



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: March 4, 2022

FILE NO.: MIP-21-02

REQUEST: Approval of a Two-Parcel Minor Partition at 1310 9th street.

PLANNER: Chris Myers, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT/ OWNER:

Icon Construction, LLC
1969 Willamette Falls Drive, Suite 260
West Linn, OR. 97068

CONSULTANT:

Rick Givens, Planning Consultant
18680 Sunblaze Drive
Oregon City, OR. 97045

SITE LOCATION:

1310 9th Street

SITE SIZE:

22,231 square feet

LEGAL DESCRIPTION:

Assessor's Map 31E02AB Tax Lot 06300

COMP PLAN DESIGNATION:

Low-Density Residential

ZONING:

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

APPROVAL CRITERIA:

Community Development Code (CDC)
Chapter 11: Single-Family Residential Detached, R-10
Chapter 48: Access, Egress and Circulation
Chapter 85: Land Division, General Provisions
Chapter 92: Required Improvements
Chapter 99: Procedures for Decision Making: Quasi-Judicial.

120-DAY RULE:

The application became complete on June 9, 2021. The 120-day period ends October 7, 2021. Prior to the original 120-day period ending the applicant confirmed a 60 day extension through December 6, 2021. Prior to the extension expiring the applicant confirmed a second 60 day extension through February 4, 2022. Prior to the second extension expiring the applicant confirmed a third extension for 30 days through March 6, 2022. A final 14 day extension was granted to extend the expiration through March 20, 2022.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property and to all neighborhood associations August 6, 2021. A sign was placed on the property on September 9, 2021. The notice was also posted

on the City's website on August 31, 2021. An updated notice was mailed to the applicant, property owners within 500 feet of the subject property, and to all neighborhood associations on August 31, 2021. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant is seeking approval of a two-parcel partition at 1310 9th Street. The property is 22,231 square feet and located on the west side of 9th street between 4th and 5th avenue. The property is zoned R-10, as are all adjacent properties, and located in the Willamette Neighborhood. Both parcels will take access from a shared access drive off 9th Avenue. Both parcels are proposed to be the site of future single-family homes.

The adjacent 9th Avenue right-of-way is approximately 40-feet wide. Approximately 6 feet right-of-way dedication is required. There are no environmental overlays on the property. There are no significant trees on the property. Water, sanitary sewer, and storm water infrastructure is available in 9th Avenue. Any development on the site will be reviewed through the building review process.

On February 14, 2022, the West Linn City Council approved a Street Vacation of the 4th Avenue right-of-way between 9th and 10th streets adjacent to the subject property. The approval of the street vacation changed a few of the criteria for this partition application. One such example is the distance of a potential house on parcel 2. The street vacation approval means that the closest adjacent right-of-way from a developed house on parcel 2 will now be more than 150 feet from 9th street. It is possible that TVF&R will require a turnaround at the end of the private shared access drive.

Public Comments:

City staff received 21 comments prior to publishing the Staff Report (See Exhibit PD-2). Nineteen of the comments received expressed opposition for the potential of 4th Avenue to be built as a city street as well as expressing concern for the size of 9th Street. On February 14, 2022, the West Linn City Council approved a right-of-way vacation for the section of 4th Avenue between 9th and 10th streets. The vacation grants ownership of that section of 4th Avenue, to the four adjacent property owners. Therefore, the City will not be building a street on 4th Avenue.

Within the public comments were questions related to code criteria for a Minor Partition. Those questions are copy and pasted below with City Staff responses below each question.

The City Arborist does not appear to have weighed-in on whether the on-site tree clusters are significant. Absent such a determination from the City Arborist, the applicant has failed to meet its burden to demonstrate that design review is not applicable per CDC 55.100.B.2

Staff Comment: The City Arborist has determined that there are no significant trees on site (see Staff Finding 27). Single-family homes are exempt from Design Review per CDC 55.025(A). The criteria are met.

The application fails to demonstrate compliance with access spacing standards at CDC 48.025.B.6. The statement of the applicant that “existing driveway curb cuts will be used to access both parcels” is insufficient to demonstrate compliance with access spacing standards and appears to be false as there does not appear to be any existing curbs (or curb cuts) on 4th Ave. or 9th St. abutting the partition site. Failure to demonstrate compliance with the access spacing standards also violates CDC 48.025.B.3.

Staff Comment: See staff findings 5-11

Street frontage improvements on 4th Ave. are insufficient to meet city standards. 4th Ave. is presumably a local street, the standard width for which is 54 feet. Sufficient right-of-way must be dedicated to meet the minimum width standards, and a half street improvement must be required.

Staff Comment: The City of West Linn has vacated 4th Avenue between 9th and 10th Streets. Granting ownership to the four adjacent property owners. The City no longer has authority to build a road on 4th Avenue between 9th and 10th streets.

<https://westlinnoregon.gov/planning/1310-9th-st-street-vacation-4th-avenue>

4th Ave. is not designated an alley in the TSP, thus the 20' minimum pavement width standard is not applicable. See CDC 92.020 requiring streets adjacent to a partition to meet minimum city standards unless a waiver is granted, and a fee-in-lieu is paid. That does not appear to have occurred.

Staff Comment: The 4th Avenue right-of-way has been vacated and a vehicle connection between 9th and 10th Streets is no longer required. See staff finding 13.

The Joslins request that the applicant and city limit improvements to 4th Ave. to those necessary for ingress/egress to Parcel 2. As discussed above, it is difficult to tell where the access is proposed, but as a practical matter, improvements to 4th Ave. should not continue west of the proposed Parcel 2 access. It is also preferable that 4th Ave. Improvements be more akin to private drive than an alley, with reduced width of the paved surface and no curb. While at odds with the minimum city street standards, this approach can be authorized pursuant to the waiver process at CDC 92.020, including payment of a fee in-lieu.

Staff Comment: The City of West Linn has vacated 4th Avenue between 9th and 10th Streets. Granting ownership to the four adjacent property owners. The City no longer has the authority to build a road on 4th Avenue between 9th and 10th streets. Access for the two proposed parcels is to be taken from a private shared access drive.

<https://westlinnoregon.gov/planning/1310-9th-st-street-vacation-4th-avenue>

The application fails to address all but one of the required improvement standards at CDC 92.010.A-Q. Such standards are made applicable to the proposed partition by CDC 92.020 ("The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision."). Failure to demonstrate compliance with the required improvements standards at CDC 92 also violates CDC 48.025.C.2.

Staff Comment: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2.

Also as noted in the City Engineer's pre-app comments, a fire hydrant must be installed on 9th St. in order to meet the city's minimum spacing standards. Please include a condition of approval requiring the fire hydrant spacing standards to be met and that water facilities be upgraded as necessary to support any new hydrant.

Staff Comment: Tualatin Valley Fire & Rescue will address the fire hydrant requirements and spacing standards during the building permit review process.

Wetland and natural drainage ways. Comments states "There are no wetlands or drainage ways on subject property or adjacent parcels." 1250 9th St. has a wetlands easement.

Staff Comment: The property at 1310 9th Street is not encumbered by any environmental protections such as a wetland easement, a Habitat Conservation Area, a Flood Management Area, nor is the property in a Riparian Corridor or within the Wetland Inventory (See Map Exhibit PD-4).

Dedications and exactions.

Comment states "Six feet of right of way dedication is proposed along 9th Street. This will bring the existing 20-foot half street width to 26 feet, which is consistent with local street standards. "This is incorrect, the width of 9th Street is 16 feet.

Staff Comment: The width of the right-of-way on 9th Street adjacent to the applicant's property is approximately 40 feet in width (the right-of-way is more than the paved portion of the street). The dedication of 6 feet of the applicant's property coupled with the existing half-street of approximately 20 feet will bring the total to approximately 26 feet.

Underground utilities.

Comment states "The existing powerline on 9th 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. "This is incorrect, there is no overhead power on the lot of 1310 9th St.

Staff Comment: There are existing power lines overhead on the west side of 9th Street directly adjacent to the applicant's property. The property frontage is less than 200 feet, the surrounding area is primarily built out with above ground utilities, and the site is less than one acre. The threshold to require the applicant to underground the utilities has not been met and therefore the applicant may leave the utilities above ground.

Access control standards

3) Access options

Comment states "Both parcels will have access to a local public street" meaning that the second lot will have access from the proposed 4th Ave. Alley Per part b Option 2 Access is from a private street or driveway connected to an adjoining property that has direct access to public street. Why was this option never explored? Presently the driveway to 1250 9th St. resides on the 4th Ave. right of way and could be shared for access to the second lot. This would eliminate the need for the construction of the 20-foot 4th Ave alley.

Staff Comment: Both proposed parcels will take access off a private shared drive on what was previously 4th Avenue right-of-way. The City of West Linn has vacated 4th Avenue right-of-way between 9th and 10th Streets to the four adjacent property owners.

Section E.

Comment states "The applicant proposes to install a 5' x 40' stormwater facility in the 4th Ave. right of way to accommodate street runoff." We oppose the planned location of this stormwater facility per that attached drawings. This location would force the removal of three mature red maple trees and the stormwater facility should be located on the 1310 9th St. building site to be maintained by the homeowners on that site. Per the engineering drawing at the end of application, a driveway approach would be constructed on the 4th Ave. alley to access 1250 9th Street. This driveway approach lies at the low point of the proposed 4th Ave alley and would act as a stormwater drain on our property. We are very concerned about this since we have no flooding on our property now.

Staff Comment: The City Arborist has determined that there are no significant trees on site. The applicant's stormwater detention and treatment facilities proposal complies with the standards for the improvement of public and private drainage systems as set forth in the West Linn Public Works Design Standards. The decision has been conditioned to ensure the stormwater facility is located on the applicant's property. Final engineered stormwater runoff plans will be addressed as part of the site development and building permits.

Storm water in 85, submitted stormwater report, complies with city standard.

Submitted location will need to be altered to be contained on applicant's property after 4th avenue right of way vacation. Street frontage improvements on 4 Ave are insufficient to meet city standards. 4 Ave is presumably a local street, the standard width for which is 54 feet. Sufficient right-of-way must be dedicated to meet the minimum width standards, and a half-street improvement must be required.

Staff Comment: The City of West Linn has vacated 4th Avenue between 9th and 10th Streets. Granting ownership to the four adjacent property owners. The City has no longer has authority to build a road on 4th Avenue between 9th and 10th streets. The decision has been conditioned to ensure the stormwater facility is located on the applicant's property.

<https://westlinnoregon.gov/planning/1310-9th-st-street-vacation-4th-avenue>

The application fails to address all but one of the required improvement standards at CDC 92.010.A-Q. Such standards are made applicable to the proposed partition by CDC 92.020 ("The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision."). Failure to demonstrate compliance with the required improvements standards at CDC92 also violates CDC 48.025.C.2.

Staff Comment: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2.

DECISION

The Planning Manager (designee) approves this application (MIP-21-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** The final plat shall show all modifications required by these conditions, as well as the 4th Avenue right-of-way vacation (Ordinance 1734).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final plat approval. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Reciprocal Access and Utility Easement.** Prior to final plat approval, the applicant shall record a reciprocal access and utility easement and a mutual maintenance agreement for the shared use of the driveway. The easement recording number shall be provided on the face of the final plat.
4. **Stormwater Facility.** All stormwater facilities shall be located on applicant's property. Due to the recent right-of-way vacation of 4th Avenue the applicant may need to move the proposed stormwater facility as submitted.

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

Chris J. Myers

Chris Myers, Associate Planner

March 4, 2022

Date

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

Mailed this 4th day of March 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on March 18, 2022.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-21-02**

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

*CHAPTER 11, SINGLE FAMILY RESIDENTIAL DETACHED, R-10
11.030 PERMITTED USES
(...)*

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

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

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit:*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
(...)*
- 10. The sidewall provisions of Chapter 43 CDC shall apply.*

Staff Finding 2: Staff incorporates the findings found on pages 4-5 in the applicant submittal (Exhibit PD-1). The criteria are met

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

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

(...)

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

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

Staff Finding 3: Both parcels will take access from a private shared access drive. A shared access and maintenance agreement will be recorded at time of plat. Neither parcel will be a flag lot, therefore no platted stems are proposed. The criteria are met

48.025 ACCESS CONTROL

B. Access Control Standards

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

Staff Finding 4: No traffic impact analysis (TIA) is required. Average Daily Trips (ADT) will increase approximately 24 trips per day. The threshold for a TIA is an increase of 250 ADTs. The criteria do not apply.

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

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

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

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

Staff Finding 5: Both parcels will take access from 9th Street, a public street, via a driveway. No curb cuts will require closure. Access will comply with access spacing standards. The criteria are met

4. *Subdivisions fronting onto an arterial street.*

5. *Double frontage lots.*

Staff Finding 6: The proposal is for a partition, double-frontage lots are not proposed. The criteria are not applicable.

6. *Access Spacing.*

- a. *The access spacing standards found in the adopted TSP shall be applicable to all newly established public street intersections...variance section in the adopted TSP.*
- b. *Private drives and other access ways are subject to the requirements of CDC 48.060.*

Staff Finding 7: The applicant proposal does not include any new public street intersections. The proposal is for a private driveway access via 9th Street. See Staff Findings 11 to 12 for compliance with CDC 48.060. The criteria are met.

