

DEVELOPMENT REVIEW APPLICATION

	For Office Use Only	A A A A A A A A A A A A A		
STAFF CONTACT Darren Wy	55 PROJECT NO(S). DR-21-06 LLA-2	PROJECT NO(S). DR-21-06 LLA-21-03 VAR-21-02		
Non-Refundable Fee(s) \$2,100 + \$1,000 + \$825	REFUNDABLE DEPOSIT(S)	TOTAL \$3,925		
Type of Review (Please check a	all that apply):			
Annexation (ANX)	Historic Review Subdivision (SUB)			
Appeal and Review (AP)	Legislative Plan or Change	Temporary Uses	Temporary Uses	
Conditional Use (CUP)	✗ Lot Line Adjustment (LLA)	Time Extension		
✗Design Review (DR)	Minor Partition (MIP) (Preliminary Plat or Plan)	X Variance (VAR)		
Easement Vacation	Non-Conforming Lots, Uses & Structures	Water Resource Area Protection/Single Lot (WAI		
Extraterritorial Ext. of Utilities	Planned Unit Development (PUD)	Water Resource Area Protection/Wetland (WAP)		
术Final Plat or Plan (FP)	Pre-Application Conference (PA)	Willamette & Tualatin River Greenway (WRG)		
Flood Management Area	Street Vacation Zone Change			
Utilities Brook when O Frenches Consta	-1			

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:	Assessor's Map No.: 3/E02BC02000 Tax Lot(s): 1 and 2, Block 6 Total Land Area: 100 × 100 = 10,000 'S.	
1593 Willamette Falls Dr.		
West Linn, OR 97068		
Brief Description of Proposal: Lot line adjustment to com one lot. Construct a 1,17659, Foot, 2 Car existing home. We plan to retire on This	garage on lot next to our	
Applicant Name: Denise von Tagen	Phone: 971-219-4912	
Address: Same as owner	Email: Fol Von tagenegmail.co	
City State Zip:	,	
Owner Name (required): Frederick & Denise von Tagen	Phone: 971-219-4912	
Address: 1102 S.W. Schaeffer Road	Email: Forvontegenegmail. Com	
City State Zip: West Linn, OR 97068		
Consultant Name: Keith Abel Design LLC	Phone: 503-784-5815	
Address: 5757 Ridge TOP CT.	Email:	
City State Zip: Late Oswego, OR 97035	Keith.a.belecomcast. net	
	- demonth will search in additional billing	

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 decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. One complete hard-copy set of application materials must be submitted with this application. One complete digital set of application materials must also be submitted electronically in PDF format. If large sets of plans are required in application please submit one set.

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 subseque ested under the provisions in RECEIVED place at the time of the initial application.

Denus ion ag Applicant's signature

3-30-21 Frede

Date

Owner's signature (required)

Date

48.025 ACCESS CONTROL

A. <u>Purpose</u>. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

B. <u>Access control standards</u>.

1. <u>Traffic impact analysis requirements</u>. 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 <u>CDC</u> <u>55.125</u>, Transportation Impact Analysis.)

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

3. <u>Access options</u>. When vehicle access is required for development (i.e., for offstreet 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" as approved by the City Engineer.

a) <u>Option 1</u>. 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. *We will create off street parking with entrance and egress to garage from Knapps alley*

b) <u>Option 2</u>. 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. *This will not be a shared driveway. Access is to Knapps alley and then exit onto 15th street or 16th street.*

c) <u>Option 3</u>. 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. *Access is not directly to or from a public street. It is to Knapps alley and then to a public street (15th or 16th street).*

4. <u>Subdivisions fronting onto an arterial street</u>. 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). *This is for a garage for an existing home, Not a subdivision.*

5. <u>Double-frontage lots</u>. 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. *We will access the garage from Knapps Alley, not Willamette Falls Drive which is has a lot of traffic.*

6. Access spacing.

a. The access spacing standards found in the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians. Deviation from the access spacing standards may be granted by the City Engineer if conditions are met as described in the access spacing variances section in the adopted TSP. *We are creating a lot line adjustment to create one lot from our existing two lots, therefore we will reduce vehicles in the public parking areas*

 b. Private drives and other access ways are subject to the requirements of CDC
<u>48</u>.060. We are surface to surface access with no need for cutting and curbing. No neighbors will be inconvenienced by our access to our garage.

