



CITY OF  
**West Linn**  
 PLANNING AND DEVELOPMENT

**STAFF REPORT  
 PLANNING MANAGER DECISION**

DATE: November 12, 2019

FILE NO.: MIS-19-07

REQUEST: Request for two year extension of a 2016 approval (MIP-16-02) for a 3-lot partition at 22995 Bland Circle

PLANNER: Jennifer Arnold, Associate Planner

Community Development Director 

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## GENERAL INFORMATION

<b>APPLICANT/ OWNER:</b>	Brian and Inger Babcock, 22995 Bland Circle West Linn, OR 97068
<b>SITE LOCATION:</b>	22995 Bland Circle
<b>SITE SIZE:</b>	1.04 acres; 45,437 square feet
<b>LEGAL DESCRIPTION:</b>	Tax Lot 1400 of Clackamas County Assessor's Map 21E 026C
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>ZONING:</b>	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 11: R-10, Single-Family Residential Detached; Chapter 85: Land Division; Chapter 99.325: Extensions of Approval
<b>120-DAY RULE:</b>	The application became complete on October 4, 2019. The 120-day period therefore ends on February 1, 2020.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 500 feet of the subject property and to all neighborhood associations on October 14, 2019. A sign was placed on the property on October 24, 2019. The notice was also posted on the City's website on October 14, 2019. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

This application is a request for a two-year extension to a previously approved minor partition at 22995 Bland Circle (MIP-16-02). The applicant is requesting the extension in order to complete the conditions of approval. The applicant has not requested any modifications to the original partition application. Staff has recommended the same conditions of approval from MIP-16-02.

### **Public comments:**

No public comments were received by the close of the comment period (November 4, 2019 at 4:00pm).

## DECISION

The Planning Manager (designee) approves this application (MISC-19-07), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

**1. Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Tentative Plan for a Three-Parcel Partition Plat, date stamped June 21, 2016.

**2. Engineering Standards.** All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite storm water design, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval.

**3. Street Improvements.** Prior to final plat approval, the applicant shall dedicate on the face of the plat an additional 12.5 feet of ROW and complete half street improvements including curb, planter strip and sidewalks, and street trees for the portion of Bland Circle abutting the subject property. Street improvements including curb, planter strip and sidewalks, and street trees along Killarney/Alpine Drive abutting the subject property must also be completed.

**4. Access.** The applicant shall provide one access point from Killarney/ Alpine Drive in the form of a shared driveway to access both lots A and B. The access drive must be constructed to city standards prior to issuance of final building Certificate of Occupancy. Lot C will use the existing access via Bland Circle with no changes.

**5. Significant tree protection.** The applicant shall coordinate with the City Arborist prior to any removal of trees identified as significant or any amendments to the submitted report (Existing Conditions Map, pg. 39-41 of applicant's submittal).

**6. Underground Utilities.** The applicant shall place all existing overhead utilities and associated services along Bland Cir underground subject to review and approval from PGE and the City's Engineer.

**7. Easements.** The applicant shall provide and record a 20' public utility easement along the west property line of Lot A for future utility connection. The easement shall be recorded on the face of the partition plat.

**8. Utility Extensions.** The applicant shall extend the existing 8" water main located on Alpine Dr. in accordance with the Public Works Standards to provide water services for the existing lot and the two newly created lots.

**9. Onsite Sanitation.** The applicant shall demolish and abandon the existing onsite sanitary sewer septic system in accordance with DEQ Standards and connect to the public sanitary sewer main. The applicant shall also install sanitary sewer service connection for the two newly created lots (Lot A and Lot B).

**10. Extension.** This two year extension will lapse and be void on November 12, 2021

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

  
Jennifer Arnold, Associate Planner

November 12, 2019  
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. 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 a building permit is not submitted.

Mailed this 12<sup>th</sup> day of November, 2019.