7. *Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots...*

Staff Finding 8: The applicant proposes no more than one access for proposed Parcels 1 and 2. Neither proposed parcel is a corner lot. The criteria are met.

8. *Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. (...)*
 - a. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*
 - b. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*
 - c. *Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future*

Staff Finding 9: Proposed Parcels 1 and 2 will take access via a shared private drive from 9th Avenue, which is a public street with a functional classification of *Local* in the Transportation System Plan. A reciprocal access easement and mutual maintenance agreement will be recorded per Condition of Approval 3. The adjacent 4th Avenue right-of-way has been vacated by Ordinance 1734, thus preventing extension of 4th Avenue as a through street. The criteria are met.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

- A. *Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan (...)*
- B. *When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:
(...)*

2. *Two to four single-family residential homes equals a 14 to 20 foot-wide paved or all-weather surface. Width shall depend on adequacy of line of sight and number of homes.*
 3. *Maximum driveway grade shall be 15 percent...*
 4. *The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.*
- C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.*
1. *A turnaround may be required as prescribed by the Fire Chief.*
 2. *Minimum vertical clearance for the driveway shall be 13 feet, six inches.*
 3. *A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.*
 4. *There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

Staff Finding 10: The proposal does not call for access to an arterial street. Both properties will take access from 9th Street, a local street, via a private shared drive. The shared access drive will be 20 feet in width. Driveway gradient will be checked at time of building review. A turnaround may be required by TVF&R and will be checked at time of building review. The criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

- A. *Minimum curb cut width shall be 16 feet.*
- B. *Maximum curb cut width shall be 36 feet...*
(...)
- C. *No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*
(...)
6. *On a local street when intersecting any other street, 35 feet.*
(...)
- D. *There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:*
(...)
1. *Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*
(...)

Staff Finding 11: No curb cuts are proposed to be less than 16 feet in width or more than 36 feet in width. The closest street intersection, 5th Avenue, to the proposed curb cut is approximately 440 feet. The proposal does not include two curb cuts on the same parcel. The criteria are met.

- E. *A rolled curb may be installed in lieu of curb cuts and access separation requirements.*
- F. *Curb cuts shall be kept at a minimum...*
- G. *Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.*

Staff Finding 12: No rolled curbs are proposed. The applicant proposed one curb cut for access to both proposed parcels via a shared access drive. Clear vision clearance will be checked at time of building permits. The criteria are met.

CHAPTER 85, GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

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

A. Streets.

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

Staff Finding 13: No new streets are proposed. The vacation of the 4th Avenue right-of-way (Ordinance 1734) precludes any further street construction. The applicant has proposed half-street improvements to 9th Street adjacent to Parcel 1. The existing width of 9th Street, a local street, is 40 feet. A 28-foot Local Street requires a 52 foot right-of-way. The applicant has proposed a six-foot right-of-way dedication along proposed Parcel 1 to accommodate the proposed half street improvements. The improvements include curb, gutter, pavement, and sidewalk. The criteria are met.

2. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.

3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in the adopted TSP...

4. The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer of the following criteria:

(...)

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

(...)

Staff Finding 14: The proposal is located on 9th Street, which is classified as a Local street. City standards for a Local Street with Parking on One Side are located in Exhibit 9 of the 2016 West Linn Transportation System Plan. A 28-foot Local Street requires a 52-foot right-of-way. The existing width of 9th Street, a local street, is 40 feet. The applicant has proposed a six-foot right-of-way dedication along proposed Parcel 1 to accommodate the proposed half-street

improvements. The improvements include curb, gutter, pavement, and sidewalk. The criteria are met.

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

Staff Finding 15: The applicant proposes no reserve strips, no new streets or intersections, and is precluded from any future extension of streets by the existing development pattern. The criteria are met.

10. *Additional right-of-way for existing streets.* Wherever existing street rights-of-way adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be provided at the time of subdivision or partition.

Staff Finding 16: The proposal is located on 9th Street, which is classified as a Local street. City standards for a Local Street with Parking on One Side are located in Exhibit 9 of the 2016 West Linn Transportation System Plan. A 28-foot Local Street requires a 52-foot right-of-way. The existing width of 9th Street, a local street, is 40 feet. The applicant has proposed a six-foot right-of-way dedication along proposed Parcel 1 to accommodate the proposed half-street improvements. The improvements include curb, gutter, pavement, and sidewalk. The criteria are met.

11. *Cul-de-sacs.*
 - a. *New cul-de-sacs and other closed-end streets...*
(...)
 - f. *All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).*

Staff Finding 17: The applicant does not propose any new cul-de-sacs or closed-end streets. The criteria are met.

12. *Street Names*
13. *Grades and Curves*
14. *Access to local streets.* Intersection of a local residential street with an arterial street may be prohibited...
15. *Alleys*

Staff Finding 18: The applicant does not propose any new public streets. The proposed partition is adjacent to 9th Street, a City street with a functional classification of Local Street, and does not require access on to an arterial street. No alley is proposed. The applicant shall

install a shared access drive located in the access easement per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

16. *Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip...or to match existing sidewalks or right-of-way limitations.*

17. *Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide...or in response to right-of-way limitations.*

Staff Finding 19: The applicant will install 6 foot sidewalk and 6 foot planter strip along the subject property's frontage of 9th Street. The criteria are met.

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

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

Staff Finding 20: The application is for a partition of an existing parcel. The applicant proposes a shared private access drive, located in an access easement, to 9th Street for the two newly created Parcels. See Staff Findings 4 through 19. No new streets or roads are proposed. The applicant has shown a dedication of six feet of additional right-of-way on the Partition Plat in order to accommodate the street design (Exhibit PD-1). Subject to the Conditions of Approval, the criteria are met.

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

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

Staff Finding 21: The applicant does not propose any gated streets or driveways, nor entryway treatments or street isle designs. The criteria are met.

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

Staff Finding 22: The proposal is not a subdivision. This criteria does not apply. However, the proposal will add two additional dwelling units. The addition of two additional dwelling units should only generate an approximately 20 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. The proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. The criteria are met.

B. Blocks and Lots

- 1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.*
- 2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines... Block sizes and proposed accesses must be consistent with the adopted TSP.*
- 3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition... Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.*

Staff Finding 23: The applicant does not propose new street connections or new blocks as the recently vacated 4th Avenue right-of-way between 9th and 10th Streets precludes a new street connection across the subject property (Ordinance 1734). The lot sizes meet the required dimensional standards for the R-10 zone. The 9th Street block length from 5th Avenue to Volpp Street is approximately 1,533 feet. For this reason, a 10-foot public access easement was placed over the vacated 4th Avenue right-of-way from 9th Street to 10th Street, centered on the new shared property lines created by this vacation. A future pedestrian/bicycle path or trail in the easement, the block length between 4th Avenue to 5th Avenue would be reduced to approximately 420 feet and alleviate out of direction travel. The criteria are met.

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

Staff Finding 24: The proposed partitioned properties will take access via a private shared access drive. See Staff Findings 3-12 for finding related to Chapter 48. The criteria are met.

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

Staff Finding 25: Staff incorporates the findings found on page 5 in the applicant submittal (Exhibit PD-1). The criteria are met.

- 7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division...Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot...The following dimensional requirements shall apply to flag lots:*

(...)

- 8. Large lots or parcels.*

Staff Finding 26: Staff incorporates the findings found on page 5 in the applicant submittal (Exhibit PD-1). The criteria are met.

C. Pedestrian and bicycle trails.

(...)

D. Transit Facilities

(...)

Staff Finding 27: The West Linn Transportation System Plan does not identify any pedestrian or bicycle facilities on or adjacent to the subject property. The closest bus route is approximately 1800 feet distance from the applicant's property and there are currently no adopted plans to add transit service. The applicant is not required to install any improvements outside of required street improvements. The recent 4th Avenue right-of-way vacation has a 10 foot recorded trail easement for future City funded trail development adjacent to the subject property. The criteria are met.

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

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

(...)

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

Staff Finding 28: Grading plans will be submitted and reviewed at the time of building permit application and will conform to the Uniform Building Code. The criteria are met.

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

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

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

(...)

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

(...)

Staff Finding 29: Approximately 8% of the site has a slope of 35% or more. Type I lands are defined as having 35% slope over 50% or more of a subject property. The 8% on the applicant's property will not be disturbed as that area of the site falls within the setbacks of the R-10 zone. No geologic hazard report is required. The criteria are met.

F. Water.

G. Sewer.

Staff Finding 30: Sanitary sewer and water are available in 9th Street to serve the proposed development. The City's sanitary sewer system and water system have sufficient capacity to serve the proposed partition. The criteria are met.

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

Staff Finding 31: The applicant has submitted a Preliminary Drainage Report, prepared by a licensed engineer, which complies with the West Linn Public Design Standards and shows no adverse off-site impacts, and provides sufficient factual data to support the conclusions of the plan. The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. All stormwater facilities shall be located on applicant's property. Due to the recent right-of-way vacation of 4th Avenue the applicant may need to move the proposed stormwater facility as submitted (See Condition of Approval 4). Subject to the Conditions of Approval, the criteria are met.

I. Utility Easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Staff Finding 32: The applicant will record a reciprocal access and utility easement for utility services to Parcel 2. Per the partition plat, the applicant will record a new eight-foot public utility easement along the property frontage on 9th street. See Condition of Approval 2. The criteria is met.

J. Supplemental Provisions

- 1. Wetland and Natural Drainage Ways.*
- 2. Willamette and Tualatin Greenways.*

Staff Finding 33: The subject property does not contain any wetlands or natural drainage ways, nor is it located within the Willamette or Tualatin River Greenways. The criteria is met.

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

4. *Lighting. All subdivision or alley lights shall meet West Linn Public Works Design Standards.*

Staff Finding 34: Staff incorporates the findings found on page 8 in the applicant submittal (Exhibit PD-1). The criteria are met.

5. *Dedications and exactions.*

The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Staff Finding 35: The applicant has shown a dedication of six-feet to the 9th Street right-of-way width to accommodate required street improvements. The proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for additional improvements. The City's sanitary sewer and water systems have sufficient capacity to serve the site. The criteria are met.

6. *Underground utilities.*

All utilities...that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre...

Staff Finding 36: The subject property meets all three exemption criteria. The area is built out with adjacent properties having above-ground utilities, 105 feet of site frontage, and less than an acre (22,231 square feet). The applicant is not required to underground existing utilities. The criteria are met.

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

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

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

All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping drip line; however, native oaks need not have an overlapping drip line) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

Staff Finding 37: The mix requirement does not apply as the property is zoned R-10. The applicant is proposing 100 percent density of two parcels. The City Arborist has determined no heritage or significant trees are located on site. The criteria are met.

CHAPTER 92 REQUIRED IMPROVEMENTS

92.010.A-Q PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

Staff Finding 38: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, these criteria are met.

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each lot of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1). In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

Staff Finding 39: The applicant proposes to install half-street improvements, which meet the City of West Linn Public Works Standards, on 9th Street adjacent to the subject property. The applicant will install the half-street improvements to meet the cross-section for a Local Street with Parking on One Side per the 2016 West Linn Transportation System Plan. Since the applicant has agreed to install the improvements, no nexus and proportionality analysis is required. The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

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

Type of Review (Please check all that apply):

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

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

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.

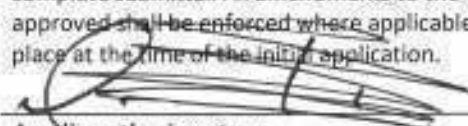
Applicant Name: <small>(please print)</small>	Icon Construction & Development, LLC	Phone: (503) 657-0406
Address:	1969 Willamette Falls Dr., Suite 260	Email: darren@iconconstruction.net
City State Zip:	West Linn, OR 97068	


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

Consultant Name: <small>(please print)</small>	Rick Givens, Planning Consultant	Phone: 503-351-8204
Address:	18680 Sunblaze Dr.	Email: rickgivens@gmail.com
City State Zip:	Oregon City, OR 97045	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A 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.


