



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: September 1, 2022
FILE NO.: MIS-22-04
REQUEST: Request for two-year extension of 2018 approval (MIP-18-05) for a three-parcel minor partition at 6123 Skyline Drive.
PLANNER: Chris Myers, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT/ OWNER:	City of West Linn 22500 Salamo Road West Linn, OR 97068
SITE LOCATION:	6123 Skyline Drive
SITE SIZE:	Square feet 32,503
LEGAL DESCRIPTION:	Assessor's Map 21E25AD09900
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Single-Family Residential Detached
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 85: Land Division, General Provisions and Chapter 99: Procedures for Decision Making: Quasi-Judicial.
120-DAY RULE:	The application for the extension became complete on May 27, 2022. The 120-day period therefore ends on September 24, 2022.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and to Rosemont Summit Neighborhood Association on June 10, 2022. The notice was also posted on the City's website on June 10, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is a request for a two-year extension to a previously approved Three-parcel Minor Partition (MIP-18-05) located at 6123 Skyline Drive. The applicant is requesting the extension in order to begin and complete development of the subject property. The applicant has not requested any modifications to the original partition application. Staff has not changed the conditions of approval from MIP-18-05.

Public comments:

No public comments were received by the close of the comment period June 30, 2022 at 4:00pm).

DECISION

The Planning Manager (designee) approves this application (MISC-22-04, 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 Partition Site Plan dated September 2018 (Exhibit PD-1).
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 stormwater, 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.
3. **Reciprocal Access Easement.** Prior to final plat approval, the applicant shall record a reciprocal access easement and a mutual maintenance agreement for the shared use of the driveway located in the access easement. The easement recording number shall be provided on the face of the final plat. The final plat shall show the access easement at a width of 24 feet for the portion of drive that serves four homes.
4. **Shared Access Drive.** The shared driveway must be installed and measure a minimum of 20 feet in width for the portion where four homes take access and a minimum of 14 feet in width for the portion where only two homes take access,

and include any fire apparatus turnaround required by the fire district, prior to final plat approval.

5. **GeoPacific Engineering Report**. The applicant shall submit a copy of the Soils Investigation Report prepared by GeoPacific Engineering, Inc. dated April 29, 2019 (see Exhibit PD-1) as part of the site development review/building permit application and shall provide any supplemental reports required by the Building Official. The report must be submitted prior to application for site development review/building permits.

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

Chris Myers

Chris Myers, Associate Planner

September 1, 2022

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council. Approval will lapse 2 years from effective approval date if the final plat is not recorded.

Mailed this 2nd day of September 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on September 16, 2022.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MISC-22-04

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

Chapter 85: GENERAL PROVISIONS

85.090 EXPIRATION OR EXTENSION OF APPROVAL

The final plat map shall be submitted to the Planning Director and recorded with the County within three years from the date of approval of the tentative plan, or as approved under CDC [99.325](#). If the final plat is not recorded by that time, the approval expires.

Staff Finding 1: The applicant received final approval for the three-parcel partition effective May 14, 2019. (Please see Exhibit PD-1). Therefore, the three-year approval period expired on May 28, 2022. The applicant has requested a two-year extension, prior to expiration of MIP-18-05, as allowed per CDC Chapter 99.325. See Staff Findings 2-5. The criteria are met.

Chapter 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.325 EXTENSIONS OF APPROVAL

A. An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC [99.060](#)(A), (B), (C), (D) or (E), as applicable, upon finding that:

Staff Finding 2: The West Linn Planning Manager was the original approval authority for MIP-18-05 per CDC 99.060.A.1(d). Therefore, the West Linn Planning Manager is granted authority to render a decision for the extension approval. The criteria are met.

- 1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and*

Staff Finding 3: The Planning Manager Decision approving the three-parcel partition for future development (MIP-18-05) demonstrates that all applicable code criteria have been satisfied, subject to conditions of approval. No change to the approved plans is required. Subject to the Conditions of Approval, the criteria are met.

- 2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or*

Staff Finding 4: Staff has not found any material misrepresentation, errors, omissions, or any changes of facts in the review if this application.

The criteria are met.

