLAMETTE TRACTS, in the City of West Linn, County of Clackamas and State of Oregon

EXCEPTING THEREFROM the Westerly 110.0 feet of said Lot B; said Westerly 110.0 feet to be determined by a line drawn 110.0 feet Easterly from and parallel with the West line of said Lot B as shown on the duly recorded plat.

ALSO EXCEPTING THEREFROM that portion acquired by the State of Oregon by and through its State Highway Commission, by Final Judgment dated June 14, 1968 as Case No. 67555 in the Circuit Court of the State of Oregon for the County of Clackamas.

FURTHER EXCEPTING THEREFROM a tract of land described as follows:

Beginning at the Southeast corner of Lot B, Block 37, WILLAMETTE TRACTS, which bears North $86^{\circ}10'14''$ East 40.43 feet, North $87^{\circ}40'53''$ East 109.32 feet and North $87^{\circ}40'53''$ East 357.00 feet from a 2 inch iron pipe at the initial point of the plat of DAVID TRACTS, PLAT NO. 1859; thence South $87^{\circ}40'53''$ West 24.76 feet to a point; thence North $01^{\circ}38'40''$ West 202.54 feet to an iron rod set in the South right of way line of Interstate 205; thence along the said right of way line South $67^{\circ}38'39''$ East 32.86 feet to an iron rod in the East line of Lot B, Block 37; thence along the East line of said Lot B, South $00^{\circ}03'01''$ East 188.96 feet to the point of beginning of the herein described exception.

TOGETHER WITH the following described tract:

Beginning at a 1/2 inch iron rod at the Southeast corner of that tract of land described by deed recorded as Fee No. 96-011277, Clackamas County deed records set in the South line of Block 37, WILLAMETTE TRACTS, said iron rod bears North $86^{\circ}10'14''$ East 40.43 feet and North $87^{\circ}40'53''$ East 109.92 feet from a 2 inch iron pipe at the initial point of the plat of DAVID TRACTS, PLAT NO. 1859; thence North $87^{\circ}40'53''$ East 332.24 feet to a point in the South line of Block 37; thence South $01^{\circ}38'40''$ East 17.78 feet to an iron rod; thence South $88^{\circ}21'20''$ West 332.60 feet to an iron rod; thence North $00^{\circ}02'26''$ West 13.88 feet to the point of beginning.

TOGETHER WITH those easements rights contained within Declaration of Covenants, Conditions and Restrictions and Grant and Reservation of Reciprocal Easements recorded January 24, 2001 as Fee No. 2001-004999.



Fidelity National Title
Company of Oregon

1433 SW Sixth Avenue
(503)646-4444 FAX (503)469-4198

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Fidelity National Title Company of Oregon
900 SW Fifth Avenue
Portland, OR 97204

Customer Ref.: Sideras 13th
Order No.: 45141700166
Effective Date: December 30, 2016 at 08:00 AM
Charge: \$85.00

The information contained in this report is furnished by Fidelity National Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Thomas A. Corff and Terry A. Moberly, as tenants by the entirety

Premises. The Property is:

(a) Street Address:

1943 13th Street, West Linn, OR 97068

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

1. CURRENT TAX INFORMATION

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2016-2017
Amount: \$2,774.94
Levy Code: 003-002
Account No.: 00407651
Map No.: 21E35C 01600

2. MUNICIPAL LIEN(S), IF ANY

- Not Applicable
- Info Not Provided
- As follows:

3. EXCEPTIONS

SPECIFIC ITEMS AND EXCEPTIONS:

- 1. City Liens, if any, in favor of the City of West Linn.
- 2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of West Linn
Purpose: Utility
Recording Date: August 15, 1979
Recording No: 79 35347
Affects: As described therein

- 3. Maintenance Agreement Recording Authorized by West Linn Municipal Code Section 4.070 (30(a) includin

Executed by: City of West Linn, an Oregon municipal corporation and Les Schwab Tire Center
Recording Date: June 30, 2008
Recording No.: 2008-047192
Affects: As described therein

- 4. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$157,800.00
Dated: July 18, 2013
Trustor/Grantor: Thomas A. Corff and Terry A. Moberly, as tenants by the entirety
Trustee: Christopher C. Dorr, Attorney at Law
Beneficiary: Mortgage Electronic Registration Systems, Inc., acting solely as nominee for LoanDepot.com, LLC
Loan No.: 100195889/ MIN: 100853701001958890
Recording Date: July 26, 2013
Recording No.: 2013-052477

NOTE: Based on recitals in the trust deed or an assignment of the trust deed, it appeared that LoanDepot, LLC was the then owner of the indebtedness secured by the trust deed. It may be possible, for a MERS trust deed, to obtain information regarding the current owner of the indebtedness and the servicer, if any, by contacting MERS at 888-679-6377 or through the MERS website.

Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Toni Stanhope
503-223-8338
FAX 503-227-8425
toni.stanhope@fnf.com

Fidelity National Title Company of Oregon
1433 SW Sixth Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

The West 110 feet of Lot B, as determined by a line drawn 110.0 feet Easterly from and parallel with, the West line of said Lot B, Block 37, WILLAMETTE TRACTS, in the City of West Linn, Clackamas County, Oregon; EXCEPT the North 96 feet thereof as conveyed to Tony Foggia by Deed recorded August 31, 1979, with Fee No. 79 38509 AND ALSO EXCEPTING the West 5 feet thereof as conveyed to the City of West Linn by Deed recorded August 15, 1979, with Fee No. 79 35345.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

10355

RECORDING REQUESTED BY:
 Fidelity National Title Company of Oregon
GRANTOR'S NAME:
 Fox Capital Corp.
GRANTEE'S NAME:
 Thomas A. Corff and Terry A. Moberly
SEND TAX STATEMENTS TO:
 Thomas A. Corff and Terry A. Moberly
 19328 Towercrest Drive
 Oregon City, Oregon 97045
AFTER RECORDING RETURN TO:
 Thomas A. Corff and Terry A. Moberly
 19328 Towercrest Drive
 Oregon City, Oregon 97045
 Escrow No: 20080013158-FTPOR10

Clackamas County Official Records **2008-075277**
Sherry Hall, County Clerk



01260211200800752770010010 **\$31.00**
 11/04/2008 04:31:43 PM
 D-D Crit=1 Sm=6 KARLYNWUN
 \$5.00 \$10.00 \$16.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Fox Capital Corp., a Washington corporation, Grantor, conveys and warrants to Thomas A. Corff and Terry A. Moberly, husband and wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

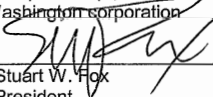
The West 110 feet of Lot B, as determined by a line drawn 110.0 feet Easterly from and parallel with, the West line of said Lot B, Block 37, WILLAMETTE TRACTS, in the City of West Linn, Clackamas County, Oregon; EXCEPT the North 96 feet thereof as conveyed to Tony Foggia by Deed recorded August 31, 1979, with Fee No. 79 38509 AND ALSO EXCEPTING the West 5 feet thereof as conveyed to the City of West Linn by Deed recorded August 15, 1979, with Fee No. 79 35345.

Subject to and excepting: Covenants, conditions, restrictions, easements, and rights of way now of record.

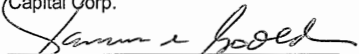
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS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

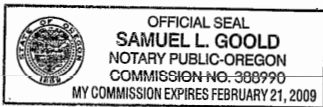
THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$201,000.00. (See ORS 93.030)

DATED: October 30, 2008

Fox Capital Corp.,
 a Washington corporation
 By: 
 Stuart W. Fox
 President

State of Oregon
 County of Washington
 This instrument was acknowledged before me on October 30, 2008 by Stuart W. Fox, President, Fox Capital Corp.


