



## GENERAL INFORMATION

<b>OWNER/ APPLICANT:</b>	Ken Beegle (Glacier Ice, LLC) 1560 Rosemont Rd., West Linn, OR 97068
<b>CONSULTANT:</b>	Rick Givens 18680 Sunblaze Dr., Oregon City, OR 97045
<b>SITE LOCATION:</b>	1560 Rosemont Road
<b>SITE SIZE:</b>	22,998 square feet
<b>LEGAL DESCRIPTION:</b>	Assessor's Map 2S-1E-25DB Tax Lot 900
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>ZONING:</b>	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 11: Single-Family Residential Detached, R-10; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
<b>120-DAY RULE:</b>	The application became complete on October 26, 2017. The 120-day period therefore ends on February 23, 2018.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 500 feet of the subject property and the Sunset neighborhood association on November 1, 2017. A sign was placed on the property on November 8, 2017. The notice was also posted on the City's website on November 1, 2017. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant seeks approval for a partition of a 22,998 square foot parcel on the south side of Rosemont Road in the Parker Crest Neighborhood. The applicant will dedicate seven feet of proposed Parcel 1 for right-of-way improvements. Parcel 1, the northernmost parcel, will comprise 10,548 square feet and Parcel 2, the southernmost parcel, will comprise 10,307 square feet. The flag stem will comprise 1,448 square feet. An existing detached-single-family dwelling will remain on newly created Parcel 1. The proposed parcels meet dimensional standards of the R-10 zone and will take access from Rosemont Road via a shared driveway located in the flag stem. All surrounding properties are zoned R-10.

The existing Rosemont Road right-of-way is 60 feet wide and insufficient to accommodate a Collector with Median/Center Lane. A seven foot dedication is required to match existing conditions at the corner of Rosemont Road and Ireland Lane.

The City Arborist visited the site on November 20, 2017 and found no heritage or significant trees on the property. The applicant has not proposed the removal of any trees with this application.

The site has a 4.0% slope from the center of the property to the southeast corner and a 6.6% slope from the center of the property to the northeast corner of the property. There are no environmental overlays on the property. An existing water main located in Rosemont Road and an existing sanitary sewer main located in an easement to the south of the property are both available to provide service. Any new home on Parcel 2 will be reviewed for compliance with setbacks at time of building permit application.

### **Public comments:**

Tualatin Valley Fire & Rescue submitted comments on November 17, 2017 (see Exhibit PD-3).

No other public comments were received by the close of the comment period (November 21, 2017 at 4:00pm).

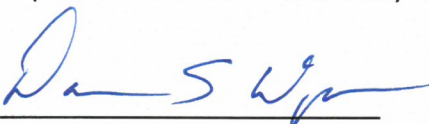
## DECISION

The Planning Manager (designee) approves this application (MIP-17-04), 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 Tentative Plan dated July 2017 (Exhibit PD-5, page 22).

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 dedicate on the face of the plat an additional seven-feet of right-of-way and install half-street improvements to meet the cross-section for a Collector with Median/Center Lane per City of West Linn Public Works Standards for the portion of the Rosemont Road right-of-way abutting the subject property.
  
4. **Reciprocal Access Easement.** Prior to final plat approval, the applicant shall record a reciprocal access easement and a mutual maintenance agreement for the shared use of the driveway located in the access and utility easement located over the flag lot stem of Parcel 2. The easement recording number shall be provided on the face of the final plat.
  
5. **Shared Access Drive.** Prior to issuance of the final building Certificate of Occupancy, the shared driveway must be installed and measure a minimum of 14 feet in width to a maximum of 20 feet in width.
  
6. **New Public Utility Easement.** The applicant shall provide an 8 foot wide public utility easement along the entire Rosemont Road frontage, south of the required seven-foot right-of-way dedication, and show it on the final plat.

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

  
 Darren Wyss, Associate Planner

February 8, 2018  
 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 9<sup>th</sup> day of February, 2018.

Therefore, the 14-day appeal period ends at 5 p.m., on February 23, 2018.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-17-04**

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

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

*11.030 PERMITTED USES*

*(...)*

*11.060 CONDITIONAL USES*

**Staff Finding 1: Staff incorporates the findings found on page 2 of the applicant's submittal (Exhibit PD-5). The criteria are met.**

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

*1. The minimum lot size shall be 10,000 square feet for a single-family detached unit:*

**Staff Finding 2: The applicant proposes two parcels sized at 10,648 square feet for Parcel 1 and 10,307 square feet for Parcel 2. The criterion is met.**

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

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

**Staff Finding 3: The applicant proposes Parcel 1 to have a front lot line width of 101.64 feet and average lot width of 100 feet. Parcel 2 is a flag lot and has a front lot line width of 15 feet as allowed per CDC 85.200(B)(7) and an average lot width of 65 feet. These criteria are met.**

*4. Repealed by Ord. 1622*

*(...)*

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

**Staff Finding 4: Staff incorporates the findings found on page 3 of the applicant's submittal (Exhibit PD-5). The criteria are met.**

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

**Staff Finding 5: Proposed Parcel 1 abuts Rosemont Road and proposed Parcel 2 is a flag lot with the stem measuring 15 feet in width. The criterion is met.**

9. *The floor area ratio shall be 0.45...non-conforming structures permit under Chapter 66 CDC. (...)*
10. *The sidewall provisions of Chapter 43 CDC shall apply.*

**Staff Finding 6: Staff incorporates the findings found on page 4 of the applicant’s submittal (Exhibit PD-5). The 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 7: 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) increase of 250 is typically required before a TIA is needed. The addition of 1 additional/new home generates an ADT increase of 9.57 trips per day according to the Institute of Traffic Engineers (ITE) trip generation manual. 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 8: The proposal does not require backing onto a public street. Proposed Parcels 1 and 2 will share access via the flag lot stem of Parcel 2 and a reciprocal access easement will be recorded per Condition of Approval 4. Subject to the Conditions of Approval, this criterion is met.**

*3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.*

*a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*

*b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

c) *Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section.*

**Staff Finding 9: Proposed Parcels 1 and 2 will take access from Rosemont Road, a public street adjacent to the development. The proposed parcels will share access via the flag lot stem of Parcel 2 and a reciprocal access easement will be recorded per Condition of Approval 4. Subject to the Conditions of Approval, this criterion is met.**

4. *Subdivisions fronting onto an arterial street.*

(...)

5. *Double frontage lots.*

**Staff Finding 10: Staff incorporates the findings found on page 10 of the applicant's submittal (Exhibit PD-5). The criteria are met.**

6. *Access Spacing.*

a. *The access spacing standards found in the adopted TSP shall be applicable to all newly established public street intersections...variance section in the adopted TSP.*

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

**Staff Finding 11: The applicant proposal does not include any new public street intersections. The proposal is for one private drive access to Rosemont Road, which will be shared by Parcels 1 and 2. Please see Staff Findings 19 to 21 for compliance with CDC 48.060. These criteria are 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 12: The applicant proposes one access to Rosemont Road, a public street, which will be shared by both Parcels 1 and 2. These criteria are met.**

8. *Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. (...)*

a. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

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

**Staff Finding 13: Proposed Parcels 1 and 2 will take access from Rosemont Road, a public street with a functional classification as a collector in the West Linn Transportation System Plan. The proposed parcels will share access via the flag lot stem of Parcel 2 and a reciprocal access easement will be recorded per Condition of Approval 4. The parcels to the south of the proposal are fully developed and prevent extension of the shared access or the development of a new street. These criteria are met.**

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

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

2. *Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.*

3. *Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.*

**Staff Finding 14: The proposed land division includes no new public or private streets. Adjacent properties on the east, south, and west are fully developed and provide a functional limitation to implementation of block length standards as no new block can be formed. 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, as designated in the transportation element of the Comprehensive Plan (...)*

**Staff Finding 15: Staff incorporates the findings found on page 12 of the applicant's submittal (Exhibit PD-5). The criteria are met.**

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:*

*(...)*

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



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 16:** The applicant proposes a shared access drive for Parcels 1 and 2. The existing home located on proposed Parcel 1 is less than 150 feet from Rosemont Road. The minimum width of the shared access drive will be 14 feet and a maximum width of 20 feet per Condition of Approval 5. The access drive grade will be less than five percent. The existing home on proposed Parcel 1 does not have a garage. Subject to the Conditions of Approval, these criteria are met.

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

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

**Staff Finding 17:** The applicant proposal does not contain any structures or trees that impede the 13 foot 6 inch vertical clearance. The proposal is for a 15 foot wide shared access drive located in the flag lot stem with the existing home on proposed Parcel 1 setback from the stem 7 feet 6 inches. This provides a total horizontal clearance of 22 feet 6 inches. The applicant has not provided a site plan for the single-family home to be constructed on Proposed Parcel 2. As there is no site plan, it is not known whether any portion of the newly constructed home will be more than 150 feet from Rosemont Road. To satisfy the criteria, Tualatin Valley Fire & Rescue will require appropriate turnaround infrastructure during building permit review. These criteria are met.

*D. Access to five or more single-family homes...waived by variance.*

*(...)*

*I. Gated accessways to residential development other than a single-family home are prohibited.*

**Staff Finding 18:** Staff incorporates the findings found on page 13 of the applicant's submittal (Exhibit PD-5). The criteria are met.

#### *48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS*

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

*B. Maximum curb cut width shall be 36 feet...*

*(...)*

*C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*

(...)

5. *On a collector when intersected by another collector or local street, 35 feet.*

(...)

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

(...)