Therefore, the 14-day appeal period ends at 5 p.m., on November 26, 2019.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MISC-19-07**

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

*Chapter 11: SINGLE-FAMILY RESIDENTIAL DETACHED, R-10*

*11.030 PERMITTED USES*

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

- 1. Single-family detached residential unit.*

**Staff Finding 1: The applicant was approved for a 3-lot partition for single-family homes in October 2016 (MIP-16-02). The applicant has requested an extension in order to complete the conditions of approval. No proposed changes from the original application of a 3-lot partition for single-family homes. This criteria is met.**

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

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

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 3. The average minimum lot width shall be 50 feet.*
- 4. Repealed by Ord. 1622*

**Staff Finding 2: The subject property is 45,437 square feet with an average width of approx. 160 feet, including a front lot line width of 161 feet. FAR, building height, driveway placement, lot coverage and setbacks will be reviewed prior to issuance of a building permit. The criteria are met.**

*99.325 EXTENSIONS OF APPROVAL*

*A. An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC [99.060](#)(A), (B), (C), (D) or (E), as applicable, upon finding that:*

- 1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and*

2. *There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or*

3. *The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.*

**Staff Finding 3: The original minor partition application of 2016 (MIP-16-02) was found to be in conformance with the minor partition provisions of CDC Chapter 11, 85 and 92 and was subsequently approved. Staff finds that the application continues to be in conformance with the applicable CDC provisions. Staff does not find any evidence of a demonstrated material misrepresentation, errors, omissions or changes to the original application. No modifications to the original partition is proposed at this time. This criteria is met.**

*B. Repealed by Ord. 1675.*

*C. Repealed by Ord. 1675.*

*D. Repealed by Ord. 1635.*

*E. Extension procedures.*

1. *The application for extension of approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC [99.030\(B\)](#). If no modifications are made to the original approval, a pre-application conference is not required.*

**Staff Finding 4: No modifications to the original application have been proposed. The applicant is requesting additional time to complete previously approved conditions of approval.**

**PD-1 AFFADAVIT AND NOTICE PACKET**

# AFFIDAVIT OF NOTICE

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

## GENERAL

File No. MISC-19-07 Applicant's Name Brian and Inger Babcock  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 11/14/19

**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) 10/14/2019 (signed) ZS  
B. Affected property owners (date) 10/14/19 (signed) ZS  
C. School District/Board (date) n/a (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) n/a (signed) ZS  
E. Affected neighborhood assns. (date) 10/14/19 - all (signed) ZS  
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) \_\_\_\_\_  
City's website (posted date) 10-14-19 (signed) ZS

## 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) 10/24/19 (signed) Jenik Arnold

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

## TYPE B \_\_\_\_\_

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

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

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

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

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

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



**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. MISC-19-07**

The West Linn Planning Manager is considering a request for a two year extension of a 2016 approval for a three lot minor partition (MIP-16-02) at 22995 Bland Circle.