 Notary Public - State of Oregon
 My commission expires: 2-21-2009



FIDELITY NATIONAL TITLE CO. 10 - 2008 - 13158

3-50

QUITCLAIM DEED—STATUTORY FORM

INDIVIDUAL GRANTOR

LAWRENCE A. ELLIS and ALICE V. ELLIS Grantor, releases and
quitclaims to CITY OF WEST LINN Grantee,
all right, title and interest in and to the following described real property situated in Clackamas
County, Oregon, to-wit:

The West 5.0 feet of the following described tract:

West 110 feet of Lot B, as drawn parallel to the North
and West lines of said Lot B, Block 37, WILLAMETTE TRACTS,
in the County of Clackamas and State of Oregon.

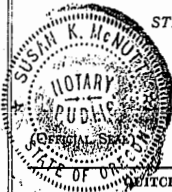
(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$ NONE (Here comply with the requirements of ORS 93.030)

Dated this 18th day of July, 1979

Lawrence A. Ellis
LAWRENCE A. ELLIS

Alice V. Ellis
ALICE V. ELLIS



STATE OF OREGON, County of Clackamas, ss. July 18, 1979

Personally appeared the above named Lawrence A. Ellis and
Alice V. Ellis

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Susan K. McNeill
Notary Public for Oregon—My commission expires: 11/22/80

QUITCLAIM DEED

Acceptance of this deed has
been approved by the West Linn
City Council.

Clifford A. ...
City Administrator

After recording return to:

City of West Linn
4990 Portland Avenue
West Linn Or 97068

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:
N/A

NAME, ADDRESS, ZIP

STATE OF OREGON

STATE OF OREGON)
County of Clackamas) ss.
I, George D. Poppan, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the foregoing instrument of writing was received for
and recorded in the records of said county at

79 AUG 15 11:41



Witness my hand and seal this 15th day of August, 1979.
George D. Poppan
County Clerk

Recording Certificate
CCP-R4
79 35345

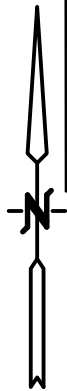
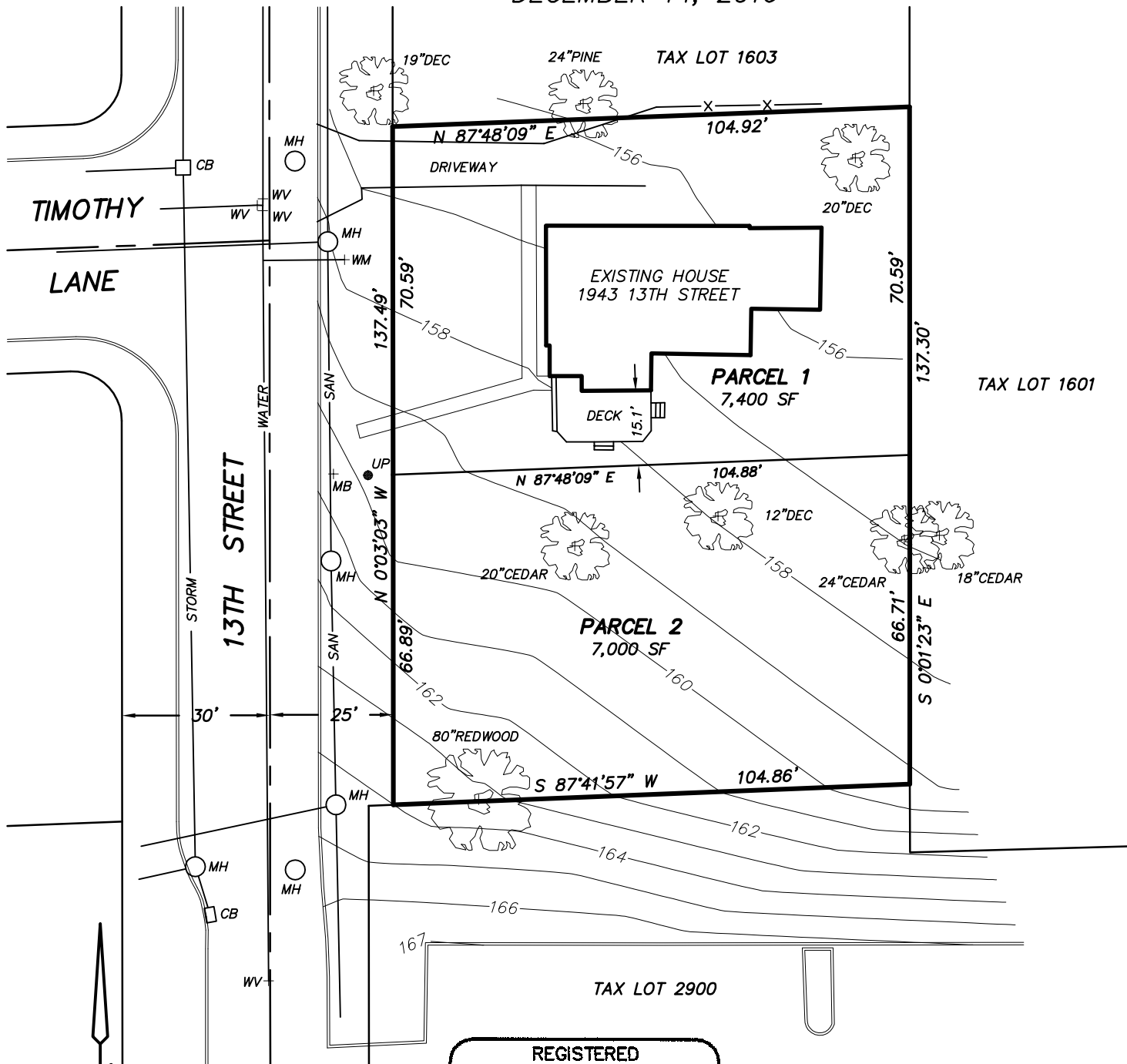
79 35345

PROPOSED PLAN

TAX LOT 1600 21E35C

IN THE SW 1/4 SECTION 35, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

DECEMBER 14, 2016



1" = 30'

