

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <b>Chris Myers</b>	PROJECT NO(S): <b>MIP-21-02</b>	PRE-APPLICATION NO.:
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) <b>\$2,800</b>	TOTAL <b>\$2,800</b>

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

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

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

<b>Site Location/Address:</b> 1310 9th St. (South of 1340 9th St.)	Assessor's Map No.: <b>3-1E-2AB</b>
	Tax Lot(s): <b>6300</b>
	Total Land Area: <b>23,617 S.F.</b>

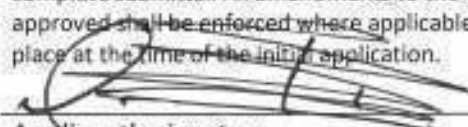

**Brief Description of Proposal:**

Partition property into two parcels for the construction of single-family detached homes. 4th Ave. to be constructed with 20' paved section.

<b>Applicant Name:</b> <small>(please print)</small>	Icon Construction & Development, LLC	Phone: (503) 657-0406
Address:	1969 Willamette Falls Dr., Suite 260	Email: <a href="mailto:darren@iconconstruction.net">darren@iconconstruction.net</a>
City State Zip:	West Linn, OR 97068	
<b>Owner Name</b> (required): <small>(please print)</small>	Same as applicant	Phone:
Address:		Email:
City State Zip:		
<b>Consultant Name:</b> <small>(please print)</small>	Rick Givens, Planning Consultant	Phone: 503-351-8204
Address:	18680 Sunblaze Dr.	Email: <a href="mailto:rickgivens@gmail.com">rickgivens@gmail.com</a>
City State Zip:	Oregon City, OR 97045	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

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


5-5-21

5-5-21  
 Applicant's signature                      Date                      Owner's signature (required)                      Date



## Minor Partition Application

1310 9<sup>th</sup> Street, West Linn, OR

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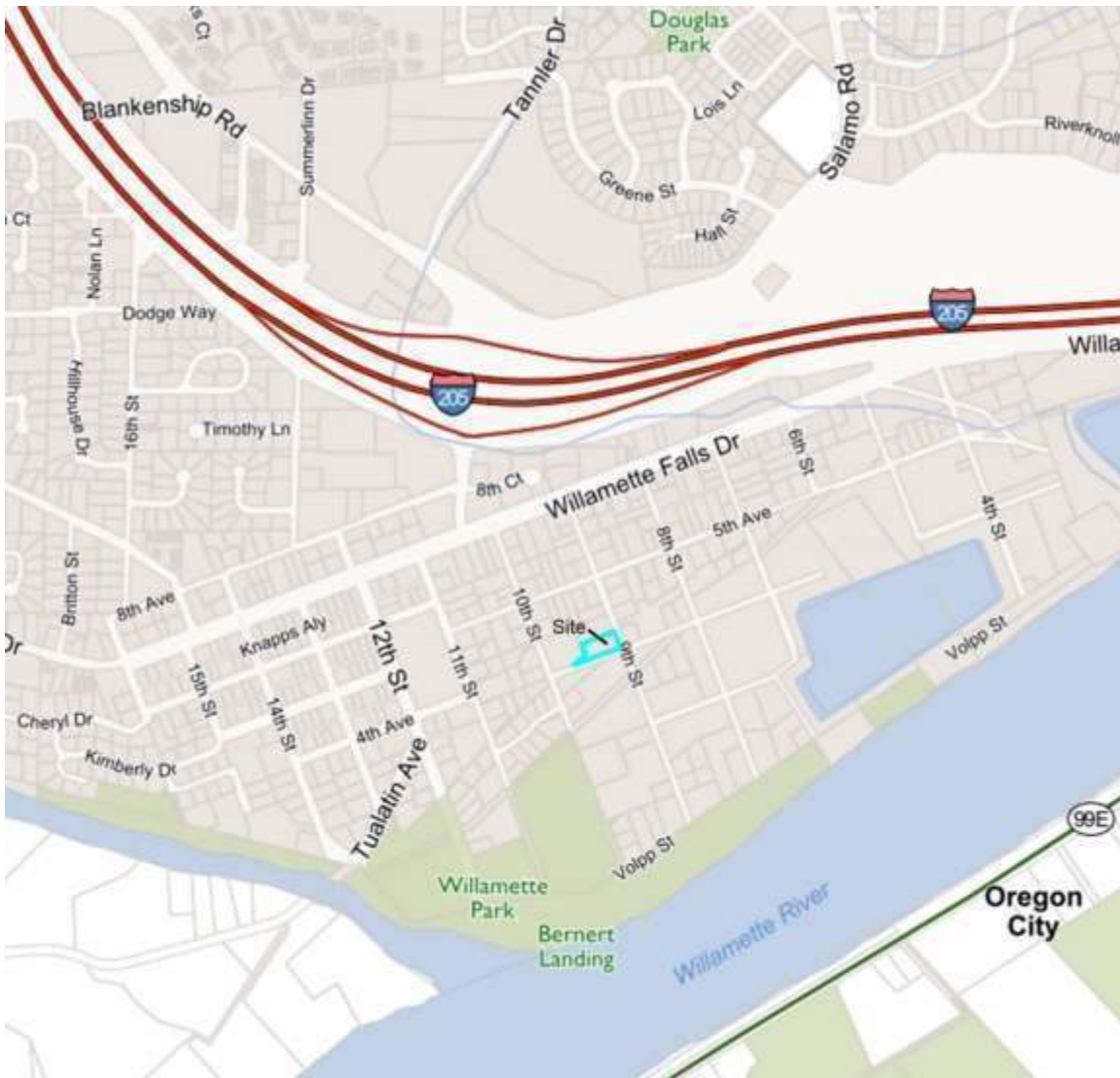
1. Signed Development Review Application Form
2. Application Narrative
3. Preliminary Storm Report
4. Tentative Plan
5. Preliminary Utility & Grading Plan
6. Preliminary Street Profiles

## Partition Narrative

1310 9th St, West Linn

Icon Construction & Development, LLC

**Proposal:** This application requests approval of a two-lot partition for property located at 1310 9th St, West Linn in West Linn. The property is vacant and is located at the intersection of 9th Street and 4th Avenue in the Willamette area of West Linn. The subject property is 23,617 square feet in area and is zoned R-10. The Clackamas County Assessor's description of the property is Tax Lot 31E02AB06300.



