

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: February 10, 2020

FILE NO.: MIP-19-02

REQUEST: Approval of a Two-Parcel Minor Partition at 6223 Haverhill Ct.

PLANNER: Darren Wyss, Associate Planner



 Planning Manager 
 City Engineer 

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GENERAL INFORMATION

**APPLICANT/
OWNER:**

Ben Roland
6223 Haverhill Court
West Linn, OR 97068

CONSULTANT:

Rick Givens
18680 Sunblaze Drive
Oregon City, OR 97045

SITE LOCATION:

6223 Haverhill Court

SITE SIZE:

34,036 square feet

LEGAL

DESCRIPTION:

Assessor's Map 2S-1E-26AD Tax Lot 3005

COMP PLAN

DESIGNATION:

Low-Density Residential

ZONING:

R-10, Single-Family Residential Detached
(10,000 sq. ft. min. lot size)

APPROVAL

CRITERIA:

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.

120-DAY RULE:

The application became complete on November 14, 2019. The 120-day period ends March 3, 2020.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property and to all neighborhood associations on November 27, 2019. A sign was placed on the property on December 9, 2019. The notice was also posted on the City's website on November 27, 2019. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition at 6223 Haverhill Court, a 34,036 square foot parcel located between Haverhill Court on the north and Rosemont Road on the south, just east of the intersection with Salamo Road/Santa Anita Drive. The parcel is located in the Rosemont Summit Neighborhood. The property is zoned R-10, as are all adjacent properties, including properties across Rosemont Road. The existing home has access to both Haverhill Court and Rosemont Road. The existing home will remain on Proposed Parcel 1 and will maintain access to Haverhill Court. Proposed Parcel 2 will utilize the existing access to Rosemont Road.

Rosemont Road and Haverhill Court have adequate width and both are fully improved to meet City design standards. No right-of-way dedication is required. Proposed Parcel 1 will be 23,674 square feet and Parcel 2 will be 10,362 square feet.

The site slopes from north to south and contains no Type I or II lands. There are no environmental overlays on the property. There are no significant trees on site. A new home pm proposed Parcel 2 will connect to an existing water main and sanitary sewer main located in Rosemont Road. New homes on the proposed parcels will be reviewed for compliance with setbacks at time of building permit application.

Public comments:

Public comments submitted by Joe Durbin (see Exhibit PD-2) expressed safety concerns:

1. Making a left turn into proposed driveway from Rosemont Road.
The West Linn Community Development Code (CDC) provides clear and objective standards for access spacing along all street classifications in the City (CDC Chapter 48.060). The standards are in place for the protection of drivers, pedestrians, and bicyclists. Proposed Parcel 2 will take access from Rosemont Road, a public street with a functional classification of Collector. The closest intersection is with Salamo Road, a public street with a classification of Minor Arterial, 145 feet to the west. CDC Chapter 48.060.C(4) requires a minimum of 100 feet of separation between a curb cut on a Collector and an intersection with an Arterial for safety purposes. The proposal meets the criteria (see Staff Finding 18). CDC Chapter 48.060.D(2) requires a minimum of 75 feet between two adjacent curb cuts on a Collector for safety purposes and the proposal is 265 feet from the closest adjacent curb cut to the east (see Staff Finding 18). The applicant has met code requirements.
2. Adequate line of sight while exiting the proposed driveway.
Please see Staff Finding 20 and Condition of Approval 3. The applicant for a building permit will be required to meet line of sight standards before construction of a new single-family home on proposed Parcel 2.

3. Project does not live up to West Linn standard of livability.


The West Linn Community Development Code (CDC) provides clear and objective standards an application must conform to for a minor partition. The CDC is adopted and amended by the West Linn City Council, which is elected to represent the interests of the community. The findings submitted by the applicant, along with the Addendum prepared by City staff, show the proposal for a minor partition have met the standards of the CDC and by proxy, the interests of the community.

DECISION

The Planning Manager (designee) approves this application (MIP-19-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the Tentative Plan dated 09/16/2019 (Exhibit PD-1).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval.
3. **Adequate Line of Sight.** Prior to issuance of building permits for a single-family home on Parcel 2, the applicant shall submit documentation that the existing conditions/driveway meets adequate line of sight standards or submit a plan that brings the driveway into conformance with the standards (this may include modifying the concrete retaining wall height).
4. **Public Utility Easement.** The applicant shall record on the Partition Plat a new eight-foot wide public utility easement adjacent to the Parcel 2 frontage of Rosemont Road and the Parcel 1 frontage of Haverhill Court.

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



Darren Wyss, Associate Planner

February 10, 2020
Date

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

Mailed this 10th day of February, 2020.

Therefore, the 14-day appeal period ends at 5 p.m., on February 24, 2020.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-19-02**

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
(...)*

Staff Finding 1: Staff incorporates the findings found on page 3 in the applicant submittal (Exhibit PD-1). 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: Staff incorporates the findings found on page 3 in the applicant submittal (Exhibit PD-1). The criteria are met.

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

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

Staff Finding 3: Staff incorporates the findings found on page 3 in the applicant submittal (Exhibit PD-1). The criteria are met.

*II. CHAPTER 48, ACCESS CONTROL
48.020 APPLICABILITY AND GENERAL PROVISIONS
(...)*

B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

(...)

F. Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer.

Staff Finding 4: The existing home on proposed Parcel 1 will take access from Haverhill Court, a public street, via the existing curb cut in the flag lot stem. Proposed Parcel 2 will take access from Rosemont Road, a public street, via an existing curb cut. The criteria are met.

48.025 ACCESS CONTROL

B. Access Control Standards

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

Staff Finding 5: No traffic impact analysis (TIA) is required since none of the criteria of 85.170.B(2) are met. For example, an Average Daily Trip count (ADT) increase of 250 is typically required before a TIA is needed. The addition of one additional home generates an ADT increase of 9.57 trips per day according to the Institute of Traffic Engineers (ITE) trip generation manual. The criteria is met.

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

Staff Finding 6: The proposal does not require backing onto a public street. Both proposed parcels will take access via existing curb cuts in Haverhill Court and Rosemont Road. The criteria are 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 7: Staff incorporates the findings found on page 13 in the applicant submittal (Exhibit PD-1). The criteria are met.

4. Subdivisions fronting onto an arterial street.

(...)

5. Double frontage lots.

Staff Finding 8: Haverhill Court is classified as a Local Street and Rosemont Road is classified as a Collector Street. No double-frontage lots are proposed. The criteria is not applicable.

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 9: The applicant proposal does not include any new public street intersections. The proposal is for the proposed parcels to access public streets via existing curb cuts. Please see Staff Findings 17 to 20 for compliance with CDC 48.060. The 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 10: Both Parcels 1 and 2 will have one access point per parcel. The existing home on proposed Parcel 1 will take access from Haverhill Court, a public street, via the existing curb cut in the flag lot stem. Proposed Parcel 2 will take access from Rosemont Road, a public street, via an existing curb cut. The 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 11: The existing home on proposed Parcel 1 will take access from Haverhill Court, a public street, via the existing curb cut in the flag lot stem. Proposed Parcel 2 will take access from Rosemont Road, a public street, via an existing curb cut. Existing development patterns prevent using a shared driveway. The 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 12: The proposed land division includes no new public street and has one private drive per parcel. Adjacent properties on all sides are fully developed and provide a functional limitation to implementation of block length standards as no new block can be formed. The 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 13: Haverhill Court is classified as a Local Street and Rosemont Road is classified as a Collector Street. The criteria is not applicable.

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

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

(...)

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

4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.

Staff Finding 14: The existing driveway serving proposed Parcel 1 is 12 feet wide, has a grade of less than five percent, and has approximately 135 feet between garage door and sidewalk. The existing driveway that will serve proposed Parcel 2 is 15 feet wide and has a grade of fifteen percent. The distance between garage door and sidewalk will be verified during building permit process. The 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 15: Proposed Parcel 1 contains an existing single-family home and driveway. The existing driveway has a horizontal clearance of 20 feet and no vertical clearance obstructions. No changes are proposed. Proposed Parcel 2 has a horizontal clearance of 20 feet and no vertical clearance obstructions. Tualatin Valley Fire & Rescue will review the building permit for any new structure on proposed Parcel 2 and require appropriate infrastructure. The criteria are met.

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

(...)

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

Staff Finding 16: Staff incorporates the findings found on pages 16 and 17 in the applicant submittal (Exhibit PD-1) with the clarification that Rosemont Road is a Collector Street. 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...

Staff Finding 17: The existing curb cut for proposed Parcel 1 is 24 feet and no changes are proposed. The existing curb cut for proposed Parcel 2 is 24 feet and no changes are proposed. The criteria are met.

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

(...)

4. On a collector street when intersecting an arterial street, 100 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:

(...)

2. On a collector street, 75 feet.

(...)