3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

Staff Finding 5: The original minor partition application (MIP-18-05) was found to be in conformance with the provisions of CDC Chapters 11, 48, 85, 92, and 99 subject to conditions of approval, and was subsequently approved. Staff finds that the application continues to be in conformance with the applicable CDC provisions. Staff does not find any evidence of a demonstrated material misrepresentation, errors, omissions or changes to the original application. No modifications to the original partition are proposed.

The criteria are met.

E. Extension procedures.

1. The application for extension of approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC [99.030\(B\)](#). If no modifications are made to the original approval, a pre-application conference is not required.

Staff Finding 6: No modifications to the original application have been proposed. The applicant is requesting additional time to begin development of the subject property. No pre-application meeting was required.

The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT Chris Myers	PROJECT NO(S). MISC-22-04	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL n/a

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 checked="" 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 | | |

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: 6123 Skyline Drive	Assessor's Map No.: 2S 1E 25AD
	Tax Lot(s): 9900
	Total Land Area: 0.75 acres

Brief Description of Proposal:

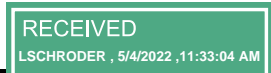
The city is requesting a 2 year extension to begin and complete development.

Applicant Name: Casey Thompson <small>(please print)</small>	Phone: 971-393-3973
Address: West Linn City Hall 22500 Salamo Road	Email: cthompson@westlinnoregon.gov
City State Zip: West Linn, OR 97068	

Owner Name (required): <small>(please print)</small> City of West Linn	Phone: (503) 657-0406
Address: 22500 Salamo Road	Email:
City State Zip: West Linn, OR 97068	

Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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.

<i>Casey Thompson</i>	4/13/22		
Applicant's signature	Date	Owner's signature (required)	Date

PW-20-10 Skyline Dr.
Land Use Extension for MIP-18-05
May 4, 2022

APPLICATION SUMMARY

For extension of the existing land use application.

Chapter 99: Procedures for Decision Making: Quasi-Judicial

99.325 Extensions of Approval

A. An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC 99.060(A), (B), (C), (D), or (E), as applicable, upon finding that:

1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and

Response: *The application is in conformance with applicable CDC provisions*

2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or

Response: *No changes have been made.*

3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.

Response: *No modifications have been made. Approved plans conform to current approval criteria.*

E. Extension Procedures

1. The application for extension of approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC 99.030(B). If no modifications are made to the original approval, a pre-application conference is not required.

