



CITY OF
West Linn

**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: MISC-22-03

HEARING DATE: July 6, 2022

REQUEST: Modification of Conditions of Approval for a 6-lot subdivision (SUB-20-01/AP-20-05)

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 92 Required Improvements; Chapter 99, Procedures for Decision-Making: Quasi-Judicial.

STAFF REPORT PREPARED BY: Chris Myers, Associate Planner

Planning Manager Initials DSW

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GENERAL INFORMATION

APPLICANT: Icon Construction
Attn: Darren Gusdorf
1969 Willamette Falls Drive, Suite 260
West Linn, OR. 97068

OWNER: Icon Construction
Attn: Darren Gusdorf
1969 Willamette Falls Drive, Suite 260
West Linn, OR. 97068

SITE LOCATION: 4096 Cornwall Street (Willow Ridge Subdivision)

SITE SIZE: 2.18 Acres

LEGAL DESCRIPTION: Clackamas County Assessor's Map 21E36BA Tax lot 06300

COMP PLAN DESIGNATION: Low Density Residential

ZONING: R-10

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 92 Required Improvements; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE: The application became complete on May 31, 2022. The 120-day period therefore ends on September 28, 2022.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and to the affected neighborhood association on June 16, 2022. A sign was placed on the property on June 24, 2022. The notice was also posted on the City's website on June 16, 2022 and published in the West Linn Tidings on June 22, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant requests a modification to the conditions of approval for SUB-20-01/AP-20-05 Willow Ridge Subdivision. West Linn Planning Commission approved a 6-lot Subdivision at 4096 Cornwall Street (SUB-20-01), in November 2020. As part of the decision, there were 11 conditions of approval attached. The Planning Commission (PC) decision was appealed to City Council (AP-20-05), which denied the appeal and modified the PC decision by adding two additional Conditions of Approval (12 & 13).

As part of the approval, the applicant was required to upgrade the water line in Cornwall Street. The City of West Linn would like to also make sanitary sewer and pavement improvements at the same time to eliminate the need to trench the street again in the future and to utilize economy of scale by partnering with the applicant to install all improvements at once. The applicant was also conditioned to construct a pedestrian trail in the unused Cornwall Street right-of-way to connect to a trail to the south, which has engineering challenges due to steep slopes.

The applicant is requesting modifications to two of the conditions of approval:

Condition 2 – Engineering Standards. This is a standard condition the City applies to all development review approvals that require the construction of public improvements such as sidewalk, curb, gutter, storm water, street lighting, pavement, and other similar improvements. Subsequent to the approval of SUB-20-01, the City has updated this standard condition of approval to include language that the City may partner with the applicant to construct additional public improvements. This language allows the City to enter into a contract to have the applicant act as the City’s contractor, while the City pays for the additional improvements. Without this language, the City would need to utilize the public bid process, which takes time and results in increased costs. The applicant requests to add this now standard language to Condition of Approval 2, allowing coordination with the City to complete additional off-site improvements along Cornwall Street.

Condition 6 – Pedestrian Trail. The applicant was conditioned to construct a pedestrian trail in the Cornwall Street right-of-way south of the shared drive and Cornwall Street intersection. During preliminary design, the applicant discovered multiple engineering issues related to the steep slopes and engaged the City in options to fulfill the requirements of the condition of approval. After exploring multiple options, the applicant proposed modifying the condition to build a trail in an alternate location or pay a fee-in-lieu. City staff support this modification and have identified an alternate location to complete a trail identified in the City of West Linn 2013 Trails Master Plan. The Cornwall Street location is not identified in the 2013 Trails Master Plan.

Public comments:

No public comment was received at the time when this staff report was written.