7. <u>Number of access points</u>. 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. *We will have only one access point, a two vehicle garage and one driveway to Knapps Alley.*

8. <u>Shared driveways</u>. 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). *With our lot line adjustment making two lots into one, and the building of the garage, there is no possibility of future development.*

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. *An easement will not be necessary with our building plan.*

c. <u>Exception</u>. 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. *No exceptions being required.*

C. <u>Street connectivity and formation of blocks required</u>. 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: *There are no large properties on our block that could be subdivided*.

1. <u>Block length and perimeter</u>. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial. *Our lot length is 100 feet and cannot be lengthened.*

2. <u>Street standards</u>. Public and private streets shall also conform to Chapter <u>92</u> **CDC**, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP. *We are not developing an area that would allow a private street. By making two lots into one, we are eliminating more traffic on our block.*

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** <u>85.200</u>(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; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1675 § 40, 2018) *Our lot is 100' x 100', with one existing residence and one proposed garage. Our use is single family and would not provide access for pathways or bike trail.*

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. *Our topography is flat land with elevation change of less than 2 feet.*

2. Traffic volume to be generated by development (i.e., trips per day). There will be less traffic volume. We are senior citizens, owning two vehicles. Presently, there is a small business in the home that has 3-4 vehicles.

3. Traffic volume presently carried by the street to be accessed. *We will lessen the town traffic by at least one vehicle.*

4. Projected traffic volumes. *We plan two vehicles in garage, eliminating vehicles being parked on Willamette Falls drive public parking spaces.*

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. *I know of no accidents on Knapps alley in the past twenty years. Knapps Alley between 15 and 16th st. sees less than 10-12 vehicles per day*

6. The ability to consolidate access through the use of a joint driveway. *There are no adjoining driveways.*

7. Additional review and access permits may be required by State or County agencies. *Knapps Alley belongs to West Linn city.*

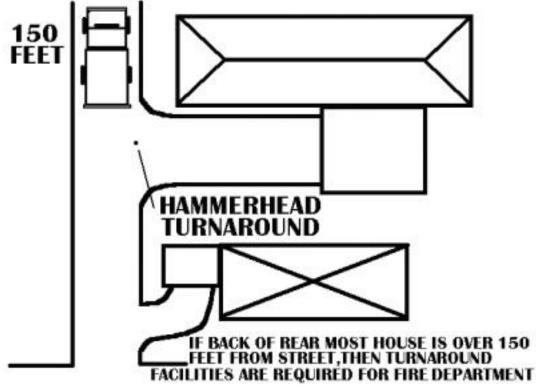
B. When any portion of any house is less than 150 feet from the adjacent right-ofway, access to the home is as follows:

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. *Back of proposed garage will be16' from alley.*

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. *We plan to pave the surface between 15th and our lot lines.*

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 <u>75</u> 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. *Our driveway will essentially be level.*

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. We plan on aligning our garage with our residence, which is 6 feet from alley. There is no traffic congestion in the alley which would hinder safe entrance or egress from our garage.



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. *No need for a turnaround, as we can enter and exit on 15th st.*

2. Minimum vertical clearance for the driveway shall be 13 feet, six inches. *There are no trees, power lines above our proposed driveway.*

3. A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief. *We will have adequate turning radius.*

4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet. *there is no obstruction in either direction from the proposed driveway.*

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. *The alley is public and there are no driveways accessing the alley on our block;*

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

1. With a minimum of 24-foot width when accommodating two-way traffic; or

2. With a minimum of 15-foot width when accommodating one-way traffic. *We will access an existing Alley*

Horizontal clearance shall be two and one-half feet wide on either side of the driveway. *Accessing an existing Alley that has been there about 100 years.*

3. Minimum vertical clearance of 13 feet, six inches. *Vertical clearance is only limited by the power lines that are well above 15 feet.*

4. Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief. *Our lot is only 100' long, bordered by 15th street (a public thoroughfare), so does not require a turn around.*

5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent. *Our lot and back alley way are essentially flat with no grade.*

6. A minimum centerline turning radius of 45 feet for the curve. *Our centerline turning radius falls within these guidelines.*

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**. *Our maneuvering requirements fall within the required quidelines.*

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. *There will be no curb cuts on our driveway to access the alley.*

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. *This is a single family site and does not require a public street.*

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). *This is an existing lot and is Not a development.*

55.020 CLASSES OF DESIGN REVIEW

A. Class I Design Review. The following are subject to Class I Design Review:

1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.). *not modifying office or commercial property*

2. Significant road realignment (when not part of a subdivision or partition plat process). "Significant" shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or human-made structures that will be impacted or removed. *No road realignment*

3. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building. *A single family lot*

4. Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptings, etc.). *we will add trees and landscaping.*

5. Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities. *None*

6. Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt). *This is a personal residence.*

7. Freestanding art and statuary over five feet tall. none

8. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above. *Adding garage.*

9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.

a. Sidewalks on private property.