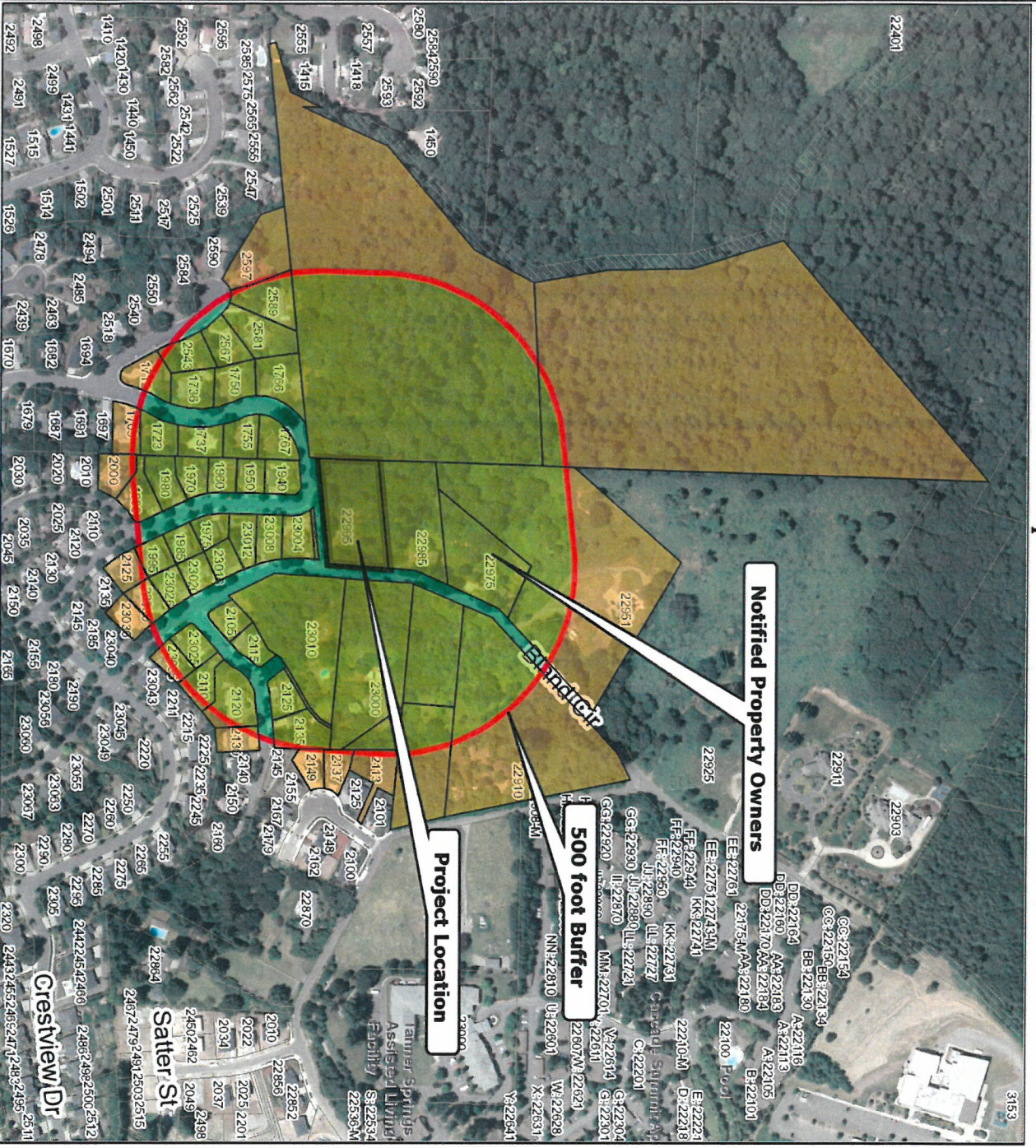
The decision will be based on the approval criteria in Chapters 11, 85, 92 and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <https://www.codepublishing.com/OR/WestLinn/#!/WestLinnCDC/WestLinnCDCNT.html>

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 1400 of Clackamas County Assessor's Map 21E 26C) or as otherwise required by Chapter 99 of the CDC.

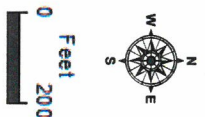
All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <https://westlinnoregon.gov/planning/22995-bland-circle-request-extension-complete-mip-16-02> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on November 4, 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 Jennifer Arnold, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6057, [5jarnold@westlinnoregon.gov](mailto:5jarnold@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.

# 22995 Bland Circle Notification Map



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) MapDx.



Scale 1:4,800 - 1 in = 400 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: LSCHROEDER  
Date Created: 14-Oct-19 08:33 AM  
**WEST LINN GIS**



**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # MISC-19-07  
MAIL: 10/14/2019 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-2 COMPLETENESS LETTER**



CITY OF  
**West Linn**

October 4, 2019

Brian & Inger Babcock  
22995 Bland Circle  
West Linn, OR 97068

SUBJECT: MISC-19-07 application for a two year time extension of approval for 3-lot partition:  
MIP-16-02

Dear Brian and Inger:

Your application submitted on September 9, 2019 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends February 1, 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 Manager to render a decision on your proposal.