Vicinity Map

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

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

### **11.030 PERMITTED USES**

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

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

Comment: The purpose of this application is to divide the property into two parcels to accommodate two new single family detached residential units. This use is permitted use by this section. The criterion is met.

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

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

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

Comment: Parcel 1 will be 10,957 sq. ft. in area. Parcel 2 contains 12,034 sq. ft. This criterion is met.

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

Comment: Parcel 1 has approximately 104.4 feet of frontage on 9<sup>th</sup> Street and 105 feet of frontage on 4<sup>th</sup> Avenue. Parcel 2 has front lot line measuring 199.5' on 4<sup>th</sup> Avenue. This standard is met.

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

Comment: Parcel 1 has an average lot width of 105 feet. Parcel 2 is irregularly shaped, but has a width of 97.6 feet through the body of the parcel. This standard is met.

4. *Repealed by Ord. 1622.*

5. *Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:*

- a. *For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
- b. *For an interior side yard, seven and one-half feet.*
- c. *For a side yard abutting a street, 15 feet.*
- d. *For a rear yard, 20 feet.*

Comment: The property is not in the Willamette Historic District. Setbacks for the homes to be constructed on both Parcels will be reviewed at the time of building permit application, but will conform to these standards.

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

Comment: Building height for the new homes will be reviewed with the building permit, but will not exceed the 35-foot height standard.

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

Comment: Lot coverage for the home to be built on both parcels will comply with the 35% maximum standard, as will be demonstrated at the time of building permit application.

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

Comment: Not applicable. Both lots front on city streets.

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

Comment: Compliance with the floor area ration standard will be reviewed with the building permits.

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

Comment: Compliance of the new homes will be reviewed with the building permit applications.

## Chapter 85 GENERAL PROVISIONS (Land Division)

### 85.200 APPROVAL CRITERIA

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

#### A. Streets.

Comment: No new streets are proposed. Parcel 1 is located at the corner of 9<sup>th</sup> Street and 4<sup>th</sup> Avenue. Parcel 2 fronts onto 4<sup>th</sup> Avenue. Per the pre-application conference notes, 9<sup>th</sup> Street will require half-street local street improvements along the property's frontage. A 6-foot right-of-way dedication is shown on the Tentative Plan. This will bring the half-street right-of-way width to 26 feet, which is consistent with local street standards. The improvements to 4<sup>th</sup> Avenue will be consistent with a 20' alley width, as required in the pre-app notes. No additional right-of-way is required as the existing 40' width exceeds alley standards.

#### B. Blocks and lots.

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

Comment: As previously mentioned, the development pattern in this area is already established. No changes to the existing block pattern are proposed.

2. Sizes. *The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.*

Comment: Same as for B1, above.

3. Lot size and shape. *Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot*

*or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).*

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

Comment: The proposed lots are consistent with the dimensional standards of the R-10 zone, as discussed under the standards for that zone. The parcels provide reasonable building sites for new single-family detached homes. The lots are deep enough on their north-south axes to provide for the opportunity to orient the homes for solar access. The lots do not include portions of existing streets.

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

Comment: See discussion of Chapter 48, below.

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

Comment: No double-frontage parcels are proposed.

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

Comment: The proposed side lot line between the two parcels runs at a 90-degree angle to 4<sup>th</sup> Avenue.

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

Comment: Not applicable. No flag lots are proposed. Setbacks will continue to comply with zoning requirements, as discussed above under R-10 standards.

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



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

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

Comment: Neither parcel contains enough area to allow for a future lot split. ,

C. Pedestrian and bicycle trails.

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

D. Transit facilities.

Comment: There is no Tri-Met bus service in this area so there is no need for transit facilities.

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

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

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

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

Comment: No grading activities on the building sites are planned at this time.

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

Comment: No fill activities are proposed.

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

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

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

Comment: No grading is proposed at this time.



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

Comment: Not applicable. Type I land is defined as slopes greater than 35% grade over 50% or more of a site. The subject property does not contain slopes over 35% grade except for a cut bank along the north boundary. That area only amounts to approximately 1,766 sq. ft., or 8 percent of the site area. No disturbance of that area is planned as it falls within the required setbacks of the R-10 zone.

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

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

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

- a. *Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.*
- b. *Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists.*
- c. *Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.*
- d. *Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.*
- e. *Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.*

Comment: No lot grading is planned at this time. The future grading plans for the construction of new homes will comply with these standards and will be reviewed at the time of building permit.

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

- a. *At least 70 percent of the site will remain free of structures or impervious surfaces.*
- b. *Emergency access can be provided.*

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

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

Comment: The cut bank along the north boundary of the site contains a small area of 50% slopes. No development will occur in this area as it lies within required setbacks.