- b. Loading docks.
- c. Addition or reduction of parking stalls.
- d. Revised parking alignment.
- e. Revised circulation.
- f. Revised points of ingress/egress to a site.

g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

55.030 ADMINISTRATION AND APPROVAL PROCESS

A. A pre-application conference is required before submitting a development plan application for design review as provided by **CDC** <u>99.030</u>(B). *Done Dec. 16,2020*

B. The application shall be submitted by the record owner(s) of the property, authorized agent, *Keith Abel Design will submit all paper work.*

C. Action on the development plan application shall be as provided by Chapter <u>99</u> CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:

1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in **CDC** <u>99.110</u> and this chapter.

2. A decision by the Planning Director may be reviewed by the City Council.

D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010)

55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or *Keith Able Design to file all paper work*

B. A pre-application conference, per **CDC** <u>99.030</u>(B), shall be a prerequisite to the filing of an application. *Done Dec.* 16,2020

C. Documentation of any required meeting with the respective City-recognized neighborhood association per **CDC** <u>99.038</u>.

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

a. A site analysis (CDC <u>55.110</u>) only if the site is undeveloped;

- b. A site plan (CDC <u>55.120</u>); *submitted by Keith Able Design*
- c. Architectural drawings, including building envelopes and all elevations (CDC

55.140) only if architectural work is proposed; and by Keith Able Design

d. Pursuant to CDC <u>55.085</u>, additional submittal material may be required.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. **CDC** <u>55</u>.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted. *The garage relates perfectly with the home....it looks like a barn from the late 19th to early 20th century and will blend beautifully with the neighborhood.*

2. **CDC** <u>55</u>.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes. *Architecture of garage will mimic home.*

3. Pursuant to **CDC** <u>55</u>.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

4. The design standards or requirements identified in the base zone shall apply.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy. *This is a private residence.*

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007; Ord. 1675 § 44, 2018)

55.110 SITE ANALYSIS

The site analysis shall include:

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access. *Provided by survey done by Centerline Concepts*

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows: *by Centerline Concepts or Keith Abel*

- 1. The property boundaries, dimensions, and gross area.
- 2. Contour lines at the following minimum intervals:
- a. Two-foot intervals for slopes from zero to 25 percent; and
- b. Five- or 10-foot intervals for slopes in excess of 25 percent.
- 3. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a slope analysis which identifies portions of the site according to the land types (I, II, III and IV) defined in Chapter <u>02</u> CDC.
- 4. The location and width of adjoining streets.
- 5. The drainage patterns and drainage courses on the site and on adjacent lands.
- 6. Potential natural hazard areas including:
- a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
- b. Water resource areas as defined by Chapter <u>32</u> CDC;
- c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
- d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.
- 7. Resource areas including:
- a. Wetlands;

- b. Riparian corridors;
- c. Streams, including intermittent and ephemeral streams;
- d. Habitat conservation areas; and
- e. Large rock outcroppings.

8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.

9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.

10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014; Ord. 1662 § 9, 2017)

55.120 SITE PLAN. Done by Keith Abel

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in **CDC** <u>85.170</u>(B)(2). (Ord. 1584, 2008) *We will remove two vehicles from on street parking, do not anticipate any impact on traffic.*

55.130 GRADING AND DRAINAGE PLANS

For Type I, II and III lands (refer to definitions in Chapter <u>02</u> **CDC**), a registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to **CDC** <u>92.010</u>(E), at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates: *We will be doing no grading or detention treatment*

A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

B. 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. *All drainage deposits into existing storm drains and no storm detention.*

C. There is sufficient factual data to support the conclusions of the plan. *The home was originally built in 1910.*

D. Per **CDC** <u>99.035</u>, the Planning Director may require the information in subsections A, B and C of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.