Staff Finding 18: Proposed Parcel 2 will take access from Rosemont Road, a Collector Street, via an existing curb cut that is 145 feet from the intersection with Salamo Road/Santa Anita Drive (Arterial Street). The closest curb cut to the east is 265 feet away. The criteria are met.

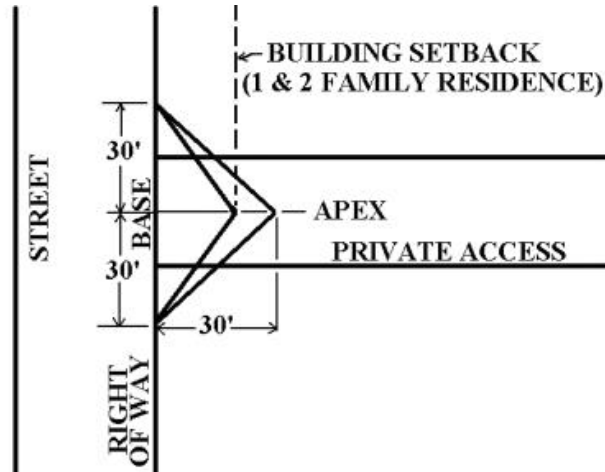
E. A rolled curb may be installed...

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

Staff Finding 19: Staff incorporates the findings found on page 18 in the applicant submittal (Exhibit PD-1). The criteria are met.

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

Staff Finding 20: Adequate line of sight standards are found in Community Development Code Chapter 42 (see diagram below). No permanent or temporary obstruction exceeding three feet in height can be located in this area. Proposed Parcel 1 contains an existing single-family home with a driveway that meets the standards of Chapter 42. Proposed Parcel 2 will utilize an existing curb cut and driveway to Rosemont Road. The City has a six-foot slope easement along the front of proposed Parcel 2 that contains an existing concrete block retaining wall with vegetation on top of it. The concrete block retaining wall begins four-feet east of the driveway and continues to the east property line. The height of the wall and vegetation varies along the length of the property line. During the building permit process for a new single-family home on proposed Parcel 2, the applicant shall submit documentation that the existing conditions/driveway meets adequate line of sight standards or submit a plan that brings the driveway into conformance with the standards (this may include moving the concrete retaining wall) per Condition of Approval 3. Subject to the Conditions of Approval, 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 21: The City will ensure the final plat substantially conforms to the approved tentative plan by satisfaction of Condition of Approval 1. Subject to the Conditions of Approval, 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 22: The proposal does not include any internal public streets. Proposed Parcel 1 will take access from Haverhill Court, a Local Street, via the existing curb cut. Haverhill Court is fully developed and meets City standards. Proposed Parcel 2 will take access from Rosemont Road, a Collector Street, via the existing curb cut. Rosemont Road is fully developed and meets City standards. No street improvements are required. The criteria are 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.

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...*
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 23: The proposal does not include any internal public streets. Proposed Parcel 1 will take access from Haverhill Court, a Local Street, via the existing curb cut. Haverhill Court is fully developed and meets City standards. Proposed Parcel 2 will take access from Rosemont Road, a Collector Street, via the existing curb cut. Rosemont Road is fully developed and meets City standards. No street improvements are required. The criteria are 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 24: 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. The 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 25: The existing right-of-way width for Rosemont Road is 68 feet and is fully developed as a Collector with Median/Center Lane adjacent to the subject property. No additional right-of-way is required. The existing right-of-way width for Haverhill Court is 108 feet (cul-de-sac bulb) and is fully developed a Local Street adjacent to the subject property. No additional right-of-way is required. The criteria 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 26: The applicant does not propose any new cul-de-sacs or closed-end streets. Proposed Parcel 1 will take access from Haverhill Court, an existing cul-de-sac that meets minimum City standards, including fire apparatus turnaround clearances. The 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 27: The applicant does not propose any new public streets. The proposed partition is adjacent to Haverhill Court, a City street with a functional classification of Local Street, and Rosemont Road, a City street with a functional classification of Collector Street. The proposal does not require access on to an arterial street. No alley is proposed. The 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 28: Both Rosemont Road and Haverhill Court are developed with existing five-foot sidewalks adjacent to the subject property. No new sidewalks are required. Neither Rosemont Road nor Haverhill Court have planter strips and the existing design of the adjacent rights-of-way preclude the installation of new planter strips. The criteria is 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 29: The application is for a partition of Lot 5 of the Haverhill Estates Plat. Proposed Parcel 1 will take access from Haverhill Court, a public street. Proposed Parcel 2 will take access from Rosemont Road, a public street. No new streets or roads are proposed. The criteria are 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 30: The applicant does not propose any gated streets or driveways, nor entryway treatments or street isle designs. The 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 31: The proposal is not a subdivision. This criteria does not apply. However, the proposal will add one additional dwelling unit. The addition of one 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 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 criteria 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 32: The applicant does not propose new street connections or new blocks as existing development patterns preclude a new street connection across the subject property. The proposal is for a minor partition and not required to meet pedestrian/bicycle access spacing as a subdivision is required. 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 33: Staff incorporates the findings found on page 6 in the applicant submittal (Exhibit PD-1). Please also see Staff Findings 2 through 3. 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 34: Please see Staff Findings 4 through 20. Subject to the Conditions of Approval, the criteria is met.

5. *Double Frontage lots and parcels.*

6. *Lot and parcel side lines.*

Staff Finding 35: Staff incorporates the findings found on page 6 in the applicant submittal (Exhibit PD-1). 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...Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot...The following dimensional requirements shall apply to flag lots:*

(...)

8. *Large lots or parcels.*

Staff Finding 36: Staff incorporates the findings found on pages 7 and 8 in the applicant submittal (Exhibit PD-1). The criteria are met.

C. *Pedestrian and bicycle trails.*

(...)

D. *Transit Facilities*

(...)

Staff Finding 37: Adjacent to the subject property, the West Linn Transportation System Plan identifies bicycle lanes on both sides of Rosemont Road and pedestrian infrastructure on the south side of Rosemont Road. The improvements have been constructed as part of the 50-lot Tanner Ridge subdivision across Rosemont Road from the subject property. The closest bus route is greater 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. The criteria are met.

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

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

(...)

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

Staff Finding 38: The site is classified as Type IV lands as 78.8 percent of the property has a slope less than 10 percent. Grading plans will be submitted and reviewed at the time of building permit application and will conform to the Uniform Building Code. The criteria are met.

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

6. *Per the submittals required by CDC 85.170(C)(3), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.*

7. *On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:*

(...)

8. *Land over 50 percent slope shall be developed only where density transfer is not feasible.*

(...)

Staff Finding 39: Staff incorporates the findings found on pages 9 through 10 in the applicant submittal (Exhibit PD-1). The subject property is 78.8 percent Type IV lands. No geologic hazard report is required. The criteria are met.

F. *Water.*

Staff Finding 40: The existing home on proposed Parcel 1 is served by water in Haverhill Court. Water is available in Rosemont Road to serve development on proposed Parcel 2. The Tentative Plan Sheet (page 22, Exhibit PD-1) shows existing utility locations. The City's public water system has sufficient capacity and pressure in this area. The criteria are met.

G. Sewer.

Staff Finding 41: The existing home on proposed Parcel 1 is served by sanitary sewer in Haverhill Court. Sanitary sewer is available in Rosemont Road to serve development on proposed Parcel 2. The Tentative Plan Sheet (page 22, Exhibit PD-1) shows existing utility locations. The City's sanitary sewer system has sufficient capacity to serve the proposed partition. The criteria are met.

H. Storm detention and treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the submitted plan.

Staff Finding 42: The applicant has submitted a Preliminary Storm Water Analysis, prepared by a licensed engineer, which complies with the West Linn Public Works Design Standards, shows no adverse off-site impacts, and provides sufficient factual data to support the conclusions of the plan. The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the 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 subject property contains an existing 15 foot public utility easement along the east property line and six foot slope easement along the frontage of Rosemont Road. The applicant shall record a new eight-foot wide public utility easement adjacent to the proposal's entire frontage of Rosemont Road and Haverhill Court per Condition of Approval 4. Subject to the Conditions of Approval, the criteria is met.

J. Supplemental Provisions

- 1. Wetland and Natural Drainage Ways.*
- 2. Willamette and Tualatin Greenways.*
- 3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.*
- 4. Lighting. All subdivision or alley lights shall meet West Linn Public Works Design Standards.*

Staff Finding 44: Staff incorporates the findings found on page 11 in the applicant submittal (Exhibit PD-1). The criteria are 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 45: 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 additional improvements. The City's sanitary sewer and water systems have sufficient capacity to serve the site. The criteria are 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 46: The subject property meets all three exemption criteria. The area is built out with adjacent properties having above-ground utilities, 93 feet of site frontage on Rosemont Road and 20 feet of site frontage on Haverhill Court, and less than an acre (34,036 square feet). The applicant is not required to underground existing utilities. The criteria are 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 47: The subject property is 34,036 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 three (34,036/10,000), thus the proposal is exempt from the density requirement. 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 48: The subject property contains no heritage trees or significant trees per the City Arborist email dated September 9, 2019 (page 20, Exhibit PD-1). The criteria are met.