F. Water.

Comment: Water service to the new parcels will be provided from the existing 6" water line in 9<sup>th</sup> Street, as shown on the Preliminary Utility Plan.

G. Sewer.

Comment: Sewer service to the new parcels will be provided to from the existing 8" sewer line in 9<sup>th</sup> Street, as shown on the Preliminary Utility Plan.

H. (Deleted)

I. Utility easements.

Eight-foot-wide public utility easements will be provided along both 9<sup>th</sup> Street and 4<sup>th</sup> Avenue, consistent with City standards, as shown on the Tentative Plan and Preliminary Utility Plan. No other utility easements are necessary.

J. Supplemental provisions.

1. Wetland and natural drainageways.

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

2. Willamette and Tualatin Greenways.

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

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

Comment: Street trees will be provided with the new home construction, per City standards.

4. Lighting.

Comment: A street light will be required at the intersection of 4<sup>th</sup> and 9<sup>th</sup> Street..

5. Dedications and exactions.

Comment: Six feet of right-of-way dedication is proposed along 9<sup>th</sup> Street. This will bring the existing 20-foot half-street width to 26 feet, which is consistent with local street standards. Pre-application conference notes indicate that the existing 40-foot right-of-way width of 4<sup>th</sup> Avenue is adequate for the planned 20-foot-wide alley improvement on that street.

6. Underground utilities.

Comment: The existing powerline on 9<sup>th</sup> Street is overhead, but the site has only 104.4 feet of frontage and is less than one acre in size. As a result, the existing line does not meet City requirements for moving to an underground installation.

7. Density requirement. *Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.*

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

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

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

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

Comment: There are no heritage trees on the site. There are also no significant clusters of trees on the property.

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

### **48.025 ACCESS CONTROL**

B. Access control standards.

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

Comment: Because of the small size of this project and its location on local streets, the City did not require a traffic impact analysis. The two new dwellings will generate approximately 20 trips per day.

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

Comment: There are no existing curb cuts that need to be closed.

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

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

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

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

Comment: Both parcels will have access to a local public street.

4. Subdivisions fronting onto an arterial street. *New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).*

Comment: Not applicable. The property does not front on an arterial street.

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

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

6. Access spacing.

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

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

Comment: No new public street intersections are proposed. Existing driveway curb cuts will be used to access both parcels. No new accesses are proposed.

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

Comment: Only one access point per lot is proposed.

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

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

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

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

Comment: No shared driveways are proposed.

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

1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.
2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges. (Ord. 1635 § 25, 2014; Ord. 1636 § 33, 2014)

Comment: The street block pattern in this area of the city is already established. No new blocks are proposed. The distance between 4<sup>th</sup> and 5<sup>th</sup> Avenues is about 310 feet, and between 9<sup>th</sup> and 10<sup>th</sup> Streets is about 450 feet. These distances are consistent with maximum block length standards.

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

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

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

1. *Topography.*
2. *Traffic volume to be generated by development (i.e., trips per day).*
3. *Traffic volume presently carried by the street to be accessed.*
4. *Projected traffic volumes.*
5. *Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.*

6. *The ability to consolidate access through the use of a joint driveway.*
7. *Additional review and access permits may be required by State or County agencies.*

Comment: No arterial streets are present in this area. Both lots front on and will take access from local streets.

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

Comment: Both lots front on local streets and will have driveway access complying with these standards taken from the streets on which they front.

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

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

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



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

Comment: Not applicable. No shared access driveways are proposed.

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

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

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

Comment: The driveways will not require on-site maneuvering.

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

Comment: No access to arterials or collectors is proposed.

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

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

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

Comment: No gated accessways are proposed.

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

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

#### **48.050 ONE-WAY VEHICULAR ACCESS POINTS**

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

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

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

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

Comment: Curb cuts will be designed to comply with this minimum.

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

Comment: No new curb cuts in excess of 36 feet will be proposed.

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

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

Comment: Both 9<sup>th</sup> Street and 4<sup>th</sup> Avenue are local streets. Driveways will be located so as to conform to these standards.

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

1. *On an arterial street, 150 feet.*
2. *On a collector street, 75 feet.*
3. *Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

Comment: The 30-foot minimum curb cut separation onto the local streets serving these lots will be maintained.

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

Comment: Not proposed.

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

Comment: One curb cut per lot will be provided, consistent with this provision.

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

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

## **CHAPTER 55 DESIGN REVIEW**

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

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

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

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

Comment: There are no significant trees on the property so the provisions of Chapter 55 do not apply.

## **Chapter 92, required improvements**

### **92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT**

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

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

Comment: The applicant proposes to install a 5' x 40' stormwater facility in the 4<sup>th</sup> Avenue right-of-way to accommodate street runoff. Please refer to the Preliminary Utility Plan and Storm Report for more details. Raingardens are anticipated to be used for the homes to be built on both parcels.



PRELIMINARY STORM REPORT  
2-LOT PARTITION OF  
1310 9<sup>TH</sup> STREET, WEST LINN

**NARRATIVE:**

The subject property is undeveloped with frontage on 9<sup>th</sup> and 4<sup>th</sup> streets in West Linn. 4<sup>th</sup> Street is an unimproved right of way with one resident taking access. 9<sup>th</sup> street slopes southerly with an open ditch to 4<sup>th</sup> Street which has a storm line across the drive and then an open ditch continues on 9<sup>th</sup> Street. 4<sup>th</sup> Street slopes easterly towards the 9<sup>th</sup> street intersection. The preliminary plan calls for developing 4<sup>th</sup> street with a 20-foot wide alley with curbs on both sides. At this time a planter is proposed at the low point on 4<sup>th</sup> street to provide water quality. The native soils per the USDA Web site indicate that infiltration is not a solution.