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

(...)

**Staff Finding 19: The applicant proposes a 28 foot curb cut to accommodate the existing home's parking area and the shared access drive. The applicant proposes only one curb cut per proposed parcel. The proposed curb cut is located on Rosemont Road, a collector, and the closest intersecting street, Summit Drive, is a collector and located 320 feet to the east. These criteria are met.**

E. *A rolled curb may be installed...*

F. *Curb cuts shall be kept at a minimum...*

**Staff Finding 20: Staff incorporates the findings found on page 15 of the applicant's submittal (Exhibit PD-5). The criteria are met.**

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

**Staff Finding 21: The applicant proposes one shared accessway and vision clearance will be confirmed by planning staff during the building permit process. The criteria are met.**

### **III. CHAPTER 85, GENERAL PROVISIONS**

#### *85.080 SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED*

A. *Approval of the tentative plan shall require the final plat to be in substantial conformance...however*

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

**Staff Finding 22: The City will ensure the final plat substantially conforms to the approved tentative plan by satisfaction of Condition of Approval 1. The criteria are 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...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 23: The proposal does not include any internal streets. The applicant proposes installation of half-street improvements along the property's Rosemont Road frontage. The City Engineer requires the improvements to meet the cross-section for a Collector with Median/Center Lane per City of West Linn Public Works Standards and 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 24: The proposal is located on Rosemont Road, a collector street that has a 60 foot right-of-way width adjacent to the subject property. City standards for a Collector with Median/Center Lane are found in Exhibit 7 of the 2016 West Linn Transportation System Plan. The standards require a 72 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 5 foot bike lane, 12 foot travel lanes, and 14 foot turn lane). The City requires the applicant to dedicate seven foot of additional right-of-way to accommodate half-street improvements that align with existing improvements at the corner of Ireland Lane and Summit Street. Subject to the Conditions of Approval, 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 25: The proposal is located on Rosemont Road, a collector street that has a 60 foot right-of-way width adjacent to the subject property. City standards for a Collector with Median/Center Lane are found in Exhibit 7 of the 2016 West Linn Transportation System Plan. The standards require a 72 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 5 foot bike lane, 12 foot travel lanes, and 14 foot turn lane). The City requires the applicant to dedicate seven foot of additional right-of-way to accommodate half-street improvements that align with existing improvements at the corner of Ireland Lane and Summit Street. Subject to the Conditions of Approval, this criterion is met.**

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:  
(...)*

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

**Staff Finding 26:** The proposal is located on Rosemont Road, a collector street that has a 60 foot right-of-way width adjacent to the subject property. City standards for a Collector with Median/Center Lane are found in Exhibit 7 of the 2016 West Linn Transportation System Plan. The standards require a 72 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 5 foot bike lane, 12 foot travel lanes, and 14 foot turn lane). The City requires the applicant to dedicate seven foot of additional right-of-way to accommodate half-street improvements that align with existing improvements at the corner of Ireland Lane and Summit Street. Subject to the Conditions of Approval, this criterion is met.

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...*
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...*
9. *Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical...*

**Staff Finding 27:** The applicant proposes no reserve strips, no new streets or intersections, and is precluded from any potential future extension of streets by existing development patterns. These criteria are 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 28:** The proposal is located on Rosemont Road, a collector street that has a 60 foot right-of-way width adjacent to the subject property. City standards for a Collector with Median/Center Lane are found in Exhibit 7 of the 2016 West Linn Transportation System Plan. The standards require a 72 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 5 foot bike lane, 12 foot travel lanes, and 14 foot turn lane). The City requires the applicant to dedicate seven foot of additional right-of-way to accommodate half-street improvements that align with existing improvements at the corner of Ireland Lane and Summit Street. Subject to the Conditions of Approval, this criterion is met.

11. *Cul-de-sacs.*
  - a. *New cul-de-sacs and other closed-end streets...*(...)

*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).*

**Staff Finding 29: The applicant does not propose any new cul-de-sacs or closed-end streets. These criteria are met.**

*12. Street Names*

*13. Grades and Curves*

*14. Access to local streets. Intersection of a local residential street with an arterial street may be prohibited...*

*15. Alleys*

**Staff Finding 30: The applicant does not propose any new streets. The proposed partition is adjacent to Rosemont Road, a City street with a functional classification of collector, and does not require access on to an arterial street. No alley is proposed. These criteria are 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 31: The applicant will install 6 foot sidewalk and 6 foot planter strip along the subject property's frontage of Rosemont Road per Condition of Approval 3. Subject to the Conditions of Approval, these criteria are met.**

*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.*

**Staff Finding 32: The application is for a partition of an existing parcel. The applicant proposes shared access to Rosemont Road for newly created Parcels 1 and 2. Please see Applicant findings as well as Staff Findings 7 through 21. No new streets or roads are proposed. Subject to the Conditions of Approval, this criterion is met.**

*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...*

**Staff Finding 33: The applicant does not propose any gated streets or driveways, nor entryway treatments or street isle designs. These criteria are 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 34: 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.*

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

2. *Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines... Block sizes and proposed accesses must be consistent with the adopted TSP.*

**Staff Finding 35: The applicant does not propose new street connections or new blocks. Existing development patterns preclude a new street connection between Rosemont Road and Ridge Lane. The criteria are met.**

3. *Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition... 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.*

**Staff Finding 36: Staff incorporates the findings found on page 5 of the applicant's submittal (Exhibit PD-5). Please also see Staff Findings 2 through 6. The criteria are met.**

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

**Staff Finding 37: Please see Staff Findings 7 through 21. Subject to the Conditions of Approval, this criterion is met.**

5. *Double Frontage lots and parcels.*

6. *Lot and parcel side lines.*

**Staff Finding 38: Staff incorporates the findings found on page 5 of the applicant’s submittal (Exhibit PD-5). The criteria are 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... The following dimensional requirements shall apply to flag lots:

a. *Setbacks applicable to the underlying zone shall apply to the flag lot.*

(...)

f. *If the use of a flag lot stem to access a lot is infeasible... access easement of a minimum 15-foot width across intervening property*

**Staff Finding 39: Staff incorporates the findings found on page 6 of the applicant’s submittal (Exhibit PD-5). The proposed flag lot is the only reasonable street access and the stem will be 15 feet wide at the Rosemont Road right-of-way. The applicant proposal includes an access and utility easement over the flag lot stem. The applicant is required to record mutual maintenance and reciprocal access agreements per Condition of Approval 4. Both proposed Parcels 1 and 2 meet setback and dimensional requirements, please see Staff Findings 2 through 6. Subject to the Conditions of Approval, these criteria are met.**

8. *Large lots or parcels.*

**Staff Finding 40: Staff incorporates the findings found on page 5 of the applicant’s submittal (Exhibit PD-5). The criteria are met.**

C. *Pedestrian and bicycle trails.*

(...)

D. *Transit Facilities*

(...)

**Staff Finding 41: The West Linn Transportation System Plan does not identify any pedestrian or bicycle facilities on or adjacent to the subject property. The closest bus route is more than one-half mile distance and there are currently no adopted plans to add transit service to Rosemont Road. The applicant is not required to install any improvements outside of required street improvements. The criteria are met.**

E. *Grading.*

(...)

F. *Water.*

(...)

G. *Sewer.*

(...)

H. *Deleted during July 2014 supplement.*

**Staff Finding 42:** The site has a 4.0% slope from the center of the property to the southeast corner and a 6.6% slope from the center of the property to the northeast corner. The site contains no Type I or II lands. Grading plans will be submitted and reviewed at the time of building permit application and will conform to the Uniform Building Code. The subject property is currently served by city water in Rosemont Road. The City Engineer has provided a statement confirming the system has sufficient volume and pressure to serve proposed Parcels 1 and 2, which will both be metered individually at the street. The site is currently served by an existing sanitary sewer line in an easement running parallel to the southern property line. Proposed Parcel 1 is currently, and will remain, connected to the line through the proposed 10 foot wide private sanitary sewer easement across proposed Parcel 2. Proposed Parcel 2 will provide a lateral to gravity flow to the same existing line in the easement to the south. The City Engineer has provided a statement confirming the system has sufficient capacity to serve both proposed Parcels. 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 43:** The applicant will record an access and utility easement per Condition of Approval 4. The City Engineer requires a new 8 foot wide public utility easement adjacent to the proposal's entire frontage of Rosemont Road per Condition of Approval 7. The public utility easement is necessary to accommodate the installation of future utilities to properties along Rosemont Road. Subject to the Conditions of Approval, this criterion is met.

*J. Supplemental Provisions*

- 1. Wetland and Natural Drainage Ways.*
- 2. Willamette and Tualatin Greenways.*

**Staff Finding 44:** Staff incorporates the findings found on pages 7 and 8 of the applicant's submittal (Exhibit PD-5). The criteria are met.

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

**Staff Finding 45:** The applicant has shown appropriate street trees on the tentative plan will install street trees per Conditions of Approval 2 and 3. Subject to the Conditions of Approval, this criterion is met.