VI. 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 49: The applicant will connect to public water, sanitary sewer, and stormwater infrastructure. The improvements will meet City of West Linn Public Works Standards per Condition of Approval 2. Since the applicant has agreed to install the improvements, no nexus and proportionality analysis is required. Subject to the Conditions of Approval, the criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

| For Office Use Only | | |
|--------------------------------------|---------------------------------|-------------------|
| STAFF CONTACT DARREN WYSS | PROJECT NO(S): MIP-19-02 | |
| NON-REFUNDABLE FEE(S) 2800 | REFUNDABLE DEPOSIT(S) | TOTAL 2800 |

Type of Review (Please check all that apply):

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

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

| | |
|--|---------------------------------|
| Site Location/Address: 6223 Haverhill Ct., West Linn | Assessor's Map No.: 21E26AD |
| | Tax Lot(s): 3005 |
| | Total Land Area: 34,035 sq. ft. |

Brief Description of Proposal:

Two lot partition. Parcel 1 contains the existing home on the property. Parcel 2 will be used for a new single-family home.

| | | | |
|---|---------------------|--------|-----------------------|
| Applicant Name: <small>(please print)</small> | Ben Roland | Phone: | 425-214-3112 |
| Address: | 6223 Haverhill Ct | Email: | Bjroland@uwalumni.com |
| City State Zip: | West Linn, OR 97068 | | |

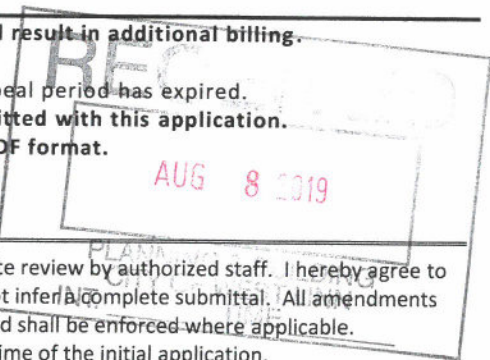
| | | | |
|--|--------------------|--------|--|
| Owner Name (required): <small>(please print)</small> | Same as applicant. | Phone: | |
| Address: | | Email: | |
| City State Zip: | | | |

| | | | |
|--|----------------------------------|--------|----------------------|
| Consultant Name: <small>(please print)</small> | Rick Givens, Planning Consultant | 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.



| | | | |
|-----------------------|------|------------------------------|------------------|
| Applicant's signature | Date | Owner's signature (required) | 8/8/2019 Date |
|-----------------------|------|------------------------------|------------------|

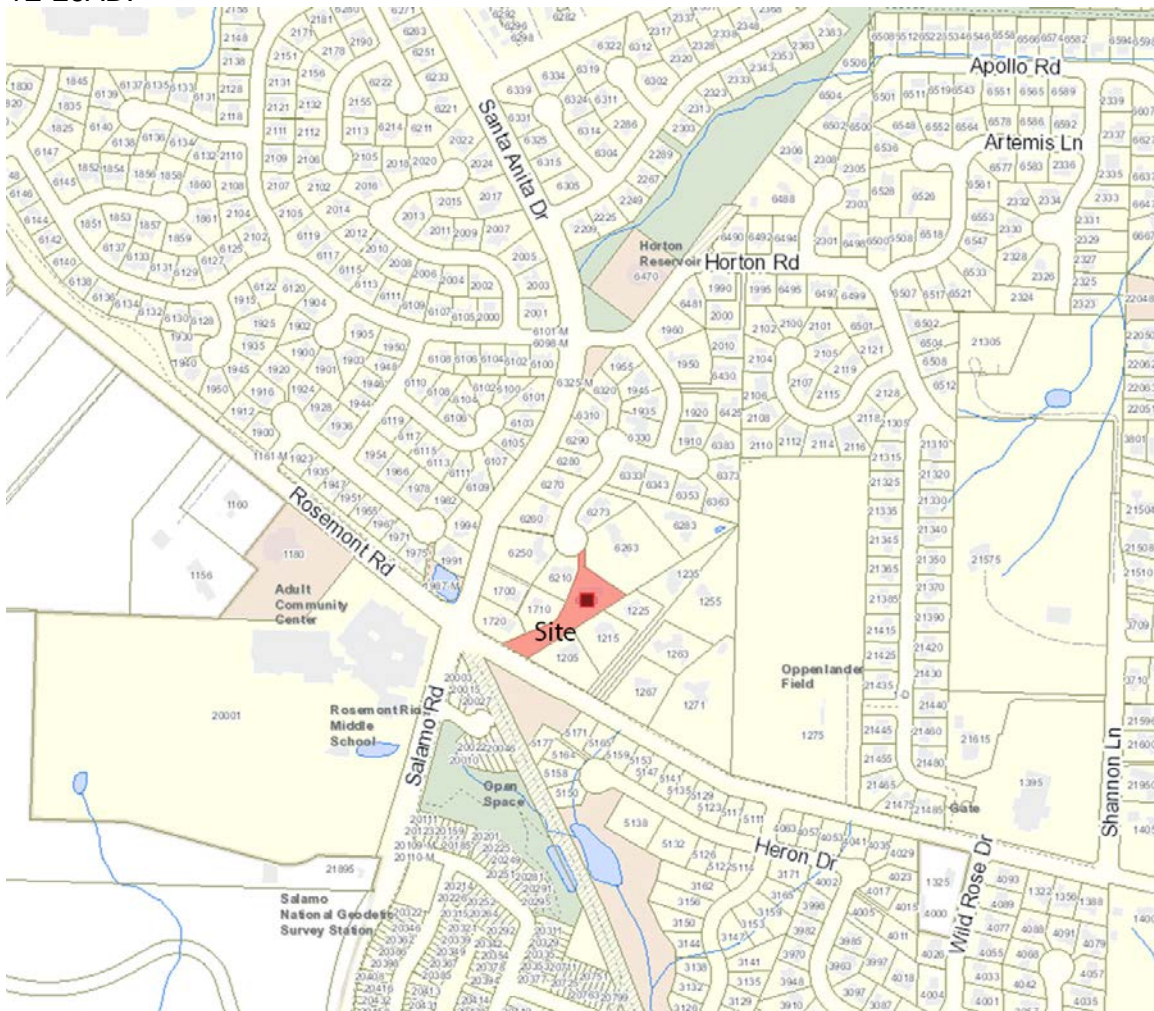
Partition Narrative

6223 Haverhill Court, West Linn

Ben Roland

Proposal: This application requests approval of a two-lot partition for property located at 6223 Haverhill Court in West Linn. There is an existing home on the property that is accessed via Haverhill Ct., but the lot extends through to Rosemont Road. The access to the existing home will remain as is, but the new parcel would be accessed via an existing curb cut on Rosemont Road.

The subject property is situated on the north side of Rosemont Road, approximately 150 feet east of the Santa Anita/Salamo Road intersection. The subject property is 34,027 square feet in area and is presently developed with a single-family home. The property is zoned R-10 and is described as Tax Lot 3005 of Clackamas County Assessor's Map 2-1E-26AD.



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 22,846 sq. ft., and 21,715 sq. ft. net of the access strip to Haverhill Ct. Parcel 2 is 11,189 sq. ft. in area. 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 is approximately 130 feet wide at the front building line of the existing home. Parcel 2 has a front lot line measuring 93.05' in length. This standard is met.

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

Comment: Parcel 1 has an average lot width in excess of 100 feet. Parcel 2 measures 77 feet in width between the midpoints of the side lot lines. 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 on Parcel 1 maintains a 20.7' setback from the northwest property line, which appears to have been set as the front yard per flag lot standards. The rear yard setback, as measured to the southeast property line, is 34.3'. The minimum side setback is 17.1'. 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 roof peak elevation shown for the home on Parcel 1 on the Existing Conditions Map is 738.4'. The surrounding ground elevation is approximately 710 feet, thus the home does not exceed the maximum 35' height standard. Building height for the new home will be reviewed with the building permit.

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

Comment: The house footprint for the home on Parcel 1 is 3,094 sq. ft. The lot area is 22,846 sq. ft. so the lot coverage equates to 13.5 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 1 measures 20 feet in width. This standard is met.

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 3,396 sq. ft. per County Assessor records. Parcel 1's area is 22,846 sq. ft. There are no Type I or II lands on Parcel 1. The FAR is 0.149, which meets this standard. Compliance for Parcel 2 will be reviewed with the building permit.

