

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT Myers	PROJECT NO(S). MISC-22-03	PRE-APPLICATION NO. PA-22-08	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) \$2,950.00	TOTAL	\$2,950.00

Type of Review (Please check all that apply):

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

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:

4096 Cornwall Street

Assessor's Map No.: 21E36BA

Tax Lot(s): 6300

Total Land Area: 2.18 Acres

Brief Description of Proposal:

Modification of Conditions 2 & 6 of the final decision on Willow Ridge subdivision (SUB-20-01)

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	

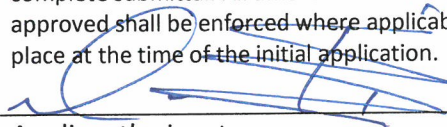
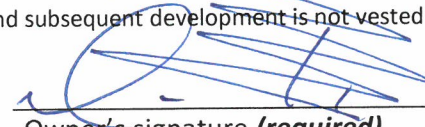
Owner Name (required): <small>(please print)</small>	Same as applicant	Phone:
Address:		Email:
City State Zip:		

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 web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>



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

	5-3-22		5-3-22
Applicant's signature	Date	Owner's signature (required)	Date

Willow Ridge

Modification of Conditions of Approval

Request:

This application requests approval of two modifications to the conditions of approval of the Willow Ridge subdivision (SUB 20-10, AP 20-05). The two conditions, as set out in the Final Decision and Order on File No. AP 20-05 presently read as follows:

2. *Engineering Standards. All public improvements and facilities including street improvements, utilities, grading, onsite storm water design, driveway placement and construction, pavement mitigation, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval per the City adopted Public Works standards. All improvements must be designed, constructed, and completed prior to final plat approval. The Director of Public Works may allow a waiver of improvements as allowed by Code.*

6. *Pedestrian Trail. A pedestrian trail shall be constructed in the Cornwall Street right-of-way south of the shared drive and Cornwall Street intersection. The trail shall connect with the existing pedestrian trail to the south.*

This application proposes to modify these two conditions to read as follows:

2. *Engineering Standards. All public improvements and facilities including street improvements, utilities, grading, onsite storm water design, driveway placement and construction, pavement mitigation, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval per the City adopted Public Works standards. All improvements must be designed, constructed, and completed prior to final plat approval. The Director of Public Works may allow a waiver of improvements as allowed by Code. **Public Works may coordinate with the applicant to complete voluntary additional off-site improvements along Cornwall Street.***

6. *~~Pedestrian Trail. A pedestrian trail shall be constructed in the Cornwall Street right-of-way south of the shared drive and Cornwall Street intersection. The trail shall connect with the existing pedestrian trail to the south.~~ **Because of steep topography in the unconstructed right-of-way of Cornwall Street, south of the planned intersection with Landis Street, it has been determined to be infeasible to construct a pedestrian pathway to connect with an existing trail to the south. For this reason, the applicant shall either:***
 - a. ***Pay an in-lieu fee equal to the cost of construction of the same length of trail so that the City may use these funds to construct a trail in a more suitable location elsewhere, or***
 - b. ***The applicant may, with City approval, construct trail improvements of equal cost in a more suitable location as determined by the City.***

Discussion:

Condition of Approval #2. Off-site water line improvements are within the existing right-of-way of Cornwall Street to the north of the subject property are a required to be installed by the applicant as a condition of approval of the Willow Ridge subdivision. Discussions have taken place between Public Works and the applicant to make additional off-site improvements in Cornwall Street beyond the limits of what is needed to service the Willow Ridge subdivision and beyond what is conditioned in the Final Decision. These improvements include (but are not limited to); installing an 8" sanitary sewer main with services to (7) off-site property owners; installing water services to (7) off-site property owners; and increasing the pavement section for a consistent 20' wide paved travel lane. Because Icon Construction will have equipment on-site to make the waterline improvements and repair the pavement disturbed by the construction, it will be more efficient/economical for the City to contract this additional off-site work with the applicant. As presently written, however, this condition doesn't state that the city has the option to partner with the applicant to complete this work. The proposed modification adds this flexibility. The provisions of CDC 92.010(F-G) are applicable to this proposal:

- F. *Sanitary sewers. Sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains.*
- 1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing their share of the construction.*
 - 2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.*
- G. *Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to the City Engineer's recommendations and City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.*

Comment: The provisions of these sections were not in effect at the time that the Willow Ridge subdivision was approved. The proposed modification to COA #2 simply adds the flexibility of the new code to the original condition so that the City may, at its discretion, decide to request, and reimburse, the applicant for offsite improvements to the sewer and water system. The proposed modification is fully consistent with current code provisions.