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

**Staff Finding 46:** Staff incorporates the findings found on page 8 of the applicant's submittal (Exhibit PD-5). The applicant is not required to install any additional street lights. 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 47: 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 48: 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, 116 feet of site frontage, and less than an acre (22,998 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.*

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.*

**Staff Finding 49: The subject property is 22,998 square feet. The property contains no Type I or II lands. The property is zoned R-10, which requires a minimum 10,000 square feet per parcel. The maximum number of parcels that can be created from the subject property is two (22,998/10,000), thus the proposal is for 100% of the maximum density. The "mix" rule does not apply. The criteria are 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 50: The City Arborist visited the site on November 20, 2017 and found no heritage or significant trees on the property. No trees are required to be retained. This criterion is met.**

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

### *92.020 IMPROVEMENTS IN PARTITIONS*

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

*In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.*

**Staff Finding 51: The applicant proposes to install half-street improvements, which meet the City of West Linn Public Works Standards, to Rosemont Road adjacent to the subject property. The applicant will dedicate an additional seven-feet of right-of-way and install the half-street improvements to meet the cross-section for a Collector with Median/Center Lane per the 2016 West Linn Transportation System Plan. Since the applicant has agreed to this, no nexus and proportionality analysis is required. The 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-17-04 Applicant's Name Ken Beeple  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 11-21-17

**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) 11-1-17 (signed) G. Shroyer
- B. Affected property owners (date) 11-1-17 (signed) G. Shroyer
- C. School District/Board (date) 11-1-17 (signed) G. Shroyer
- D. Other affected gov't. agencies (date) 11-1-17 (signed) G. Shroyer
- E. Affected neighborhood assns. (date) 11-1-17 All (signed) G. 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) G. Shroyer  
City's website (posted date) 11-1-17 (signed) G. 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) 11-8-2017 (signed) Ken Beeple

**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) 2-9-2018 (signed) Ken Beeple

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. MIP-17-04**

The West Linn Planning Manager is considering a request for a two-lot minor partition at 1560 Rosemont Road.

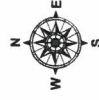
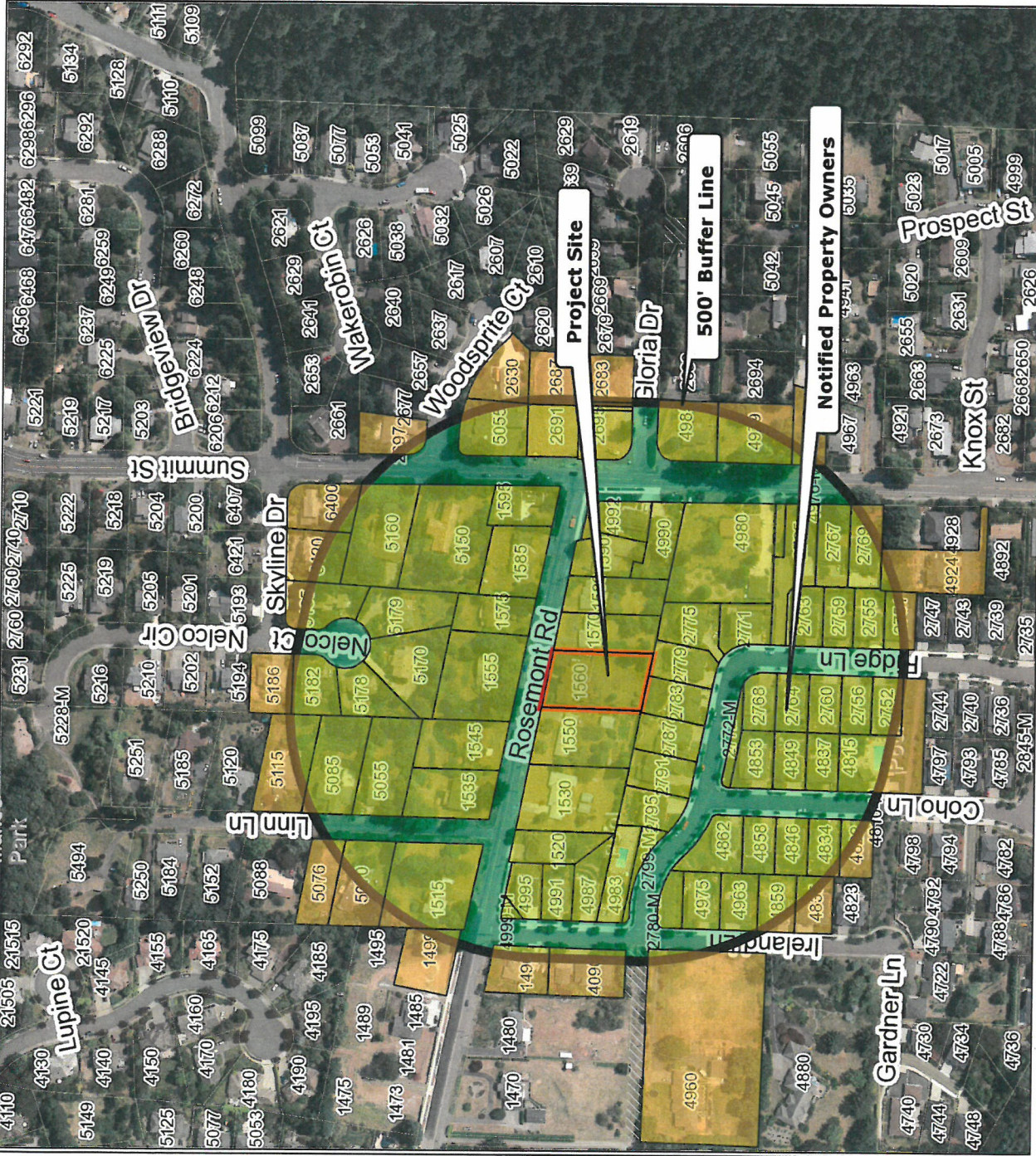
The decision will be based on the approval criteria in Chapters 11, 48, 85, 92, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 900 of Clackamas County Assessor's Map 21E 25DB) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/1560-rosemont-road-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 November 21, 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)742-6064, [dwyss@westlinnoregon.gov](mailto: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.

# 1560 Rosemont Road Notification Map



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



Map created by: SSHROVER  
Date Created: 12-Sep-17 02:34 PM

**WEST LINN GIS**

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CITY OF  
**West Linn**

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # MIP-17-04  
MAIL: 11/1/17 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**

October 26, 2017

Ken Beegle  
1560 Rosemont Rd.  
West Linn, OR. 97068

SUBJECT: MIP-17-04 application for 2-Lot Minor Partition at 1560 Rosemont Road.

Dear Ken:

You submitted this application on September 8, 2017. The Planning and Engineering Departments found that this application was incomplete on September 28, 2017. All required information was subsequently provided on October 26, 2017 and the application has now been deemed **complete**. The city has 120 days to exhaust all local review; that period ends February 23, 2018.

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 503-742-6064, or by email at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darren Wyss". The signature is fluid and cursive.

Darren Wyss  
Associate Planner

## PD-3 TVF&R COMMENTS

Wyss, Darren

---

**From:** Darby, Ty M. <Ty.Darby@tvfr.com>  
**Sent:** Friday, November 17, 2017 10:10 AM  
**To:** Wyss, Darren  
**Subject:** RE: partition at 1560 Rosemont Road

Hi Darren,

Please see the below comments:

**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)

**FIRE APPARATUS ACCESS ROAD VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)

**FIRE APPARATUS ACCESS ROADS FOR INDIVIDUAL ONE AND TWO FAMILY DWELLINGS AND ACCESSORY STRUCTURES:** The fire district will approve access roads of 12 feet for up to three dwelling units (Group R-3) and accessory (Group U) buildings. (OFC 503.1.1)

**SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)

**TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

**ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.

**FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote 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)

**FIRE HYDRANT(S) PLACEMENT:** (OFC C104)

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants

Have a great weekend!

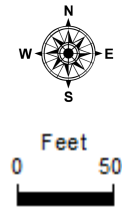
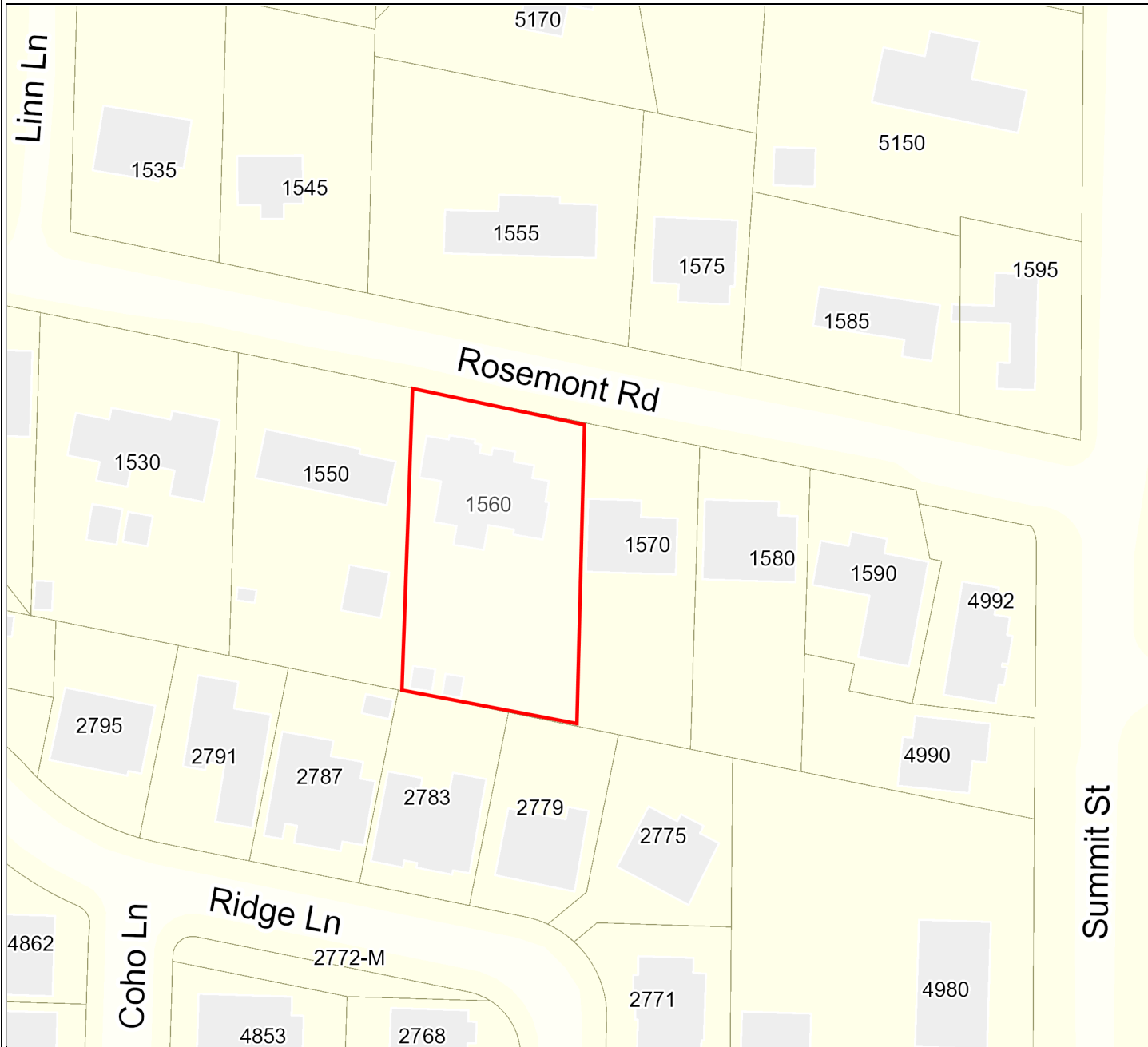
Thank you,