Date: 5-5-21


 Date: 5-5-21

RECEIVED

LSCHRODER, 5/11/2021, 9:30:27 AM

Minor Partition Application

1310 9th Street, West Linn, OR

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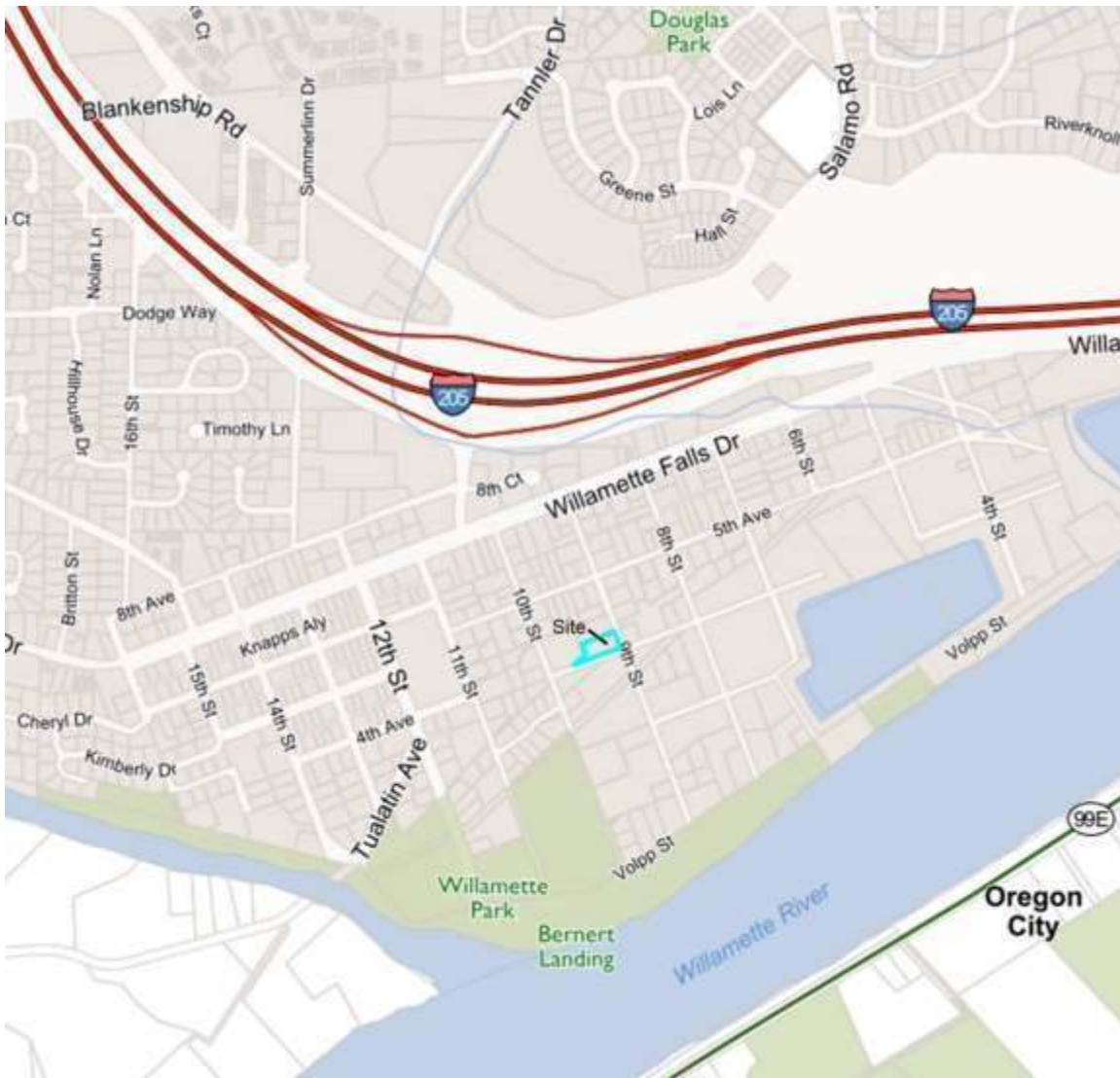
1. Signed Development Review Application Form
2. Application Narrative
3. Preliminary Storm Report
4. Tentative Plan
5. Preliminary Utility & Grading Plan
6. Preliminary Street Profiles

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 9th Street and 105 feet of frontage on 4th Avenue. Parcel 2 has front lot line measuring 199.5' on 4th 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 9th Street and 4th Avenue. Parcel 2 fronts onto 4th Avenue. Per the pre-application conference notes, 9th 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 4th 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 4th 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 9th 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 9th Street, as shown on the Preliminary Utility Plan.

H. (Deleted)

I. Utility easements.

Eight-foot-wide public utility easements will be provided along both 9th Street and 4th 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 4th and 9th Street..

5. Dedications and exactions.

Comment: Six feet of right-of-way dedication is proposed along 9th 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 4th Avenue is adequate for the planned 20-foot-wide alley improvement on that street.

6. Underground utilities.

Comment: The existing powerline on 9th 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 4th and 5th Avenues is about 310 feet, and between 9th and 10th 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 9th Street and 4th 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 4th 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 9TH STREET, WEST LINN

NARRATIVE:

The subject property is undeveloped with frontage on 9th and 4th streets in West Linn. 4th Street is an unimproved right of way with one resident taking access. 9th street slopes southerly with an open ditch to 4th Street which has a storm line across the drive and then an open ditch continues on 9th Street. 4th Street slopes easterly towards the 9th street intersection. The preliminary plan calls for developing 4th street with a 20-foot wide alley with curbs on both sides. At this time a planter is proposed at the low point on 4th 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.

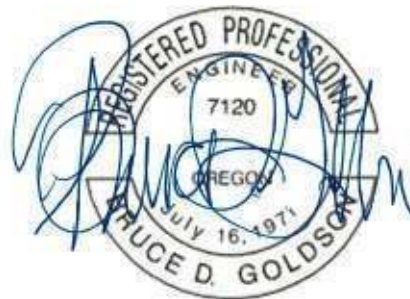
Presumptive Approach Calculator:

The City of Portland storm water calculator was used to show feasibility for a planter facility to provide water quality for the 4th 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

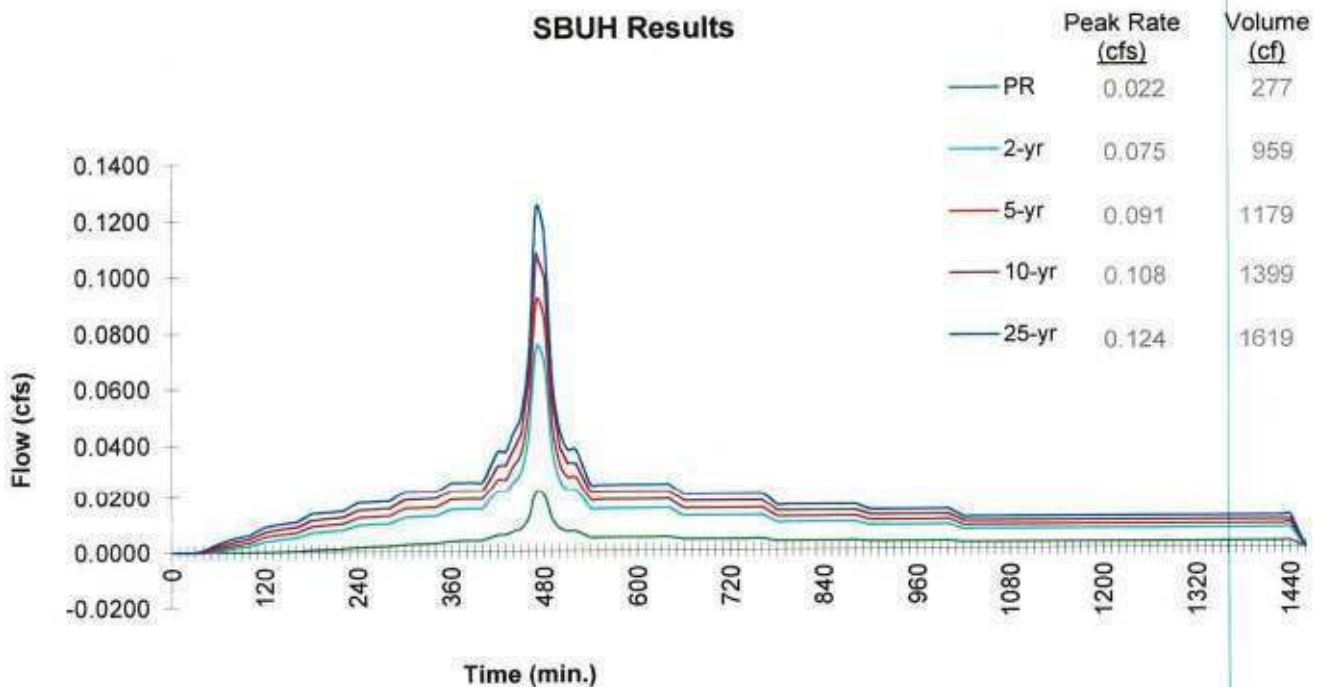
CF_{test} (ranges from 1 to 3)	2
----------------------------------	---

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

SBUH Results





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:

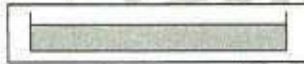
1. Identify which Stormwater Hierarchy Category the facility,
2. Select Facility Type.
3. Identify facility shape of surface facility to more accurately estimate surface volume, except for Swales and sloped planters that use the PAC Sloped Facility Worksheet to enter data.
4. Select type of facility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

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

Goal Summary:

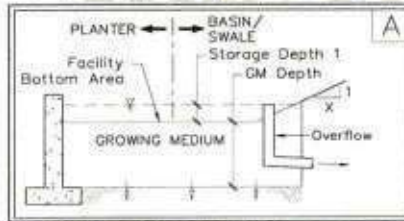
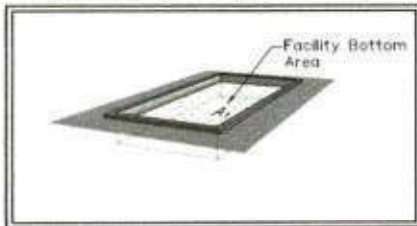
Hierarchy Category	SWMM Requirement	RESULTS box below needs to display...	
		Pollution Reduction as a	10-yr (aka disposal) as a
3	Off-site flow to drainageway, river, or storm-only pipe system	PASS	N/A

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	PASS	0 CF	53% Surf. Cap. Used	Run PAC
Output File				
	2-yr	5-yr	10-yr	25-yr
Peak cfs	0.073	0.089	0.106	0.122

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

DATE	NO.	REVISION
10/15/2014	1	ISSUED FOR PERMITTING
10/15/2014	2	REVISED TO REFLECT COMMENTS
10/15/2014	3	REVISED TO REFLECT COMMENTS
10/15/2014	4	REVISED TO REFLECT COMMENTS

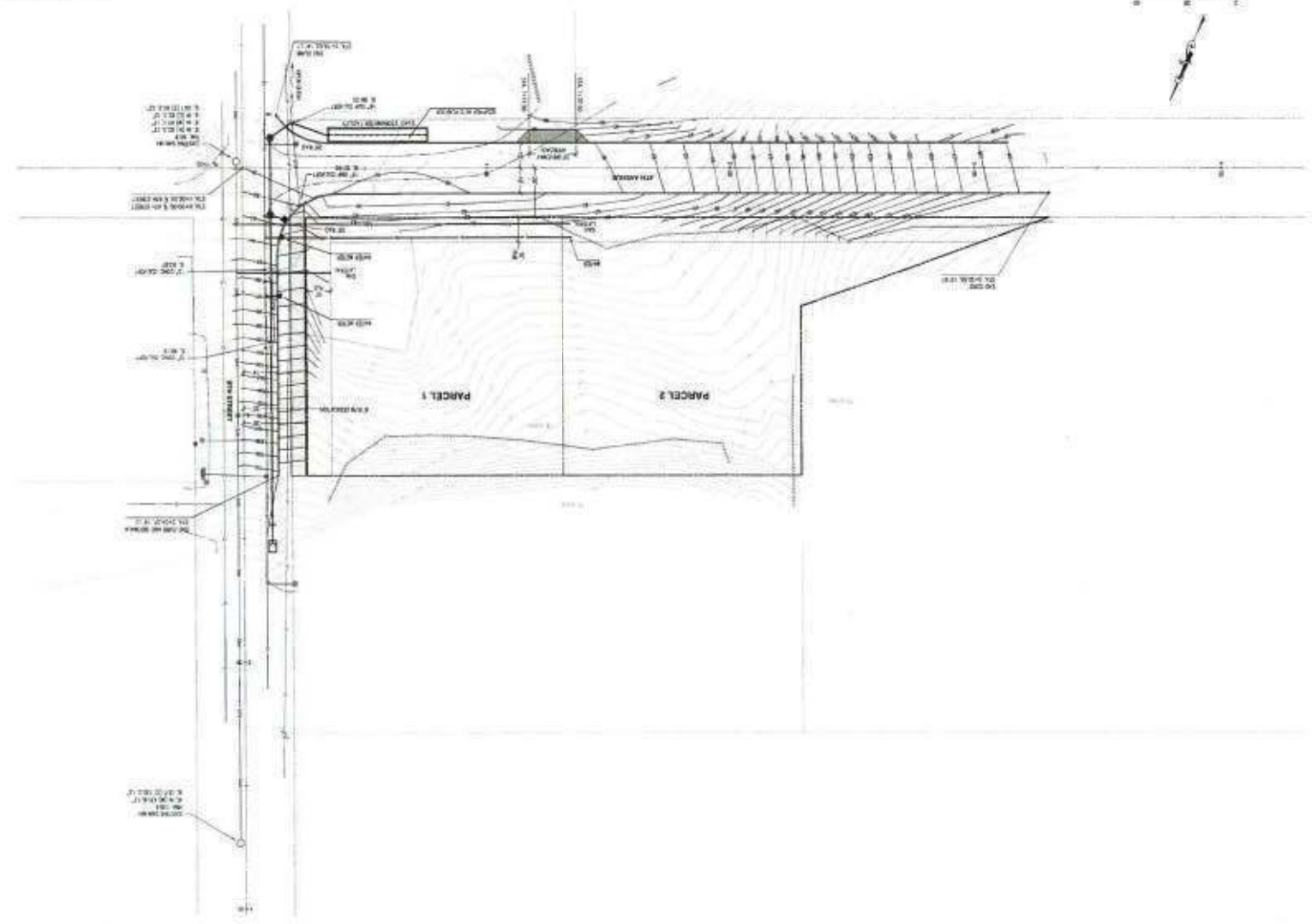
Theta, LLC
 ENGINEERING - SURVEYING - PLANNING
 1800 WASHINGTON PARK DR., SUITE 200
 WEST LINN, OR 97146
 PH: 503.251.0426
 FAX: 503.251.0426