Condition of Approval #6. The Willow Ridge subdivision is presently conditioned to construct a pedestrian trail down the unimproved section of Cornwall to connect with the existing trail to the south. Because of the steep topography on this stretch of the Cornwall Street right-of-way (dropping approximately 50 feet in 180 feet of distance), this connection has been deemed by both the City Engineer and the applicant's engineer to be infeasible/impractical to construct. The proposed modification allows flexibility for the applicant to provide a fee-in-lieu of construction of this trail that can be used by the City for other trail improvements elsewhere, or for the applicant to construct equivalent cost trail improvement at another location that would be of more benefit to the City's trail plans. The provisions of CDC 92.010(A) are applicable to this proposal:

A. Streets within subdivisions.

- 1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:*
 - a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.*
 - b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.*
- 2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:*
 - a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.*
 - b. A condition that the applicant build a trail, bicycle path, or other appropriate way.*

Comment: The subject property abuts the unimproved portion of Cornwall Street along its east boundary. That section of right-of-way is too steep to be constructed for either road or trail purposes (grades in excess of 40% in the first 70 feet from the existing paved section). Additionally, even absent the grade concerns, Cornwall Street is prevented from connecting through to Fairhaven Drive by existing single-family residential development. For these reasons, improvement in a manner consistent with City

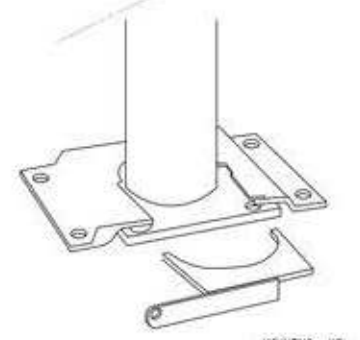
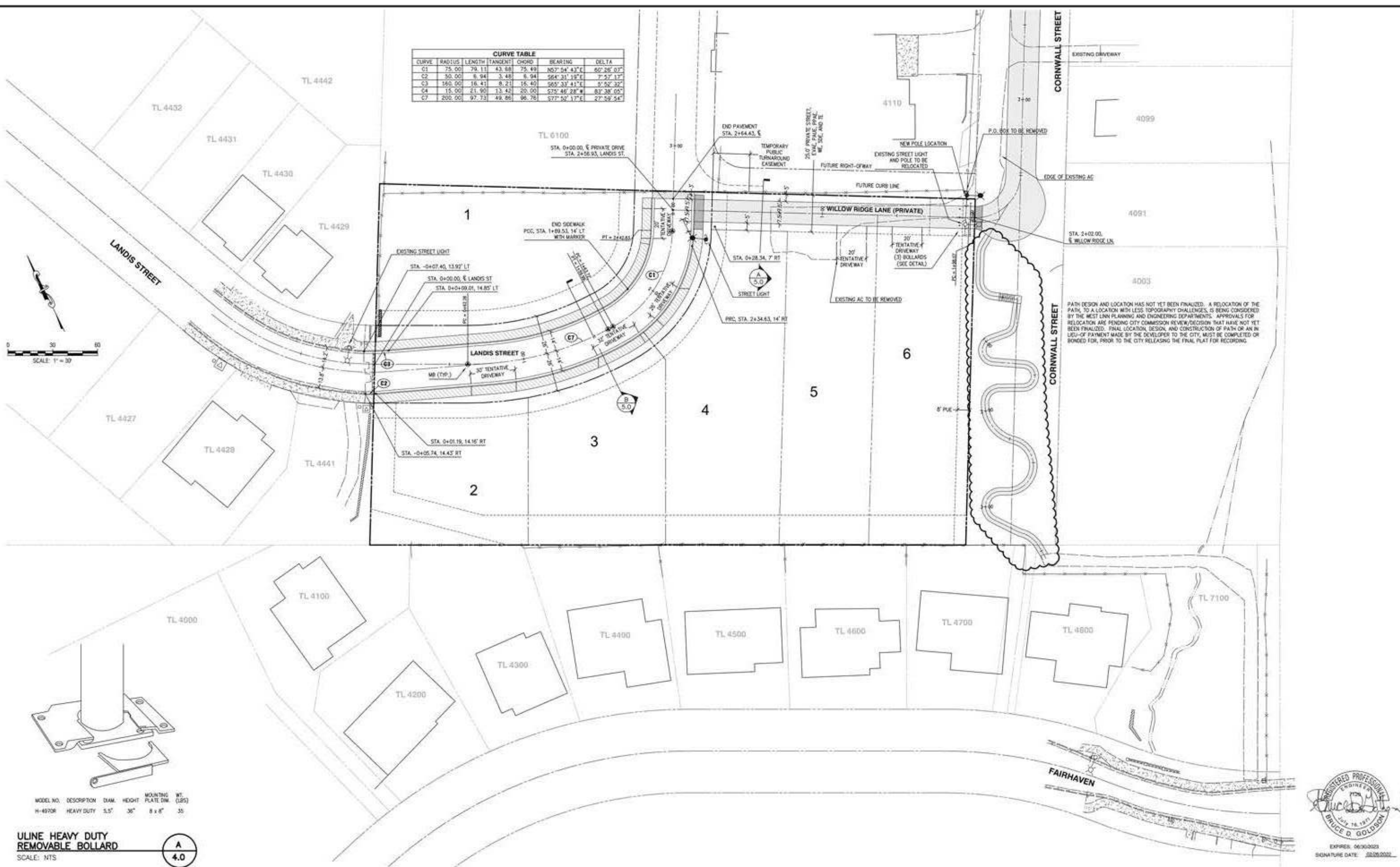
road standards is not practicable. A proposal to vacate this section of Cornwall Street right-of-way will be brought before City Council in the near future.