Ty

**Ty Darby | Deputy Fire Marshal**  
Tualatin Valley Fire & Rescue

## PD-4 PROPERTY MAPS

# MIP-17-04 Map 1



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size

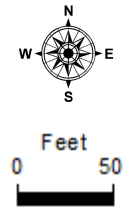
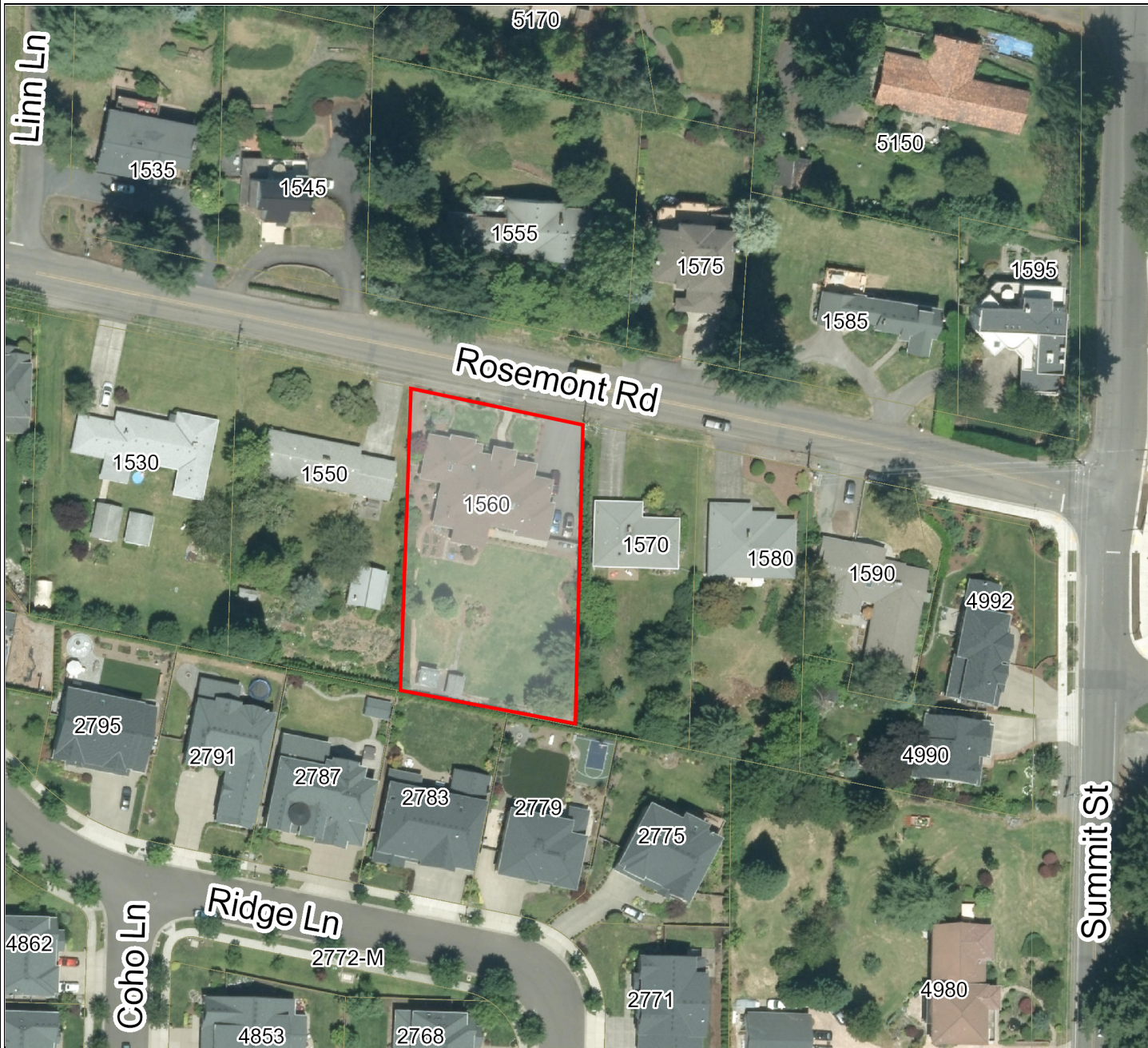


Map created by: DWYSS  
Date Created: 30-Jan-18 04:50 PM

**WEST LINN GIS**

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# MIP-17-04 Map 2



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size

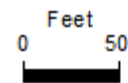
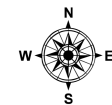


Map created by: DWYSS  
Date Created: 30-Jan-18 04:51 PM

**WEST LINN GIS**

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# MIP-17-04 Map 3



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS  
Date Created: 30-Jan-18 04:51 PM

**WEST LINN GIS**

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## **PD-5 APPLICANT'S SUBMITTAL**



## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S). <i>MIP-17-04</i>	
NON-REFUNDABLE FEE(S) <i>-</i>	REFUNDABLE DEPOSIT(S) <i>2,800</i>	TOTAL <i>2,800</i>

**Type of Review** (Please check all that apply):

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

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

<b>Site Location/Address:</b>  1560 Rosemont Road	Assessor's Map No.: 2-1E-25DB Tax Lot(s): 900 Total Land Area: 22,998 sq. ft.
---	---

**Brief Description of Proposal:**

Divide the property into two parcels. Parcel 1 will contain the existing residence. Parcel 2 is a flag lot to the rear of the existing home. Both lots will share the same driveway approach.

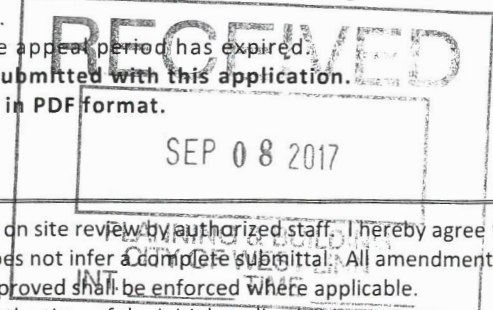
<b>Applicant Name:</b> Ken Beegle <small>(please print)</small>	Phone: 360-969-1864
Address: 1560 Rosemont Road	Email: kbeegle@me.com
City State Zip: West Linn, OR 97068	

<b>Owner Name</b> (required): Same as applicant. <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

<b>Consultant Name:</b> Rick Givens, Planning Consultant <small>(please print)</small>	Phone: 503-479-0097
Address: 18680 Sunblaze Dr.	Email: rickgivens@gmail.com
City State Zip: Oregon City, OR 97045	