E. For Type I, II and III lands (refer to definitions in Chapter <u>02</u> **CDC**), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes: *We are adding garage to an existing home, no report necessary.*

1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;

2. Assessment of engineering geological conditions and factors;

3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and

4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

F. Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014; Ord. 1662 § 10, 2017)

55.150 LANDSCAPE PLAN, this will be completed when plans have been approved.

55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS

A. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:

1. A minor exception that is not greater than 20 percent of the required setback. *Our plan aligns with this requirement.*

2. A more efficient use of the site.

3. The preservation of natural features that have been incorporated into the overall design of the project.

4. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard. *There will be no adverse affect to our adjoining neighbors.*

5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

B. The Planning Director may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as the following criteria are met: *planning a garage, not off street parking.*

1. The minor exception is not greater than 10 percent of the required parking;

2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or *planned single residence garage.*

3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or *We will not be sharing the garage.*

4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards. We apply with all parking standards.

C. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met: no signs planned.

1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;

2. The exception is necessary for adequate identification of the use on the property; and

3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.

D. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met: landscape will blend with existing landscape.

1. A minor exception that is not greater than 10 percent of the required landscaped area.

2. A more efficient use of the site.

3. The preservation of natural features that have been incorporated into the overall design of the project.

4. No adverse effect to adjoining property.

55.180 MAINTENANCE

Our property has always been, and will always be, an asset visually to the Willamette historic community. We love being a part of this community!

59.010 PURPOSE

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007). *Our home and proposed garage conform in all aspects to the mixed use and transitional zone neighborhood.*

59.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, **CDC** <u>59</u>.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter <u>80</u> **CDC**. *Our use is permitted: existing home, detached garage. Therefore requires no approval.*

B. A use permitted under prescribed conditions, **CDC** <u>59</u>.050, is a use for which approval will be granted provided all conditions are satisfied, and: *our use falls within the permitted conditions*.

1. The Planning Director shall make the decision in the manner provided by CDC <u>99.060</u>(A)(2), Administrative Procedures, except that no notice shall be required; and

2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC <u>99.240(A)</u>.

C. The approval of a conditional use (**CDC** <u>59</u>.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter <u>60</u> **CDC**, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter <u>80</u> **CDC**.

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

1. Chapter <u>65</u> **CDC**, Non-conforming Uses Involving a Structure.*our use is conforming to neighborhood use.*

2. Chapter <u>66</u> CDC, Non-conforming Structures. *Structure conforms*

3. Chapter <u>67</u> CDC, Non-conforming Uses of Land. A garage is a conforming structure for use to an existing home

4. Chapter <u>68</u> **CDC**, Non-conforming Lots, Lots of Record.*our existing two lots are combined into one lot that conforms to all existing code requirements*

5. Chapter <u>75</u> CDC, Variance. (Ord. 1515, 2005; Ord. 1547, 2007)*our application for variance is common and very logical for the existing conditions.*

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling; *this is a detached garage to an existing home*

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

A. 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 front lot line length or the minimum lot width at the front lot line shall be 35 feet. *Our front lot line is proposed to be 100'.*

2. The average minimum lot width shall be 50 feet. Our lot would be 100'x 100'

3. The average minimum lot depth shall not be less than 90 feet. *The depth of our lot is 100'.*

4. The minimum yard dimensions or minimum building setback area from the lot line shall be:

a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be six feet from the front property line. *Our existing home is 40' 9" back from Willamette Falls Dr. And the proposed garage is an additional 15" further back from Willamette Falls Dr.*

b. For an interior side yard, seven and one-half feet. We are applying for a variance for the side yard to be 6' from the west property line. Our neighbor has an existing 6' tall fence adjoining our property making the side yard useless.

c. For a side yard abutting a street, 12 feet. *The other side yard for the Garage would not be abutting a street. It would face the existing home.*

d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required. *Our garage would be parallel to our existing home which is 16'3" from the alley.*

5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less. *Our building height would be less than 20' above grade.*

6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches. *The total size of the single story building will be 1,176 sq. ft.*

7. The maximum building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet. 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 thier prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter <u>66</u> **CDC**. We are planning a single floor above grade building. Combined with our existing home, the footprint totals 2,244 sq. ft. We are also planning a below grade storage area of 1,040 sq.ft. below the garage.