The provisions of the original COA 6 followed the provisions of CDC 92.010(A)2.b and required that a pedestrian trail be constructed in the Cornwall Street right-of-way. However, subsequent engineering work has determined that construction of the trail is very problematic because of the grade issues and that, even with multiple switchbacks, a reasonable trail design cannot be achieved. The proposed modification to COA #6 continues to require a trail, but allows for it to be located in a preferable part of the City where grades are more suited to this use. It also allows for the payment of a fee-in-lieu of construction so that the trail can be improved on the City's timeline rather than immediately, or, should the City prefer, it allows for the applicant to construct a similar cost section of trail in another location that is agreed upon. The modification of this condition provides increased flexibility that will achieve a more desirable outcome for the City's trail system and remains consistent with the provisions of this section of the Community Development Code.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	75.00	79.11	43.68	75.49	N07°54'43"E	80°28'07"
C2	50.00	6.94	3.48	6.94	S64°31'19"E	7°27'17"
C3	360.00	16.41	8.21	16.40	S65°33'41"E	0°52'32"
C4	15.00	21.90	13.42	20.00	S73°46'28"W	87°38'00"
C7	200.00	97.73	49.86	96.76	S77°52'17"E	27°32'54"



PATH DESIGN AND LOCATION HAS NOT YET BEEN FINALIZED. A RELOCATION OF THE PATH, TO A LOCATION WITH LESS TOPOGRAPHY CHALLENGES, IS BEING CONSIDERED BY THE WEST LINN PLANNING AND ENGINEERING DEPARTMENTS. APPROVALS FOR RELOCATION ARE PENDING CITY COMMISSION REVIEW/DECISION THAT HAVE NOT YET BEEN FINALIZED. FINAL LOCATION, DESIGN, AND CONSTRUCTION OF PATH OR AN IN-LIEU-OF PAYMENT MADE BY THE DEVELOPER TO THE CITY, MUST BE COMPLETED OR BONDED FOR, PRIOR TO THE CITY RELEASING THE FINAL PLAT FOR RECORDING.



MODEL NO.	DESCRIPTION	DIAM.	HEIGHT	MOUNTING PLATE DIM. (LBS)	WT.
H-4970R	HEAVY DUTY	5.5"	36"	8 x 8"	35

ULINE HEAVY DUTY REMOVABLE BOLLARD
SCALE: NTS



DESIGNED:	DATE:	NO.	REVISION
BDG	02/28/2022	3	REVISIONS PER CITY REVIEW
BJS	01/28/2022	2	REVISIONS PER CITY REVIEW
	08/05/2021	1	REVISIONS PER CITY REVIEW

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Willow Ridge
4096 Cornwall Street
West Linn, Oregon
21E 36BA 6399

SHEET:
4.0

STREET PLAN