

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: April 27, 2020

FILE NO.: MIP-19-03/VAR-19-06

REQUEST: Approval of a Two-Parcel Minor Partition and Class I Variance at 1480 Rosemont Rd.

PLANNER: Chris Myers, Associate Planner

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Planning Manager *JRW*  
City Engineer *Erich Lais*

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## GENERAL INFORMATION

<b>APPLICANT/ CONSULTANT:</b>	Blake Davis – Firwood Design Group 359 E. Historic Columbia River Highway Troutdale, OR 97060
<b>OWNER:</b>	Will Huffman 1200 Bexhill Street West Linn, OR 97068
<b>SITE LOCATION:</b>	1480 Rosemont Road
<b>SITE SIZE:</b>	40,432 square feet
<b>LEGAL DESCRIPTION:</b>	Assessor’s Map 21E25CA Tax Lot 1300 and Tax Lot 1400
<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 85: General Provisions; Chapter 11: Single-Family Residential Detached, R-10; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 75: Variances and Special Waivers; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi- Judicial.
<b>120-DAY RULE:</b>	The application became complete on November 25, 2020. The 120-day period ends March 25, 2020. The applicant has approved a 90 day extension through June 25, 2020.
<b>PUBLIC NOTICE:</b>	Notice was mailed to property owners within 500 feet of the subject property and to all neighborhood associations May 1, 2020. A sign was placed on the property on May 1, 2020. The notice was also posted on the City’s website on. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition at 1480 Rosemont Road, a 40,432 square foot parcel on the south side of Rosemont Road, between Rosemont Road and Ridge Lane. The parcel is located in the Parker Crest Neighborhood. The property is zoned R-10, as are the adjacent properties on the east and west, and the properties north on Rosemont Road and south on Ridge Lane. Both proposed parcels will take access from Ridge Lane.

The adjacent, existing Ridge Lane is unimproved right-of-way that is roughly 30 feet wide. The applicant will dedicate a 13 foot wide portion of right-of-way to accommodate street improvements on Ridge Lane. With the dedication of 1,690 square feet, proposed Parcel 1 will be 9713 square feet as will parcel 2 this requires a Class I Variance. The need for a variance has been created by the City's required dedication of property for street improvements.

The site has a slope of 10 percent or less. There are no environmental overlays on the property. There are no significant trees on site. The new homes will connect to an existing water main and sanitary sewer main located in Ridge Lane. 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 Chris Morgan (see Exhibit PD-2) expressed concerns about the lot sizes meeting the 10,000 sq. ft. minimum for the R10 Zone.

1. Granting a variance to allow the parcels to measure 9713 sq. ft. rather than the 10,000 sq. ft. minimum is needed due to the mandate by the City of West Linn that the property owner dedicate 1690 sq. ft. to the City in order to build Ridge Lane. Without the mandate the property owner would not have needed the variance for smaller lot sizes. The West Linn Community Development Code allows for up to a 5% variance. The variance request for this application is 2.9%.

Public comments submitted by Randy Knapick (see Exhibit PD-3) expressed concerns that the extension of Ridge Lane sets a precedent for a future through-traffic connection between Ireland Lane and Wild Rose Drive.

Public comments submitted by Tualatin Valley Fire and Rescue (TVF&R) see Exhibit PD-4.

## DECISION

The Planning Manager (designee) approves this application (MIP-19-03/VAR-19-06), 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 Partition Plat dated 10/28/2019 (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 storm water, 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.

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

*Chris Myers*

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Chris Myers, Associate Planner

April 30, 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 1<sup>st</sup> day of May 2020.

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

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-19-03/VAR-19-06**

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 4 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: The applicant proposes two parcels both measuring 9713 square feet. The applicant applied for a Class I Variance for both parcels, which allows a reduction of minimum lot area by five percent. Each parcel is roughly 3% less than the 10,000 square foot minimum lot size. Subject to approval of the Class I Variance (see Staff Findings 47 to 48), the criteria is met. 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 pages 4-5 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.*

*(...)*

*E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.*

*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: Proposed Parcels 1 and 2 will take access from Ridge Lane, a public street. 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 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 from Ridge Lane. 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: Proposed Parcels 1 and 2 will take access from Ridge Lane, a public street adjacent to the development. The criteria is met.**

*4. Subdivisions fronting onto an arterial street.  
(...)*

*5. Double frontage lots.*

**Staff Finding 8: Ridge Lane is classified as a Local Street and double-frontage lots are not 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 two driveway access points to Ridge Lane, which will be shared by Parcels 1 and 2. Please see Staff Findings 15 to 17 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: The applicant both properties take access from Ridge Lane, a public street. 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: Proposed Parcels 1 and 2 will take access from Ridge Lane, a public street with a functional classification as Local in the West Linn Transportation System Plan. 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 street improvements to Ridge Lane and has two private drives serving as access for two units of land. 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: Staff incorporates the findings found on page 17 in the applicant submittal (Exhibit PD-1). The criteria are met.**

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

(...)