**Soils:**

The USDA Web site finds the native soils to be Wapato silty clay loam with a hydrologic classification C/D.

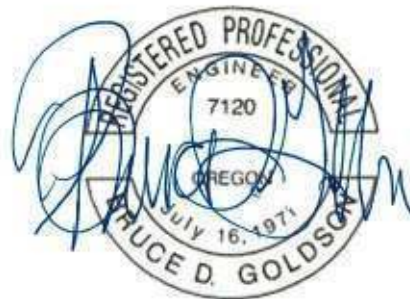
**Presumptive Approach Calculator:**

The City of Portland storm water calculator was used to show feasibility for a planter facility to provide water quality for the 4<sup>th</sup> Street improvements. Tentatively a planter 5X40 is adequate for this project.

Prepared By:

Bruce D. Goldson, PE

Theta  
2014-129X



EXPIRES: 06/30/2021  
SIGNATURE DATE: 5/4/21



# Presumptive Approach Calculator ver. 1.2

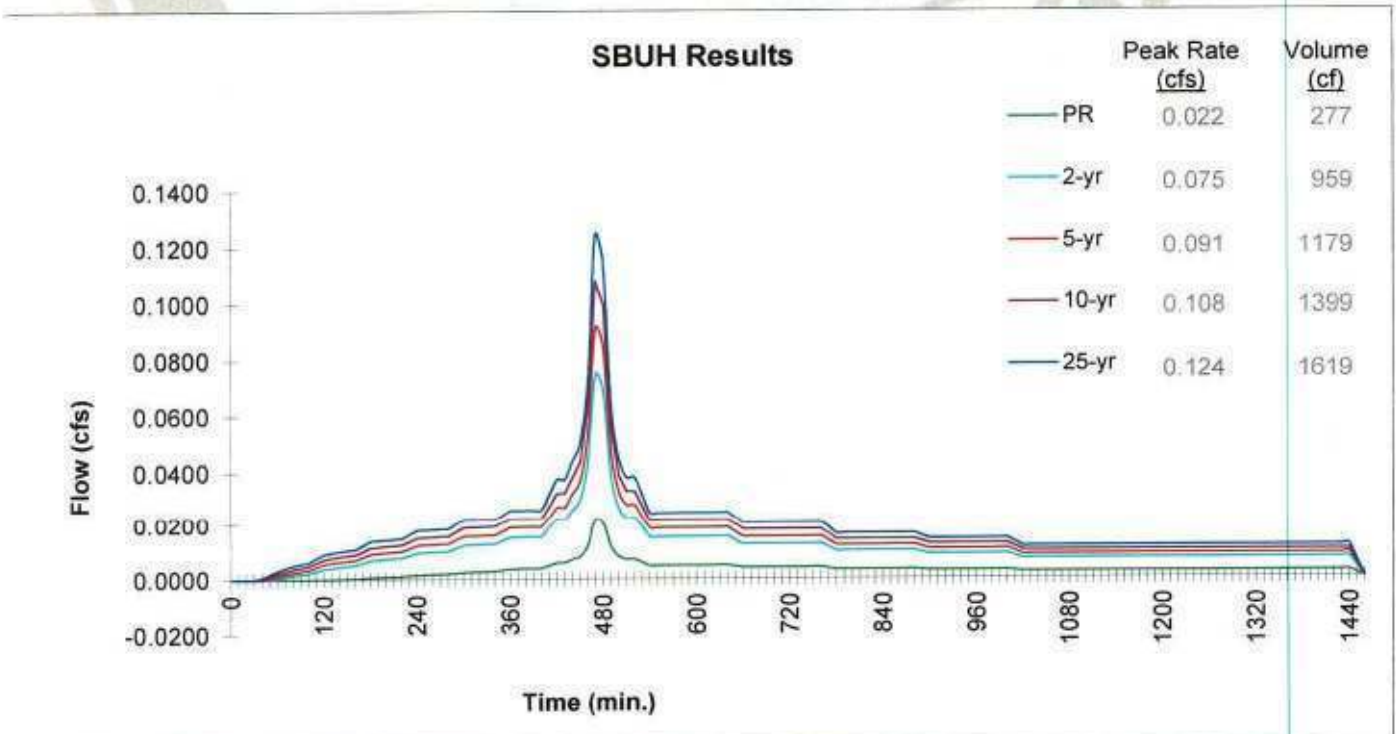
Catchment Data

Project Name: 4th/9th partition  
 Project Address: 1320 9th West Linn  
 Designer: Goldson  
 Company: Theta

Catchment ID: A  
 Date: 05/04/21  
 Permit Number: 0  
 Run Time 5/4/2021 1:08:20 PM

Drainage Catchment Information	
Catchment ID	A
Catchment Area	
Impervious Area	5,300 SF
Impervious Area	0.12 ac
Impervious Area Curve Number, $CN_{imp}$	98
Time of Concentration, $T_c$ , minutes	5 min.
Site Soils & Infiltration Testing Data	
Infiltration Testing Procedure:	Open Pit Falling Head
Native Soil Field Tested Infiltration Rate ( $I_{test}$ ):	1 in/hr
Bottom of Facility Meets Required Separation From High Groundwater Per BES SWMM Section 1.4:	Yes
Correction Factor Component	
$CF_{test}$ (ranges from 1 to 3)	2
Design Infiltration Rates	
$I_{dsgn}$ for Native ( $I_{test} / CF_{test}$ ):	0.50 in/hr
$I_{dsgn}$ for Imported Growing Medium:	2.00 in/hr

Execute SBUH







**Presumptive Approach Calculator ver. 1.2**

Catchment ID: **A**

Run Time 5/4/2021 1:08:20 PM

Project Name: 4th/9th partition

Catchment ID: A

Date: 5/4/2021

**Instructions:**

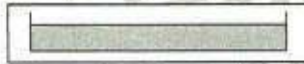
1. Identify which Stormwater Hierarchy Category the facility,
2. Select Facility Type.
3. Identify facility shape of surface facility to more accurately estimate surface volume, except for Swales and sloped planters that use the PAC Sloped Facility Worksheet to enter data.
4. Select type of facility configuration.
5. Complete data entry for all highlighted cells.