10. The sidewalk provisions of Chapter 43 CDC shall apply.

Comment: The existing home on Parcel 1 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. Parcel 1 fronts onto Haverhill Ct. and Parcel 2 fronts onto Rosemont Road. Parcel 2 will be accessed via a shared driveway with the existing home. The existing development pattern is fully developed to R-10 density surrounding the property so there is no need or opportunity for connecting streets. Both Rosemont Road and Haverhill Ct. are fully improved to City standards.

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 south, and Haverhill Ct., to the north. For this reason, no changes to the existing block pattern are proposed.

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. Parcel 1 will contain the existing home in compliance with required yards and lot coverage standards. Parcel 2 provides a reasonable building site for a new single-family detached home. 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.

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: The existing property is a double frontage lot, but following approval of this partition no double frontage lots or parcels will exist. Parcel 1 will front onto Haverhill Court and Parcel 2 will front onto Rosemont Road.

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 set by the existing property configuration. No changes are proposed.

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.*

Comment: The parent lot, Lot 5 of Haverhill Estates, was approved and developed as a flag lot due to the lack of street frontage on Haverhill Ct. Parcel 1, which contains the existing home, will continue to be a flag lot. Setbacks will continue to comply with zoning requirements, as discussed above under R-10 standards.

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.*

Comment: The orientation of the front yard was established at the time of building permit for the existing home on the property. The proposed partition does not impact the orientation or the setbacks for the existing home except that the rear yard will be reduced to 87.6', which exceeds the minimum setback standard of the R-10 district.

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

Comment: Parcel 1 contains a total of 22,846 sq. ft. The access strip measures 1,131 sq. ft. in area. Subtracting this from the total yields a net area of 21,715 sq. ft., which exceeds the 10,000 sq. ft. minimum lot size of the R-10 zone.

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.*

Comment: There is no minimum lot depth standard for the R-10 zone.

e. *As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.*

Comment: The existing paved driveway width to Parcel 1 is 12', as required per this subsection.

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: An easement is not needed in this instance. Parcel 1 has a 20' access strip to Haverhill Ct.

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: Although Parcel 1 contains enough area to allow for a future lot split, there is not enough room given the location of the existing house to allow for the creation of a lot that would meet minimum lot area requirements. The existing home is a large, well maintained residence that was built in 2002 and, therefore, is not likely to be demolished for a future lot split.

C. Pedestrian and bicycle trails.

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

D. Transit facilities.

Comment: There is no Tri-Met bus service 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:*

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

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

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

Comment: No grading activities are planned at this time. No new streets are proposed. Parcel 1 is fully developed and does not require any grading. A grading plan for Parcel 2 will be reviewed at the time of building permit application. That plan will conform to these standards.

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

Comment: No fill activities are proposed.

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

Comment: No grading is planned. Future grading for the home construction on Parcel 2 will comply with this requirement.

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

Comment: No grading is proposed.

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

Comment: Type I land is defined as slopes greater than 35% grade over 50% or more of a site. The subject property is 78.8% Type IV land (having slopes of less than 10% grade). There is a small area of slopes greater than 35% grade (967 sq. ft.) to the north of the existing driveway curb cut on Rosemont Road. No disturbance of that area is planned, nor will it likely be necessary for the future home construction as the existing driveway is outside of the steep area and the home will sit farther back due to setback requirements.

6. *Per the submittals required by CDC 85.170(C)(3), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.*

Comment: There are no known broad general geologic hazards in this area.

7. *On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:*

a. *Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.*

b. *Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists.*

c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.

d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.

e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

Comment: The future grading plan for the construction of a home on Parcel 2 will comply with these standards and will be reviewed at the time of building permit.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:

a. At least 70 percent of the site will remain free of structures or impervious surfaces.

b. Emergency access can be provided.

c. Design and construction of the project will not cause erosion or land slippage.

d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Comment: As noted above and as shown on the Slope Analysis drawing submitted with this application, there is a small area of steep slope (967 sq. ft.) immediately north of the existing curb cut onto Rosemont Road. No development in that area is proposed, however.

F. Water.

Comment: Water service to the new parcel will be provided from the existing 8" water line in Rosemont Road. The existing home is connected to the existing water line in Haverhill Ct. No new public water lines are proposed. A new water meter for Parcel 2 will be provided in the public right-of-way on Rosemont Road.

G. Sewer.

Comment: The existing home is served from a sewer line along the northeast property line which provides service to Haverhill Ct. Sewer service to Parcel 2 will be provided from an existing sewer line in Rosemont Road. This will require boring under the pavement.

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 are already in place on both Haverhill Ct. and Rosemont Road.

4. Lighting.

Comment: There is an existing street light in Haverhill Ct. that provides adequate lighting. Street lights were recently installed along Rosemont Road as a part of the improvements to that street. No additional street lights are required.

5. Dedications and exactions.

Comment: Both Rosemont Road and Haverhill Ct. have rights-of-way consistent with City standards. No other exactions are warranted.

6. Underground utilities.

Comment: Existing utilities on Rosemont Road and Haverhill Ct. are underground. Any new utilities required for the future house services to Parcel 2 will also be installed underground.

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.*

Comment: The proposed partition contains two lots and, therefore, is exempt from the minimum density standard.

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 no 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. The one new dwelling will generate approximately 10 trips per day.

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. Parcel 1 has a driveway onto Haverhill Ct. The home to be built on Parcel 2 will utilize the existing curb cut 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: Both parcels have access to a public street. The existing home has a driveway onto Haverhill Ct. Parcel 2 will make use of an existing driveway via Rosemont Road. No consolidation of access is warranted as each driveway will serve one home.

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: No new curb cuts onto an arterial street are proposed. Rosemont is classified as a minor arterial street, but there is no alternative to access Parcel 2 other than from the existing driveway due to the placement of the existing home on Parcel 1.

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. Existing driveway curb cuts will be used to access both parcels. No new accesses are proposed.

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or

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

Comment: Only one access point per lot is proposed.

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

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

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

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

Comment: No shared driveways are proposed.

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: All surrounding properties are fully developed so it is not possible to extend a local street through the site to create a new block.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

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

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

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

Comment: The TSP designates this stretch of Rosemont Road as a minor arterial street. No new driveways are proposed as the access to Parcel 2 already exists. There is no alternative to access Parcel 2 as the placement of the existing home does not allow access from Haverhill Ct.

- 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 existing driveway to the home on Parcel 1 complies with all of the above standards. The driveway serving Parcel 2 is approximately 15% in grade at its maximum. At present, the driveway is roughly centered in Parcel 2. When a home is built on this lot, the driveway will need to swing to the south to align with a garage on the south side of the home. Making that swing will reduce the grade of the driveway. A grading plan for the driveway will be reviewed for compliance at the time of building permit application. .

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: No portion of the homes on either parcel will be farther than 150 feet from the streets serving them.

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 driveways will not require on-site maneuvering.

- 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: The driveway to Parcel 2 makes use of an existing curb cut onto Rosemont Road, a minor arterial street. This driveway is the only feasible access to Parcel 2 as the placement of the existing house precludes access to Haverhill Ct.

- 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 existing development.

- 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 cuts comply with this minimum.

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

Comment: No new curb cuts are proposed and the existing ones do not exceed 36 feet.

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

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

Comment: No new curb cuts onto Rosemont are proposed.

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 closest curb cut onto Rosemont Road, other than the existing one for the subject property, is located approximately 240 feet to the southeast. This standard is met.

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 two existing curb cuts, one per home, 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 Arborist and a field visit was conducted. The City's arborist determined that 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. The rain garden will be lined so there will be no infiltration, only treatment. Overflow will be to the existing storm sewer in Rosemont Road.

From: [Perkins, Michael](#)
To: ["Rick Givens"](#)
Cc: [Wyss, Darren](#)
Subject: RE: MIP-19-02 application for 2-Lot Minor Partition at 6223 Haverhill Court
Date: Monday, September 9, 2019 8:35:49 AM

There were no significant trees present at this address

From: Rick Givens [mailto:rickgivens@gmail.com]
Sent: Friday, September 06, 2019 2:20 PM
To: Perkins, Michael <mperkins@westlinnoregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>
Subject: MIP-19-02 application for 2-Lot Minor Partition at 6223 Haverhill Court

Hi Mike,

Darren Wyss needs confirmation for the record that you and I visited this property off of Rosemont Rd. and Haverhill Ct. and that you determined that there are no significant trees present. Would you please reply to this email to confirm?