Response: *No modifications have been made.*

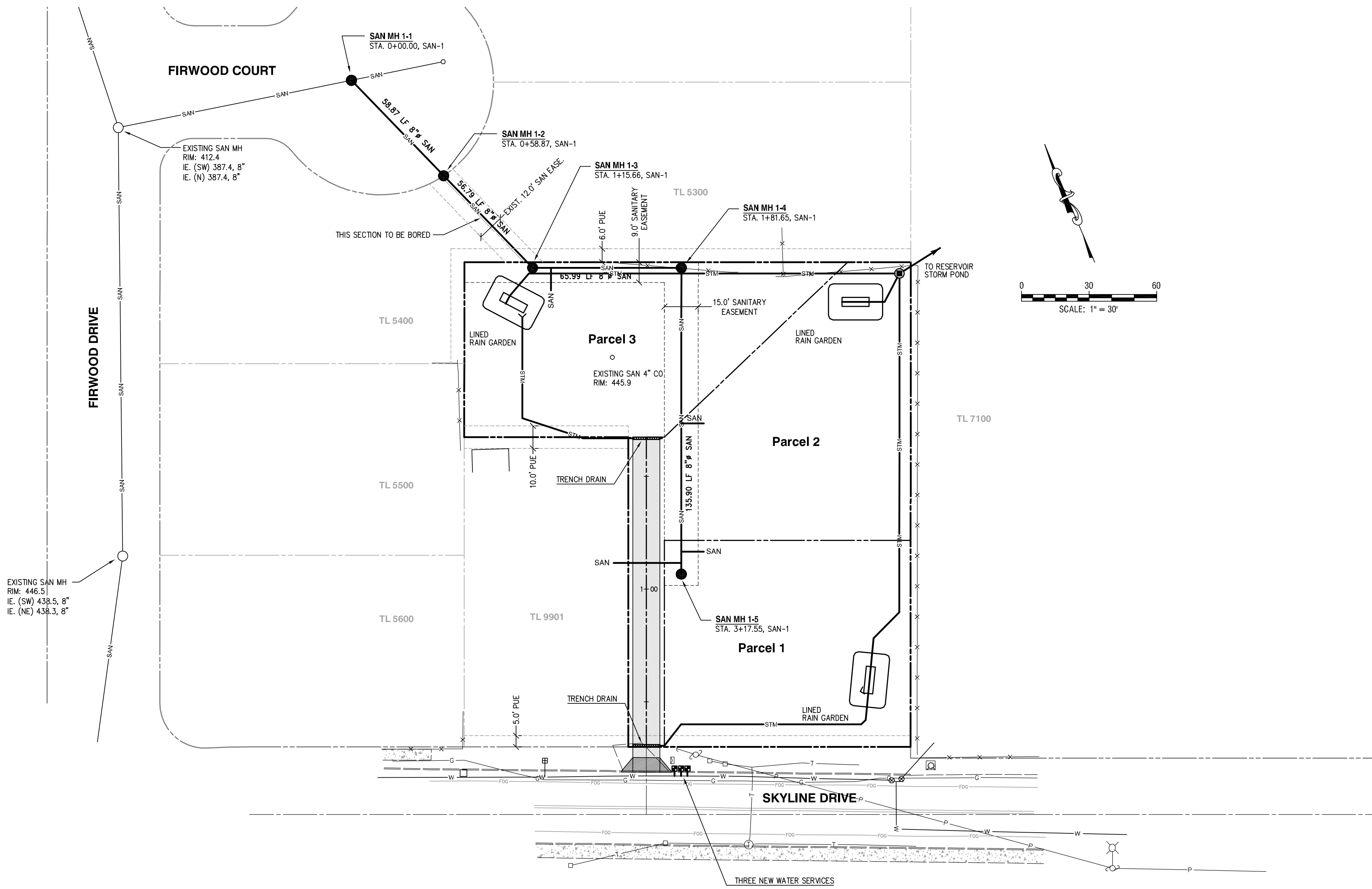
2. The application for extension of approval with modifications to the original approval shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. If no modifications are made to the original approval, no neighborhood meeting is required.

Response: *No modifications have been made.*

3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.

Response: *No fees are required as the city is the applicant.*

EXHIBIT A
APPROVED PARTITION MAP



2014-129U

PRELIMINARY UTILITY PLAN

DESIGNED:	BDG			
DRAWN:	BJJ			
SCALE:	As Noted			
DATE:	September, 2018			
FILE:	Skyline Partition Prelim1	DATE	NO.	REVISION

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

Icon Construction and Development
1380 Willamette Falls Drive, No. 200
West Linn, Oregon 97068

Partition Site Plan
6123 Skyline Drive
West Linn, Oregon

SHEET:
2/4

PD-2 COMPLETENESS LETTER



CITY OF West Linn

May 27, 2022

Casey Thompson
22500 Salamo Road
West Linn, OR. 97068

SUBJECT: Application for extension of approval for MIP-18-05 a Minor Partition at 6123 Skyline Drive.

Dear Mr. Thompson,

You submitted an application for an extension of approval for MIP-18-05 a Minor Partition at 6123 Skyline Drive on May 4, 2022. The Community Development Department has reviewed the materials and found the application to be **complete** as of May 27, 2022. The city has 120 days to exhaust all local review, that period ends September 24, 2022.

Please be aware that 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 Director to render a decision on your proposal.

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Manager.

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

Respectfully,

Chris Myers
Associate Planner

PD-3 AFFADAVIT AND NOTICE PACKET

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MISC-22-04**

The West Linn Planning Manager is considering an extension of approval at 6123 Skyline Drive. The applicant is requesting extension for a Minor Partition approval, MIP-18-05

The Planning Manager will decide the application based on criteria in Chapter 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/6123-skyline-drive-extension-approval-mip-18-05>. 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.