RECOMMENDATION

Staff recommends the following Conditions of Approval if the Planning Commission moves to approve this application MISC-22-03, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of Conditions of Approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the final plat shall conform to the submitted and approved plans.
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.
3. Public Utilities. The applicant shall upgrade the water main in Cornwall Street to serve this proposed subdivision. The applicant shall extend the sanitary sewer mains to the north property lines in Landis Street and the unimproved Cornwall right-of-way to allow for future connection. All utilities shall be located within the public right-of-way or within recorded utility easements along property lines, as approved by the City Engineer.
4. Tree Protection. The applicant shall coordinate with the City's Arborist to obtain any necessary tree permits for the significant trees proposed to be removed. The applicant must also get approval from the City's Arborist that the tree protection is correctly in place. Mitigation of removed trees due to right-of-way improvements and grading shall be approved by the City Arborist prior to approval of the final plat.
5. Public Utility Easement. The applicant shall record, on the face of the plat, an eight-foot wide Public Utility Easement per Engineering Standards on all street frontages.
6. Pedestrian Trail. A pedestrian trail shall be constructed either in the Cornwall Street right-of-way south of the shared drive and Cornwall Street intersection or at an alternate location identified by the City and consistent with the 2013 West Linn Trails Master Plan. ~~The trail shall connect with the existing pedestrian trail to the south.~~ Alternately, the City may accept a fee-in-lieu equal to the cost of construction of the same length of trail.
7. Stormwater Analysis. The developer shall submit a final stormwater report with the subdivision construction drawings to be reviewed and approved by the City Engineer

prior to issuance of a Public Works public improvement permit, per the *City of West Linn Public Works Construction Standards*.

8. Fee in lieu. The applicant shall initiate vacation of the unimproved right-of-way along Cornwall or submit an application for a fee in lieu for the cost to actually construct the improvements to the Public Works/Engineering Department and get approval by the City Engineer prior to approval of the Public Works public improvement permit.
9. Building Sites. All building sites exceeding 25% slopes (Proposed Lots 3, 4, 5 & 6) shall require geotechnical conformation stating the proposed lots are buildable prior to the final plat approval. Additional analysis at the time of a building permit application as it relates to Type I and Type II lands may be required by the City's Building Official.
10. Restricted Access. The access plan submitted by the applicant showing a hammerhead design and 25' shared access for Lots 5 and 6 and emergency vehicle easement that does not connect through to Cornwall Street is approved. At the end of the shared access and emergency vehicle easement, applicant shall install appropriately spaced locking bollards in the location where the applicant's submittal proposed a gate on the Tentative Plan. The number of bollards shall be approved by Public Works/Engineering to prohibit motorized vehicular traffic between the bollards while allowing for pedestrian and bicycle access.
11. Shared Access Maintenance. The applicant shall prepare and record covenants, conditions and restrictions (CCRs) that establish responsibility for maintenance of the private shared accessway and emergency vehicle easement, as well as the bollards, is that of the property owners of lots 5 and 6. The applicant shall also record a pedestrian/bicycle public access easement over the private shared accessway/emergency accessway from Landis Street to Cornwall Street prior to the final plat approval.
12. Warranty Bond. The Applicant shall provide a warranty bond for public stormwater improvements of up to four years, or as long as is reasonably possible.
13. Recorded CC&Rs. The engineered solutions for the stormwater control system shall be included in the recorded conditions, covenants and restrictions (the "CC&Rs") and submitted to the City with the recorded subdivision plat and the City shall recognize its responsibility to the community to enforce the provisions of the CC&Rs regarding stormwater.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIS-22-03**

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

Chapter 92 REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

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.*

Staff Finding 1: The proposed modification to Condition of Approval 2 does not change the public improvement requirements that resulted from the approval of the Willow Ridge Subdivision (SUB-20-01/AP-20-05). The applicant is required to make water-line improvements in the Cornwall Street right-of-way as part of the final decision. The proposed modification is now standard language used by the City and is necessary in order for the City to partner with the applicant to install a sanitary sewer main and laterals, install water services to off-site property owners, and make pavement improvements that result in a consistent 20-foot paved with on Cornwall Street from Sunset Avenue to the applicant’s public improvements associated with the subdivision. The criteria are met.

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

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.

If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.