8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record. *Our lot will be an existing lot of record.*

B. <u>Design standards</u>. All uses in the mixed-use zone shall comply with the provisions of Chapter <u>55</u> **CDC**, except for **CDC** <u>55.100</u>(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses. *From Willamette Falls drive, our garage will look like a historic barn That matches our home using like materials.*

1. Residential-style building with single story porch on the front, and on the side where it abuts a street. *The entrance to the garage is from the side and has a porch.*

2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone. *We will not be doing a sidewalk as the historic district has just completed a beautiful sidewalk on Willamette Falls Dr.*

3. Off-street parking shall be behind, under, or on the side of building. *Our off street parking will be in the garage.*

4. Garages shall not extend any closer to the street than the street-facing facade of the house.*our garage will be set more than 1' further back from Willamette Falls Dr.*

5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines . No signs. The structure will be a garage with a front room to be used as a private art studio.

6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1675 § 50, 2018) *Our design will be a definite asset to the Willamette historic district look, appeal and function of the community.*

75.020 CLASSIFICATION OF VARIANCES

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: *We are requesting only a small variance*

a. Provides for a more efficient use of the site; *The area between our proposed garage and our neighbor's six foot fence is space that cannot be used beneficially or aesthetically. A building on one side and a fence on the other inhibits plant growth*

b. Preserves and incorporates natural features into the overall design of the project; *a* smaller unusable area is better than a larger one. The only thing to be done between the two properties is to gravel it, no room for plants. Not useable.

c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; *less room for unwanted undergrowth will reduce fire potential, yet remains sufficient space for air circulation.*

d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation. *Reducing the unusable space on one side of the garage increases the useable space between the house and the garage and allows more room for plants, lawn etc. on the east side.*

2. Off-street parking dimensional and minimum number of space requirements may be modified up to 10 percent if the decision-making authority finds that the use is designed for a specific purpose, which is intended to be permanent in nature. *The garage will be permanent and reduces the vehicles on the streets by two.*

3. Dimensional sign requirements may be modified up to 10 percent if the decisionmaking authority finds that the proposed larger sign is: *This will be a home and garage and will not have signs.*

a. Necessary for adequate identification of the use on the property; *identification will be the street number on the house porch.*

b. Compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties. *The landscaping will enhance the neighborhood and the structure will be complimentary to the existing home and surrounding neighborhood.*

4. Landscaping requirements in the applicable zone may be modified up to 10 percent if the decision-making authority finds that the resulting approval: *the addition of 2-3 trees are planned as well as a garden along the front fence line.*

a. Provides for a more efficient use of the site; moving cars off the roadway is a definite benefit to Willamette. A pleasing structure will enhance the neighborhood beauty

b. Preserves and incorporates natural features into the overall design of the project; *the plan is to use native shrubs, trees, and plants and lawn. The garage building will use natural wood and mimic the construction of the home.*

c. Will have no adverse effect on adjoining property. The design will add to the beauty of the adjoining property and to the historic look of Willamette downtown.

Class II Variance. We are not applying for class II variance.

C. Special Waivers. Special waivers are only applicable in mixed use and nonresidential zoning districts. Special waivers may be granted by the approval authority when it can be shown that the proposed site design provides a superior means of furthering the intent and purpose of the regulation to be waived. A special waiver involves a waiver of a standard to permit a specific proposed development. It does not require demonstration of a hardship. It is a request to modify specific requirements in order to provide a superior site design that would not otherwise be possible under the standard requirements of the code.

1. The Planning Commission may approve a special waiver due to the unique nature of the proposed development if it finds that there is sufficient evidence to demonstrate that the proposed development: *When we purchased property in 2001, there was a small barn that was falling down and we removed it. This proposed garage will have the look of a beautiful barn.*

a. Demonstrates that the proposed development can comply with the regulation to be waived, but the waiver provides an alternative means of furthering the purpose of the regulation to be waived; *We request the normal variance of 10%*

b. Will not be materially detrimental to the public welfare or injurious to other property in the area when compared with the impacts of development otherwise permitted; the variance will have no negative affect on the neighbors or the neighborhood.

c. Provides adequate area for aesthetic design treatment to mitigate potential visual impacts from the use on surrounding properties and uses; the requested variance would have a positive affect to surrounding properties.

d. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features. (Ord. 1622 § 9, 2014)

Yes, the property size and location of the garage would have positive affect on the Willamette town.