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

SHEET 1



PRELIMINARY SITE AND GRADING PLAN



DESIGNED BY: [Name]
 CHECKED BY: [Name]
 DATE: 10/15/2014

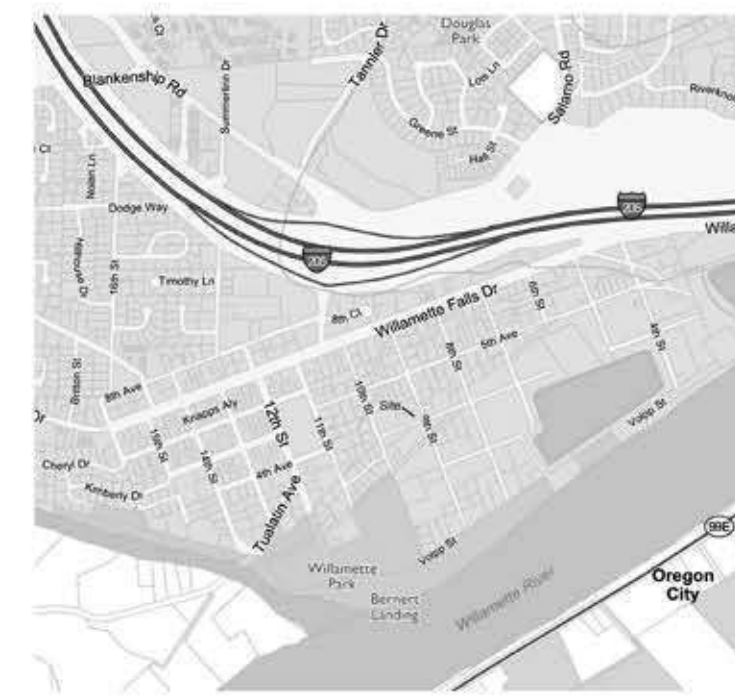
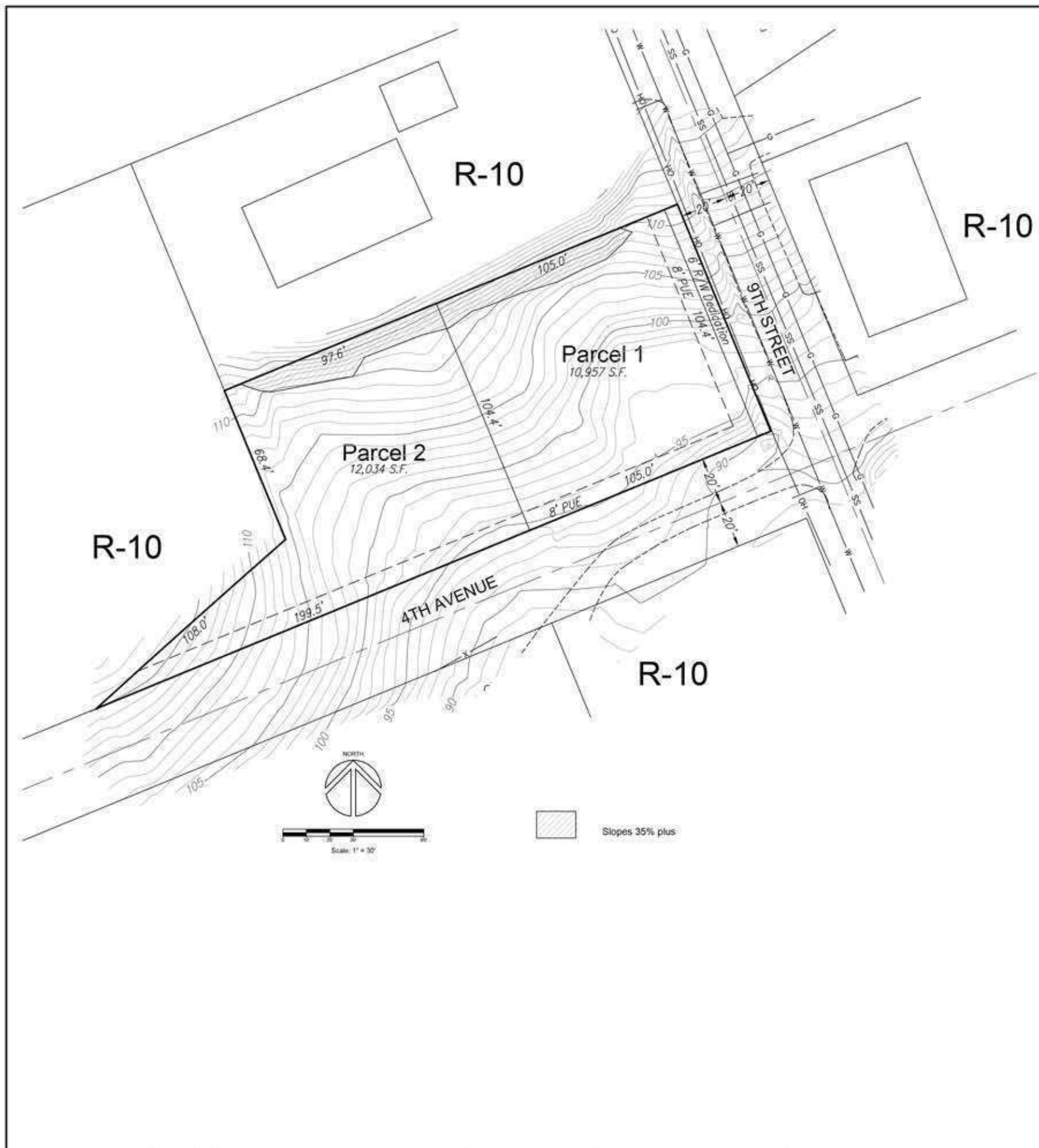
Clackamas County Area, Oregon (OR610)

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%
Totals for Area of Interest		0.3	100.0%





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:

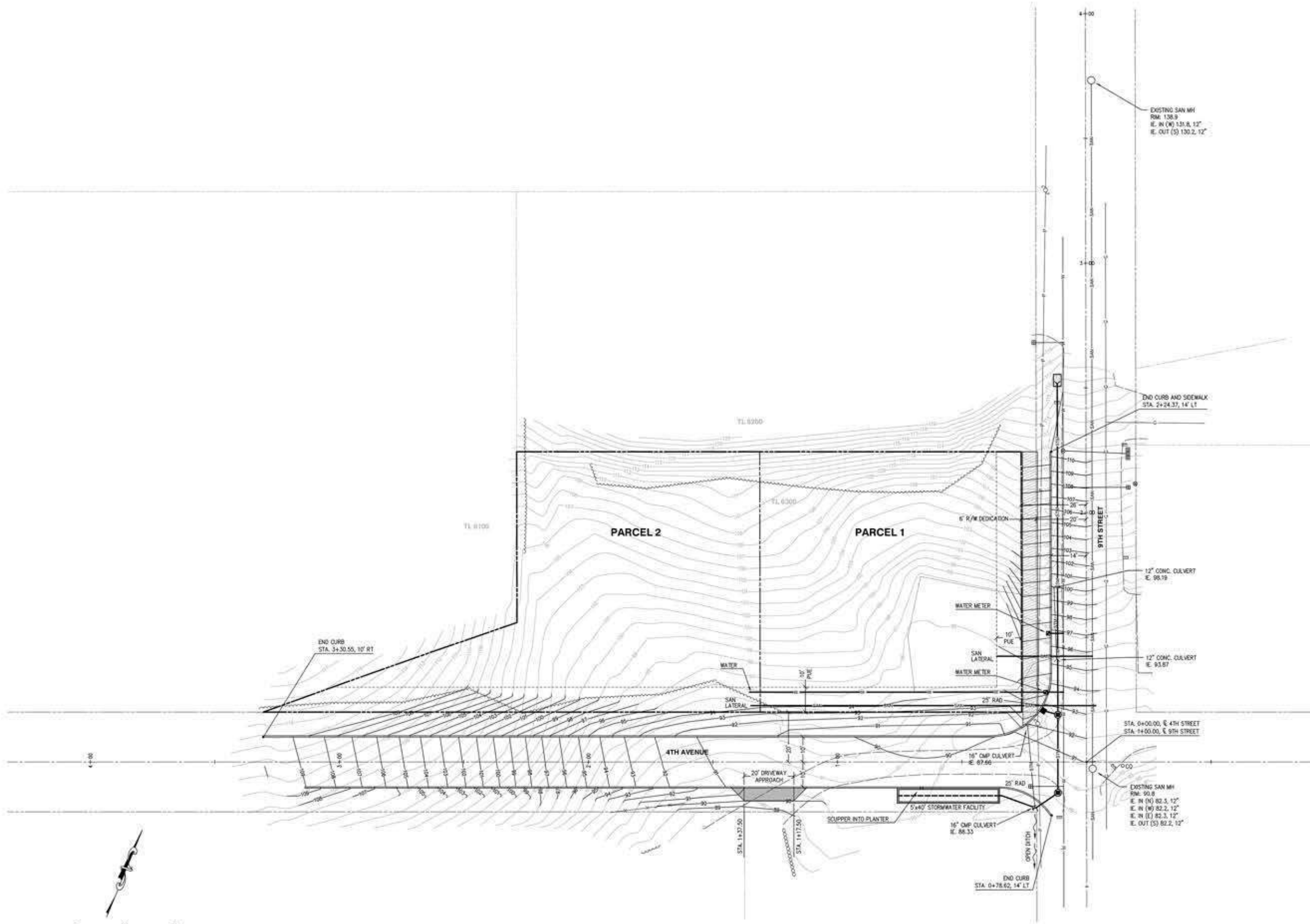
- Gross Site Area: 23,617 square feet.
- Type I & II Lands: 1,766 square feet.
- ROW Dedication: 626 square feet.
- Net Site Type III & IV Area: 21,225 sq. ft.
- Maximum Density @ 1 Unit Per 10,000 sq. ft. = 2 lots.

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.