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

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



The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

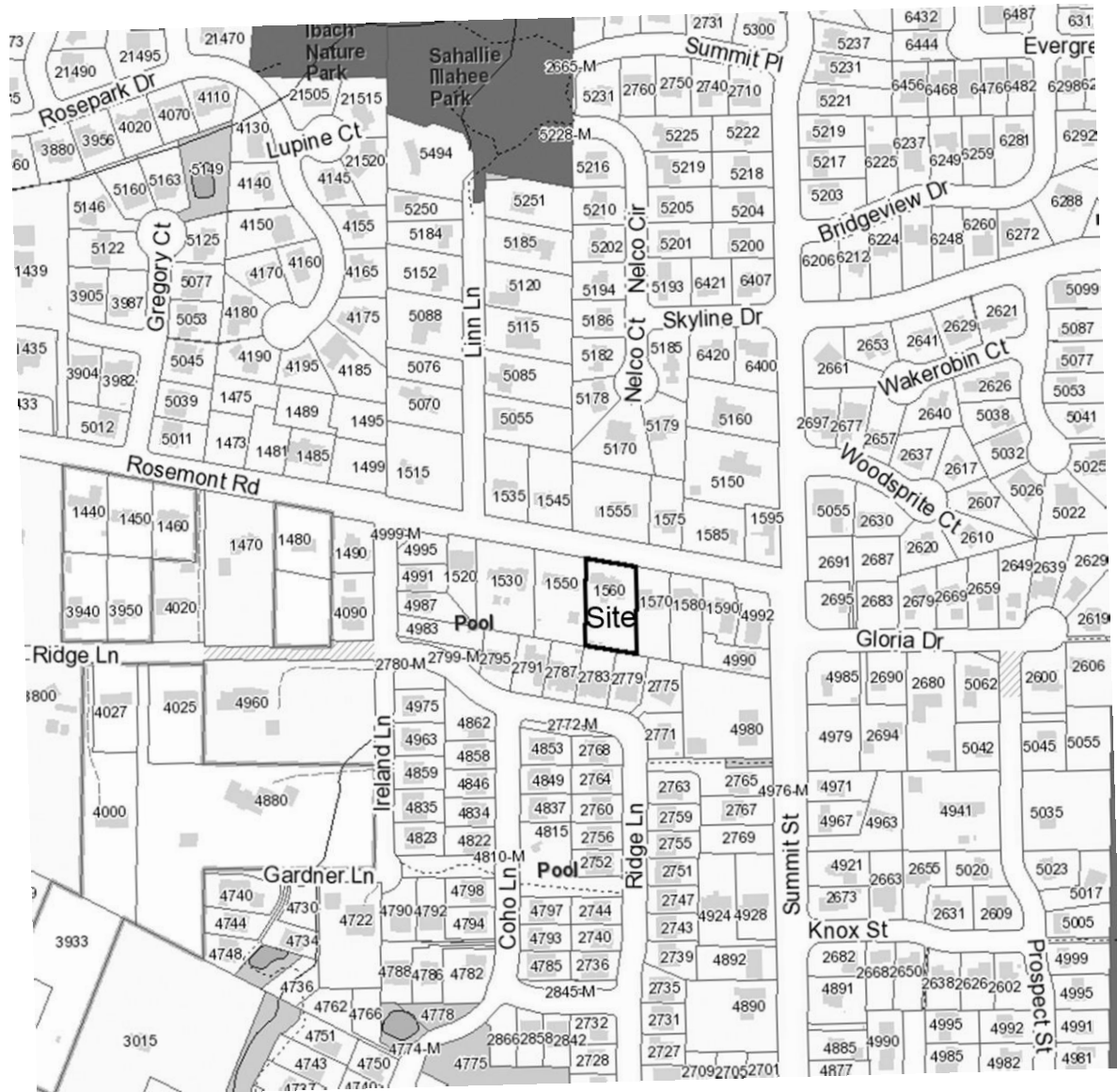
<i>Ken Beegle</i>	<i>9/8/17</i>	<i>Ken Beegle</i>	<i>9/8/17</i>
Applicant's signature	Date	Owner's signature (required)	Date

# Partition Narrative

## 1560 Rosemont Rd., West Linn

Ken Beegle

**Proposal:** This application requests approval of a three-lot partition for property located at 1560 Rosemont Road in West Linn. The property is situated on the south side of the street, approximately 300 feet west of Summit Drive. The subject property is 22,998 square feet in area and is presently developed with a single-family home. The proposed partition will divide the property into 2 lots, with the new lot being a flag lot situated behind the existing home. The subject property is zoned R-10. The property is described as Tax Lot 900 of Clackamas County Assessor's Map 2-1E-25DB.



Vicinity Map

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

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

**11.030 PERMITTED USES**

*The following are uses permitted outright in this zoning district*

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

Comment: The application is for the creation of two parcels to accommodate the existing home and one new single family detached residential unit. This use is permitted use by this section. The criterion is met.

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

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

1. *The minimum lot size shall be 10,000 square feet for a single-family detached unit.*

Comment: Parcel 1 contains 10,519 sq. ft. Parcel 2 is 10,412 sq. ft. in area (exclusive of the access strip). This criterion is met.

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

Comment: Parcel 1 has a front lot line length of 101 feet, which exceeds the minimum standard of 35 feet. The 15 foot frontage for Parcel 2 meets the minimum flag lot stem width per CDC 85.200 (B) (7).

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

Comment: Parcel 1 is approximately 100 feet wide and Parcel 2 is about 91 feet in width. This standard is met.

4. *Repealed by Ord. 1622.*

5. *Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:*
  - a. *For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
  - b. *For an interior side yard, seven and one-half feet.*
  - c. *For a side yard abutting a street, 15 feet.*
  - d. *For a rear yard, 20 feet.*

Comment: The property is not in the Willamette Historic District. The front yard for the existing home is a minimum of 22.4 feet. The rear yard maintains the required 20 foot minimum. The side setback to the west is 8.4 feet and to the flagpole accessing Parcel 2 is 7.5 feet. Setbacks for the home to be constructed on Parcel 2 will be reviewed at the time of building permit application, but will conform to these standards.

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

Comment: The existing home meets the required building height, as was verified when the building permit was issued. Building height for the new home will be reviewed with the building permit.

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

Comment: The combined area of the house footprint, covered deck and covered front porch for the home on Parcel 1 is 3,600 sq. ft. The lot area is 10,648 sq. ft. so the total lot coverage equates to 33.8 percent. Lot coverage for the home to be built on Parcel 2 will comply with this standard, as will be demonstrated at the time of building permit application.

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

Comment: The accessway to Parcel 2 measures 15 feet in width.

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

Comment: The floor area of the existing home on Parcel 1 is 3,123 sq. ft. and the lot area is 10,648 sq. ft., yielding a FAR of 0.293. This standard is met for the existing home. Compliance for Parcel 2 will be reviewed with the building permit.

*10. The sidewall provisions of Chapter 43 CDC shall apply.*

Comment: The existing home on Parcel 2 was presumably reviewed for compliance with these provisions when the building permit was reviewed. No changes are proposed. Compliance of the new home will be reviewed with the building permit.

## **Chapter 85 GENERAL PROVISIONS (Land Division)**

### **85.200 APPROVAL CRITERIA**

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

#### **A. Streets.**

Comment: No new streets are proposed. Both parcels front on Rosemont Road. Parcel 2 will be accessed via a shared driveway with the existing home. Because of the existing development pattern, which is fully developed to R-10 density to the south without the provision of any stub streets, there is no opportunity to provide for additional local street connections. The plan does call for the dedication of an additional 6 feet of right-of-way along the site's frontage on Rosemont Road, consistent with staff comments in the pre-application conference notes.

#### **B. Blocks and lots.**

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

Comment: As previously mentioned, the development pattern in this area is already established. There is no opportunity for additional local street connections between Rosemont Road, on the north, and Ridge Lane, to the south.

*2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to*

*the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.*

Comment: Same as for B1, above.

*3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).*

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

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

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

Comment: See discussion of Chapter 48, below.

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

Comment: No double frontage lots or parcels are proposed.

*6. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.*

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

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

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

Comment: Due to the lack of street frontage or streets that are stubbed to the property line, access to the rear portion of the subject property may only feasibly be provided via the use of a flag lot development pattern. Setbacks are anticipated to be applied on Parcel 2 with front and rear lot lines being the east and west lines, respectively, and the side lot lines being the north and south lines. Setbacks will be reviewed at the time of building permit application. All parcels exceed the minimum 10,000 sq. ft. lot size standard of the R-10 district, exclusive of area within the access strip. All lots proposed exceed the minimum lot depth standard of the R-10 zone. The proposed access drive serving Parcel 2 will be 12 feet in width and is located in the 15 foot access easement.

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:

- a. Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or

*b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.*

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

C. Pedestrian and bicycle trails.

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

D. Transit facilities.

Comment: The closest Tri-Met bus service is on Rosemont Road so there is no need for transit facilities.

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

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

F. Water.

Comment: Water service will be provided from the existing water line in Rosemont Road. No new public water lines are proposed. A new water meter for Parcel 2 will be provided in the public right-of-way, with private water service lines extending to Parcel 2 via the access strip.

G. Sewer.

Comment: Sewer service will be provided from the existing sewer line in a 15 foot easement to the south of the rear property line of the site. No new public sewer lines are proposed. The existing private service lateral for Parcel 1 will be placed in a 10' wide easement and a new service will be extended to Parcel from the existing sewer line.

H. (Deleted)

I. Utility easements.

There are no new public utilities proposed and, therefore, no new requirements for public utility easements.

J. Supplemental provisions.

1. Wetland and natural drainageways.

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



2. Willamette and Tualatin Greenways.

Comment: The subject property is not located within the Willamette or Tualatin Greenway areas. There are no Habitat Conservation Areas on the property.

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

Comment: Street trees will be provided along the frontage of Parcel 1, as shown on the Tentative Plan.

4. Lighting.

Comment: A street light presently exists at the northeast corner of the property.

5. Dedications and exactions.

Comment: The site plan provides for an additional 6 feet of right-of-way dedication along the property's frontage, consistent with what was discussed at the pre-application conference. No other exactions are warranted.

6. Underground utilities.

Comment: All new utilities will be place underground.

7. Density requirement.

Comment: The subject property measures 29,998 square feet in site area. The right-of-way dedication and access strip account for 2,047 sq. ft. and do not count towards density. Deducting this area from the site area leaves a net area of 20,951 sq. ft. Dividing by the minimum 10,000 sq. ft. lot size of the R-10 zone yields a maximum density of 2 lots. Two lots are proposed so both the minimum and maximum density standards are met.