Thanks,

Rick

EXISTING CONDITIONS MAP

TAX LOT 3005, MAP 25, 1E, 26AD
 LOCATED IN THE N.E. 1/4 SECTION 26, T.2S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 APRIL 23, 2019 SCALE 1"=30'

SURVEY NOTES:

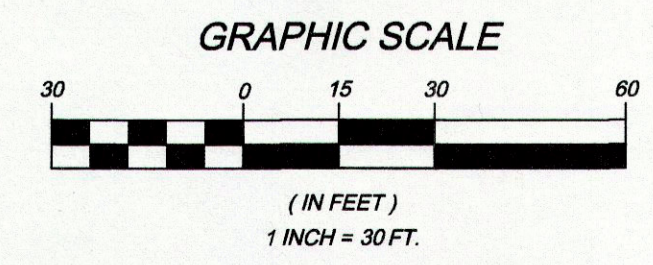
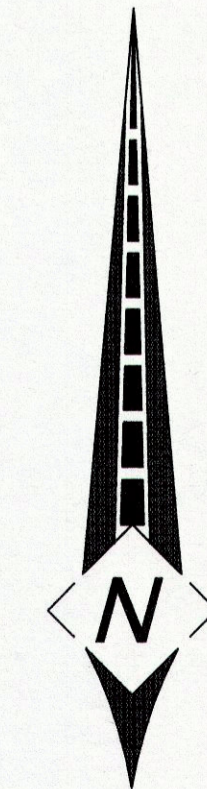
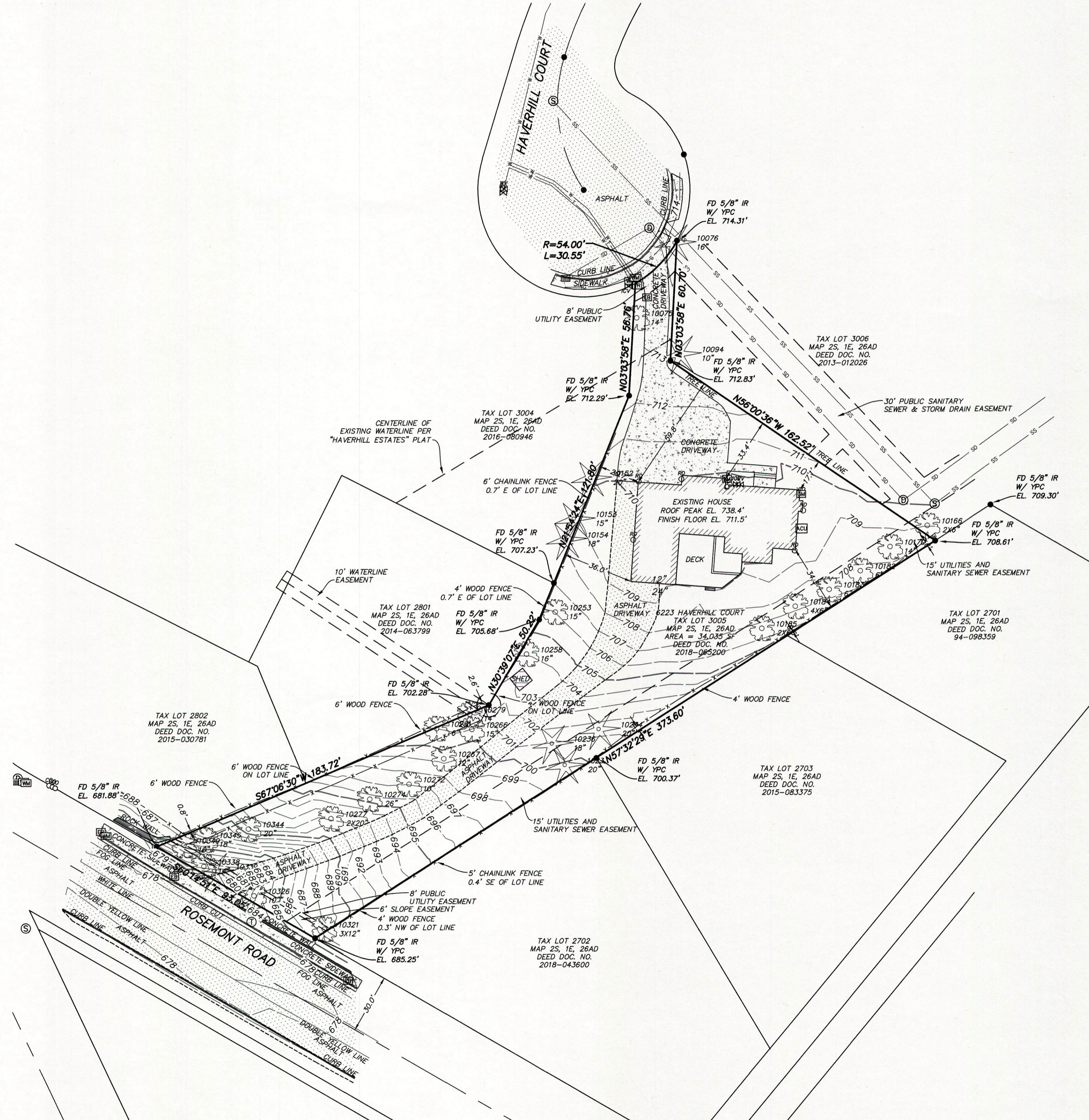
THE DATUM FOR THIS SURVEY IS BASED UPON NAVD-88, BENCH MARK "SALAMO" WITH AN IDENTIFICATION NUMBER OF PID-AJB196. THE ELEVATION OF THIS BENCH MARK IS 672.72 FEET.
 A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.
 THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "TANNER RIDGE", RECORDS OF CLACKAMAS COUNTY.
 THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.
 NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.
 NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

LEGEND:

Some Symbols shown may not be used on map

- | | |
|----------------------------|---------------------|
| DECIDUOUS TREE | TRAFFIC SIGNAL POLE |
| EVERGREEN TREE | UTILITY POLE |
| STORM SEWER MANHOLE | LIGHT POLE |
| CATCH BASIN | GUY WIRE |
| SANITARY SEWER CLEANOUT | ELECTRIC BOX |
| SANITARY SEWER MANHOLE | ELECTRIC METER |
| WATER MANHOLE | ELECTRIC RISER |
| WATER METER | TRANSFORMER |
| WATER VALVE | ELECTRIC RISER |
| GAS VALVE | HEAT PUMP |
| GAS METER | OVERHEAD LINE |
| BOLLARD | GAS LINE |
| SIGN | ELECTRICAL LINE |
| MAILBOX | COMMUNICATIONS LINE |
| UTILITY RISER | SANITARY SEWER LINE |
| TELEPHONE MANHOLE | STORM DRAIN LINE |
| UTILITY BOX | WATER LINE |
| STORM OUTFALL | FENCELINE |
| FOUND MONUMENT | HANDRAIL |
| DOWN SPOUT TO STORM SYSTEM | |
| FD = FOUND | |
| FI = FIR TREE | |
| PI = PINE TREE | |
| CE = CEDAR TREE | |
| IP = IRON PIPE | |
| IR = IRON ROD | |
| YPC = YELLOW PLASTIC CAP | |
| DE = DECIDUOUS TREE | |



SIGNED ON: *[Signature]*
 REGISTERED PROFESSIONAL LAND SURVEYOR
[Signature]
 OREGON
 JULY 13, 2004
 TOBY G. GOLDEN
 80377LS
 RENEWS: DECEMBER 31, 2019

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

Applicant/Owner:
Ben Roland
6223 Haverhill Court
West Linn, OR 97068
PH: (425) 214-3112

Legal: 2S 1E 26AD Tax Lot 3005

Parcel 1 Lot Coverage:
3,094 sq. ft. = 13.5%

Water: City of West Linn

Sewer: City of West Linn

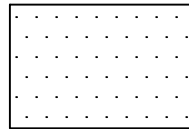
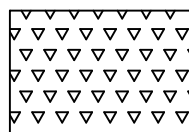
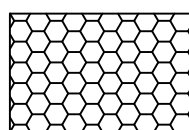
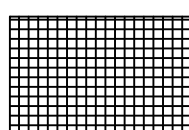
Surveyor:
Centerline Concepts
19376 Molalla Ave., Suite 120
Oregon City, Oregon 97045
PH: (503) 650-0188

Contours: Centerline Concepts, Inc.

Site Area: 34,035 sq. ft.