JOB: 0634

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/17

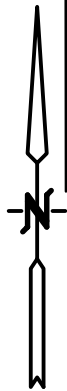
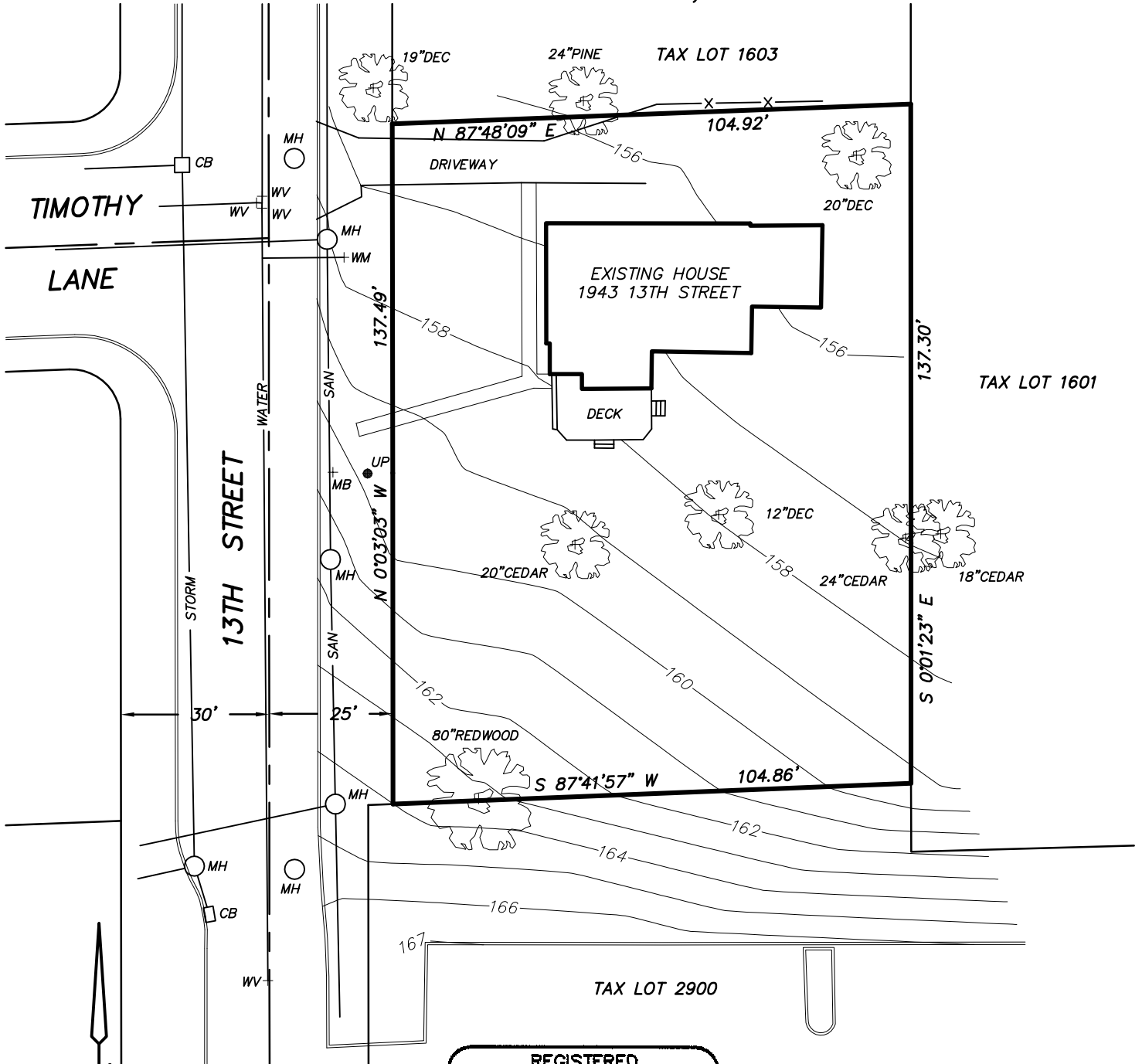
GRIFFIN LAND SURVEYING INC.
6107 SW MURRAY BLVD. #409
BEAVERTON, OR. 97008
(503) 201-3116

EXISTING CONDITIONS PLAN

TAX LOT 1600 21E35C

IN THE SW 1/4 SECTION 35, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

DECEMBER 14, 2016



1" = 30'

JOB: 0634

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/17

GRIFFIN LAND SURVEYING INC.
6107 SW MURRAY BLVD. #409
BEAVERTON, OR. 97008
(503) 201-3116

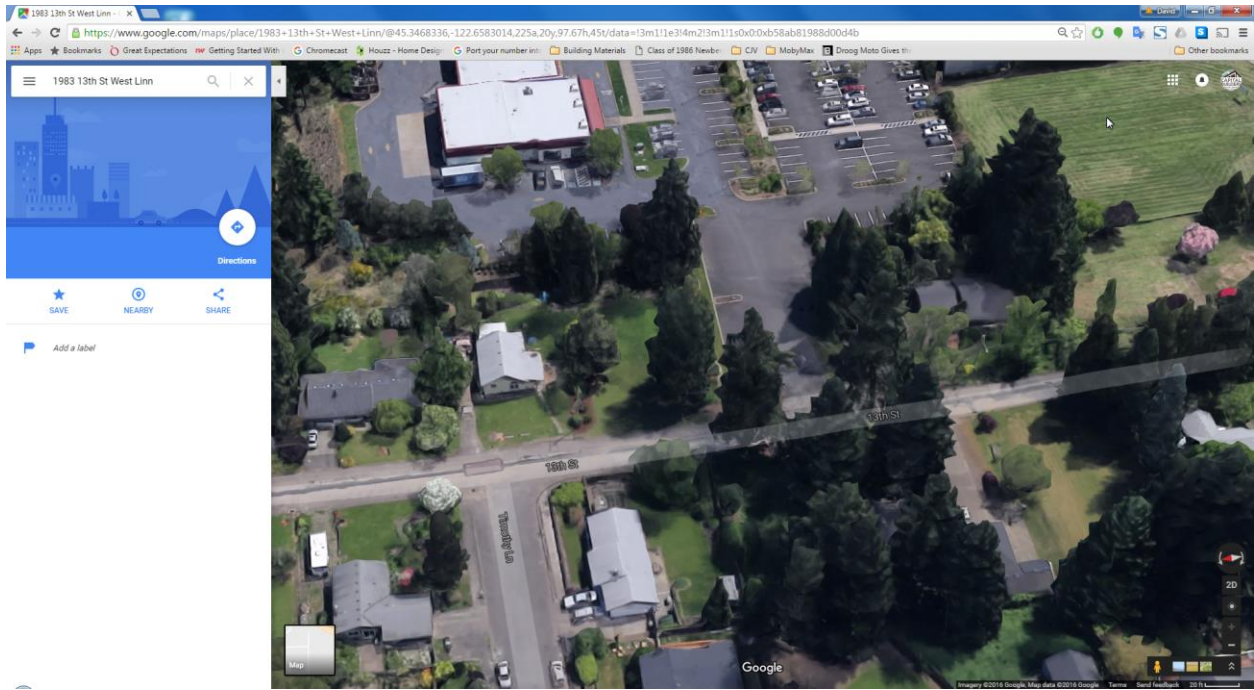
New single family lot next door to existing house - large tree is off-site.



View of 1943 13th St from the West



Overhead view showing neighboring houses have minimal impact.



Street View of Opposite Side of 13th St



APPLICANT'S STATEMENT

For

"13th St 2-Parcel Partition"

REQUEST

Preliminary Plat Approval for a 2-Parcel Partition in the R-7 Zone

APPLICANT/OWNER

Thomas Corff and Terry Moberly
19328 Towercrest Dr.
Oregon City, Oregon 97045

APPLICANT'S REPRESENTATIVE

David Sideras, Mgr
Capital Builders, LLC
POB 19115
Portland, OR 97280

LEGAL DESCRIPTION

Tax Map 21E 35C
Tax Lot 1600
West Linn, Oregon

APPLICANT STATEMENT

APPLICANT/ OWNER: Thomas Corff and Terry Moberly, 19328 Towercrest Dr., Oregon City, Oregon 97045

APPLICANT'S REPRESENTATIVE: David Sideras, Mgr of Capital Builders, LLC, POB 19115, Portland, OR 97280

APPLICANT'S REPRESENTATIVE: Ken Griffin, Mgr of Griffin Survey, 6107 SW Murray Blvd, #409
Beaverton, OR 97008

REQUEST: Preliminary Plat Approval for a 2-Parcel Minor Partition in the R-7 District

SITE LEGAL DESCRIPTION: Tax Lot 1600, Tax Map 21E 35C, Washington County, Oregon

SIZE: (DEVELOPMENT SITE) 14,404 sq. ft. +/-

LOCATION: 1943 13th St., West Linn, OR 97068

LAND-USE DISTRICT: R-7 (Residential, 6.22 Units Per Acre)

COMMUNITY PLAN: Willamette Neighborhood Plan

I. APPLICABLE REGULATIONS

A. West Linn Comprehensive Plan

B. Willamette Neighborhood Plan

C. West Linn Community Development Code:

Chapter 11 Single-Family Residential Detached, R-7

Chapter 85 General Provisions II.