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

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

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

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

**Chapter 48 - ACCESS, EGRESS AND CIRCULATION**

**48.025 ACCESS CONTROL**

B. Access control standards.

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

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

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

Comment: There are no existing curb cuts that need to be closed. Both lots will share the existing single access onto Rosemont Road.

3. Access options. *When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" to the developer/subdivider.*

a) Option 1. *Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*

b) Option 2. *Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

c) Option 3. *Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section.*

Comment: Access to Parcel 2 will be via a 15 foot access strip.

4. Subdivisions fronting onto an arterial street. *New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints,*

access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

Comment: Not applicable. The site does not front onto an arterial street. Rosemont is classified as a collector street.

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

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

6. Access spacing.

a. The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians.

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

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

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Comment: Only one access point per lot is proposed.

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

a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant

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or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

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

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

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

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

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges. (Ord. 1635 § 25, 2014; Ord. 1636 § 33, 2014)

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

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

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

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

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

Comment: Figure 17 in the TSP designates this stretch of Rosemont Road as a collector street. This section does not apply.

- B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:*
1. *One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.*
  2. *Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.*
  3. *Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.*
  4. *The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.*

Comment: The proposed driveway to Parcel 2 will comply with the minimum 10 foot unobstructed horizontal clearance standard. The grade is under 5 percent. The driveways comply with the 20 foot minimum length between the garage and the sidewalk.

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

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

Comment: If some portion of the home on Parcel 2 is more than 150 feet from Rosemont Road, the applicant will coordinate with the Fire Chief to determine whether a turnaround or other mitigating measures, such as sprinklers, are warranted. Compliance with other requirements of this section will be demonstrated at the time of building permit application.

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

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

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

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

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

Comment: The proposed access drive complies with these standards

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

Comment: Not applicable. The site consolidates access to make use of the existing single curb cut onto Rosemont Road.

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

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

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

Comment: No gated accessways are proposed.

**48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES**

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

**48.050 ONE-WAY VEHICULAR ACCESS POINTS**

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

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

**48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS**

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

Comment: The existing curb cut for the proposed access drive complies with this minimum.

B. *Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.*

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

C. *No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*

1. *On an arterial when intersected by another arterial, 150 feet.*
2. *On an arterial when intersected by a collector, 100 feet.*
3. *On an arterial when intersected by a local street, 100 feet.*
4. *On a collector when intersecting an arterial street, 100 feet.*
5. *On a collector when intersected by another collector or local street, 35 feet.*
6. *On a local street when intersecting any other street, 35 feet.*

Comment: Figure 17 in the Transportation System Plan designates this stretch of Rosemont Road as a collector street and it intersects with Summit Drive, also a collector street, approximately 300 feet to the east. This standard is met.

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

1. *On an arterial street, 150 feet.*

2. *On a collector street, 75 feet.*
3. *Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

Comment: The two parcels will share the single existing curb cut.

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

Comment: Not proposed.

- F. Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.*

Comment: The proposed plan makes use of the single existing curb cut to service both homes, consistent with this provision.

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

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

## **CHAPTER 55 DESIGN REVIEW**

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

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

- B. Relationship to the natural and physical environment.*

- 1 *The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.*
- 2 *All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. (...)*

Comment: The tree survey information was reviewed by the City's A There are no heritage or significant trees on the subject property so the provisions of Chapter 55 do not apply.



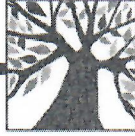
## **Chapter 92, required improvements**

### *92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT*

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

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

Comment: The applicant proposes to provide a rain garden on Parcel 2 to accommodate runoff from the new home. There is an existing rain garden on Parcel 1 that handles the runoff from the existing home. There will be a requirement to provide frontage improvements along Rosemont Road. The applicant will retain the services of a civil engineer to design these improvements, including storm water management. The use of a green street approach, with a swale between the curb and sidewalk, to handling storm water may be the best solution.



# CITY OF West Linn

## Expedited Land Division Acknowledgement Form

All applicants for minor partitions and subdivisions must acknowledge, by completing this form, that they were notified about the ELD process and indicate whether they intend to apply for an ELD or a standard subdivision using the procedures set forth in the City of West Linn's Community Development Code. Applicants who do not sign this form (page 1) and subsequently submit a land division application will have the land division processed under the ELD procedures per ORS 197.365. This completed form must accompany the separate ELD or standard subdivision application form.

**Are you intending to apply for an Expedited Land Division?**

Yes  No

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

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

Applicant Name: Kenneth Beegle

Applicant Signature: *Kenneth Beegle* Date: 9/22/17

Applicant Mailing Address: 1560 Rosemont Rd, West Linn, OR 97068

Owner's Name: Kenneth Beegle

Owner's Signature: *Kenneth Beegle* Date: 9/22/17

Owner's Mailing Address: 1560 Rosemont Rd, West Linn, OR 97068

Site Address: 1560 Rosemont Rd, West Linn, OR 97068

The property located at 1560 Rosemont Road, West Linn, OR 97068 (tax lot 21E25DB00900) if owned by Glacier Ice, LLC. This is an LLC my wife and I setup when purchasing the home. My wife and I are the sole shareholders of the LLC and the property is fully owned by the LLC. Attached is the a copy of the title on the house as well as the assignment of interests for the LLC proving ownership. As a representative of Glacier Ice, LLC I authorize the subdivision of the property.

Kenneth Beegle

A handwritten signature in black ink that reads "Kenneth Beegle". The signature is written in a cursive style with a large, sweeping initial "K".

12 October 2017

**TICOR TITLE COMPANY**

9200 SE Sunnybrook Blvd. Suite 130, Clackamas, OR 97015  
Phone: (503)219-2150 Fax: (503)652-1139

**BUYER'S SETTLEMENT STATEMENT**

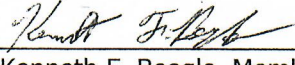
**Date:** March 25, 2013  
**Settlement Date:** March 25, 2013  
**Buyer:** Glacier Ice, LLC  
20699 NE Glisan St #253  
Fairview, OR 97024  
**Seller:** Valeriu Pamfile  
2022 SE 138th Ave  
Portland, OR 97233  
**Property:** 1560 Rosemont Road  
West Linn, OR 97068

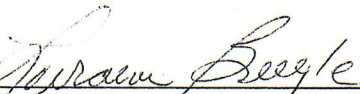
**Time:** 08:46 AM  
**Escrow No.:** 3626057089DIS  
**Escrow Officer:** Dodie Schmaltz

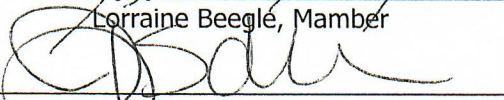
	DEBIT	CREDIT
<b>Financial Consideration</b>		
Total Consideration	615,000.00	
Deposit or Earnest money		30,000.00
<b>Prorations/Adjustments</b>		
County Taxes at \$6,999.06 03/25/13 to 07/01/13	1,879.20	
Rentback 03/25/13 to 04/01/13		790.32
<b>Escrow Charges</b>		
Escrow Fee Ticor Title Company	700.00	
<b>Title Charges</b>		
Title Insurance Chicago Title Insurance Company Owner's Standard		
E-doc Recording Fee Ticor Title Company	5.00	
<b>Recording Charges</b>		
Aggregate Recording Recorder's Office	194.00	
<b>Other Debits/Credits</b>		
Ticor Title Holdback Fee	100.00	
<b>Subtotals</b>	617,878.20	30,790.32
<b>Balance Due FROM Buyer</b>		587,087.88
<b>TOTALS</b>	617,878.20	617,878.20

Buyer

Glacier Ice, LLC, an Oregon Limited Liability Company

BY:   
Kenneth F. Beegle, Member

BY:   
Lorraine Beegle, Member

  
Ticor Title Company  
Settlement Agent

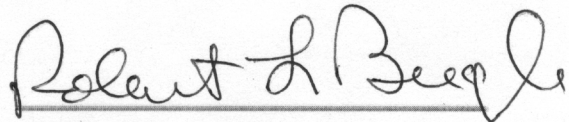
Initials \_\_\_\_\_

## ASSIGNMENT OF LIMITED LIABILITY COMPANY INTERESTS GLACIER ICE, LLC

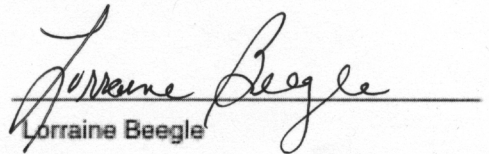
The undersigned transferors (each a "Transferor") hereby assign, convey, quit, claim and transfer to each of the individuals named below (the "Assignee") 200 Units of each Transferor's Units of ownership in GLACIER ICE, LLC (the "Company"). Immediately prior to such transfer, each Transferor owned 400 Units of the total issued and outstanding Units of the Company and after the transfer, each Transferor will own 0 Units of the total issued and outstanding Units of the Company. Following these transfers, each Assignee will own 500 Units of the Company (including those Units owned by the Assignee independent of this transfer). The Assignee does not become a Member of the Company by reason of this transfer except as provided in Section 12 of the Company's Agreement. In summary:

Name	Units Owned Prior to Transfer	Units Owned After the Transfer	Percentage of Outstanding Units
Robert L. Beegle Transferor	400	-0-	-0- %
Lorraine Beegle Transferor	400	-0-	-0- %
Kenneth F. Beegle Assignee	100	500	50%
Cristina Johnson Assignee	100	500	50%