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment. *No additional parcel requested. We are requesting that two lots be made into one.*

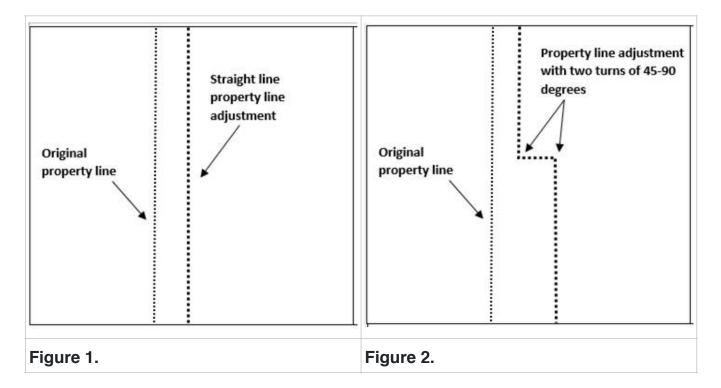
2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure. *No interior property lines are requested to be reduced. No exterior lines are being requested to be enlarged. We want our two lots made into one to accommodate our own off street parking garage.*

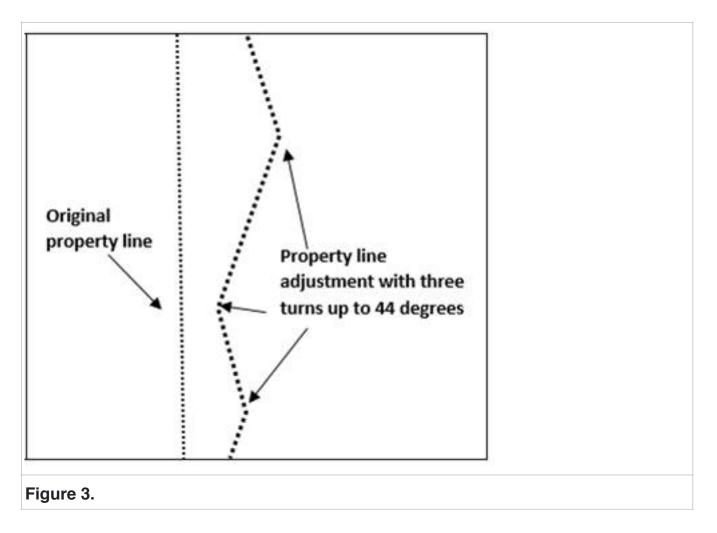
3. Property line adjustments shall be either: *We are not requesting any line adjustment referenced in the figures below. Rather, we want to eliminate the line between our two lots and make it one lot.*

a. A straight line (see Figure 1 example);

b. A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or

c. A maximum of three turns less than 45 degrees (see Figure 3 example). (The following figures are only intended as examples.)





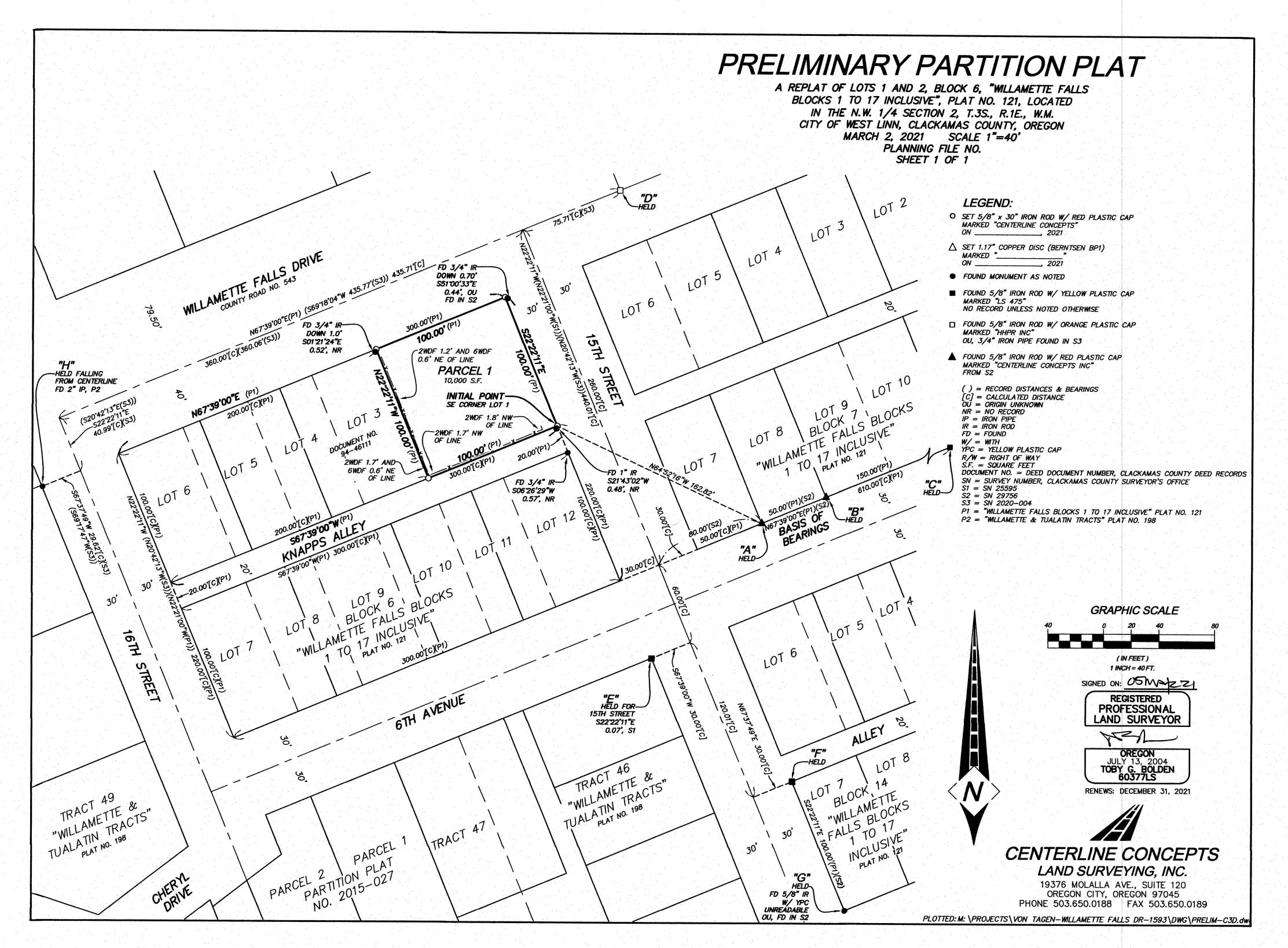
4. The property line adjustment shall not create a lot or parcel that violates applicable site development regulations. Two lots are being combined into one lot 100'x100'.