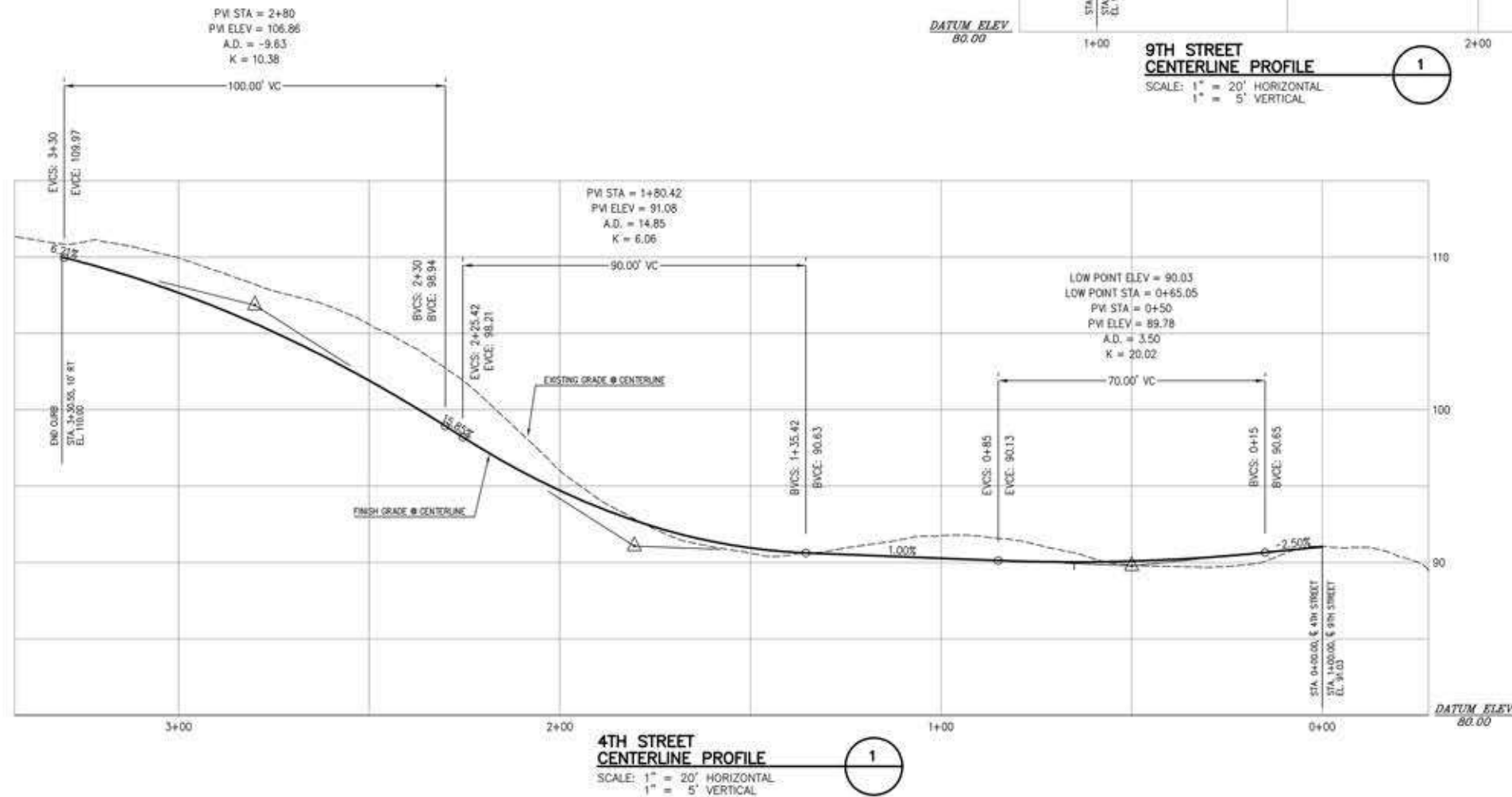
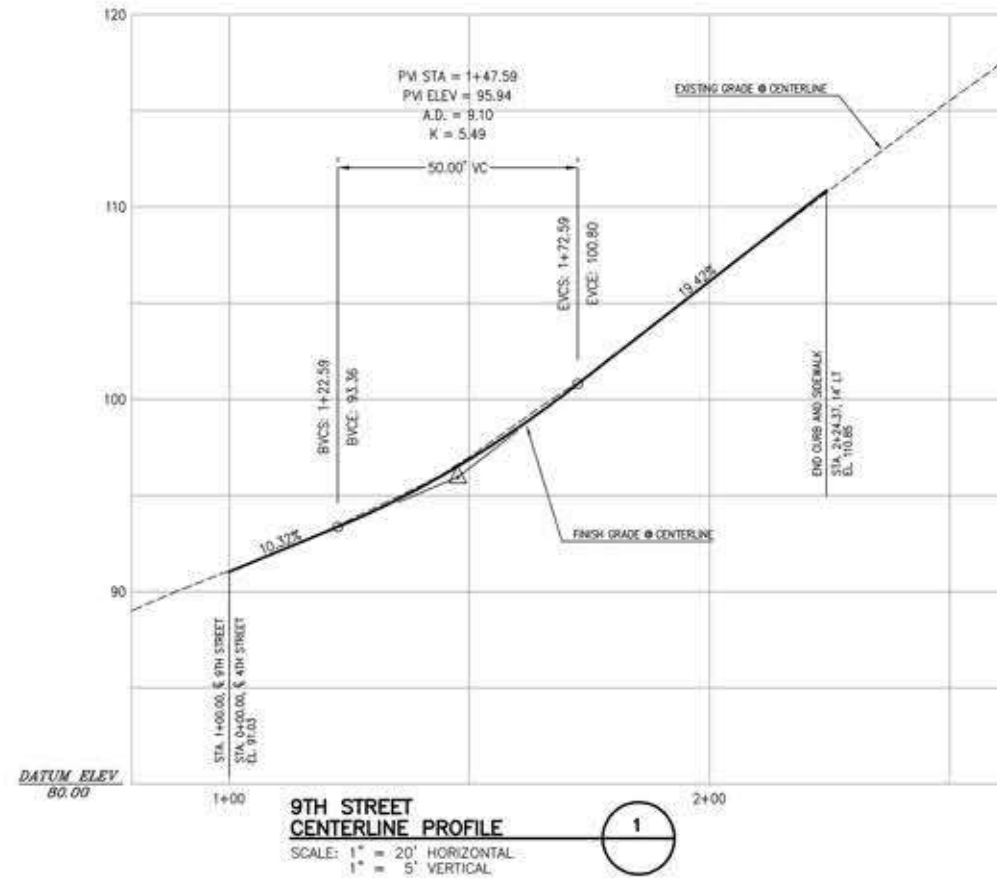
PRELIMINARY SITE AND GRADING PLAN

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

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 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

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 PH: (503) 657-0406

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

PD-2 PUBLIC COMMENT

September 20th, 2021

Mr. John Williams
Deputy City Manager & Community Development
City of West Linn
22500 Salamo Road
West Linn, OR 97068

RE: 4th Avenue Extension Project

Dear Mr. Williams:

My name is Jennifer Aberg, and I am a longtime West Linn resident (27 years here) and homeowner. I love our community's spirit and sense of togetherness, and right now the City of West Linn's Public Works and Planning department is failing its citizens.

Background: Per Chris Myers, the two 2-lot partition and the extension project are not related to one another, I will have to respectfully disagree. If the two-lot partition was not requested, then there would be **no** extension project of 4th Avenue. As the City states in a "Pre-app Comment memo", they would like to "partner" with ICON to complete the portion of the alley not adjacent to the subject's parcel. In short, finish the "punch through" of the 4th Ave. alley

I am appealing to the City to re-evaluate the 4th Avenue extension project backed by the West Linn Public Works department. I would request that an Engineer really look at the feasibility and cost association with this project. 9th and 10th street are only 16 and 15 feet wide and barely accommodated the current two-way traffic and pedestrians now. Having an alley **20** feet wide intersect these streets on a hill and then having vehicles make a right or left turn seems ridiculous and downright dangerous. Safety should outweigh any benefits of connectivity that the City highlights in their proposal.

The cost of a 20-foot alley "punch through" with curbing should seem cost prohibitive to the City since the forecasted budget can't even fund all the high priority projects on the books now. How does the development of 4th

Avenue make it on the list when it was never identified as a low priority on TSP's project list? Deferring funds from already identified high priority projects is wrong. I am begging you to re-evaluate this project and choose to use these funds to benefit the citizens of West Linn.

Thank you for your time and I welcome the opportunity for the City to discuss this project with our Neighborhood.

Cordially,

Jennifer Aberg Martin Heinemann

Jennifer Aberg and Martin Heineman

Homeowners:

1250 9th Street



cc: Darren Wyss
Jerry Gabrielatos
Lance Calvert
Amy Pepper
City Council

From: Amy Baker [REDACTED]
Sent: Friday, August 27, 2021 12:53 PM
To: Myers, Chris
Cc: Jones, Todd
Subject: File No. MIP-21-02

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello and good afternoon,

I'm reaching out today regarding the land use proposal site posted on 9th street. See attached image.

A concerned neighbor brought it to my attention yesterday, siting information she discovered through a couple of phone calls with the City.

As a home owner on 10th street, I do feel very uninformed about this proposal. It seems as though a posting could have been added on the 10th street side of the lot as well.

After hearing what my neighbor shared with me, it sounds as though this proposal will have a significant impact on my street and neighborhood. From what I understand, this proposal will add a new street (4th Ave) connecting 9th and 10th streets. I was told that it will be a 20' wide 'alleyway'.

Obviously, the proposed building sites will need access, I just feel that constructing a brand new roadway that is a full 5' wider than our narrow 10th street seems a bit unfair.

Both 9th and 10th streets are very narrow, steep streets with no sidewalks. My driveway sits exactly at the bottleneck where 10th street narrows and it's a major struggle to accommodate everyday traffic up and down our street and in and out of our driveway. This proposed new road will probably be a very nice addition to our neighborhood. However, I would like to see some consideration given to existing roadway improvements before any new additions are made.

Thank you for your time and consideration. I look forward to the future of this proposal.

Sincerely,
Amy Rutter
1350 10th Street
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)



From: Chandra Basham [REDACTED]
Sent: Friday, August 27, 2021 1:39 PM
To: Myers, Chris
Subject: Minor Partition Lot at 1340 9th Street West Linn, FILE NO. MIP-21-02

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Good Afternoon Mr. Myers,

I am a resident at 1325 9th Street and have some concerns about the proposed partition at 1340 9th St.

First, 9th street has become congested as a result of the multiple single home projects over the last 5 years on 9th street. Willamette park & Willamette park boat ramp traffic disproportionately use 9th street as an exit for large vehicles. Each single family home project on 9th street has added to the already unsafe situation at the steeply graded portion of 9th street on which the developer looks to partition for further homes. At present, the portion of 9th street adjacent to 1340 9th st cannot be safely traversed by vehicles traveling in opposite directions, requiring traffic to pull to the side of the road into private property to navigate the hill. The pulling over by vehicles traveling up 9th street is usually done directly across from the proposed partition to allow safe passage of vehicles down 9th street. With the proposed project, the street would effectively become one way and require cars to go into the ditch to pass one another.

Lot length sidewalks do not address the risk to pedestrians, especially children in the neighborhood, of this portion of 9th street, given the steep grade, narrow road and the already hazardous situation for vehicles and children on the street. In order to accommodate more families on the street, especially in the steep and narrowest portion of 9th street, a developer needs to address the risk to existing families of the steeply graded portion of 9th street. A sidewalk from 5th avenue all the way to Volpp and/or a road width adjustment from 5th avenue to Volpp is already necessary and should be linked to any request for further development and stress on this portion of 9th street.

Second, the proposed plan assumes a 4th avenue that at present, does not actually exist on 9th street. Is the city planning to build a 4th avenue? If not, who will be creating and maintaining 4th avenue? It appears on the plans but if you visit 9th street, 4th avenue does not exist. It appears the plan submitted by the developer are calling what is currently private property "4th avenue." If there is to be a built 4th avenue, I do not believe the neighborhood has had an opportunity to comment on the proposed street and how that would affect the wetland and existing issues with the grade and narrowness of 9th st.

I would very much like the opportunity to discuss our concerns and objections to the proposed partition. Please feel free to reach out to me.

All the Best,
Chandra Basham
1325 9th St
West Linn, OR 97068



From: Carrie Belding [REDACTED]
Sent: Saturday, August 28, 2021 4:33 PM
To: Myers, Chris
Subject: 1310 9th St partition comments

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Just wanted to submit some official feedback about this.

I live on 9th Street and I'm concerned about the width of the proposed 4th Ave where it intersects with the more narrow 9th and 10th Streets. As you know, our road is one of the main ways out of (and into) Willamette Park and so we are not just residential traffic, but see many park visitors, including many pulling trailers. Cars frequently speed both up and down 9th and a road intersecting the middle of 9th where people walk in the road and others drive quickly, in addition to the kids who start at the top of our hill on their bikes and fly to the bottom, will be dangerous. Thanks for considering my feedback.

Best,
Carrie Belding

From: [REDACTED]
Sent: Saturday, August 28, 2021 3:21 PM
To: [Myers, Chris](#)
Subject: File # MIP-21-02

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Hi Mr. Myers,

In reviewing the development submittal I could not determine if the proposed 4th Ave alley would extend all the way to 10th. The storm water capture facility design led me to believe that it is sized to only capture runoff from the area in front of the subdivided lots. If the intent is to connect 4th to 10th there's going to be lots of water coming down the slope. I don't support having the storm water detention device located in the ROW. Any future expansion of street width would hinder it's effectiveness and might require it's removal.

I don't support the alley extending past this lot. 10th is not a standard width road as it is. The developer proposal will remedy the width of 9th but not 10th. I did chuckle at the proposal referring to 4th as a street.

Thanks for the opportunity to provide my thoughts,

Carl Betancourt

From: Joshua Cheney <[REDACTED]>
Sent: Friday, August 27, 2021 2:30 PM
To: Myers, Chris
Cc: [REDACTED]

Subject: 4th Ave as a through street between 10th and 9th street

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Hi Chris,

My name is Josh Cheney, and I live at 2030 Leslies Way.

I have a few concerns about the through street between 9th and 10th St, and further development.

9th street nor 10th street are adequately prepared for additional traffic, as both streets are incredibly narrow, and traffic is constantly blocked up and down both streets which are considerably steep.

- Moving trucks, construction vehicles, towed boats, etc. are regular impediments to all residents that live on Leslies Way and/or 10th.
 - I suspect the same applies on 9th.
- I have also nearly been struck by multiple vehicles on these streets.

Lastly, I would also like to understand the geo studies being conducted for these roads, as rainwater runoff consistently overwhelms the current infrastructure, flooding out 9th St. and the wetlands backing up to Willamette Park.

Thank you for your consideration.

Josh Cheney

Friday 27, 2021

Chris Myers
City of West Linn Planning
22500 Salamo Rd
West Linn, OR 97068

SUBJECT: Written testimony for consideration of Two Lot partition at 1310 9th street and development of 4th Ave

Dear Mr. Myers,

Thank you for taking my call yesterday and describing the entire scope of the project which includes the proposed partition of one lot into two lots for the development of two single family homes and the construction of 4th Ave between 9th street and 10th street. Based on the overall information available to the public at this time this project does not meet certain approval criteria found within Chapters 11, 48, 55, 85, and 92 of the Community Development Code (CDC). This project as proposed also does not meet the criteria found in Chapter 6 of the CDC regarding the studies required for the proposed development of 4th Ave.