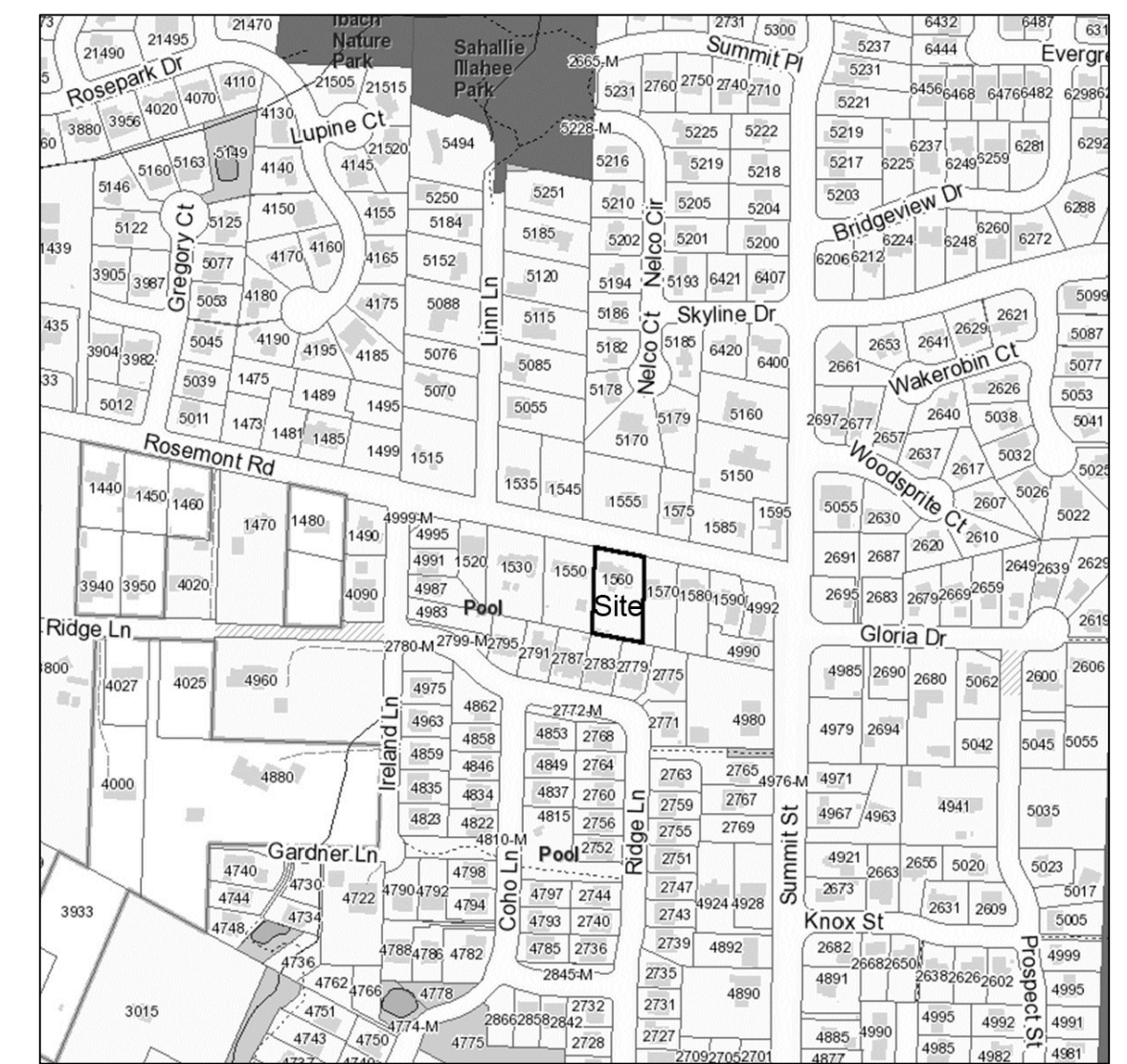
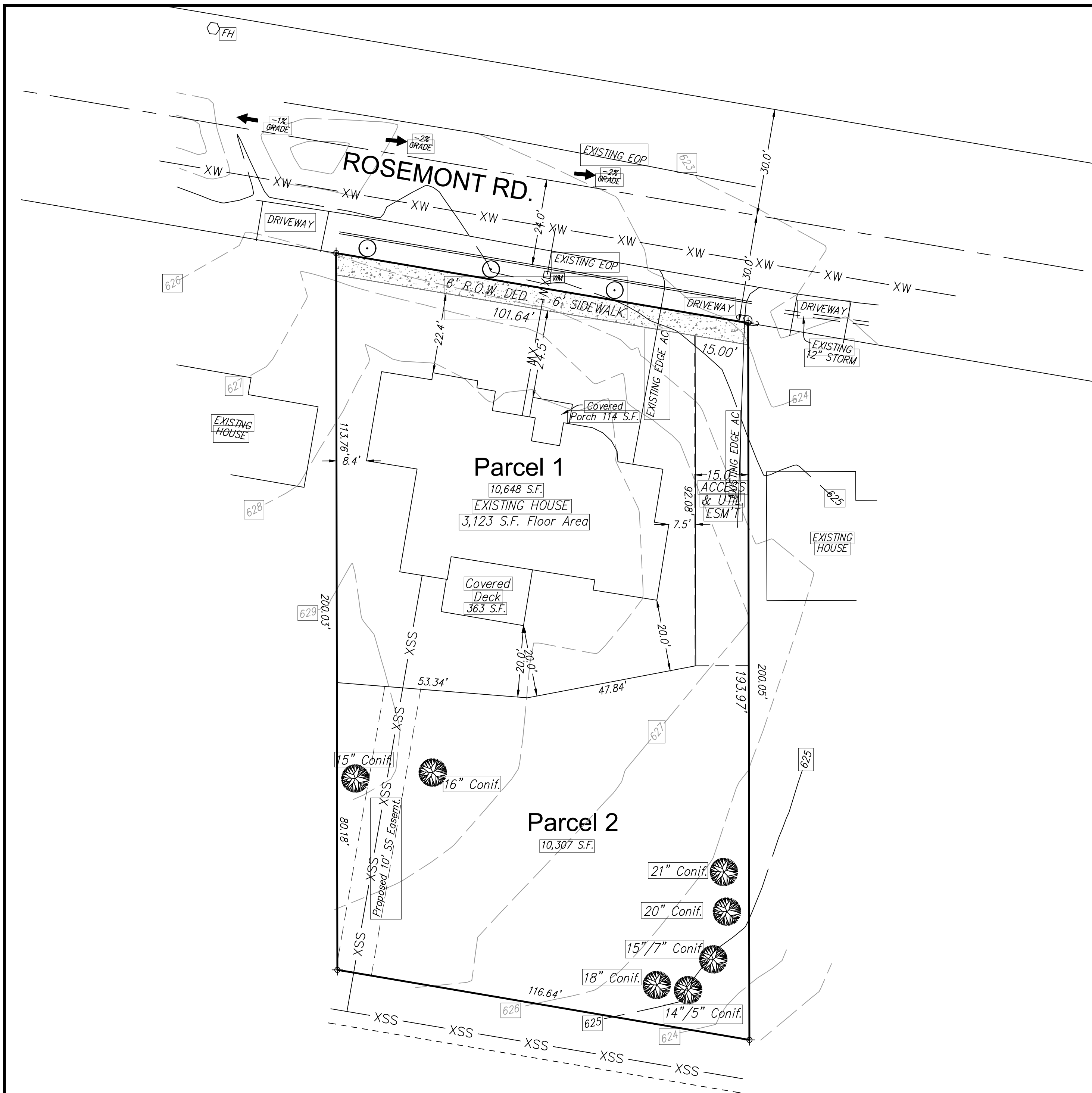
Dated: 12/20/2015



Robert L. Beegle



Lorraine Beegle



Vicinity Map

Applicant/Owner:  
 Ken Beegle  
 1560 Rosemont Rd.  
 West Linn, OR 97068  
 PH: (360) 969-1864

Engineer:  
 Burton Engineering & Surveying  
 8401 NE Halsey St., Suite 104  
 Portland, OR 97220  
 PH: (503) 206-6124

Legal: 2-1E-25DB TL 900

Zoning: R-10

Parcel 1 Lot Coverage:  
 3,600 sq. ft. = 34.2%

Parcel 1 FAR:  
 3,123 sq. ft. = 29.7%

Water: City of West Linn

Street Tree:  
 Red Sunset Maple

Sewer: City of West Linn

Contours: Burton Engineering & Surveying

Site Area: 22,998 sq. ft.

All slopes < 15% Grade

SLOPES:

DENSITY CALCULATIONS:

Gross Site Area: 22,998 square feet.

Type I & II Lands: 0 square feet.

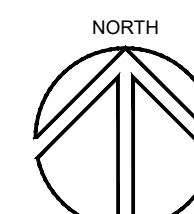
ROW Dedication & Flag Strip 2,058 sq. ft.

Net Site Area: 20,940 sq. ft.

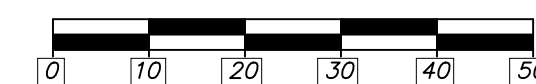
Maximum Density @ 1 Unit Per 10,000 sq. ft. = 2 lots.

Two lots proposed. Both the minimum and maximum density standards are met.

SIGNIFICANT TREES: None on site per City Arborist \*TBD.