Construction staging area shall be established and approved by the City Engineer. Clearing, grubbing, and grading for a development shall be confined to areas that have been granted approval in the land use approval process only. Clearing, grubbing, and grading outside of land use approved areas can only be approved through a land use approval modification and/or an approved Building Department grading permit for survey purposes. Catch basins shall be installed and connected to pipe lines leading to storm sewers or drainageways.

Staff Finding 2: The Willow Ridge Subdivision Condition of Approval 6, requires the applicant to build a pedestrian trail from the unimproved section of Cornwall Street to the existing trail. During preliminary design, the applicant discovered multiple engineering issues related to the steep slopes and engaged the City in options to fulfill the requirements of the condition of approval. After exploring multiple options, the applicant proposed modifying the condition to build a trail in an alternate location or pay a fee-in-lieu. The code criteria clearly states the decision-making authority “may” impose conditions to build a trail. The criteria does not specify the location of the trail. Amending the condition to either allow a trail to be constructed in an alternative location that is consistent with the 2013 Trails Master Plan or pay a fee-in-lieu is consistent with the criteria. The criteria are met.

CHAPTER 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

(...)

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications: (...)

t. Extensions of approval with modifications to original approval;

(...)

Staff Finding 3: The applicant is applying for the modification of two conditional uses of an approved subdivision (SUB-20-01/AP-20-05). A pre-application conference was held April 21, 2022.

The criteria are met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

- 1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:*
 - a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.*
 - b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.*
 - c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.*
 - d. The affected recognized neighborhood association or citizens advisory committee.*
 - e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.*

Staff Finding 4: The application requires a Class A notice. Notice was mailed on June 16, 2022 to: the applicant, all property owners of record within 500 feet, and the Sunset Neighborhood Association.

The criteria are met.

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.

Staff Finding 5: Notice was published in the West Linn Tidings on June 22, 2022. An affidavit of publication can be found in Exhibit PC-3.

The criteria are met.

3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated. If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.

**Staff Finding 6: A sign was posted on the property on June 24, 2022.
The criteria are met.**

4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.

**Staff Finding 7: The application is not related to a manufactured home park.
The criteria does not apply.**

5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

**Staff Finding 8: The affidavit of mailing of notice has been produced and can be found in Exhibit PC-3.
The criteria is met.**

6. At the conclusion of the land use action the signs shall be removed.

**Staff Finding 9: The land use action signs will be removed after the conclusion of the application.
The criterion is met.**

PC-1 APPLICANT SUBMITTAL

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	

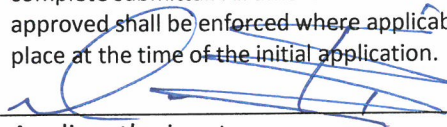
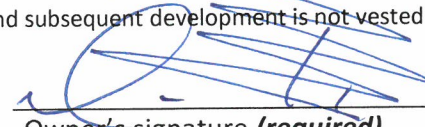
Owner Name (required): <small>(please print)</small>	Same as applicant	Phone:
Address:		Email:
City State Zip:		