This Development Review Application as presented by Icon in consultation with the City of West Linn has failed to take into consideration the substandard existing infrastructure that currently exists on 10th street. The current proposal put forth by Icon does not address the development of 4th ave. All the Development Review Application states is:

Comment: No new streets are proposed. Parcel 1 is located at the corner of 9 th Street and 4 th Avenue. Parcel 2 fronts onto 4th Avenue. Per the pre-application conference notes, 9 th 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 th 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.

While the above first statement is correct it is extremely misleading. Icon and the City together plan to develop a field and vacant lot into a paved 20 ft asphalt road with right-of-way. There are tree clusters that need to be addressed, grading, fill and connecting issues to current infrastructure along 10th street none of which are addressed. The proposed intersection has a drop off currently of at least 12 ft if not more. This intersection will be in the middle of the narrow 15 ft road and is on a slope making visibility poor. Nothing about this seems safe. When developing a new road all the studies need to be conducted not just waived by the City. Because of the unique situation of 10th street not being constructed to City code the Traffic Analysis Impact Study required by Chapter 48 .025 of the CDC, that was waived by the City, needs to be completed.

The proposed development of 4th Ave as a through street between 9th and 10th streets impacts the quality of life for our family as well as others on our street, especially those families with children. The Development Review Application presented by Icon also states that the impact would be 20 trips a day. I'm not sure where they got this number but even 20 more trips a day on a one way road that my kids have to try and avoid delivery trucks while on their bikes is not worth it. Even walking the dog with cars trying to pass is not always safe add in the extra traffic and it is highly concerning.

For the above reasons and many more we cannot currently approve of this Two-lot Minor Partition at 1310 9th street as is written. I'm confident that Icon can propose another layout that does not involve the development of 4th Ave as a through street. A paper street that is put on the books in the early 1900s does not mean it is still a good idea today. Attached you will find four pictures that I took this morning of how our street is used daily by vehicles. Once again what is on paper is not always what happens in real life. We look forward to discussing this matter further. Please feel free to contact us for further discussion.

Kind regards,



Samantha Faile and Travis Cook
1290 10th Street



Brian and Cathy Bittke
1330 10th street

P.S. Please send failecook@gmail.com the meeting summary of the Pre-Application Conference for this project as it was not listed on the website or at least not under the name Two Lot Partition at 1310 9th street. Thank you.











September 20th, 2021

Mr. Chris Myers
Associate Planner
City Hall
22500 Salamo Road
West Linn, OR 97068

Subject: File No. MIP-21-02 Two Lot Minor Partition at 1310 9th Street

Dear Mr. Myers:

I am appealing the request for a two-lot Minor Partition at 1310 9th Street.

Background Information - The driveway to 1250 9th Street is currently on the unimproved 4th Ave. right of way and the utilities to 1250 9th Street currently run under the 4th Ave. right of way. This configuration was approved by the city when the house was built in 1993.

ICON Constructions application does not address any potential issues that will impact 1250 9th Street during and after construction of the 4th Ave. alley or construction of the two houses. In addition, I would like to call out that we were not contacted by anyone at the city after the application had been submitted by ICON Construction. We were only aware of the partition and alley construction after a public notice was sent to us. We consider ourselves major stakeholders in this project due to the realignment of our driveway and loss of part of our yard due to it being on the right of way. It is distressing that the city did not see fit to inform one household of potential impacts to our property due to a partition being requested by ICON.

As homeowners at 1250 9th Street, we will be highly impacted by this project and would request that the City review are points below per ICON's application.

CDC 85.200 Approval Criteria

Section J. Supplemental Provisions

1) Wetland and natural drainageways.

Comments states "There are no wetlands or drainageways on subject property or adjacent parcels." **1250 9th St. has a wetlands easement.**

5) Dedications and exactions.

Comment states "Six feet of right of way dedication is proposed along 9th street. This will bring the existing 20-foot half street width to 26 feet, which is consistent with local street standards." **This is incorrect, the width of 9th street is 16 feet.**

6) Underground utilities.

Comment states "The existing powerline on 9th 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." **This is incorrect, there is no overhead power on the lot of 1310 9th St.**

CDC 48.025 ACCESS CONTROL

Section B. Access control standards 3) Access options

Comment states “Both parcels will have access to a local public street” meaning that the second lot will have access from the proposed 4th Ave. alley.

Per part b Option 2 Access is from a private street or driveway connected to an adjoining property that has direct access to public street. **Why was this option never explored? Presently the driveway to 1250 9th St. resides on the 4th Ave. right of way and could be shared for access to the second lot. This would eliminate the need for the construction of the 20-foot 4th Ave. alley.**

CDC 92.010 Public Improvements for all Development

Section E.

Comment states “The applicant proposes to install a 5’ x 40’ stormwater facility in the 4th Ave. right of way to accommodate street runoff.”

We oppose the planned location of this stormwater facility per that attached drawings. This location would force the removal of three mature red maple trees and the stormwater facility should be located on the 1310 9th St. building site to be maintained by the homeowners on that site.

Per the engineering drawing at the end of application, a driveway approach would be constructed on the 4th Ave. alley to access 1250 9th Street. This driveway approach lies at the low point of the proposed 4th Ave alley and would act as a stormwater drain on our property. We are very concerned about this since we have no flooding on our property now.

Per an attorney’s review of ICON’s application a few questions are posed below:

Has the City Arborist weighed-in on whether the on-site tree clusters are significant?

Absent such a determination from the City Arborist, the applicant has failed to meet its burden to demonstrate that design review is not applicable per CDC 55.100.B.2.

The application fails to demonstrate compliance with access spacing standards at CDC 48.025.B.6. The statement of the applicant that “existing driveway curb cuts will be used to access both parcels” is insufficient to demonstrate compliance with access spacing standards and appears to be false as appear not to be any existing curbs (or curb cuts) on 4th Ave or 9th St abutting the partition site. **Failure to demonstrate compliance with the access spacing standards also violates CDC 48.025.B.3.**

Street frontage improvements on 4th Ave are insufficient to meet city standards. 4th Ave is presumably a local street, the standard width for which is 54 feet. Sufficient right-of-way must be dedicated to meet the minimum width standards, and a half street improvement must be required.

4th Ave is not designated an alley in the TSP, thus the 20’ minimum pavement width standard is not applicable. **See CDC 92.020 requiring streets adjacent to a partition to meet minimum city standards unless a written request is granted, and a fee-in-lieu is paid.**

The application fails to address all but one of the required improvement standards at CDC 92.010.A-Q. Such standards are made applicable to the proposed partition by CDC 92.020 (“The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision.”). Failure to demonstrate compliance with the required improvements standards at CDC 92 also violates CDC 48.025.C.2.

Please include as a condition of approval to the partition, the note from the City Engineer's pre-app comments that "a West Linn Erosion Control Permit Application, as outlined in Section 2.0065 of the *City of West Linn Public Works Standards*, will be required prior to the commencement of construction."

In Summary, we would like ongoing dialogue on the progression of ICON's application and our callouts above. We would also like assurances as the project progresses, that we will not lose access to our driveway, there will be no power or internet outages, and no loss of water or sewer. In addition, we would like a contact name and number of the person overseeing this project.

Lastly, we request a meeting with you, Darren Wyss and the City engineer to discuss our concerns and each of the items in greater detail. Thank you.

Sincerely,

Jennifer Aberg Martin Heinemann
Jennifer Aberg and Martin Heineman
Homeowners: 1250 9th Street

cc: Darren Wyss
John Williams
Jerry Gabrielatos
Lance Calvert
Amy Pepper

From: Derek Hines [REDACTED]
Sent: Friday, August 27, 2021 1:31 PM
To: Myers, Chris
Cc: Jones, Todd
Subject: re: MIP-21-02 application for 2-lot Minor Partition at 1310 9th St

Hello Mr. Myers:

My name is Derek Hines. We live at 1280 10th St, West Linn, OR 97068. We've been made aware of the proposed application for a minor partition at 1310 9th St. It has been brought to my attention that the proposal on the city's website does not accurately represent the proposed project. Can you clarify that the actual application indicates that street improvements will include extending 4th Ave from 9th St to 10th St? The original application makes no reference to this. The original application also makes reference to improvements to 4th Ave "consistent with a 20' alley width, as required in the pre-app notes." I cannot find any "pre-app notes" online. There is no alley currently in place between 9th St and 10th St, so I'm not sure what this means.

If there are indeed plans to extend 4th Ave to connect to 10th St, we have several issues with this. First, 10th St as it is now, is very narrow and cannot accommodate more traffic. In this particular stretch of the road, cars must drive single file or wait at the top of the hill for the oncoming car to pass.

Secondly, 10th St does not have continuous sidewalks for safe travel.

Lastly, there are young children living on 10th St who have to walk to and from school and buses. Increased traffic on this road would make this dangerous for them.

For these reasons, we are against extending 4th Ave to meet 10th St.

I wanted to also point out that while we did get notice of this via mail, only one sign was posted about this on 9th St. There were no signs on 10th. Just curious about why.

Thank you for listening to our concerns and clarifying any information that I have incorrect.

Sincerely,

Derek Hines & Siboney Hines
1280 10th St, West Linn, OR

From: [REDACTED]
Sent: Tuesday, August 31, 2021 10:47 AM
To: [Myers, Chris](#)
Subject: Land Proposal

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Hi,

I live at 1340 Tenth St, West Linn OR 97068 and was recently informed by my neighbors that Icon construction is wanting to develop the property directly across from me and there is plans to put a road in as well. I am not sure why I didn't receive any notification on this proposal, but would like to be apprised of this type of information as it affects my property value and privacy. I would like to give my input where I can specifically if it directly affects my home and neighborhood surroundings, thank you!

Catherine Johnson

From: Michelle Joslin [REDACTED]
Sent: Friday, August 27, 2021 4:00 PM
To: Myers, Chris
Subject: 1310 9th St West Linn OR - Partition Application and Testimony
Attachments: [Image 8.JPG](#); [Image 9.JPG](#); [Image 12.JPG](#)

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We were notified of the partition application before going on vacation and the deadline to submit testimony falls on the day we've returned. My husband I own, and reside, in 1275 10th St, West Linn, OR 97068. Our property would run parallel to the proposed road and partition. Our property is also located on the downward slope of the proposed partition and road.

We request the city do further due diligence in considering this partition request and have serious concerns; environmental, geological, and safety. I will address each of these concerns in relation to the section of code they apply to.

Environmental concerns:

Chapter 85, Section B 3 requires lot size and shape 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.*" The application does not address the protection of drainageways, trees, and natural features. The property contains multiple "tree clusters" (three or more trees with overlapping driplines). I've included pictures of those tree clusters. Images 8 and 9 show a cluster of approximately 10 trees in the same dripline. Image 12 shows about 4 trees in the same dripline. By partitioning the lot more sq footage would be used up by structures and corresponding hardscapes and would likely result in the removal of the tree cluster in images 8 and 9. The partitioning of the lot would also necessitate the building of 4th st, which would likely result in the removal of the tree cluster in image 12. Furthermore, while the application states there are no "heritage trees" I'd ask for the opportunity to have a consultation with a certified arborist. The tree in image 10 (as a google link here) is large in size and should be taken into consideration.

Geological concerns:

CDC 85.170(C)(3) states, "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". To this, the applicant merely states, "there are no *known* broad general geological hazards in this area". The absence of *known* hazards isn't the absence of hazards. The applicant has not *demonstrated* the site is safe for development. As the property directly adjacent to the proposed partition and on the downward slope this issue is of particular concern. I'd recommend the applicant obtain a comprehensive geotechnical study of the property and proposed road to evaluate the potential geological hazards including slope stability and settlement issues. The road, while not directly the subject of the partition, should be taken

into consideration with the partition since the partition application necessitates the additional road.

The partition would lead to more surface area being covered with hardscapes. While the application included current infiltration testing, the addition of the additional hardscapes will have an impact on the runoff and stormwater infiltration.

Safety concerns:

The city did not require a traffic impact analysis and I disagree with that assessment. A traffic impact analysis should be required given the current streets and traffic patterns. 10th is a narrow street and while the estimated trips of 20 per day may be small, 10th already has issues fitting the cars and pedestrians that use that street currently. There are portions of 10th that do not have a sidewalk and many families walk up this road to access the local elementary school and the businesses in Old Town Willamette. Cars routinely park on the shoulder blocking the already narrow road and the additional trips would be untenable. Additionally, 9th is at a steep incline and it is common for vehicles to drive quickly down that hill. See image 2. Having a cross street right after the downslope begins could pose a safety risk. Residents already have issues with vehicular traffic on this narrow road and have signs in place to encourage safe driving already. Image 1. Again, while 20 additional trips per day may seem less than significant for already many roads, those are not the roads we are looking at here. A traffic study should be required to assess the impact of the street on the safety of the vehicular traffic as well as pedestrians.