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

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

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

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

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

(...)

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

**Staff Finding 15: Staff incorporates the findings found on page 17 in the applicant submittal (Exhibit PD-1). The criteria are met.**

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

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

(...)

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

(...)



6. *On a local street when intersecting any other street, 35 feet.*

*(...)*

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

*(...)*

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

*(...)*

**Staff Finding 16: The applicant proposes two curb cuts to accommodate driveway access for the two proposed lots. The proposed curb cuts are located on Ridge Lane, a local street, and the closest intersecting street, Ireland Lane, is a local street and located 190 feet to the east. The criteria are met.**

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

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

**Staff Finding 17: Staff incorporates the findings found on page 17 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 18: The applicant proposes two driveway access points, clearance will be confirmed by planning staff during the building permit process. The criteria are met.**

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

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

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

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

**Staff Finding 19: The City will ensure the final plat substantially conforms to the approved tentative plan by satisfaction of Condition of Approval 1. The criteria are met.**

#### *85.200 APPROVAL CRITERIA*

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

*A. Streets.*

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

**Staff Finding 20:** The proposal does not include any internal public streets. The applicant proposes installation of street improvements along Ridge Lane frontage to meet the cross-section for a Local Street with Parking on One Side per City of West Linn Public Works Standards. The criteria is met.

2. *Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.*
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 21:** The proposal is located on Ridge Lane, a local street that has a 28 foot right-of-way width adjacent to the subject property. City standards for a Local Street with Parking on One Side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 8 foot parking lane, and 10 foot travel lanes). The applicant has shown a dedication of thirteen feet of additional right-of-way on the Partition Plat in order to accommodate the street design (Page 11, Exhibit PD-1). The criteria is met.

6. *Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.*
7. *Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments...*
8. *Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision...*
9. *Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical...*

**Staff Finding 22:** 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 23:** The proposal is located on Ridge Lane, a local street that has a 28 foot right-of-way width adjacent to the subject property. City standards for a Local Street with Parking on One Side are found in Exhibit 9 of the 2016 West Linn Transportation System Plan. The standards require a 52 foot right-of-way (6 foot sidewalks, 6 foot planter strips, 8 foot parking lane, and 10 foot travel lanes). The applicant has shown a dedication of thirteen feet of additional right-of-way on the Partition Plat in order to accommodate the street design (Page 34, Exhibit PD-1). 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 24: The applicant does not propose any new cul-de-sacs or closed-end streets. 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 25: The applicant proposed and has constructed street improvements to Ridge Lane but no new public streets are proposed. The proposed partition is adjacent to Ridge Lane, a City street with a functional classification of Local Street, and 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 26: The applicant will install 6 foot sidewalk and 6 foot planter strip along the subject property's frontage of Ridge Lane. The criteria are met.**

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

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

**Staff Finding 27: The application is for a partition of an existing parcel. The applicant has dedicated thirteen feet of additional right-of-way on the Partition Plat in order to accommodate the street design and improvements to Ridge Lane (Page 32, Exhibit PD-1). Subject to the Conditions of Approval, the criteria is met.**

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

21. *Entryway treatments and street isle design...*

**Staff Finding 28: The applicant does not propose any gated streets or driveways, nor entryway treatments or street isle designs. These criteria are met.**

22. *Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision...*

**Staff Finding 29:** The proposal is not a subdivision. This criteria does not apply. However, the proposal will add two additional dwelling units. The addition of each additional dwelling unit should 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 30:** The proposal is located on a section of Ridge Lane with existing block lengths that vary from 400 to 650 feet. The applicant has constructed street improvements in conjunction with city improvements to Ridge Lane. These improvements now connect Ridge Lane and Ireland Lane. The criteria are met.