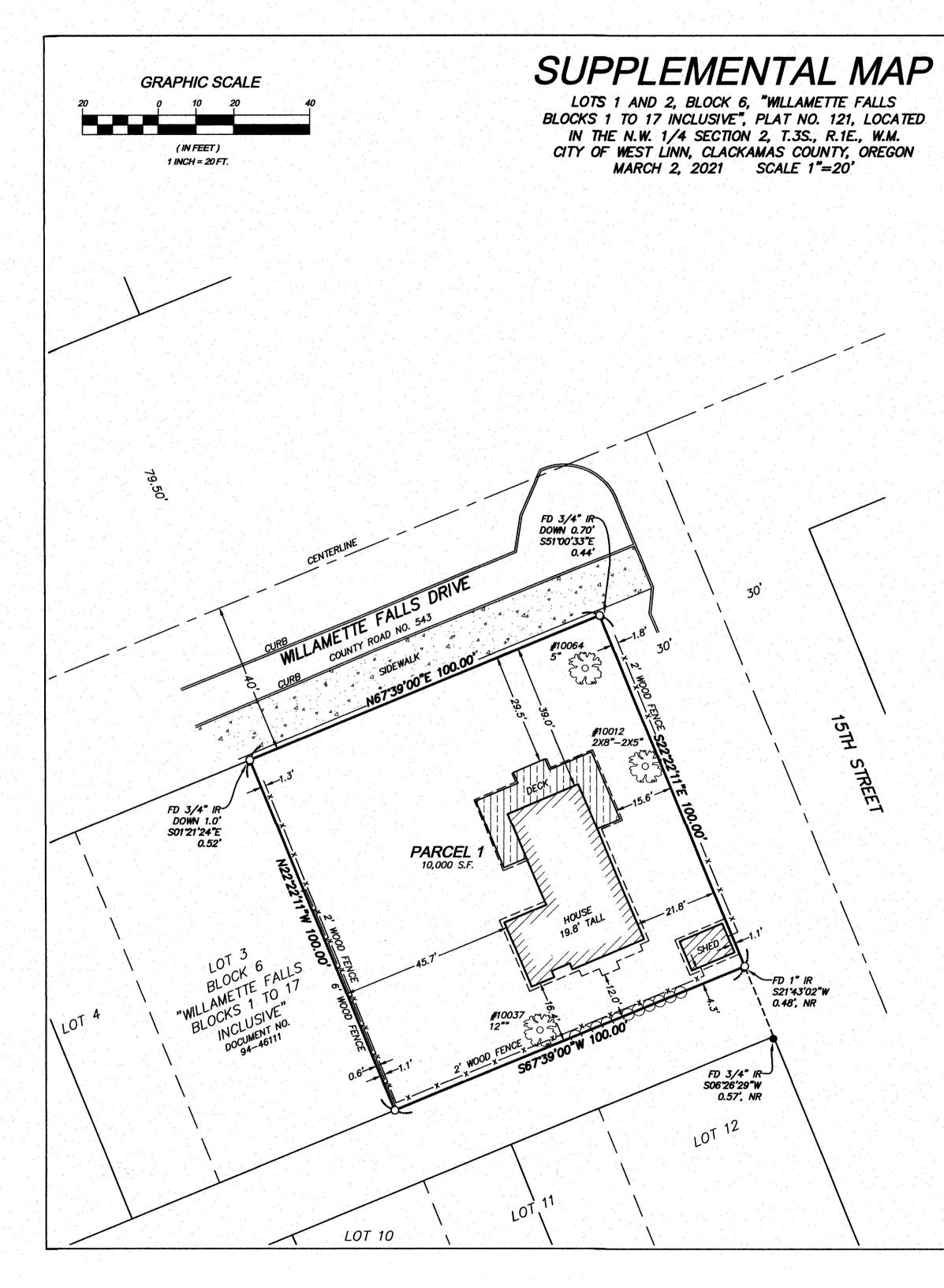
5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant. *No existing easements or existing utilities will be affected*.