In summary, the partition needs to be taken into consideration with the street it would necessitate. The proposal has unanswered questions regarding the environment, geological, and safety feasibility of the proposal. The application asks to kick that can down the road and often states, "standards will be reviewed at that time". The plan has far reaching implications that should be considered in their totality.

I'd request the following additional information be obtained in evaluation of this partition application:

- The status of the trees on the property by a licensed arborist for their heritage and the impact of removing at least 2 separate tree clusters
- A comprehensive geological study to evaluate the impact of the proposed partition, street, and hardscapes
- A traffic study to evaluate the impact of the road on resident and vehicular traffic safety

Sincerely,
Michelle M Joslin

[REDACTED]

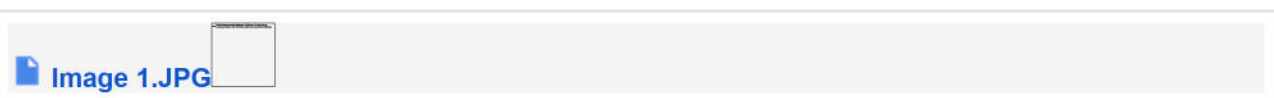


 Image 2.JPG



 Image 10.JPG











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September 20, 2021

Damien R. Hall
Also Admitted in California and Washington
503.944.6138
dhall@balljanik.com

Our File: 17868-1

VIA EMAIL : cmyers@westlinnoregon.gov

Chris Myers
Associate Planner
West Linn City Hall
22500 Salamo Rd.
West Linn, OR 97068

Re: Proposed Partition (MIP-21-20)
Testimony in Opposition

Dear Mr. Myers:

This firm represents Michelle Joslin, owner of the residential property immediately to the west of the proposed partition site. Upon review of the application materials, we have identified the following issues.

1. The City Arborist does not appear to have weighed-in on whether the on-site tree clusters are significant. Absent such a determination from the City Arborist, the applicant has failed to meet its burden to demonstrate that design review is not applicable per CDC 55.100.B.2.
2. The application fails to demonstrate compliance with access spacing standards at CDC 48.025.B.6. The statement of the applicant that "existing driveway curb cuts will be used to access both parcels" is insufficient to demonstrate compliance with access spacing standards and appears to be false as there does not appear to be any existing curbs (or curb cuts) on 4th Ave. or 9th St. abutting the partition site. Failure to demonstrate compliance with the access spacing standards also violates CDC 48.025.B.3.
3. Street frontage improvements on 4th Ave. are insufficient to meet city standards. 4th Ave. is presumably a local street, the standard width for which is 54 feet. Sufficient right-of-way must be dedicated to meet the minimum width standards, and a half street improvement must be required.
4. 4th Ave. is not designated an alley in the TSP, thus the 20' minimum pavement width standard is not applicable. See CDC 92.020 requiring streets adjacent to a partition to meet minimum city standards unless a waiver is granted, and a fee-in-lieu is paid. That does not appear to have occurred.



5. The Joslins request that the applicant and city limit improvements to 4th Ave. to those necessary for ingress/egress to Parcel 2. As discussed above, it is difficult to tell where the access is proposed, but as a practical matter, improvements to 4th Ave. should not continue west of the proposed Parcel 2 access. It is also preferable that 4th Ave. improvements be more akin to private drive than an alley, with reduced width of the paved surface and no curb. While at odds with the minimum city street standards, this approach can be authorized pursuant to the waiver process at CDC 92.020, including payment of a fee in-lieu.
6. The application fails to address all but one of the required improvement standards at CDC 92.010.A-Q. Such standards are made applicable to the proposed partition by CDC 92.020 ("The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision."). Failure to demonstrate compliance with the required improvements standards at CDC 92 also violates CDC 48.025.C.2.
7. Please include as a condition of approval to the partition, the note from the City Engineer's pre-app comments that "a West Linn Erosion Control Permit Application, as outlined in Section 2.0065 of the *City of West Linn Public Works Standards*, will be required prior to the commencement of construction."
8. Also as noted in the City Engineer's pre-app comments, a fire hydrant must be installed on 9th St. in order to meet the city's minimum spacing standards. Please include a condition of approval requiring the fire hydrant spacing standards to be met and that water facilities be upgraded as necessary to support any new hydrant.

Thank you for your time and attention to this matter. Please don't hesitate to contact me with any questions or to discuss the above-listed issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "DRH".

Damien R. Hall

DRH:mep

From: [REDACTED]
Sent: Monday, September 13, 2021 10:32 AM
To: [Myers, Chris](#)
Cc: [Calvert, Lance](#); [Williams, John](#); [Gabrielatos, Jerry](#)
Subject: 4th Ave Development Project

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Dear Mr. Myers,

My name is Greg Kantor, and I live at 1215 9th street in West Linn (very close to the proposed lot development at 1301 9th street). We moved to this area a few years back because of the beautiful community and the strong protections in place of the wetland and surrounding areas. We have been extremely disappointed by recent approvals of building activity taking place along 9th Street, and we vehemently oppose the proposed development at 1310 9th Street—particularly the proposed extension of 4th avenue.

I have listed just a few of my concerns below, which I ask you consider before any further action is taken with regards to the proposals:

1. *Our local infrastructure is simply inadequate to handle additional growth at this time.* I am not completely opposed to the addition of new homes in the area, provided that they are completed in accordance with a reasonable plan that does not harm the local residents. We have seen a significant uptick in traffic on 9th street, both due to recent development, as well as increased boating activity at Willamette Park. As it stands, 9th street has no speed signs, no speed bumps, no sidewalks, and it is not the proper width for a two-lane road. It is a safety hazard for the many children who live down here who wish to walk to school, for instance, and it is only going to get worse. We have seen more than one pet die from speeding vehicles, and we are fearful that someday there will be an accident involving a child. **At a minimum**, any further development on 9th street should require improvements to 9th street that mitigate all of these concerns.
2. *Any public funding for this project would be inappropriate.* The extension of 4th Ave would not benefit any of the existing residents in the community, and in fact would achieve the exact opposite (based on above comments). The only beneficiaries of this project would be the property owners of the lot(s) that are seeking approvals for development and therefore any public funding for this project would be wrong. Any costs for improvements required for this development should be paid by those seeking to develop this lot.
3. *The recent development on 9th street (WAP 20-01) should never have happened.* The proposed plans for WAP 20-01 allowed for a home to be built within feet of a wetland space, but we have noticed that they have proceeded to extend beyond that boundary and into the wetland area. They have poured concrete structures on top of wetland space, and have made significant modifications (e.g., compacting, leveling, and fill additions) well beyond the wetland borders. Furthermore, this project removed a significant cluster of beautiful, tall trees that should still be standing today. This project is being completed by an external developer who is looking only to profit off the area.

He is not a resident who has a vested interest in the community. We also understand that there are plans for further development in this lot grouping, which we believe will be even more disastrous. We are worried that complacency regarding development in the area is leading to relaxed oversight and will lead to further damage.

4. Double standard between developers and existing residents. Existing residents have attempted to make modest improvements to their properties (e.g., driveway improvements, patio additions, etc.) and have encountered significant difficulty in doing so. This is understandable, as our community has significant standards in place – particularly as it relates to wetland and wildlife preservation restrictions, which I believe are a good thing. However, I have a real problem with the double standard that appears to be applied to residents vs. developers. It leaves the impression that approval will be granted to any project that results in additional tax revenue while existing residents are ignored.

Thank you for taking the time to read my email. Please don't hesitate to contact me if you would like to discuss any of my concerns.

Best regards,

Greg

Response for File No. MIP-21-02, 2 lot minor partition at 11310 9th Street

Dear Mr Myers and Planning Commission,

I own the property at 1351 10th Street, which shares a property line with the above property. Additionally, as I understand it, this request also includes a provision, not stated in the notice sent to landowners within 500' of the subject property, to punch the undeveloped 4th Avenue through from 9th Street to 10th Street with some half street improvements. That portion of the land to the west of the subject property where the proposed roadway will go abuts my south property line in its 200' entirety.

While I do not object to the minor partition of the land to accommodate two houses on the 9th street side (I am on the 10th street side) provided that they meet the required lot requirement (10,000 sq ft as I recall), I do object to this petition on the following grounds:

Procedural Issues:

1. The notice does not state that in addition to the 2-lot minor partition, that the currently undeveloped 4th avenue will be punched through to create a 400' roadway from 9th street to 10th street, when 200' of that proposed street has nothing to do with the development of the lots which have easier, safer and quicker access from the 9th street side.
2. There was no sign posted on the 10th street side, only the 9th street side. Thus, 10th street residents were not properly given notice of the fact that this partition would have an impact on their street, and I personally was not given notice that this proposed roadway would directly affect the 200' of my south property line.
3. The map on the back of the notice fails to show AT ALL location of the proposed lots and the development of 4th avenue into some type of improved roadway.

Neighborhood Impact:

1. 10th street in the proposed area was never properly developed in the 1990's as new housing was built on this street, ie, the city failed to apply its own code. A substantial portion of the area of 10th street that is affected by this minor partition and 4th avenue roadway is one lane and merely 15' wide, whereas a proper half-street is 20' wide. The four houses built in the 1990s across from my one-acre lot did not create sidewalks at the time they were built. The road incline is fairly steep. There are no streetlights. Thus, the existing portion of 10th street that would be impacted by having 4th avenue merge onto 10th street, would be made even more unsafe for cars and pedestrians than it is now, given an increase in traffic and the odd angle and incline to go from one street to the other.
2. At a meeting in about March 2012, when the City decided there would no longer be parking permitted along this portion of 10th street, the basis for that decision was that parking would create a hazard in the event an emergency vehicle needed to get through. This decision was rendered a good 15 years or more after 10th street was developed, when no concern for its substandard construction was raised. The street has not been widened since its inception, there still are no street lights, and sidewalks have never been installed on the developed (west) side of the street (another code failure during the construction in the 90's). Since that meeting in 2012, more and more families with young, elementary aged school children have moved into this area (as older families downsized and moved away). Those children routinely walk on the

substandard 10th street, competing with cars, as they go to and from school, or on walks. The city now proposes to allow another narrow roadway to intersect 10th street at an especially steep section, where it is but 15' wide. Turning onto 10th from that 4th avenue roadway will not be safe, as it will be from a steep slope onto a partially blinded narrow section of 10th street.

3. The southern portion of my 200' south property line slopes significantly downward into the proposed roadway, meaning either the road bed will need to be raised some 10'+ to meet the existing 10th street road bed, or, if the present uneven sloping grade is merely leveled, it then creates a slide hazard of my south property line, all 200' of it. If the roadbed is raised, the city creates the same issue as it did when it allowed the improper half street development of 10th street, ie, no sidewalks, no streetlights, and this time, a sharp drop-off to the house below, rather than a potential slide area from my property above.
4. One has to question why, when the partition faces onto 9th street and has no need to access 10th street, Fourth avenue, now an undeveloped gully, will be developed. Occupants of the houses on the minor partition have adequate access to their homes via 9th street. Of the two streets, 10th is already more developed, has more traffic, both vehicular and pedestrian, and would be further needlessly burdened by additional traffic to get to 9th street. 9th street has fewer homes, fewer pedestrians and is the lesser developed street of the two, given the amount of pasture land. 9th street should thus be the only street to feed new houses on the minor partition.

In sum, the reasons I object to this minor partition at this time are:

1. Insufficient notice as to the extent of the project, ie, not simply the building of two more houses but the punching through of 4th Avenue from 9th street to 10th street.
2. The proposed development of 4th avenue will create an additional traffic burden on 10th street, which is already too narrow (5' under code), too steep at the intersection of 4th and 10th, and has visual barriers. Pedestrians will be placed at greater risk than they currently are.
3. 9th street is less developed than 10th street and could bear the additional traffic burden far better than 10th street in that 9th street is wider and provides far more direct access to the two new homes.
4. The development of a roadbed along the southern 200' of my property line could either create a potential slide along my property line if the roadway is built along its current grade, or could create a slide area for the adjoining house if the roadbed is raised.

Respectfully submitted this day, August 27, 2021

Phyllis Koessler, 1351 10th Street, West Linn, 97068.

From: Joe Krish [REDACTED]
Sent: Friday, August 27, 2021 5:32 PM
To: Myers, Chris
Cc: Stacey
Subject: 1310 9th street concerns

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good afternoon,

I am writing to share my concerns regarding the proposed "minor partition" at 1310 9th st, in West Linn.

First and foremost, I believe there is a lack of transparency in the methods the city has chosen to go forward with this proposal. Why are there no signs posted at the proposed sites? More specifically, the alley or connector road that is proposed to connect 9th and 10th streets together seems to be hidden in the intent to develop the lot?

Reviewing your CDC 75 it mentions setback distances, and the height of the residences blocking a viewpoint from the homes above. The home on the uphill side has a great view of the river valley and a 2 story home has the potential to block this view.

I also noticed in CDC 92 it discusses alternative street links that already exist. We have a connector street (5th) at the top of the hill and do not need another connector. Plus, any road or alley that connects to 10th street would be impossible to make an uphill turn, due to the narrowness of 10th street.