Catchment facility will meet Hierarchy Category: **3**

**Goal Summary:**

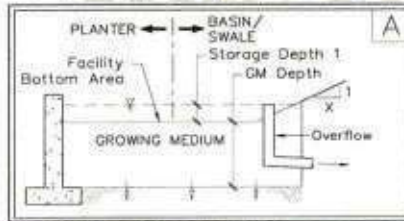
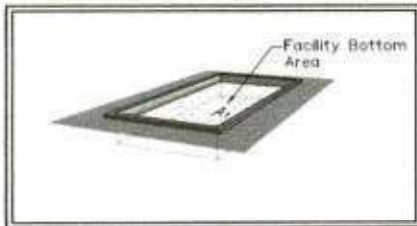
Hierarchy Category	SWMM Requirement	RESULTS box below needs to display...	
		Pollution Reduction as a	10-yr (aka disposal) as a
3	Off-site flow to drainageway, river, or storm-only pipe system	PASS	N/A

Facility Type = **Planter (Flat)**



Facility Shape: **Rectangle/Square**

Facility Configuration: **A**



Calculation Guide
Max. Rock Stor.
Bottom Area
200 SF

**DATA FOR ABOVE GRADE STORAGE COMPONENT**

Facility Bottom Area = **200** sf  
 Bottom Width = **5.0** ft  
 Facility Side Slope = **0** to 1  
 Storage Depth 1 = **12** in  
 Growing Medium Depth = **18** in  
 Freeboard Depth = **N/A** in

**BELOW GRADE STORAGE**

Rock Storage Bottom Area = **200** sf  
 Rock Storage Depth = **0** in

Surface Capacity at Depth 1 = **200** cf  
 GM Design Infiltration Rate = **2.00** in/hr  
 Infiltration Capacity = **0.009** cfs

Rock Storage Capacity = **0** cf  
 Native Design Infiltration Rate = **0.50** in/hr  
 Infiltration Capacity = **0.002** cfs

Native Infiltration Rate Used in P/

RESULTS		Overflow Volume		
Pollution Reduction	<b>PASS</b>	0 CF	<b>53%</b> Surf. Cap. Used	<a href="#">Run PAC</a>
Output File				
	<b>2-yr</b>	<b>5-yr</b>	<b>10-yr</b>	<b>25-yr</b>
Peak cfs	0.073	0.089	0.106	0.122

FACILITY FACTS	
Total Facility Area Including Freeboard =	<b>200 SF</b>
Sizing Ratio (Total Facility Area / Catchment Area) =	<b>0.038</b>