6. Proposed property line adjustments that cannot meet these standards are subject to review under **CDC** <u>99.060</u>(B)(2)(e). *We comply with all standards.*

7. Any appeal must be filed in accordance with CDC <u>99.240</u>. We will not be filing an appeal.

B. The provisions of **CDC** <u>85</u>.070 shall also apply to property line adjustments. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1635 § 35, 2014; Ord. 1636 § 57, 2014; Ord. 1675 § 54, 2018) *We comply with all standards for a lot line adjustment.*





SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON AN ASSUMED ELEVATION OF 5000.00'. NO BENCHMARK WAS LOCATED OR THED FOR THE PERFORMANCE OF THIS SURVEY.

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 RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 29756, RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, AND TO SHOW THE LOCATION OF EXISTING STRUCTURES RELATIVE TO THE PROPERTY LINES. 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. LEGEND:

Some Symbols shown may not be used on map

12" 특약국 DECIDUOUS TREE	O TRAFFIC SIGNAL POLE
24" EVERGREEN TREE	C UTILITY POLE
D STORM SEWER MANHOLE	HIGHT POLE
CATCH BASIN	GUY GUY WRE
CURB INLET	EB ELECTRIC BOX
AREA DRAIN	EM ELECTRIC METER
DITCH INLET	TEM TRANSFORMER
O SANITARY SEWER CLEANOUT	ER ELECTRIC RISER
S SANITARY SEWER MANHOLE	ACU HEAT PUMP
W WATER MANHOLE	OFF GATE POST
WM WATER METER	TVB CABLE TV BOX
WV WATER VALVE	CR CABLE TV RISER
+ HOSE BIB	OVERHEAD LINE
IRRIGATION CONTROL VALVE	G GAS LINE
GAS VALVE	ELECTRICAL LINE
GAS METER	FO COMMUNICATIONS LINE
MB MAILBOX	
CONTRACT OF CONTRACT.	
UB UTILITY BOX	WATER LINE
TELEPHONE MANHOLE	xx
TELEPHONE RISER	o HANDRAIL
> STORM OUTFALL	
- SIGN	SIGNED ON: 05MARZ
BOL ⊗ BOLLARD	REGISTERED
• FOUND MONUMENT	PROFESSIONAL LAND SURVEYOR
O O DOWN SPOUT TO STORM SYSTEM	
FD = FOUND	OREGON
IP = IRON PIPE	JULY 13, 2004 TOBY G. BOLDEN
IR = IRON ROD	60377LS
YPC = YELLOW PLASTIC CAP	RENEWS: DECEMBER 31, 2021
ALC = ALUMINUM CAP	111
RPC = RED PLASTIC CAP	
	TERLINE CONCEPTS
	AND SURVEYING, INC. 9376 MOLALLA AVE., SUITE 120
	OREGON CITY, OREGON 97045
	503.650.0188 FAX 503.650.0189
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