Scale: 1" = 20'



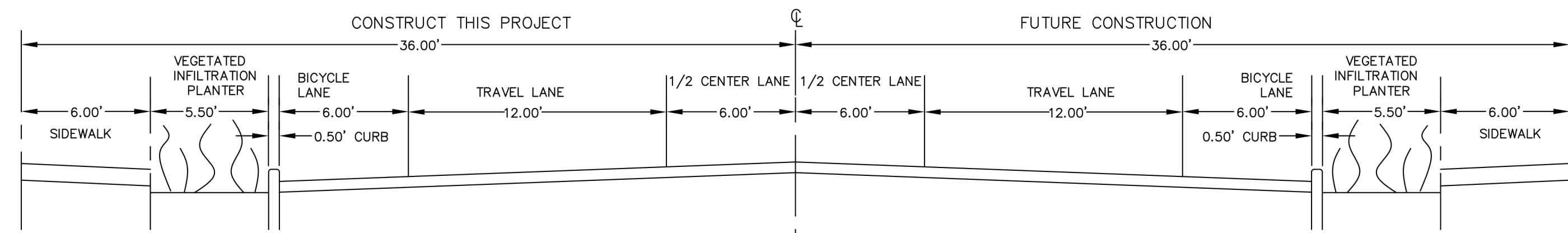
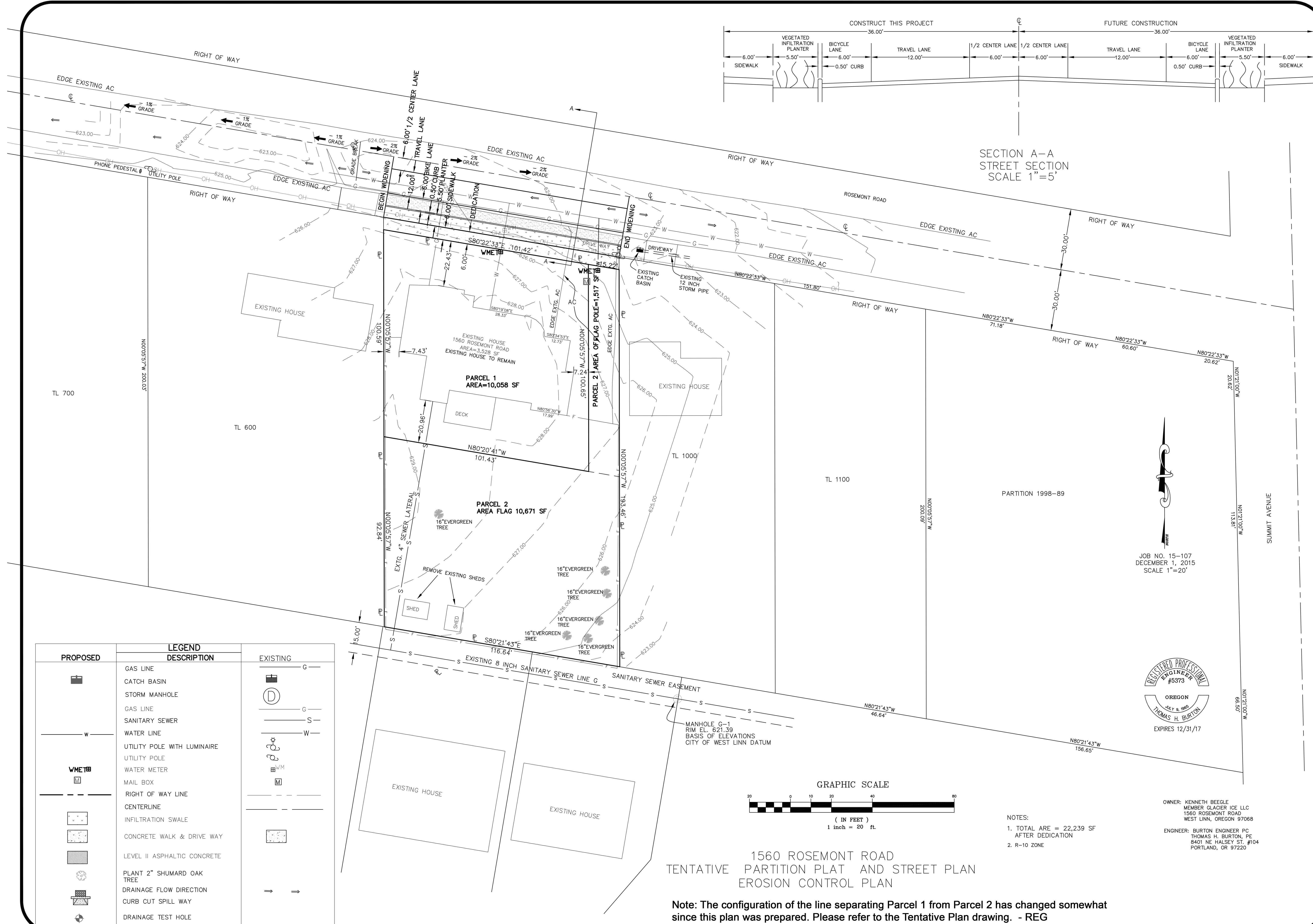
DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 20'			
DATE: JULY 2017			
FILE: 15-ICN-102	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

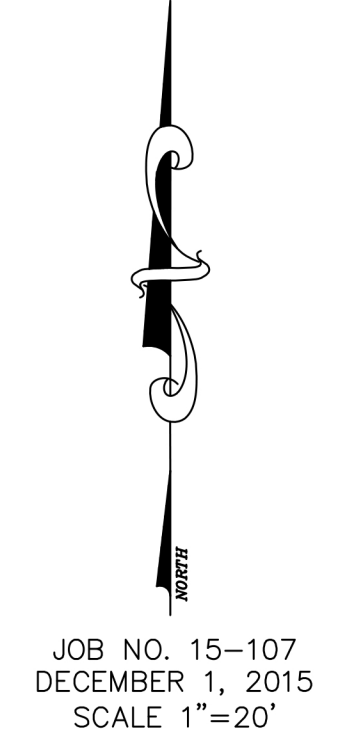
APPLICANT: Ken Beegle  
 1560 Rosemont Rd.  
 West Linn, OR 97068  
 PH: (360) 969-1864

1560 ROSEMONT RD.  
 Tentative Plan

SHEET:  
 1/1



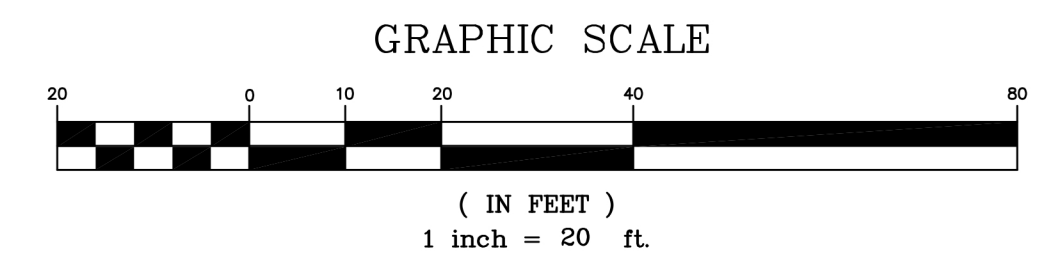
SECTION A-A  
STREET SECTION  
SCALE 1"=5'



JOB NO. 15-107  
DECEMBER 1, 2015  
SCALE 1"=20'



OWNER: KENNETH BEEGLE  
MEMBER GLACIER ICE LLC  
1560 ROSEMONT ROAD  
WEST LINN, OREGON 97068  
ENGINEER: BURTON ENGINEER PC  
THOMAS H. BURTON, PE  
8401 NE HALSEY ST. #104  
PORTLAND, OR 97220



- NOTES:
- TOTAL ARE = 22,239 SF AFTER DEDICATION
  - R-10 ZONE

1560 ROSEMONT ROAD  
TENTATIVE PARTITION PLAT AND STREET PLAN  
EROSION CONTROL PLAN

Note: The configuration of the line separating Parcel 1 from Parcel 2 has changed somewhat since this plan was prepared. Please refer to the Tentative Plan drawing. - REG

PROPOSED	LEGEND DESCRIPTION	EXISTING
	GAS LINE	G
	CATCH BASIN	
	STORM MANHOLE	G
	SANITARY SEWER	S
	WATER LINE	W
	UTILITY POLE WITH LUMINAIRE	
	UTILITY POLE	
	WATER METER	
	MAIL BOX	
	RIGHT OF WAY LINE	
	CENTERLINE	
	INFILTRATION SWALE	
	CONCRETE WALK & DRIVE WAY	
	LEVEL II ASPHALTIC CONCRETE	
	PLANT 2" SHUMARD OAK TREE	
	DRAINAGE FLOW DIRECTION	
	CURB CUT SPILL WAY	
	DRAINAGE TEST HOLE	

SCALE  
HOR. : 1"=20'  
VERT. : 1"=10'  
DATE 12/07/15

TENTATIVE PARTITION PLAT AND STREET PLAN OF TRACT OF LAND AT 1560 ROSEMONT ROAD, LYING IN THE SAMUEL W. SHANNON D.L.C. SE 1/4 SEC. 25, T2S, R1E, WM, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. OREGON MAP NO. 21E250B TL 900.

FOR: KENNETH BEEGLE  
1560 ROSEMONT ROAD  
WEST LINN, OR 97068

BURTON ENGINEERING AND SURVEYING

8401 NE HALSEY ST. STE 104, PORTLAND, OREGON 97220  
PHONE: CELL (503) 875-6563 (503) 206-6124

**BE**

PROJECT NUMBER  
15-107

SHEET  
3 OF 3