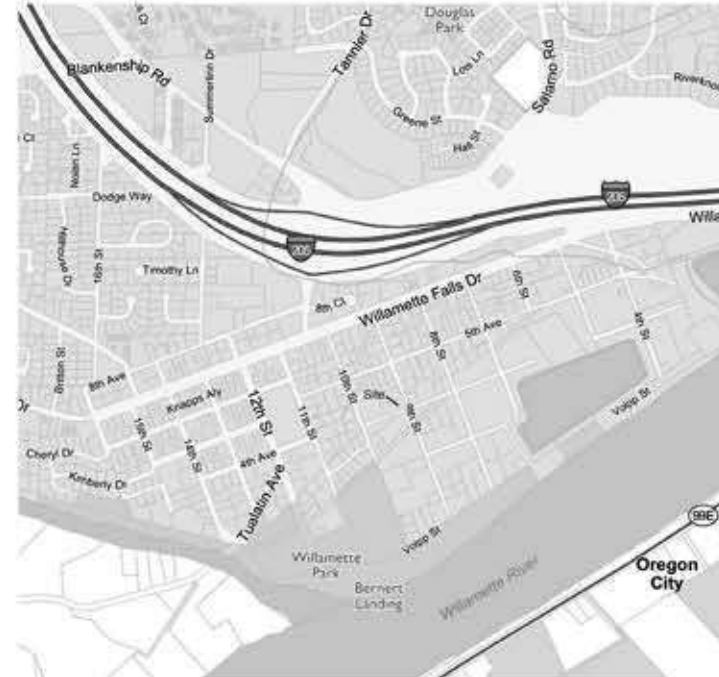
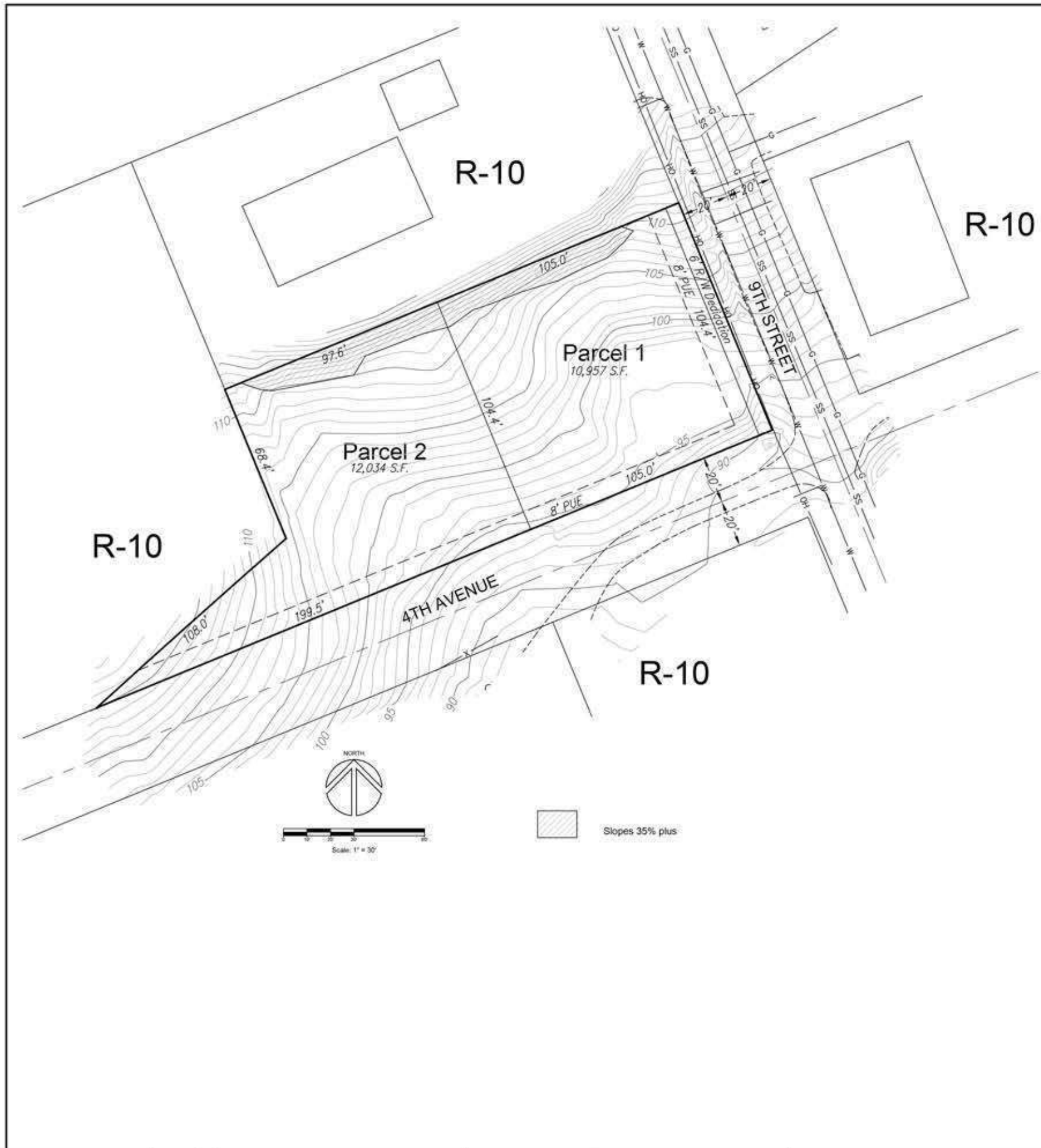
**Clackamas County Area, Oregon (OR610)**

Clackamas County Area, Oregon (OR610)



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
84	Wapato silty clay loam	0.3	100.0%
<b>Totals for Area of Interest</b>		<b>0.3</b>	<b>100.0%</b>





Vicinity Map

Owner/Applicant:  
Icon Construction & Development, LLC  
1969 Willamette Falls Dr., Suite 260  
West Linn, OR 97068  
PH: (503) 657-0406

Engineer:  
Theta Engineering  
PO Box 1345  
Lake Oswego, OR 97035  
PH: (503) 481-8822

Legal: 31E02AB 6300

Water: City of West Linn

Sewer: City of West Linn

Contours: Centerline Concepts, Inc.