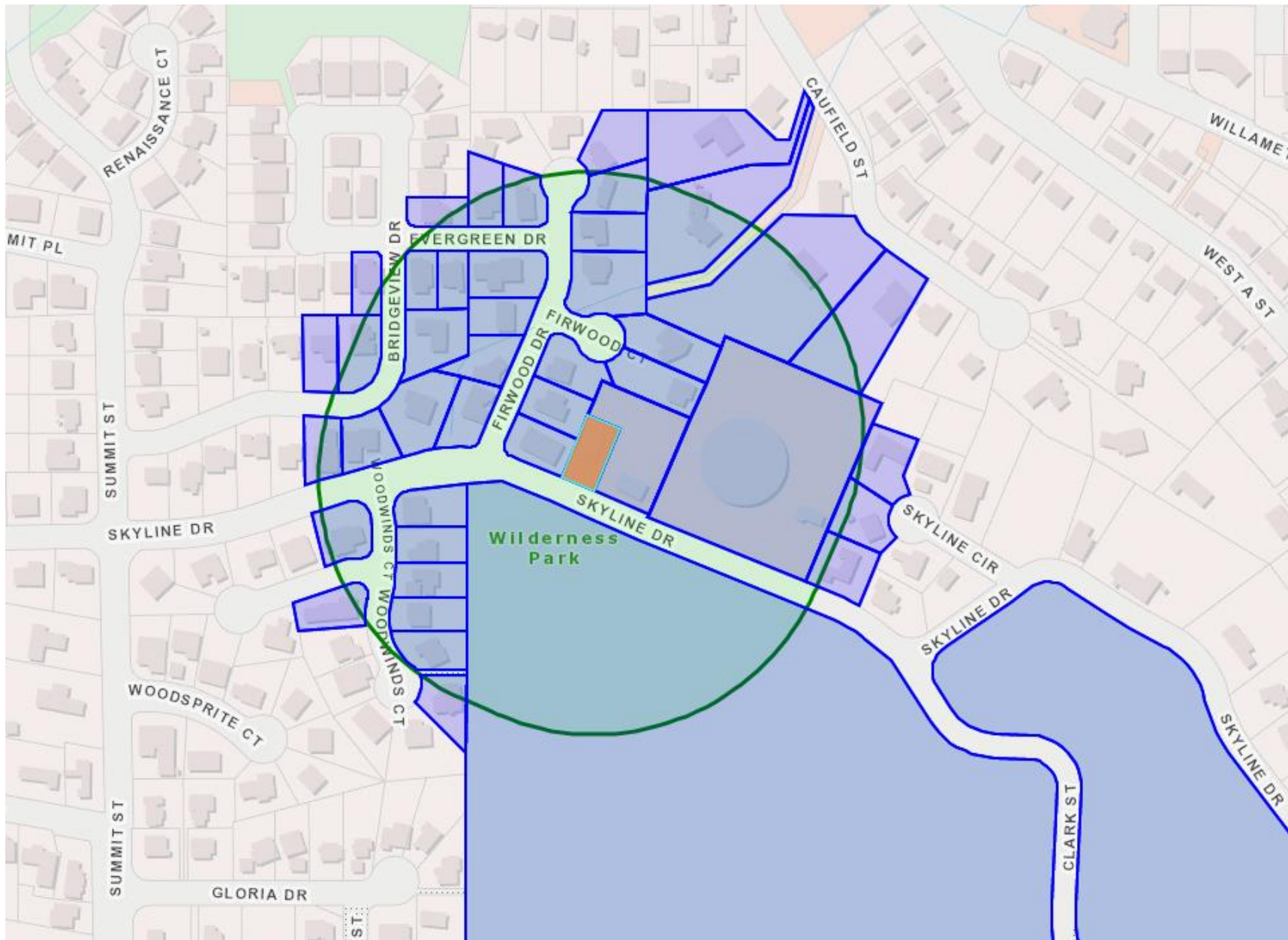
A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on June 30, 2022 to cmyers@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal 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 notice of the final decision 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.

MISC-22-04 PROPERTIES WITHIN 500 FEET OF 6123 SKYLINE DRIVE





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MISC-22-04
MAIL: 6/10/2022 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.