II. AFFECTED JURISDICTIONS

Domestic Water: City of West Linn

Fire Protection: Tualatin Valley Fire and Rescue

Electric: Portland General Electric

Police Protection: City of West Linn

School District: West Linn-Wilsonville, 3J

Sewer: Tri-City Service District

Streets: City of West Linn III.

III. BACKGROUND: The applicant/owner, Thomas Corff and Terry Moberly, are requesting preliminary plat approval for a 2-parcel Minor Partition for a property designated R-7, and located in the Willamette Neighborhood Plan area. The subject property is 14,404 square feet +/- and is identified by the Washington County Assessor as Tax Lot 1600 of Tax Map 21E 35C. The site is currently developed with a single-family detached dwelling which will be retained during and after the partition process. Under the R-7 District, the subject site may be developed at a maximum density of 6.22 units/acre with a minimum lot size of 10,000 sq. ft., permitting the development of an additional house ($14,404/43,560 \times 6.22 = 2.05$ or 2 units). The proposed single-family lots range between 7,000 sq. ft. and 7,400 sq. ft. in area, meeting the maximum density and minimum lot size standards. The attached plans also indicate that the proposed lots meet the minimum lot width of 35-ft. at the front lot line, and meet the average lot width standard of 50-ft. As indicated by the attached Existing Conditions Plan, existing utilities and transportation facilities are located in the vicinity of the site and can be brought on site to serve the proposed development. The subject site fronts 13th St. and the existing dwelling on proposed Parcel 1 is currently connected to public utilities within the right-of-way. To serve Parcel 2, the applicant is proposing to connect to existing water and sewer main lines within 13th St. 13th Street is classified as a Local Street and is currently improved with an asphalt surface and cement curbs approximately 28-ft. wide with sidewalks on the west side of the street. To meet Local Street standards, the applicant is proposing to pay a fee-in-lieu of installing required street frontage improvements.

The attached plans indicated that in the northern half of the site, the parcel gently slopes at a 7% grade from the southwest to the northeast side of the property with the future building envelope being approximately 3% grade. Properties to the north and west across 13th Street

are fully developed single-family lots that are zoned R-7 and R-10. Adjacent properties to the east and south are zoned commercial and contain various improvements.

A signed copy of the development review application form, preliminary development plans, and other supporting documentation has been included with this application packet.

The applicant's exhibits and narrative demonstrate that the proposed land use request meets the criteria outlined by the West Linn Community Development Code.

IV. FINDINGS

A. WEST LINN COMPREHENSIVE PLAN

COMMENT: Except where required by the West Linn Community Development Code, this application is not required to address the city's goals and policies related to the development of land, since the West Linn Comprehensive Plan is implemented by the Code.

B. WILLAMETTE NEIGHBORHOOD PLAN

COMMENT: Except where required by the West Linn Community Development Code, this application is not required to address the city's goals and policies related to the development of land, since the Robinwood Neighborhood Plan is implemented by the Code.

C. WEST LINN COMMUNITY DEVELOPMENT CODE:

12.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

Response: The applicant will show that the requested partition will meet the general purpose.

12.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC [12.030](#), is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter [80](#) CDC.

Response: The applicant proposes two single-family detached residential units which are permitted outright and thus meets this requirement of the code.

B. A use permitted under prescribed conditions (CDC [12.050](#)) is a use for which approval will be granted provided all conditions are satisfied, and:

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

Response: This part of the code does not apply having met outright permitted use criteria listed above.

C. The approval of a conditional use (CDC [12.060](#)) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter [60](#) CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter [80](#) CDC.

Response: This part of the code does not apply having met outright permitted use criteria listed above.

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

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

Response: This part of the code does not apply having met outright permitted use criteria listed above.

12.030 PERMITTED USES

The following uses are permitted outright in this zone.

1. Single-family detached residential unit.
2. Single-family attached residential units.
3. Community recreation.
4. Family day care.
5. Residential home.
6. Utilities, minor.

7. Transportation facilities (Type I).
8. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 10, 2014)

Response: The applicant proposes two single-family detached residential units which meets part 1 in this requirement of the code.

12.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC.

Response: The applicant does not seek any accessory uses at this time.

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Home occupations, subject to the provisions of Chapter [37](#) CDC.
2. Signs, subject to the provisions of Chapter [52](#) CDC.
3. Temporary uses, subject to the provisions of Chapter [35](#) CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
6. Wireless communication facilities, subject to the provisions of Chapter [57](#) CDC. (Ord. 1255, 1989; Ord. 1298, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 6, 2014; Ord. 1635 § 11, 2014)

Response: The applicant does not seek any such uses at this time.

12.060 CONDITIONAL USES

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

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

Response: The applicant does not seek any such uses at this time.

12.070 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:

- A. The minimum lot size shall be:
 1. For a single-family detached unit, 7,000 square feet.
 2. For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.

Response: The applicant's proposal meets the above criteria.

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

Response: The applicant's proposal meets the above criteria.

C. The average minimum lot width shall be 35 feet.

Response: The applicant's proposal meets the above criteria.

D. *Repealed by Ord. 1622.*

E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
2. For an interior side yard, seven and one-half feet.
3. For a side yard abutting a street, 15 feet.
4. For a rear yard, 20 feet.

Response: The applicant's proposal meets the above criteria.

F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of CDC [41.010](#) shall apply.

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, will be able to meet this standard.

G. The maximum lot coverage shall be 35 percent.

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, will be able to meet this standard.

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

Response: The applicant's proposed lots which abut a street. Therefore, this standard is not applicable.

I. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter [66](#) CDC.

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, will be able to meet this standard.

J. The sidewall provisions of Chapter [43](#) CDC shall apply. (Ord. 1226, 1988; Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014)

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, will be able to meet this standard.

12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC [60.070](#)(A) and (B). (Ord. 1636 § 10, 2014)

Response: The applicant's proposal is an outright permitted use. This standard does not apply.

12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

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

11. Chapter [54](#) CDC, Landscaping.

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, will be able to meet this standard.

B. The provisions of Chapter [55](#) CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities. (Ord. 1308, 1991; Ord. 1590 § 1, 2009)

Response: The applicant does not have a proposed building plan at the time of partition and is not required to. The future building plan, however, being a detached single family will be exempt from this standard.

85.010 PURPOSE

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

Response: The applicant's proposal does meet the purpose statement as further explained below.

B. The purpose is further defined as follows:

1. To improve our sense of neighborhood and community and increase opportunities for socialization.
2. To comply with the State's Transportation Planning Rule (TPR), which seeks to encourage alternate forms of transportation and reduce reliance upon the private automobile and vehicle miles traveled by increasing accessibility within and between subdivisions and neighborhoods. This may be accomplished by designing an easily understood, interconnected pattern of streets, bicycle and foot paths, and accommodation of transit facilities. Cul-de-sacs are to be discouraged unless site conditions dictate otherwise.
3. To reduce pedestrian/vehicle conflicts and create a safe and attractive environment for pedestrians and bicyclists.
4. To protect natural resource areas such as drainageways, Willamette and Tualatin River greenways, creeks, habitat areas, and wooded areas as required by other provisions of this code or by the layout of streets and graded areas so as to minimize their disturbance.

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

Response: The applicant's proposal does meet the purpose statement as further explained below.

85.020 SCOPE – CONFORMITY REQUIRED

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

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

Response: The applicant's proposal does meet the purpose statement as further explained below.

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

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

Response: The applicant will not sell any part of the partition prior to approval.

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

Response: The applicant will not sell any part of the partition prior to approval.

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

Response: No building permits are sought at this time.

85.040 SALE OF LOTS PROHIBITED UNTIL SUBDIVISION PLAT IS RECORDED

Repealed by Ord. 1636.

Response: This criteria is no longer applicable.