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

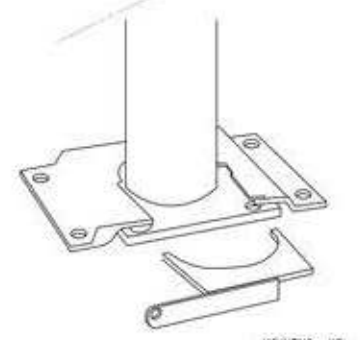
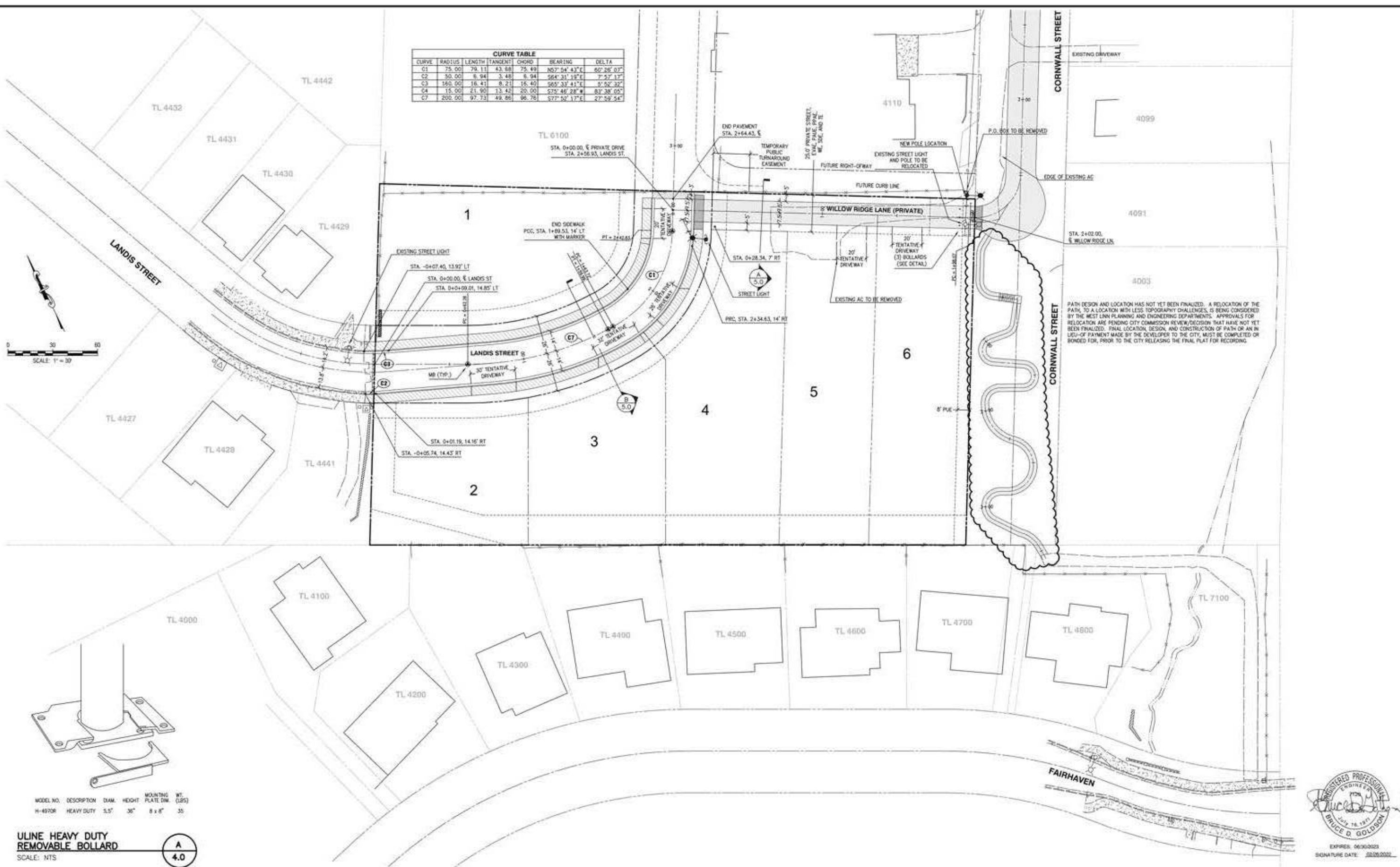
road standards is not practicable. A proposal to vacate this section of Cornwall Street right-of-way will be brought before City Council in the near future.

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°39'34"



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

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

Icon Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260
West Linn, Oregon 97068
Phone: (503) 657-0406

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

SHEET:
4.0

STREET PLAN

PC-2 COMPLETENESS LETTER



CITY OF West Linn

May 31, 2022

Darren Gusdorf, Icon Construction & Development
1969 Willamette Falls Drive, Suite 260
West Linn, OR 97068

SUBJECT: MISC-22-03 Application requesting amendment to conditions of approval 2 and 6 of SUB-20-01 Willow Ridge Subdivision.

Dear Mr. Gusdorf,

You submitted this application on May 4, 2022 and provided revised materials on May 30, 2022. Upon review of the revised materials, the Planning Department finds that this application is **complete**. The city has 120 days to exhaust all local review; that period ends September 28, 2022.