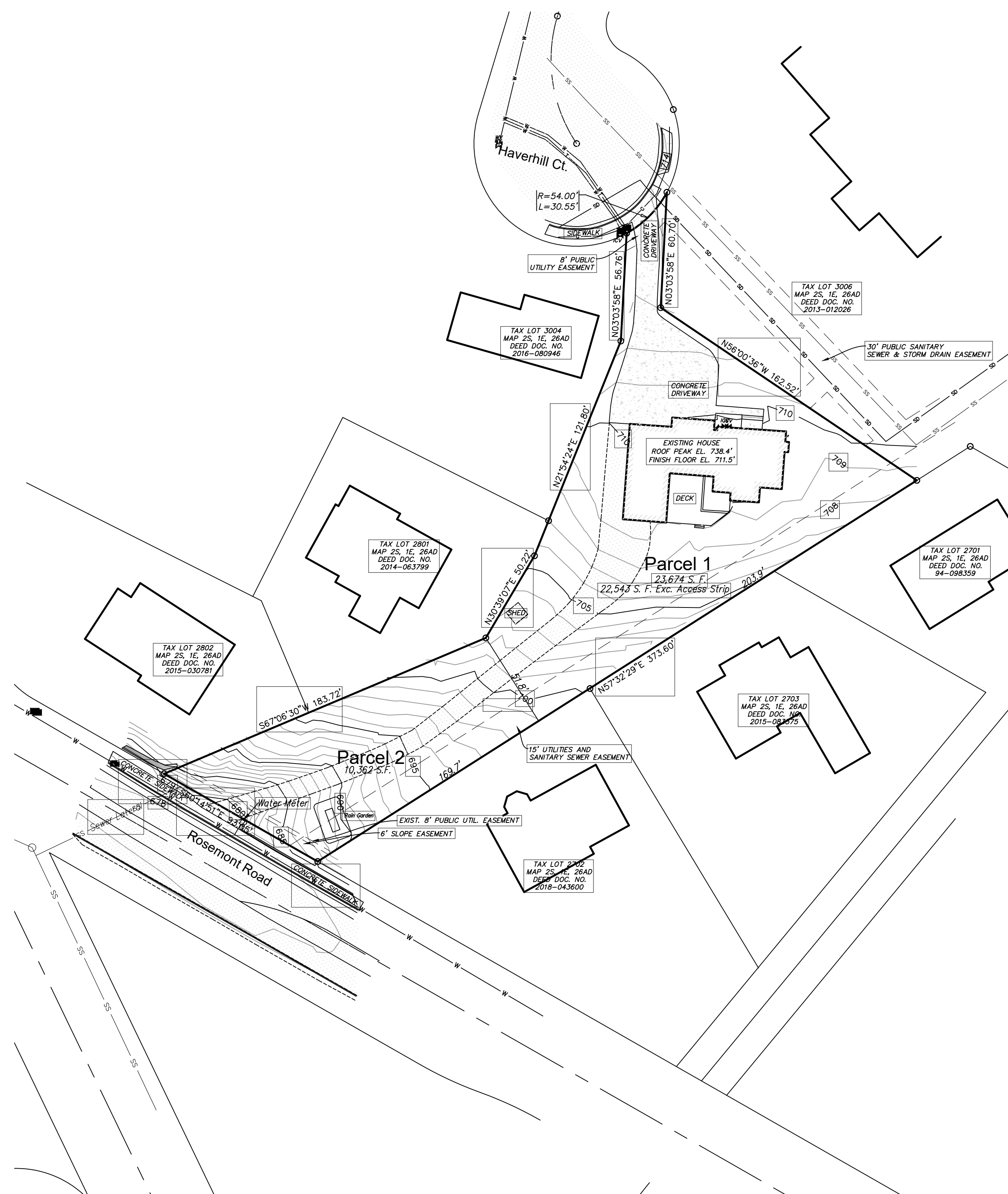
Zoning: R-10

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

-  Slopes 0-9.99% Grade
26,813 sq. ft., 78.8%
-  Slopes 10-24.99% Grade
5,897 sq. ft., 17.3%
-  Slopes 25-34.99% Grade
356 sq. ft., 1%
-  Slopes 35% + Grade
967 sq. ft., 2.8%



Vicinity Map



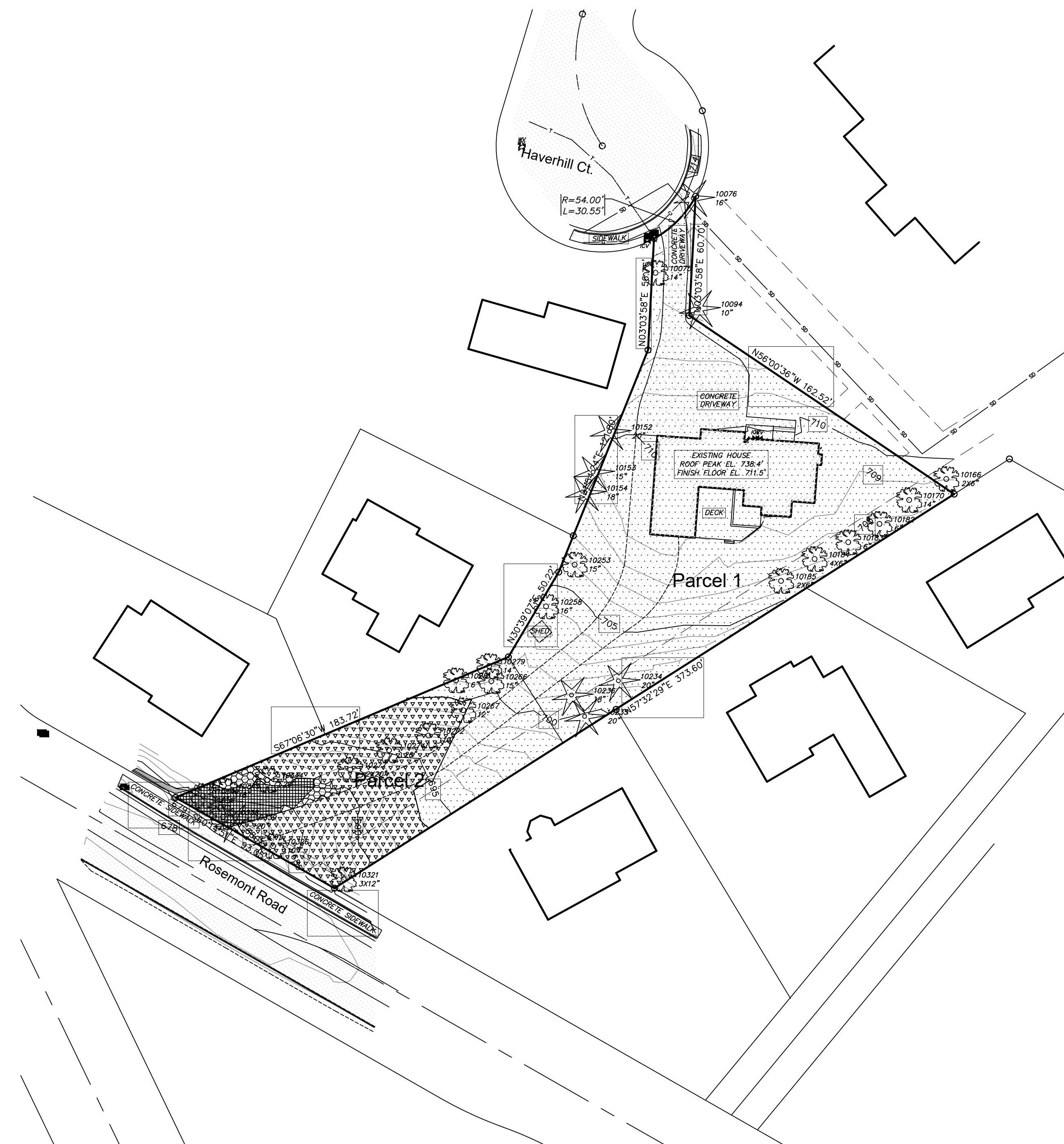
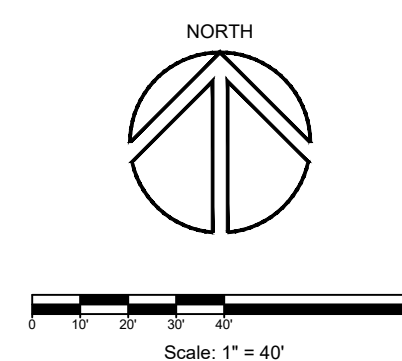
Tentative Plan

DENSITY CALCULATIONS:

Gross Site Area: 34,035 square feet.
Type I & II Lands: 0 square feet.
ROW Dedication & Flag Strip: 1,131 sq. ft.
Net Site Area: 32,904 sq. ft.
Maximum Density @ 1 Unit Per 10,000 sq. ft. = 3 lots.
Minimum Density - Not applicable for partitions.

SIGNIFICANT TREES:

None on property per City Arborist.