85.050 APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND

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

Response: No road or street is proposed. This criteria is met.

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

Response: No dedication is proposed. This criteria is met.

85.060 INCOMPLETE APPLICATIONS – DECISION-MAKING PERIOD

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

Response: The applicant welcomes a speedy determination on whether the application is complete. This criteria is met.

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

Response: The applicant welcomes a speedy approval. This criteria is met.

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

Response: The applicant will apply for a writ of mandamus after 120 days. This criteria is met.

85.070 ADMINISTRATION AND APPROVAL PROCESS

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

Response: The application has been made by the owners of record. This criteria is met.

B. Action on the application for a tentative plan shall be as provided by Chapter [99](#) CDC.

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

Response: The applicant welcomes a speedy approval, denial or approval with conditions which is appealable. This criteria is met.

85.080 SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED

A. Approval of the tentative plan shall require that the final plat be in substantial conformance. Only such changes in the plat or map as are necessary for compliance with the terms of its approval, changes appropriate to meet accepted engineering practices due to grades or site conditions, or changes to satisfy legislative requirements are appropriate; however

Response: The applicant's final plat will be in substantial conformance with the preliminary plat. This criteria is met.

B. Approval of the tentative plan for the proposed subdivision or the partition shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording.

Response: The applicant's understands that submitting for final plat will be in substantial conformance with the preliminary plat and follows the approval or approval with conditions of the preliminary plat. This criteria is met.

85.085 SUBDIVISION/PARTITION AMENDMENT TRIGGER

Amendments to subdivision/partitions shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from

the tentatively approved plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes. (Ord. 1408, 1998)

Response: The applicant cannot change from single family to multi-family units. This criteria does not apply.

85.090 EXPIRATION OR EXTENSION OF APPROVAL

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

Response: The applicant's final plat will be submitted and recorded within three years from the date of approval of the preliminary plan. This criteria will be met.

85.100 NON-COMPLIANCE – BOND

A. Non-compliance with an approved final plat shall be a violation of this code.

Response: The applicant understands that non-compliance shall be a violation. This criteria is met.

B. The development and associated conditions of approval shall be completed in accordance with the approved final plat before any occupancy permits will be issued except that when the City Engineer or Planning Director determines that immediate execution of any feature of an approved final plat is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Planning Director or City Engineer shall, as a precondition of the issuance of a required permit, require a cashier's check, cash, or other surety (generally 125 percent of an engineer's estimated cost of improvements), to secure execution of the feature at a time certain not to exceed one year.

Response: The applicant understands that occupancy permits will be held until final plat approval or until posting of a surety bond equal to 125 percent of the engineer's estimated cost of improvements. This criteria is met.

85.110 STAGED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC [99.125](#). However, notwithstanding the provisions of CDC [99.125](#), in no case shall the time period for final platting and recording all

stages with the County be greater than five years without refiling the application. (Ord. 1589 § 1 (Exh. A), 2010)

Response: Staged development is not sought. This criteria is not applicable.

85.120 PARTIAL DEVELOPMENT

Where the tentative subdivision or partition plan is limited to only part of the potential development site, the approval authority may require that an applicant submit a tentative layout for the streets for the unsubdivided portion. A tentative street plan is required for sites where the unsubdivided portion of the property is greater than 300 percent of the minimum lot size allowed in the underlying zoning district. (Ord. 1650 § 1 (Exh. A), 2016)

Response: Partial development is not sought. This criteria is not applicable.

85.130 LAND DIVISION APPLICATION IN CONJUNCTION WITH OTHER LAND USE APPLICATIONS

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

Response: No other application is being sought. This criteria is not applicable.

85.140 PRE-APPLICATION CONFERENCE REQUIRED

A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.

Response: The applicant has participated in a pre-application conference. This criteria has been met.

B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.

Response: The applicant has participated in a pre-application conference. This criteria has been met.

C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including

potential for the applicant to apply for a waiver of street improvements. (Ord. 1544, 2007)

Response: The applicant is awaiting such an explanation. This criteria has been met.

85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

1. The completed application form(s).

Response: The applicant hereby submits the application form. This criteria has been met.

2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

Response: The applicant hereby submits the copies at the original scale and also smaller than 11x17 inches. This criteria has been met.

3. A narrative explaining all aspects of land division per CDC [85.200](#).

Response: The applicant hereby submits the required narrative. This criteria has been met.

B. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 19, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 19, 2014)

Response: The applicant hereby submits the requisite fee. This criteria has been met.

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

Response: The applicant hereby submits the required vicinity map attached to the title report. This criteria has been met.

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

Response: The applicant hereby submits the tentative minor partition plan drawn by a registered surveyor. This criteria has been met.

C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

Response: The applicant hereby submits the tentative minor partition plan drawn by a registered surveyor in the required scale. This criteria has been met.

D. The following general information shall be shown on the tentative plan of subdivision or partition:

1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
2. Date, north arrow, scale of drawing, and graphic bar scale.
3. Appropriate identification clearly stating the drawing as a tentative plan.
4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.
5. Names and addresses of the owner, developer, and engineer or surveyor.

Response: The applicant hereby submits the minor partition plan drawn by a registered surveyor with the aforementioned requirements. This criteria has been met.

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements

and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

Response: The applicant hereby submits the minor partition plan drawn by a registered surveyor with the aforementioned requirements. This criteria has been met.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:

a. Two-foot contour intervals for ground slopes less than 20 percent.

Response: The applicant hereby submits the tentative minor partition plan drawn by a registered surveyor with one-foot contour intervals. This criteria has been met.

b. Five-foot contour intervals for ground slopes exceeding 20 percent.

Response: The applicant met the criteria above. This criteria is not applicable.

3. The location of any control points that are the basis for the applicant's mapping.

Response: The applicant hereby submits the minor partition plan drawn by a registered surveyor with the aforementioned requirements. This criteria has been met.

4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.

Response: No such watercourses, drainageways, etc are nearby. This criteria is not applicable.

5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC [55.100\(B\)\(2\)](#), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC [55.100\(B\)\(2\)](#) and expressed in square feet, and also as a percentage of total non-Type I and II area.

Response: The applicant has identified all trees. No heritage trees are known to be found on site, but applicants will work with the City Arborist if found. This criteria has been met.

6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.

Response: The location of all existing structures have been noted. This criteria has been met.

7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.

Response: The location of all existing utilities have been noted. This criteria has been met.

8. Zoning on and adjacent to the tract.

Response: The zoning of the neighboring parcels have been noted. This criteria has been met.

9. Existing uses to remain on the adjoining property and their scaled location.

Response: The location and type of all existing uses have been noted. This criteria has been met. This criteria has been met.

10. The location of any existing bicycle or pedestrian ways.

Response: The location of all existing bicycle and pedestrian ways have been noted. This criteria has been met.

11. The location of adjacent transit stops.

Response: No adjacent transit stops have been noted. This criteria does not apply.

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

1. The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC [85.200\(A\)\(12\)](#).

Response: The existing street location has been noted. No new streets are proposed. This criteria has been met.

2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's *Erosion/Sedimentation Control Plans Technical Guidance Handbook*, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:

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

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

Response: No construction is proposed as part of this partition. This criteria does not apply until later construction of the home.

3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.

Response: No infrastructure improvements are proposed. This criteria does not apply.

4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.

Response: No bicycle or pedestrian paths are proposed. This criteria does not apply.

5. Any easement(s) – location, width, and purpose of the easement(s).

Response: No easements are proposed. This criteria does not apply.

6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.

Response: The applicant has shown the configuration with approximate dimensions and area of each tract. This criteria has been met.

7. A street tree planting plan and schedule approved by the Parks Department.

Response: No street tree planting is proposed as part of this partition. This criteria does not apply.