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

A 20-day public notice will be prepared and mailed for a public hearing before the West Linn Planning Commission tentatively scheduled for July 6, 2022.

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

Sincerely,

Chris Myers

Associate Planner

PC-3 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
TYPE A
PLANNING COMMISSION DECISION**

We, the undersigned, 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.: **MISC-22-03**
Development Name: **4096 Cornwall**
Scheduled Decision Date: **July 6, 2022**

Applicant's Name: **Icon Construction**

APPLICATION

The application was posted on the website at least 20 days before the hearing. All documents or evidence relied upon by the applicant, and applicable criteria are available for review at least 20 days before the hearing at City Hall, per Section 99.040 of the Community Development Code.

6/16/22	<i>Lynn Schroder</i>
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MAILED NOTICE

Notice of Upcoming Hearing was mailed at least 20 days before the hearing, per Section 99.080 of the CDC to:

Icon Construction, applicant	6/16/22	<i>Lynn Schroder</i>
Rick Givens, applicant representative	6/16/22	<i>Lynn Schroder</i>
Chelsea Diaz	6/16/22	<i>Lynn Schroder</i>
Ed Turkisher	6/16/22	<i>Lynn Schroder</i>
Jonathan Rogers	6/16/22	<i>Lynn Schroder</i>
William House	6/16/22	<i>Lynn Schroder</i>
Pam Yokubaitus	6/16/22	<i>Lynn Schroder</i>
Darin Stegemoller	6/16/22	<i>Lynn Schroder</i>
Alex Sheen	6/16/22	<i>Lynn Schroder</i>
Jeanne Kimsey	6/16/22	<i>Lynn Schroder</i>
Christine Henry	6/16/22	<i>Lynn Schroder</i>
Robert Mendel	6/16/22	<i>Lynn Schroder</i>
Steve Vaughn	6/16/22	<i>Lynn Schroder</i>
Pia Synder	6/16/22	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	6/16/22	<i>Lynn Schroder</i>
All Neighborhood Associations	6/16/22	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 20 days before the hearing.

6/16/22	<i>Lynn Schroder</i>
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TIDINGS

Notice was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

6/22/22	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

6/24/22	<i>Chris Myers</i>
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STAFF REPORT

The staff report was posted on the website and provided to the applicant and Planning Commissioners at least 10 days before the hearing, per Section 99.040 of the CDC.

6/24/22	<i>Lynn Schroder</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

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**CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. MISC-22-03**

The West Linn Planning Commission will hold a hybrid public hearing on Wednesday, July 6, 2022 at 6:30 pm in the Council Chambers of City Hall, 22500 Salamo Road, West Linn to consider a request for a modification to conditions of approval for the Willow Ridge Subdivision (SUB-20-01) at 4096 Cornwall Street (Clackamas County Assessor Map 21E36BA06300). The applicant is requesting approval for the modification of Conditions of Approval 2 to allow the City to partner with the applicant to make improvements to Cornwall Street and Condition of Approval 6 to allow the applicant to construct a trail in an alternate location or pay a fee-in-lieu.

The Planning Commission will make its decision based on applicable criteria found in Chapters 92 and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City 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/4096-cornwall-modification-conditions-approval-sub-20-01>. 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 a reasonable cost. The staff report will be posted on the website and available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170 in a hybrid format with some Commissioners, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting online at <https://westlinnoregon.gov/meetings> or on Cable Channel 30.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on the meeting day to cmyers@westlinnoregon.gov or mail them to City Hall.