Site Area: 23,617 square feet

Zoning: R-10

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

**DENSITY CALCULATIONS:**

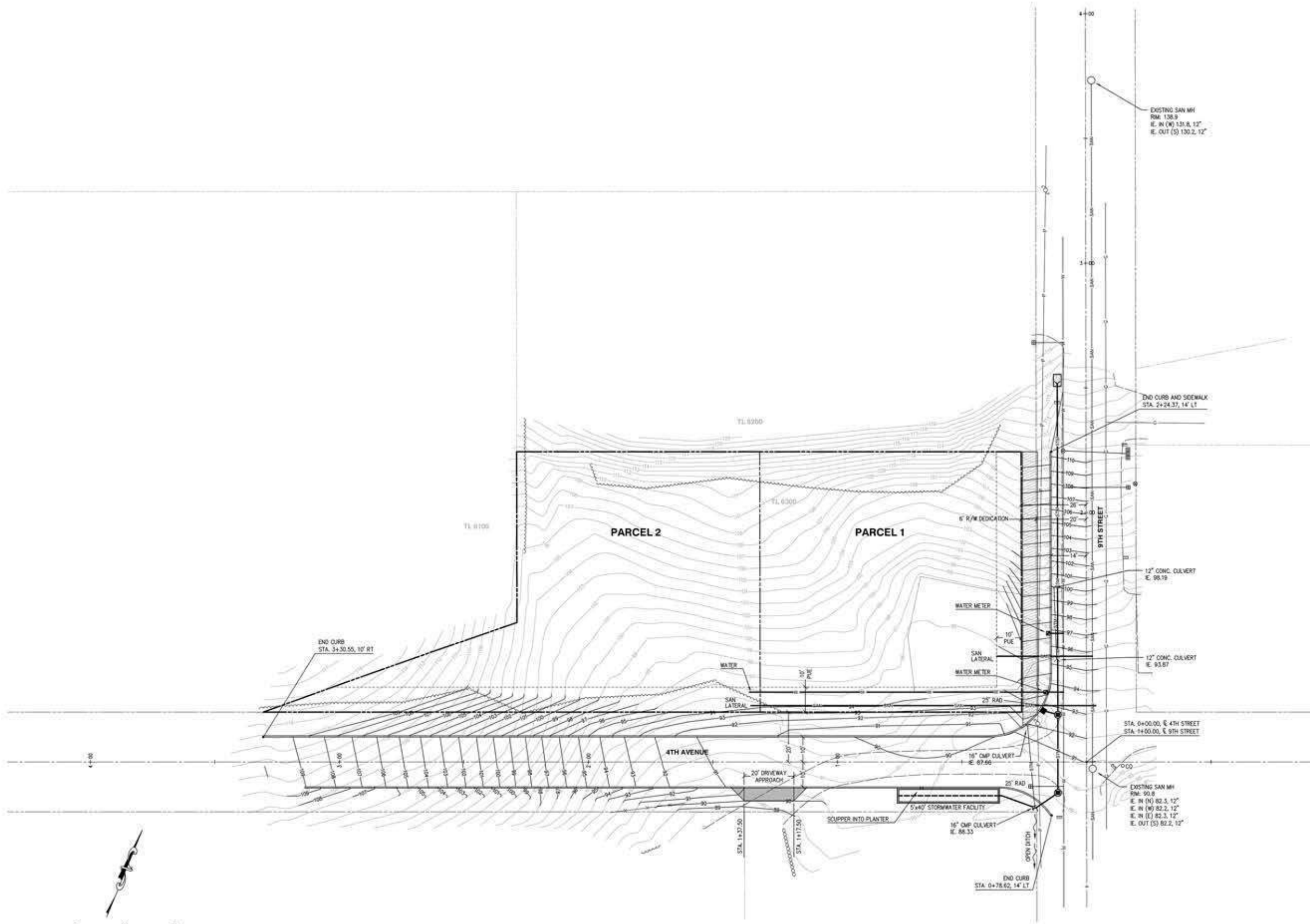
- Gross Site Area: 23,617 square feet.
- Type I & II Lands: 1,766 square feet.
- ROW Dedication: 626 square feet.
- Net Site Type III & IV Area: 21,225 sq. ft.
- Maximum Density @ 1 Unit Per 10,000 sq. ft. = 2 lots.

DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 30'			
DATE: 5-7-2021			
FILE: 21-ICN-100	DATE	NO.	REVISION

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

APPLICANT: Icon Construction & Development, LLC  
1969 Willamette Falls Dr., Suite 260  
West Linn, OR 97068  
PH: (503) 657-0406