8. Any land area to be dedicated to the City or put in common ownership.

Response: No dedications are proposed. This criteria does not apply.

9. Phase boundaries shall be shown. (Ord. 1382, 1995; Ord. 1403, 1997; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1636 §§ 53, 54, 2014)

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

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

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.

Response: The applicant has provided this narrative as part of the application. This criteria has been met.

2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).

Response: A title report accompanies this application and narrative. This criteria has been met.

3. A legal description of the tract.

Response: The legal description appears on the proposed preliminary plat. This criteria has been met.

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.

Response: No phasing is being proposed. This criteria does not apply.

5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

Response: All the land is owned by the applicant. This criteria does not apply.

6. Where the proposed subdivision site includes hillsides, as defined in CDC [02.030](#) Type I and II lands, or any lands identified as a hazard site in the West

Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC [85.160\(F\)\(2\)](#) shall be addressed in a narrative.

7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.

8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC [55.110\(B\)\(3\)](#).

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.

Response: No infrastructure improvements are proposed. This criteria does not apply.

2. Traffic Impact Analysis (TIA).

a. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.

b. Typical average daily trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) The development application involves one or more of the following actions:

(A) A change in zoning or a plan amendment designation; or

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

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

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

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

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

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

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

Response: Please find the attached Transportation Analysis letter by Nemariam Engineers even though it appears to not be required per code. This criteria has been met.

d. Traffic impact analysis requirements.

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

2) Transportation Planning Rule compliance. See CDC [105.050\(D\)](#), Transportation Planning Rule Compliance.

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

Response: Please find the attached Transportation Analysis letter by Nemariam Engineers even though it appears to not be required per code. This criteria has been met.

e. Approval criteria.

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

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

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

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

(1) Have the least negative impact on all applicable transportation facilities; and

(2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

(3) Make the most efficient use of land and public facilities as practicable; and

(4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

(5) Otherwise comply with applicable requirements of the City of West Linn Community Development Code.

Response: No new infrastructure is proposed. This criteria has been met.

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

1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

Response: Please find the attached Transportation Analysis letter by Nemariam Engineers even though it appears to not be required per code. This criteria has been met.

C. Grading.

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

Response: No grading is contemplated as part of this application. This criteria is not applicable .

D. Water.

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

Response: Only single family is contemplated and with existing infrastructure present, no new water mains are planned. This criteria is not applicable.

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary

sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewered.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter [32](#) CDC, Water Resource Area Protection).
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

Response: A new lateral will be installed under permit for the proposed lot. No new sewer lines are contemplated. With this addition of a sewer lateral, this criteria is met.

F. Storm. A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1584, 2008; Ord. 1604 § 65, 2011; Ord. 1635 § 33, 2014; Ord. 1636 § 54, 2014; Ord. 1650 § 1 (Exh. A), 2016)

Response: Less than 400 square feet of impervious surface is planned which does not trigger the need for stormwater retention and treatment. This criteria is not applicable.

85.180 REDIVISION PLAN REQUIREMENT

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

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

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

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

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

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

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

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

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

Response: Only single family is contemplated. A redivision is not planned. This criteria is not applicable.

85.190 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

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

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

Response: The applicant is aware that the Planning Director may waive or require additional information. This criteria is met.

85.200 APPROVAL CRITERIA

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

A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

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

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

An applicant may submit a written request for a waiver of abutting street improvements if the TSP prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) underdeveloped or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission’s decision on the associated application. The in-lieu fee shall be used for in kind or related improvements.

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

2. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.
3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in the adopted TSP.

The following table identifies appropriate street width (curb to curb) in feet for various street classifications. The desirable width shall be required unless the applicant or his or her engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width. For local streets, a 12-foot travel lane may only be used as a shared local street when the available right-of-way is too narrow to accommodate bike lanes and sidewalks.

| Street Element | Characteristic | Width/Options |
|-------------------------------|----------------|---------------|
| Vehicle Lane Widths (Typical) | Minor Arterial | 11 – 12 feet |
| | Collector | 10 – 12 feet |

| | | |
|---|------------------------------------|--|
| widths) | Neighborhood Route | 10 – 12 feet |
| | Local | 10 – 12 feet |
| On-Street Parking | Minor Arterial | Limited (in designated commercial zones) |
| | Collector | Optional (8 feet typical width) |
| | Neighborhood Route | Optional (8 feet typical width) |
| | Local | Optional (8 feet typical width) |
| Bicycle Lanes (Typical widths) | Arterial | 5 feet |
| | Collector | 5 feet |
| | Neighborhood Route | 5 feet |
| Cycle Track | Minor Arterial (30 MPH or greater) | 7 feet |
| | Collector (30 MPH or greater) | 7 feet |
| Sidewalks (Typical widths) | Minor Arterial | 6 feet, 10 – 12 feet in commercial zones |
| | Collector | 6 feet, 8 feet in commercial zones |
| | Along Cycle Track | 6 feet, 10 – 12 feet in commercial |

| | | |
|---------------------------------|--------------------------------|---|
| | | zones |
| | Neighborhood Route/Local | 6 feet (4 – 5 feet in Willamette Historical District), 8 feet in commercial zones |
| Landscape Strips | Can be included on all streets | 6 feet typical (5 feet for minor arterials) |
| Raised Medians | 5-Lane | Optional |
| | 3-Lane | Optional |
| | 2-Lane | Consider if appropriate |
| Neighborhood Traffic Management | Arterials | None |
| | Collectors | None |
| | Neighborhood Route/Local | At the discretion of the City Engineer |
| Transit | Minor Arterial/Collector | Appropriate |
| | Neighborhood Route | Only in special circumstances |
| | Local | Not recommended |

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

- a. The type of road as set forth in the Transportation Master Plan.
 - b. The anticipated traffic generation.
 - c. On-street parking requirements.
 - d. Sidewalk and bikeway requirements.
 - e. Requirements for placement of utilities.
 - f. Street lighting.
 - g. Drainage and slope impacts.
 - h. Street trees.
 - i. Planting and landscape areas.
 - j. Existing and future driveway grades.
 - k. Street geometry.
 - l. Street furniture needs, hydrants.
5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:
- a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.
 - b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
 - c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.
 - d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.
6. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.
7. Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

8. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without turnarounds. (Temporary turnarounds built to Fire Department standards are required when the dead-end street is over 100 feet long.)

9. Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than 60 degrees unless a special intersection design is approved. Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles. Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 25 feet. All radii shall maintain a uniform width between the roadway and the right-of-way lines. The intersection of more than two streets at any one point will not be allowed unless no alternative design exists.

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

11. Cul-de-sacs.

a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than five acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:

1) Physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by Chapter [32](#) CDC), or

2) Existing easements or leases.

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

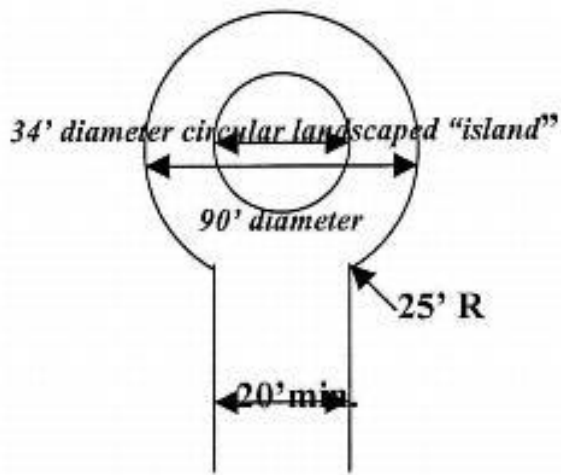
c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or

a fish bearing stream or wetland protected by Chapter [32](#) CDC, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.