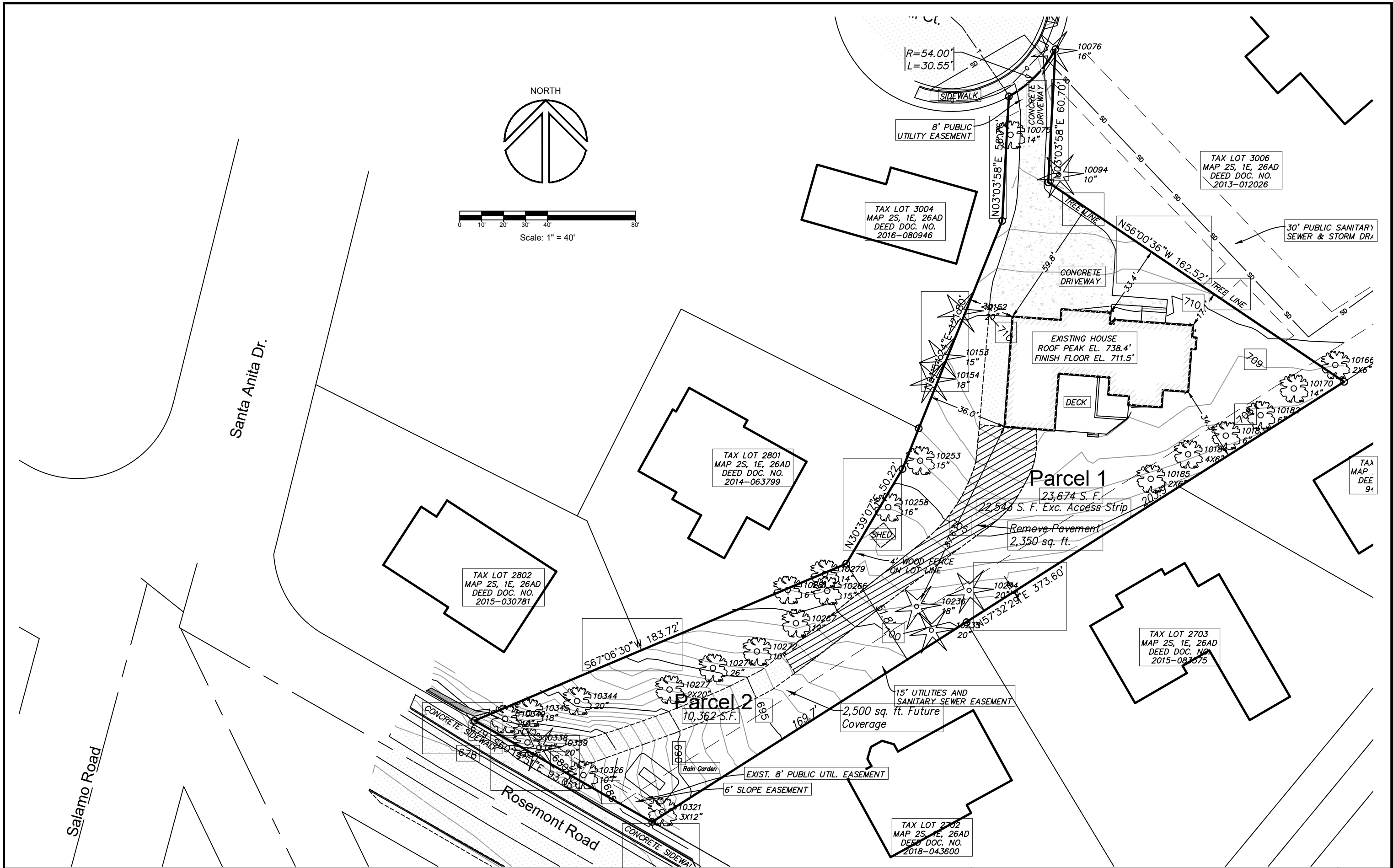
Slope Analysis

| | | | |
|-------------------|---------|-----|---|
| DESIGNED: REG | 9-16-19 | 1 | Revised to address incompleteness letter. |
| DRAWN: REG | | | |
| SCALE: 1" = 40' | | | |
| DATE: August 2019 | | | |
| FILE: 19-ROL-100 | DATE | NO. | REVISION |

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

APPLICANT: Ben Roland
6223 Haverhill Court
West Linn, OR 97068
PH: (425) 214-3112

6223 Haverhill Ct. Partition
Tentative Plan



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

APPLICANT: Ben Roland
 6223 Haverhill Court
 West Linn, OR 97068
 PH: (425) 214-3112

Roland Partition Plan
 6223 Haverhill Ct.



Haverhill Partition Preliminary Storm Water Analysis

DESCRIPTION:

This property is approximately 0.78 acres with an existing house on the northerly side of the property. There is vehicular access to both Rosemont Road and Haverhill Court. The proposed partition application would be for a two lot partition, creating a parcel of approximately 11,000 SF with access to Rosemont Road. The new parcel slopes towards Rosemont Rd. and there is a curb, walk and driveway approach to the site.

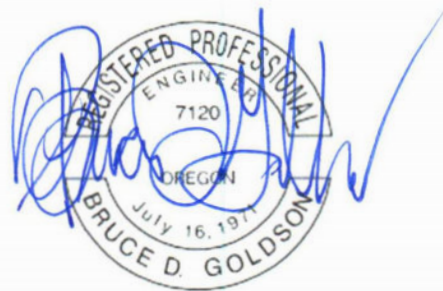
The USDA soils web site finds the site to be 23 Cornelius silt loam with a hydrologic type C soil. This soil infiltrates slowly and it would be difficult to impossible to keep all the storm water from impervious surfaces on site.

There is an existing public storm sewer to the west and a natural channel across Rosemont Road to the south.

PRELIMINARY DESIGN:

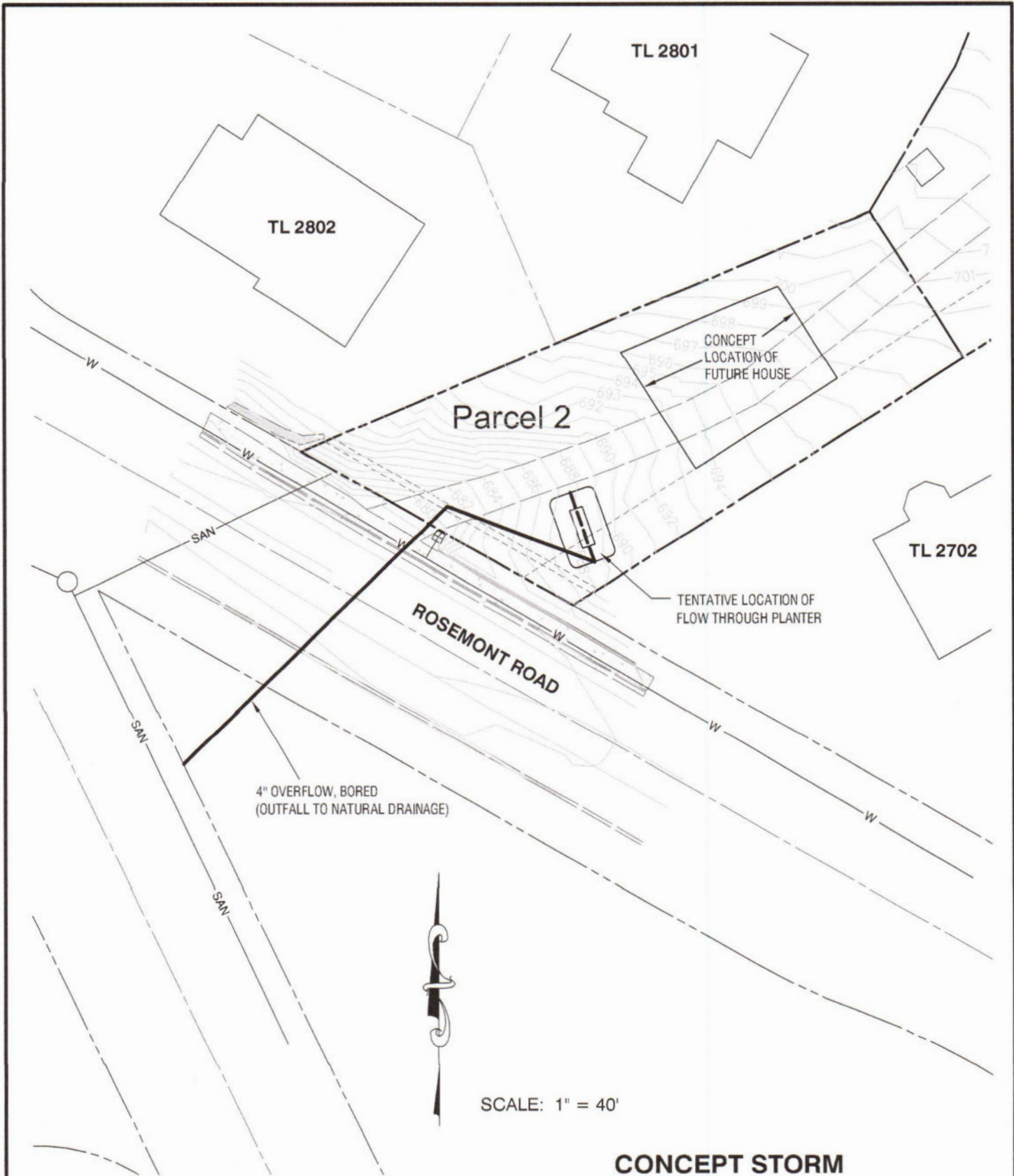
The result of a meeting with West Linn engineering finds that boring under Rosemont Road to direct a storm water overflow pipe to the existing drainage way would be acceptable. On site, due to the steep terrain a planter box would be sized to provide water quality for the impervious area. The location and size of this facility would be determined at building permit application for improvements on parcel 2. City engineering stated that the storm water could be deferred to the building permit.