Lastly, this area is on a slope that by leaving natural vegetation, helps to reduce the potential of a land slide. Development increases runoff, and removes in-situ ground cover, thereby increasing the chance of the ground sliding or slumping

There is no need to build an alley or a road to connect 9th st. to 10th st. This is a nice green space that could be better suited to be a natural, undeveloped piece of land.

I am opposed to developing this parcel, at least in the manner in which it is proposed.

Sincerely

Joe Krish
1263 10th street
West Linn, OR 97068

From: [REDACTED]
Sent: Monday, September 6, 2021 11:23 AM
To: [Myers, Chris](#)
Subject: File no. MIP-21-02

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Hello, we are riding once again to submit our frustration with the way the proposed "" alleyway is being shared with the neighbors in the community. We do not believe that this alteration is necessary. There's no reason why the houses One street over from 10th St. need a through alleyway two tents wider than what is currently in place on 10th St. It would encourage an increased amount of through traffic which our street on 10th cannot handle.

Until West Linn city of Public Works is willing to put in a sidewalk and make those changes to keep 10th St. safe, we are pose the ninth Street change to add a alleyway.

Sincerely,
Joel and Jennifer La Follette
1360 10th St.

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION*
FILE NO. MIP-21-02**

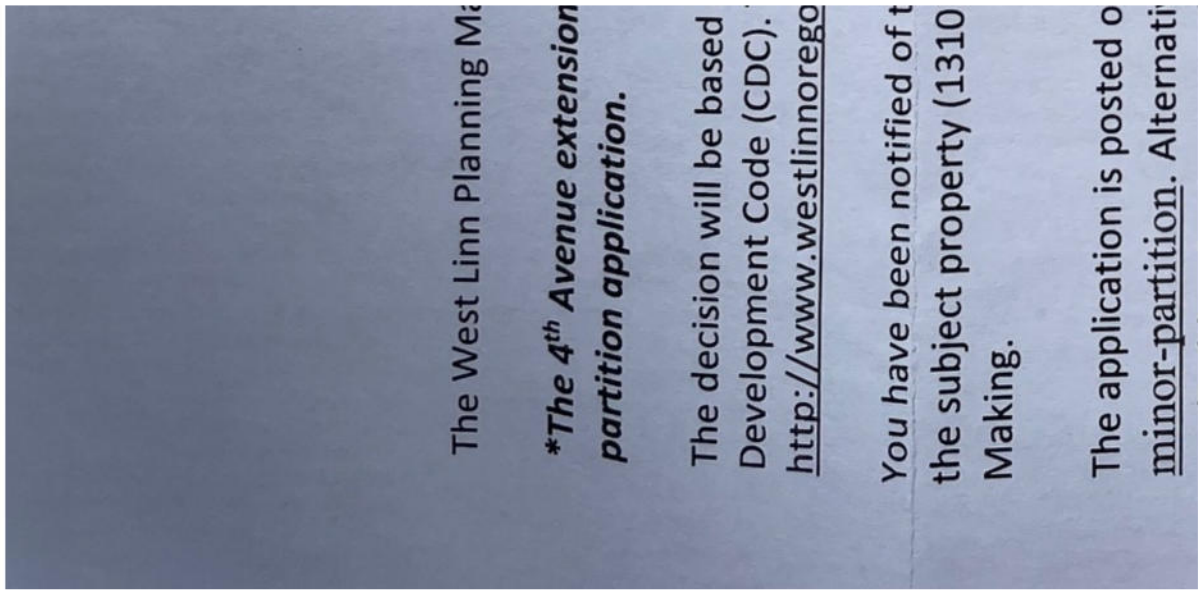
anager is considering a request for a two-lot Minor Partition at 1310 9th Street.

project is a City of West Linn Public Works project and is not related to this

on the approval criteria in Chapters 11, 48, 75, 85, 92, and 99 of the Community
The applicable approval criteria are available for review on the City's website
www.cityofwestlinn.gov/cdc or at City Hall and the City Library.

his proposal because County records indicate you own property within 500 feet of
9th Street) or as otherwise required by CDC Chapter 99: Procedures for Decision

n the City's website, <https://westlinnoregon.gov/planning/1310-9th-street->
vely, the application, all documents or evidence relied upon by the applicant and



Tight Lines,
Jennifer La Follette
Royal Treatment Fly Fishing

Fly fishing is all about YOU controlling the fly line, not the fly line controlling you!

From: David Osborne [REDACTED]
Sent: Saturday, August 28, 2021 9:05 AM
To: Myers, Chris
Cc: David Osborne
Subject: Lot partition an road on 9th street

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Chris

I just found out about this today from my neighbor so I am sport for the last minute email.

MIP 21 02 is a terrible idea. I understand ICON looking at this as a business money maker but adding a road to 9th street is a bad idea. Traffic is all ready too much for this street. People use it for hikes and walks but with so much traffic coming from the river all ready..... the area does not need more. Just in preparing for this proposal I have had construction people on my property with out permission leaving survey markers and flags that I have to clean up. I am definitely against adding a road and two homes and do not support this proposal. I also know this will have a negative effect on my property value and request data that guarantees it will not.

Additionally the area is not big enough for the construction activity of this type to happen with out significant impact to the neighborhood in quality of life during construction. The equipment that is needed to make the road in the space ICON has is not reasonable to happen with out impact to the street and peoples lives. In this pandemic most of us are home during the day now. I know I personally do not need equipment in my driveway and the house vibration and noise. I have been in construction for 35 years. There is not enough space to do this! I live in a neighborhood not downtown Portland. This is a bad neighborhood choice. I understand the business part but this is wrong for the people. I understand the codes. It is one lot is and..... how it was purchased. It needs to stay that way.

David Osborne
1343 9th st
West Linn

From: David Osborne [REDACTED] >
Sent: Saturday, August 28, 2021 9:15 AM
To: Myers, Chris
Subject: Re: Lot partition an road on 9the street

Chris

Additionally ICON has not been taking care of the property. It should be looked at as a fire hazard at this point and something needs to be done. So much dry brush on a hill in the middle of a neighborhood is wrong.

Dave

Sent from my iPhone

> On Aug 28, 2021, at 9:04 AM, David Osborne <yukon.dave@me.com> wrote:

>

> Chris

>

> I just found out about this today from my neighbor so I am sport for the last minute email.

>

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>

> David Osborne

> 1343 9th st

> West Linn

From: [REDACTED]
Sent: Saturday, August 28, 2021 10:05 AM
To: [Myers, Chris](#)
Subject: Re: Lot partition an road on 9the street



Sent from my iPhone

Chris

This is how they are treating the neighborhood now as property owners today. ICON has their office in West Linn. You would expect more just in the way of safety.

We don't need a new road.

Dave
1343 9th street

On Aug 28, 2021, at 9:04 AM, David Osborne [REDACTED] wrote:

Chris

I just found out about this today from my neighbor so I am sport for the last minute email.

MIP 21 02 is a terrible idea. I understand ICON looking at this as a business money

maker but adding a road to 9th street is a bad idea. Traffic is all ready too much for this street. People use it for hikes and walks but with so much traffic coming from the river all ready.....the area does not need more. Just in preparing for this proposal I have had construction people on my property with out permission leaving survey markers and flags that I have to clean up. I am definitely against adding a road and two homes and do not support this proposal. I also know this will have a negative effect on my property value and request data that guarantees it will not.

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David Osborne
1343 9th st
West Linn

From: [REDACTED]
Sent: Saturday, August 28, 2021 5:13 PM
To: Jana Russell
Cc: [Myers, Chris](#); [REDACTED]
Subject: Re: 4th Ave as a through street between 10th and 9th street

Chris, Elizabeth LaCarney and I live on the corner of 11th and Leslie's Way. We agree with Josh and others that this is a poor idea. 10th is difficult to travel on a good day with the legally street parked cars. Please note our names as concerned residents.

On Aug 27, 2021, at 2:29 PM, Joshua Cheney
[REDACTED] wrote:

Hi Chris,

My name is Josh Cheney, and I live at 2030 Leslies Way.

I have a few concerns about the through street between 9th and 10th St, and further development.

9th street nor 10th street are adequately prepared for additional traffic, as both streets are incredibly narrow, and traffic is constantly blocked up and down both streets which are considerably steep.

- Moving trucks, construction vehicles, towed boats, etc. are regular impediments to all residents that live on Leslies Way and/or 10th.
 - I suspect the same applies on 9th.
- I have also nearly been struck by multiple vehicles on these streets.

Lastly, I would also like to understand the geo studies being conducted for these roads, as rainwater runoff consistently overwhelms the current infrastructure, flooding out 9th St. and the wetlands backing up to Willamette Park.

Thank you for your consideration.

Josh Cheney

From: Stacey Krish [REDACTED]
Sent: Friday, August 27, 2021 7:18 PM
To: Myers, Chris; Joe Hubs
Subject: Proposed connector road between 9th and tenth

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To Whom it May Concern:

My name is Stacey Krish and I live at the junction of 10th Street and Leslie Way.

I object to a new road being placed between 9th and 10th Streets (a new section of 4th Avenue) because despite living within 100 feet of it, we've been given no notice about this plan. What we did receive in the mail from the City of West Linn only mentioned potentially dividing a nearby lot. We learned of the new street plan from a neighbor who took the initiative to call and ask about what was proposed for the property.

I can't imagine it's legal to not notify neighbors about a new road.

I would like to know what types of traffic and geological studies the city has done on the area in question.

I'm sure you can imagine that vehicles leaving Willamette Park, including large vehicles towing boats, will attempt to use a connector road between 9th and 10th to get from Willamette Park back to the freeway. Turning right onto narrow 10th Street will be hazardous and will block traffic for those of us who live in the area.

Not only is 10th Street a single lane wide, but we lack sidewalks to skirt around traffic. This won't be safe for adults, let alone children who are trying to walk to and from their bus stop at the intersection of 10th Street and 5th Avenue and to Willamette Primary School.

The area in question sits on a bluff above my neighbors' home. I think situating a road above their house is very risky due to the potential for landslides.

Stacey Krish
1263 10th St
West Linn, OR 97068

PD-3 SITE MAP



PD-4 COMPLETENESS LETTER



CITY OF
West Linn

June 9, 2021

Darren Gusdorf
1969 Willamette Falls Drive, Suite 260
West Linn, OR 97068

SUBJECT: MIP-21-02 application for 2-lot Minor Partition at 1310 9th St.

Dear Mr. Gusdorf,

You submitted this application on May 11, 2021. The Planning and Engineering Departments find that this application is now **complete**. The city has 120 days to exhaust all local review; that period ends October 7, 2021.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Chris J Myers

Chris Myers
Associate Planner

PD-5 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
Type A**

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

PROJECT

File No.: MIP-21-02 Address: 1310 9th Street
 Applicant's Name: Icon Development
 Scheduled Decision Date: Planning Director Decision no earlier than 9/20/21

APPLICATION

The application, all documents or evidence relied upon by the applicant, and applicable criteria were posted on the website at least 20 days prior to the hearing or decision date per Section 99.040 of the Community Development Code.

8/6/21	<i>Lynn Schroder</i>
--------	----------------------

MAILED NOTICE

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

1	Icon Development, applicant	8/6/21	<i>Lynn Schroder</i>
2	Rick Givens , consultant	8/6/21	<i>Lynn Schroder</i>
3	Property owners of record within 500 feet	8/6/21	<i>Lynn Schroder</i>
4	All NAs	8/6/21	<i>Lynn Schroder</i>

MAILED Updated NOTICE

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

1	Icon Development, applicant	8/31/21	<i>Lynn Schroder</i>
2	Rick Givens , consultant	8/31/21	<i>Lynn Schroder</i>
3	Property owners of record within 500 feet	8/31/21	<i>Lynn Schroder</i>
4	All NAs	8/31/21	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

8/31/21	<i>Lynn Schroder</i>
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SIGN

At least 10 days prior to the schedule hearing, a sign was posted on the property per Section 99.080 of the Community Development Code.

9/10/21	<i>Chris Myers</i>
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FINAL DECISION notice mailed to applicant, parties with standing, and, if zone change, the County surveyor's office per Section 99.040 of the Community Development Code.

3/4/2022	<i>Chris Myers</i>
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION*
FILE NO. MIP-21-02**

The West Linn Planning Manager is considering a request for a two-lot Minor Partition at 1310 9th Street.

****The 4th Avenue extension project is a City of West Linn Public Works project and is not related to this partition application.***

The decision will be based on the approval criteria in Chapters 11, 48, 75, 85, 92, and 99 of the Community Development Code (CDC). The applicable approval criteria are available for review on the City's website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/1310-9th-street-minor-partition>. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to present written testimony for consideration shall submit all material before 4:00 p.m. on September 20, 2021.** Persons interested in party status should submit a letter outlining any concerns about the proposal by the comment deadline to cmyers@westlinnoregon.gov.

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of the final decision pursuant to CDC [99.240](#).

Contact Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6062 for additional information.

Properties within 500 feet of 1310 9th Street





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-21-02
MAIL: 8/6/21 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.