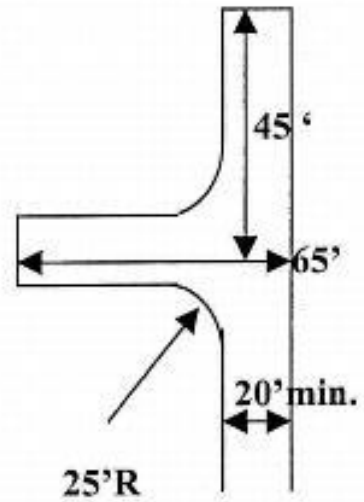
d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.

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

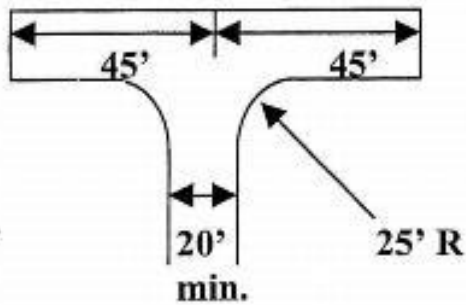
f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).



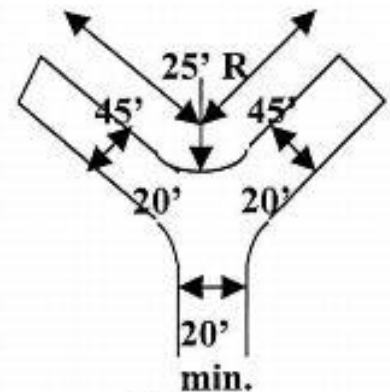
Cul-de-Sac Turnaround



Hammer Head Turnaround

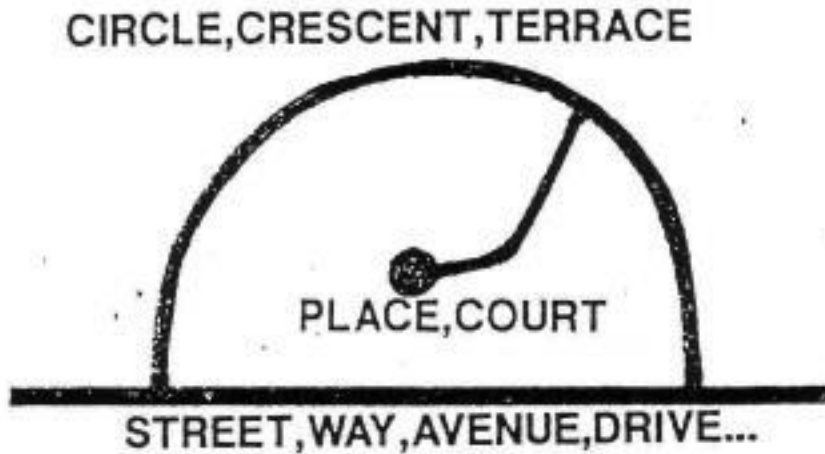


"T" Turnaround



"Y" Turnaround

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



13. Grades and curves. Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.

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

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

- a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lots or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.
- b. The alley will be designed to allow unobstructed and easy surveillance by residents and police.

- c. The alley should be illuminated. Lighting shall meet the West Linn Public Works Design Standards.
- d. The alley should be a semi-private space where strangers are tacitly discouraged.
- e. Speed bumps may be installed in sufficient number to provide a safer environment for children at play and to discourage through or speeding traffic.
- f. Alleys should be a minimum of 14 feet wide, paved with no curbs.

16. Sidewalks. Sidewalks shall be installed per CDC [92.010\(H\)](#), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.

17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curblines. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

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

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

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

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

- a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.
- b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curblines, except for landscaping. Landscaped

islands shall be set back a minimum of 24 feet from the curblines of the street to which they are perpendicular.

c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.

d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.

e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.

f. Under Chapter [52](#) CDC, subdivision monument signs shall not exceed 32 square feet in area.

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC [85.170\(B\)\(2\)](#) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP.

Response: One single family lot (and structure) is contemplated. The existing infrastructure in its current form is adequate to accommodate the future trips per day that would be added to the transportation system. All of the above criteria have been met.

B. Blocks and lots.

1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.

Response: No new streets or blocks are planned. No connection or improved circulation can be achieved by a dedication even if required. This criteria is not applicable.

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. Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet. If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart. Exceptions can be granted when prevented by barriers such as topography, rail lines, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995, or by requirements of Titles 3 and 13 of the UGMFP. If streets must cross water features protected pursuant to Title 3 UGMFP, provide a crossing every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.

Response: No new streets or blocks are planned. No connection or improved circulation can be achieved by a dedication even if required. This criteria is not applicable.

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.

Response: The length and width of the parcel is similar to others in the neighborhood which has already been judged adequate for solar access, etc. This criteria has been met.

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

Response: Access to the partition shall conform to Chapter 48 CDC. This criteria has been met.

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

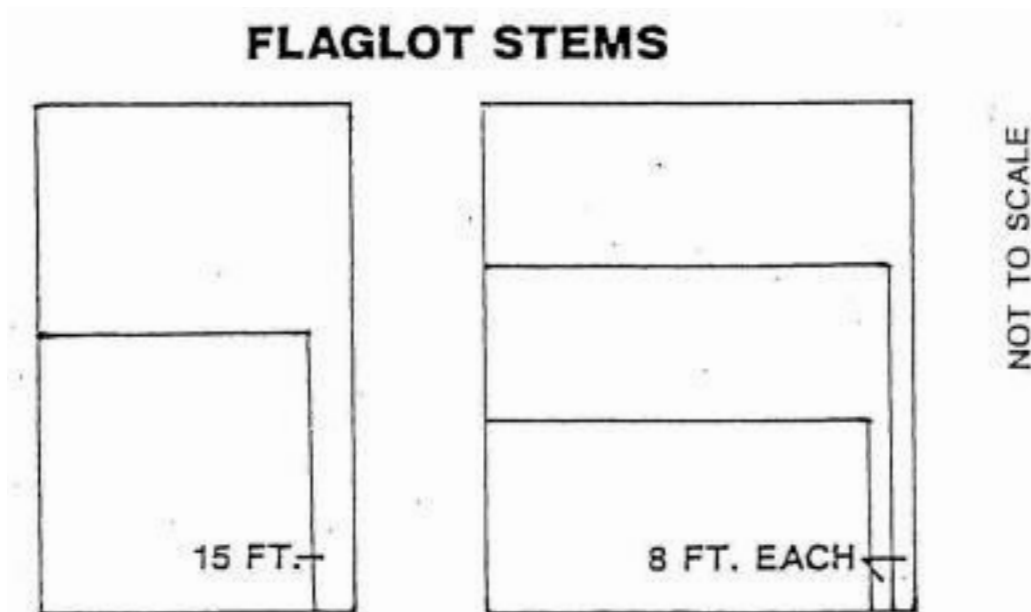
and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 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.

Response: No double frontage lots are planned. . This criteria is not applicable.

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.

Response: Side lines are slightly less than 90 degrees, but mimics the neighboring lots. This criteria has been met.

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



- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured,

or it is part of a pattern of development, or it better fits the topography of the site.

c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.

d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.

e. As per CDC [48.030](#), the accessway shall have a minimum paved width of 12 feet.

f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

Response: No flag lots are planned as part of this partition. This criteria is not applicable.

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.

Response: No future dividing will be possible or likely without a zoning change. This criteria is not applicable.

C. Pedestrian and bicycle trails.

1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.

2. The all-weather surface (asphalt, etc.) trail should be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails

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

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

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

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

6. The trail grade shall not exceed 12 percent except in areas of unavoidable topography, where the trail may be up to a 15 percent grade for short sections no longer than 50 feet. In any location where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

Response: No connection can be made to adjacent subdivisions by way of a trail. This criteria is not applicable.