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------------|----------------|
| 23B | Cornelius silt loam, 3 to 8 percent slopes | 0.0 | 2.2% |
| 23D | Cornelius silt loam, 15 to 30 percent slopes | 0.3 | 97.8% |
| Totals for Area of Interest | | 0.3 | 100.0% |



EXPIRES: 06/30/2021
SIGNATURE DATE: 10/28/19

Prepared By:
Bruce D. Goldson, PE
Theta
October 28, 2019



2019-326

**CONCEPT STORM
COLLECTION AND DISPOSAL**

Theta, llc

ENGINEERING - SURVEYING - PLANNING
 PO Box 1345
 Lake Oswego, Oregon 97035
 503-481-8822
 email: thetaeng@comcast.net

6223 Haverhill Ct. Partition
 West Linn, Oregon 97068

PD-2 PUBLIC COMMENT

From: [Joe Durbin](#)
To: [Wyss, Darren](#)
Subject: MIP-19-02 6223 Haverhill property split
Date: Monday, November 18, 2019 10:06:51 AM

Darren,

I'm writing regarding the above reference property. I am an affected property owner with major concerns on the impact of this proposal would have on safety.

The entrance off Rosemont driving to the East requires a left turn. There is no left turn lane present which is a huge safety concern. The entrance is a little shy of 150 feet from the busy Rosemont/Salamo/Santa Anita intersection. Given the pedestrian and car traffic at that intersection, when a car stops to turn left so close to the intersection, there will be significant traffic clogging that will back up into the intersection which is a big problem. This is compounded by Rosemont Ridge's locality and the number of children walking and buses traveling in the vicinity. Upon the first auto incident or worse yet, a pedestrian being struck even if in the crosswalk, the city could face a lot of ramifications if they signed off on this approval. This is not currently a problem because the main entrance to the property with the driveway is the Haverhill street access. The Rosemont entrance is used very little. I have to say it is a unique property as it was designed as a "circle loop" for an RV to enter through a double door garage and exit out to Haverhill without having to reverse and turn around which requires tremendous space. For that purpose, it's relative little use but flexibility to use as an option has worked well. That entrance was never designed to serve as the main driveway to a primary property landlocked on the other adjacent sides and so close to a major intersection. In addition, with steepness of the curves of the current driveway, the concrete barriers, and bushes/landscaping, the blind-spots for pedestrians and cyclists is another issue.

West Linn likes to boast about its livability which is warranted. This project does not help us live up to that standard.

Thank you.

Joe Durbin
1710 Santa Anita Dr.
503-358-7049

PD-3 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-19-02 Applicant's Name Ben Roland
Development Name 6223 Haverhill Ct
Scheduled Meeting/Decision Date 12-19-19

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) 11-27-19 (signed) JS
- B. Affected property owners (date) 500ft 11-27-19 (signed) JS
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) all 11-27-19 (signed) JS
- 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) JS
City's website (posted date) 11-27-19 (signed) JS

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) 12-9-2019 (signed) Don S Up

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) Don S Up

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

(date) 2-10-2020 (signed) Don S Up

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIP-19-02**

The West Linn Planning Manager is considering a request for a two-lot Minor Partition at 6223 Haverhill Court.

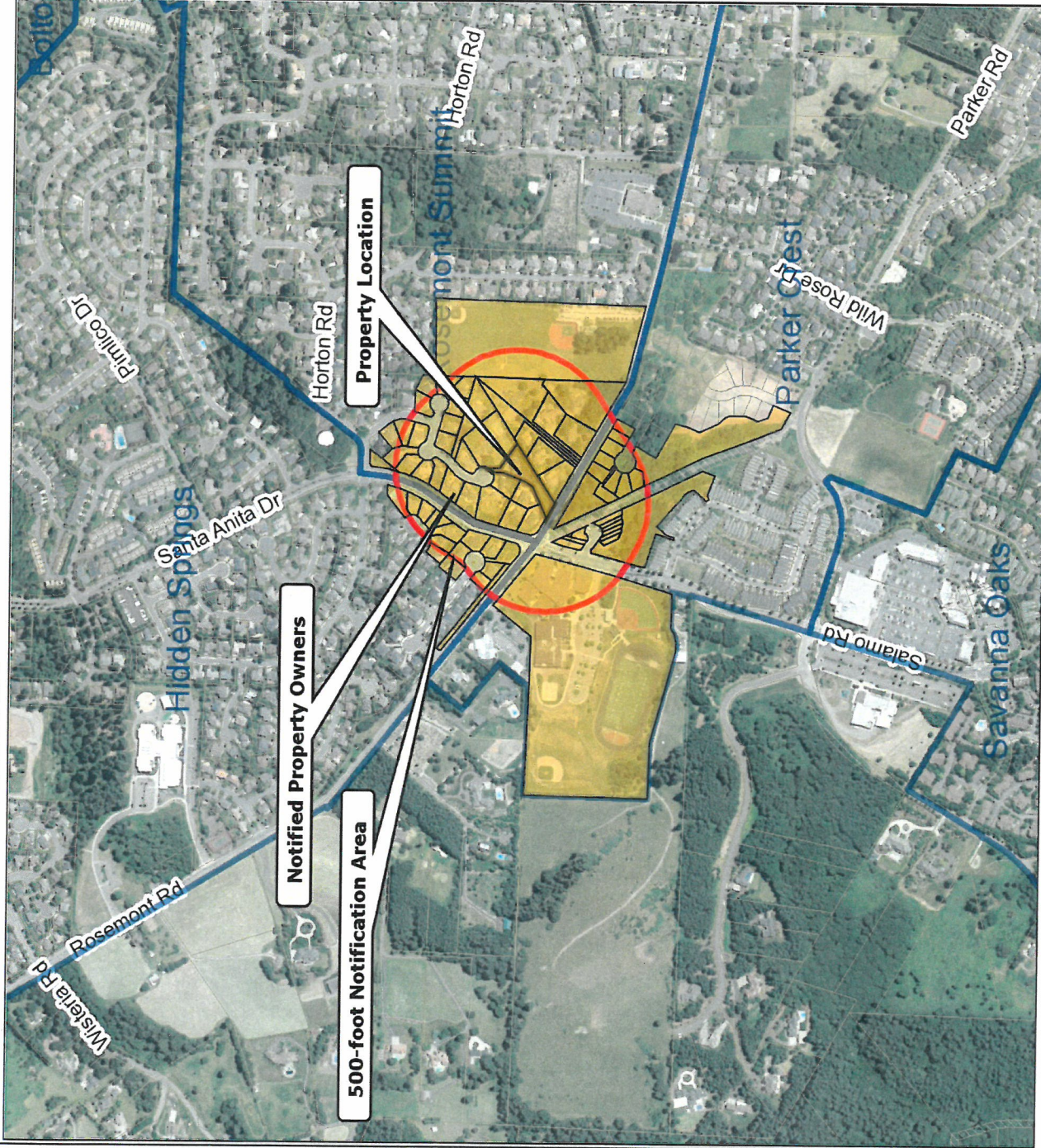
The decision will be based on the approval criteria in Chapters 11, 48, 85, 92, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 3005 of Clackamas County Assessor Map 21E 26AD) 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 <https://westlinnoregon.gov/planning/6223-haverhill-court-2-parcel-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 December 19, 2019.** 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.

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.** 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.

MIP-19-02 6223 Haverhill Court



Feet
0 400

Scale 1:3,600 - 1 in = 800 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: LSCHRODER
Date Created: 26-Nov-19 04:00 PM

WEST LINN GIS

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



**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-19-02
MAIL: 11/27/2019 TIDINGS: n/a**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns 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-4 COMPLETENESS LETTER



CITY OF
West Linn

November 14, 2019

Ben Roland
6223 Haverhill Court
West Linn, OR 97068

SUBJECT: MIP-19-02 application for 2-Lot Minor Partition at 6223 Haverhill Court

Ben:

You submitted this application on August 8, 2019. The Planning and Engineering Departments found that this application was incomplete on September 6, 2019. All required information was subsequently provided on September 16, 2019 and November 4, 2019 and the application has now been deemed **complete**. The city has 120 days to exhaust all local review; that period ends March 3, 2020.

Please be aware that 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 if you have any questions or comments.

Sincerely,

Darren Wyss
Associate Planner