Please contact me at 503-742-6057, or by email at [jarnold@westlinnoregon.gov](mailto:jarnold@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Jennifer Arnold  
Associate Planner

## **PD-3 APPLICANT SUBMITTAL**

**DEVELOPMENT REVIEW APPLICATION**

For Office Use Only

STAFF CONTACT	PROJECT NO(S). <b>MISC-19-07</b>	
NON-REFUNDABLE FEE(S) <b>500</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>500</b>

**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 checked="" type="checkbox"/> Time Extension *                     |
| <input type="checkbox"/> Design Review (DR)                    | <input 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:**

22995 Bland Circle  
West Linn, OR

Assessor's Map No.: 21E26C

Tax Lot(s): 1400

Total Land Area: 1.04 Acres

**Brief Description of Proposal:**

Time extension for MIP 16-02 to allow time for the completion of the final partition plat.

**Applicant Name:**  
(please print)

Brian and Inger Babcock

Phone: 541 543-9177

Address:

22995 Bland Circle  
West Linn, OR 97068

Email: tothefullest@ymail.com

City State Zip:

**Owner Name (required):**  
(please print)

Same as applicant.

Phone:

Address:

Email:

City State Zip:

**Consultant Name:**  
(please print)

Rick Givens, Planning Consultant

Phone: 503-479-0097

Address:

18680 Sunblaze Dr.  
Oregon City, OR 97045

Email: rickgivens@gmail.com

City State Zip:

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.

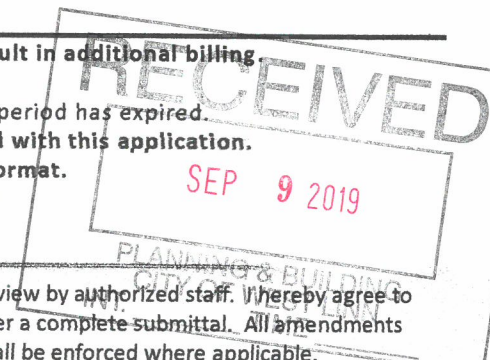
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**

**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.



*Brian Babcock*

9/5/19

*Brian Babcock*

9/5/19

Applicant's signature

Date

Owner's signature (required)

Date

*Julianne Babcock*

9/5/19

*Julianne Babcock*

9/5/19

## Application for Time Extension

### MIP 16-02

#### Introduction:

This application requests approval of a time extension for the three lot partition approved in file number MIP 16-02. The applicants have been unable to complete the final plat for the project due to a variety of personal reasons and, therefore, are requesting this time extension to allow them to finalize the project. The relevant approval criteria are found in Chapter 99.325 of the West Linn Community Development Code. The requested time extension complies with these criteria as follows:

#### 99.325 EXTENSIONS OF APPROVAL

- A. *An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC 99.060(A), (B), (C), (D) or (E), as applicable, upon finding that:*
- 1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and*

Comment: MIP 16-02 was approved in May of 2016 after being found to comply with all relevant provisions of the West Linn Community Development Code. No new approval criteria have been adopted by the City of West Linn since that date. No changes to the approved preliminary plat are proposed other than as may be needed to accommodate a right-of-way vacation application pending approval by the City of West Linn. That vacation would only add area to the parcels and would not impact any relevant approval criteria.

- 2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or*

Comment: There have been no misrepresentations, errors or omissions in the prior application or any communications with the City regarding this application. The facts relevant to the approval of the partition remain unchanged from the date of the initial approval. There has been no change to the existing conditions, traffic, street alignment or drainage. There is a pending street vacation application for the unbuilt portion of Killarney Drive abutting the south boundary of the subject property. The vacation of this street would add approximately 4,358 sq. ft. of area to the proposed partition, but would not impact any relevant approval criteria.

- 3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.*

Comment: There are no inconsistencies with relevant approval criteria so no modifications are required.