Those who wish to participate remotely should complete the speaker form at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 4:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

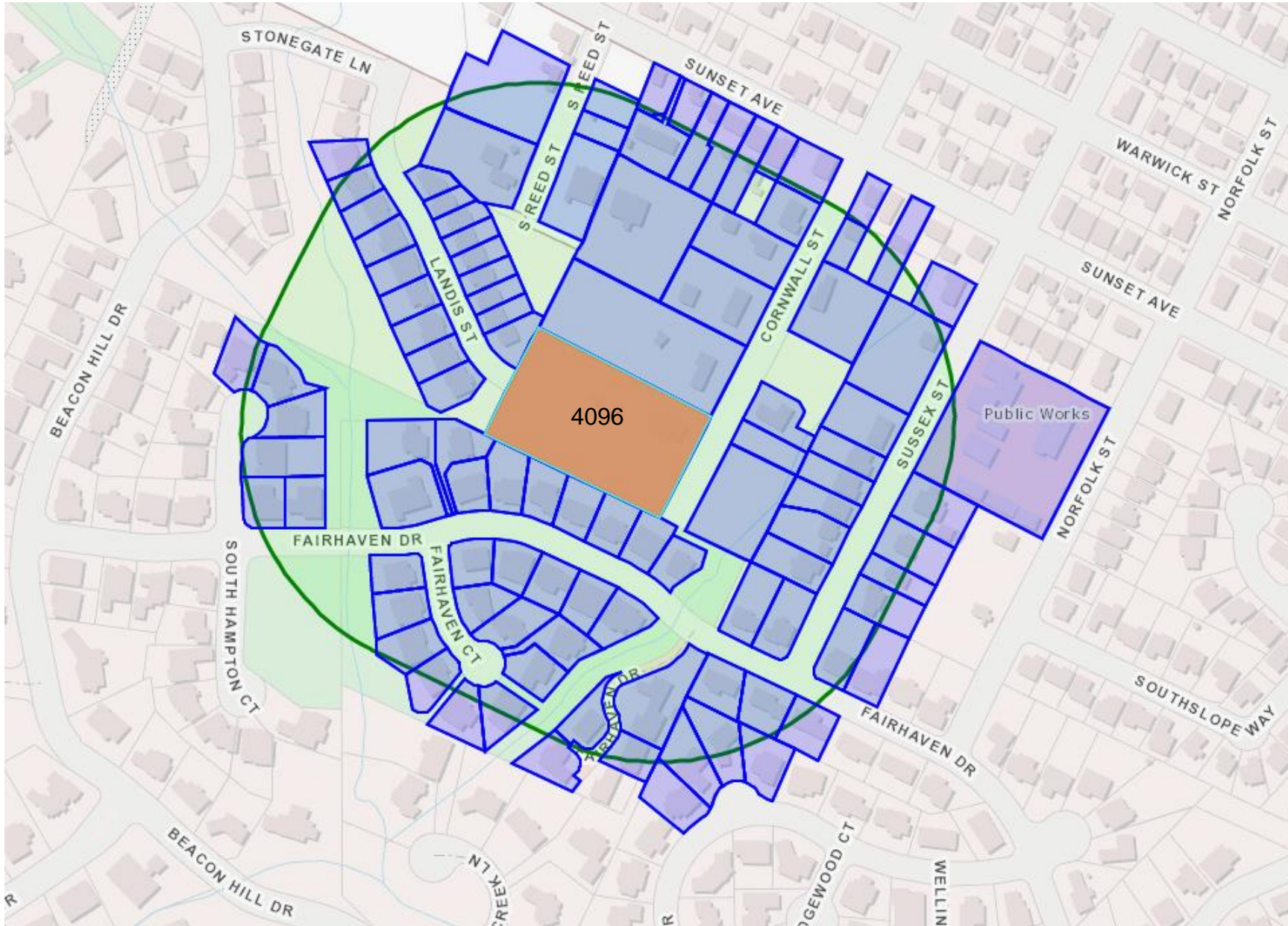
It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

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 mailing the final decision notice pursuant to CDC [99.240](#).

For additional information, please contact Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6062 for additional information.

Publish: West Linn Tidings June 22, 2022

MISC-22-03 – Properties within 500 feet of 4096 Cornwall





**NOTICE OF UPCOMING
PLANNING COMMISSION DECISION**

**PROJECT # MISC-22-03
MAIL: 6/16/2022 TIDINGS: 06/22/2022**

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.