**Tentative Plan**  
**Minor Partition - 4th Ave. & 9th St.**



**PRELIMINARY SITE AND GRADING PLAN**

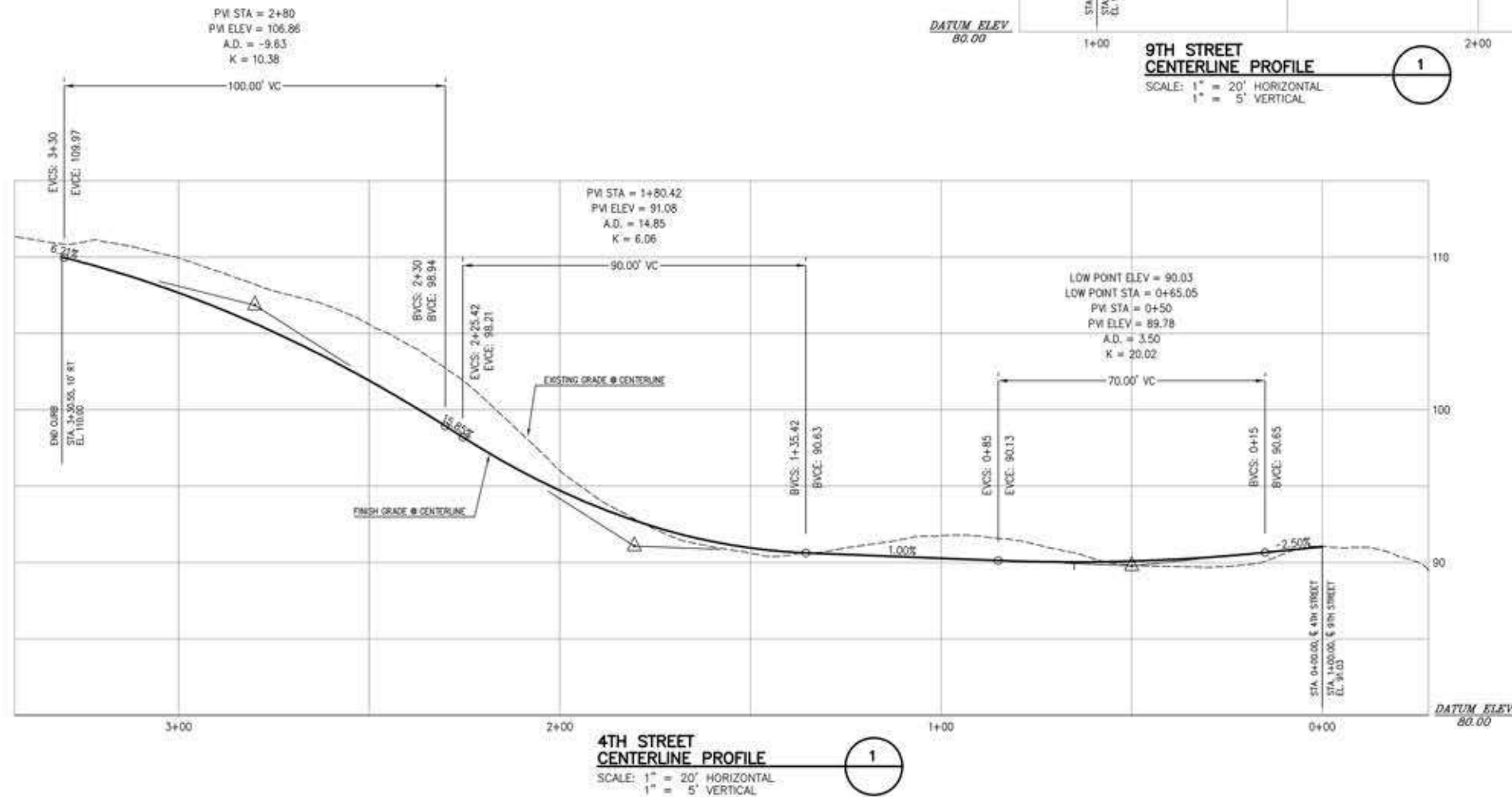
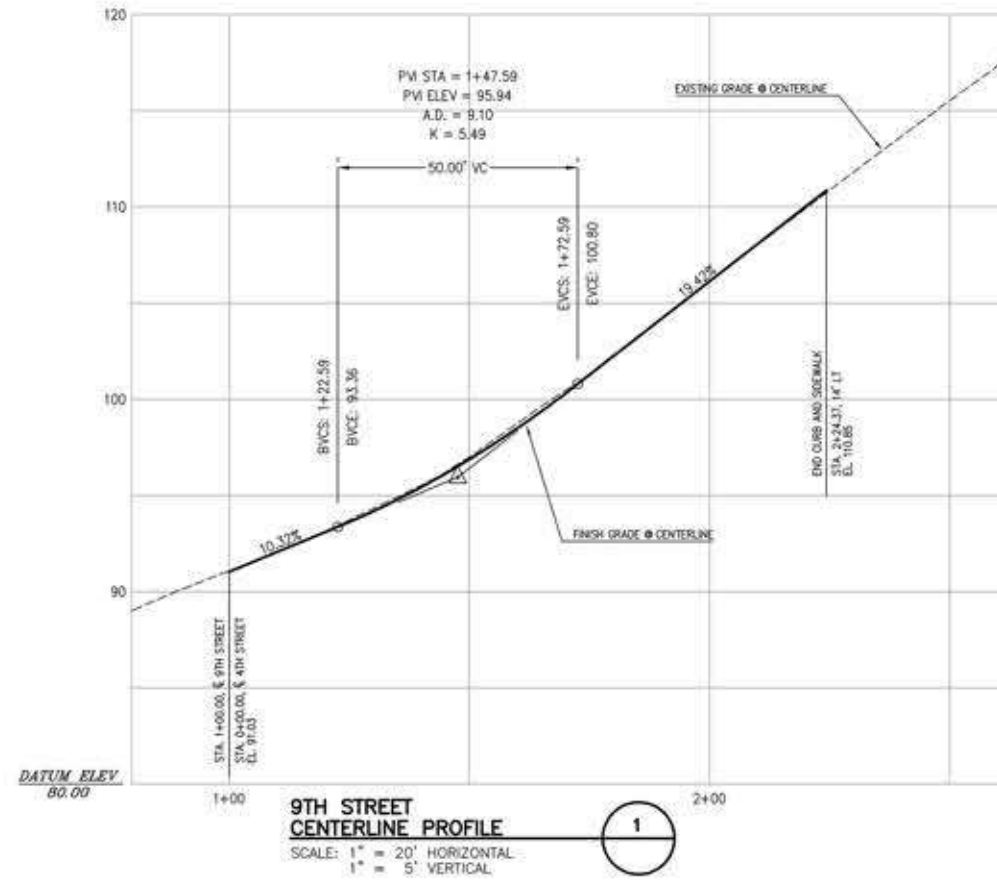
2014-129X

DESIGNED: BDG			
DRAWN: BJS			
SCALE: 1" = 20'			
DATE: April, 2021			
FILE: 9th Street 129X Prelim1	DATE	NO.	REVISION

**Theta, llc**  
ENGINEERING • SURVEYING • PLANNING  
PO Box 1345  
Lake Oswego, Oregon 97035  
503.481-8822  
email: thetaeng@comcast.net

Icon Construction & Development, LLC  
1969 Willamette Falls Dr., Suite 260  
West Linn, OR 97068  
PH: (503) 657-0406

2-Lot Partion  
1310 9th Street  
West Linn, Oregon



**PRELIMINARY PROFILES**

DESIGNED: RDG			
DRAWN: BJS			
SCALE: 1" = 20'			
DATE: April, 2021			
FILE: 9th Street 129X Prelim1	DATE	NO.	REVISION

**Theta, llc**  
 ENGINEERING - SURVEYING - PLANNING  
 PO Box 1345  
 Lake Oswego, Oregon 97035  
 503/481-8822  
 email: thbleng@comcast.net

Icon Construction & Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
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 1310 9th Street  
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