D. Transit facilities.

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.

2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site as deemed appropriate by the City Engineer.

3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop where feasible. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.

4. Transit stops should include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users. Tri-Met must approve the final configuration.

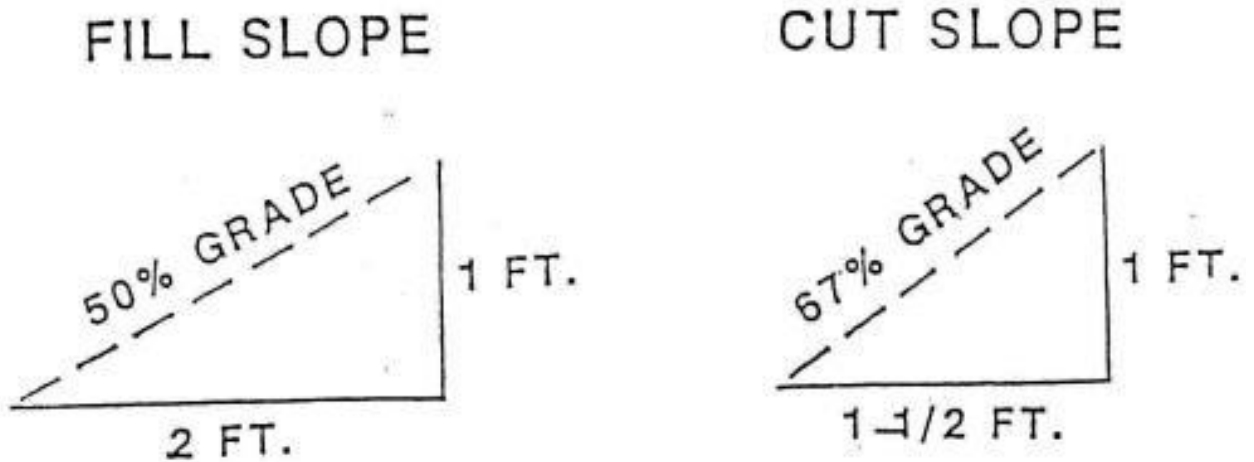
Response: No transit is available on 13th St. This criteria is not applicable.

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

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

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

b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade). Please see the following illustration.



2. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.

3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC [85.170\(C\)](#) is required.

4. The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.

5. Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.

6. *Repealed by Ord. 1635.*
7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:
 - a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
 - b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section).
 - c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
 - d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
 - e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

Response: No cutting or filling is expected as part of this partition; neither is it expected for building the future home. This criteria is not applicable.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:
 - a. At least 70 percent of the site will remain free of structures or impervious surfaces.
 - b. Emergency access can be provided.
 - c. Design and construction of the project will not cause erosion or land slippage.
 - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Response: No slopes of more than 50 percent are present or will be created. This criteria is not applicable.

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System

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

2. Adequate location and sizing of the water lines.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.
5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

Response: The existing water system has enough capacity to support one additional home. A water service will be installed for the new construction. With the written statement, signed by the City Engineer, this criteria has been met.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter [32](#) CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.

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

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

Response: The existing sewer system has enough capacity to support one additional home. A sewer lateral will be installed for the new construction under permit. With the written statement, signed by the City Engineer, this criteria has been met.

H. *Deleted during July 2014 supplement.*

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

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter [32](#) CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter [28](#) CDC, Willamette and Tualatin River Protection.

3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter [54](#) CDC.

Response: Street trees will be installed or payment paid to the fee in lieu. This criteria has been met.

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

Response: This is a partition and as a result no subdivision lights are proposed or expected to be required. This criteria has been met.

5. Dedications and exactions. The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the

exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Response: No dedication or exactions are expected. This criteria has been met.

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

Response: All future utilities will be underground. This criteria has been met.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC [02.030](#). Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

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

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC [55.100\(B\)\(2\)](#). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014; Ord. 1647 § 8, 2016; Ord. 1650 § 1 (Exh. A), 2016)

V. SUMMARY AND CONCLUSIONS

Based upon the findings of this report and the submitted exhibits, the applicant has demonstrated compliance with the requirements of relevant sections of the West Linn Community Development Code for the requested 2-parcel Minor Partition; therefore, this request should be approved.

PD-5 EXISTING EASEMENT 79-35347

2-1E-35C TL-1600

GIS d
479

EASEMENT

The undersigned, Lawrence A. Ellis & Alice V. Ellis,

Grantors, for the consideration of NONE and no/100 Dollars to Grantors paid, the receipt of which is hereby acknowledged, do hereby grant unto the CITY OF WEST LINN, a municipal corporation, its successors and assigns, referred to herein as CITY, a permanent right-of-way and easement to construct, reconstruct, operate, and maintain, utilities and all necessary related facilities under and along the following described premises:

(SEE REVERSE FOR DESCRIPTION)

The permanent right-of-way or easement shall include the right, privilege, and authority of CITY to excavate for, and to construct, install, lay, operate, maintain, and remove underground pipelines and/or cables with all appurtenances incident thereto or necessary thereafter, for the purpose of supplying public utility service under and across the said premises, together with the right of CITY to place, install, maintain, inspect, add to the number of, and relocate pipelines and/or cables and necessary appurtenances and make excavations therefor from time to time, in, under, and through the above described premises within said right-of-way, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines and/or cables or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipelines and/or cables, or repairing, renewing, or adding to the number of pipelines and/or cables and appurtenances and for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted.

CITY, upon the initial installation and upon each and every occasion that the same be repaired or removed, shall restore the premises of the Grantor, by removing all debris and leaving the ground surface in a neat and presentable condition; buildings and improvements to be restored as near as possible to as good a condition as the same were, prior to any such installation. The only other persons, firms, or corporations know by Grantors to have any interest in the granted property are: NONE

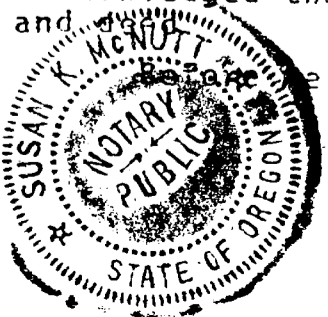
Dated this 18 day of July, 1979 +

Lawrence A. Ellis
Alice V. Ellis

STATE OF OREGON)
County of Clackamas) ss

July 18, 1979

Personally appeared the above named Lawrence A. Ellis
and Alice V. Ellis
and acknowledged the foregoing instrument to be their voluntary act and



Susan K. McNott
Notary Public for Oregon
My Commission Expires: 11/22/80

Parcel 2

A utility easement six(6) feet in width contiguous and adjacent to interior and rear lot lines of the following described property:

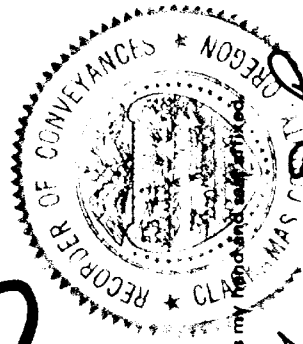
West 110 feet of Lot B, as drawn parallel to the North and West lines of said Lot B, Block 37, WILLAMETTE TRACTS, in the County of Clackamas and State of Oregon. EXCEPT the West 5.0 feet thereof. EXCEPT the North 96.0 feet thereof.

STATE OF OREGON)
County of Clackamas) ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

79 AUG 15 P 1:41

2



Witness my hand and seal this 15th day of August 1979.
George D. Poppen
GEORGE D. POPPEN
County Clerk

Recording Certificate

CCP-R4 79 35347

After recording, please return
to
CITY OF WEST LINN
CITY HALL
WEST LINN OR 97068