3. *Lot size and shape.* Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition... Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

**Staff Finding 31:** Staff incorporates the findings found page 12 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 32:** Please see Staff Findings 4 through 17. Subject to the Conditions of Approval, the criteria is met.

5. *Double Frontage lots and parcels.*
6. *Lot and parcel side lines.*

**Staff Finding 33:** Staff incorporates the findings found on page 12 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 34: Staff incorporates the findings found on page 7 in the applicant submittal (Exhibit PD-1). The criteria are met.**

*C. Pedestrian and bicycle trails.*

(...)

*D. Transit Facilities*

(...)

**Staff Finding 35: The West Linn Transportation System Plan does not identify any pedestrian or bicycle facilities on or adjacent to the subject property. The closest bus route is roughly 1.5 miles distance and there are currently no adopted plans to add transit service to Ridge Lane. The applicant is not required to install any improvements outside of required street 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 36: The site is classified as having all Type IV lands and a slope less than 10%. 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 37: The subject property consists of 100% percent Type IV lands. No geologic hazard report is required. The criteria are met.**

*F. Water.*

**Staff Finding 38: Water is available in Ridge Lane to serve the proposed development. The City's public water system has sufficient capacity and pressure in this area. The criteria are met.**

*G. Sewer.*

**Staff Finding 39: Sanitary sewer is available in Ireland Lane to serve the proposed development. A registered civil engineer prepared the sanitary sewer plan extension from Ireland Lane to the point of service in Ridge Lane. 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 40: On-site storm detention and treatment facilities will be designed and constructed with the building permit for each lot. It is anticipated that a low-impact development storm water planter or similar storm water facility will be constructed with the residential structures. A curb weep hole is provided for each lot with the Ridge Lane improvements. 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 41: The applicant will record a reciprocal access and utility easement. A 8-foot utility easement is proposed along the property frontage to Ridge Lane. 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 42: Staff incorporates the findings found on page 9 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 43: Right-of-way dedication and improvements along the property frontage are proposed as required by this Code. The applicant has shown a dedication of thirteen feet to the Ridge Lane right-of-way width to accommodate required street improvements. 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 44: New dry utilities to service the proposed lots will be constructed underground. 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 45: The land partition is less than three lots and so is exempt. The site is not zoned R-2.1 or R-3 so the mix requirement 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 drip line; however, native oaks need not have an overlapping drip line) 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 46: The subject property contains no heritage trees or significant trees. The City Arborist visited the site on April 30, 2020 and made the determination of no significant trees on site (page 31, Exhibit PD-1). The criteria are met.**

V. CHAPTER 75, REQUIRED IMPROVEMENTS

92.020 IMPROVEMENTS IN PARTITIONS

A. *Class I Variance. Class I variances provide minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions:*

1. *Required Yard and Minimum Lot Dimensional Requirements. Required yards may be modified up to 20 percent, lot dimensions by up to 10 percent and lot area by up to five percent if the decision-making authority finds that the resulting approval:*

**Staff Finding 47: The applicant has requested a variance for minor relief from the lot area requirement of 10,000 square foot minimum lot size. Parcel 1 is proposed to be 9713 square feet.**

**Parcel 2 is proposed to be 9713 square feet, a 2.9% modification that qualifies for a Class I Variance. The criteria are met.**

- a. Provides for a more efficient use of the site;*
- b. Preserves and incorporates natural features into the overall design of the project;*
- c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and*
- d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

**Staff Finding 48: The need for the requested Class I Variance was created by the applicant dedicating 13 feet by 130 feet of property for right-of-way to accommodate street improvements. This 2.9% reduction in lot area will provide a more efficient use of the site by providing street improvements that increase the safety of pedestrians, bicycles, and automobiles in the right-of-way. The applicant has complied with all West Linn Community Development Code criteria related to natural resources and features. The 2.9% reduction in lot area will not adversely affect adjoining properties. The only impact will be that both parcels will have a depth of 150 feet as opposed to 163 feet. Any new home on either parcel will be required to meet the minimum side-yard, rear-yard, and front-yard setbacks, regardless of the lot being 150 feet or 163 feet in depth. 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 proposes to install street improvements, which meet the City of West Linn Public Works Standards, on Ridge Lane adjacent to the subject property. The applicant will install the street improvements to meet the cross-section for a Local Street with Parking on One Side per the 2016 West Linn Transportation System Plan. Since the applicant has agreed to install the improvements, no nexus and proportionality analysis is required. The criteria are met.**