



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: June 29, 2023
FILE NO.: MIP-23-02
REQUEST: Approval of a Two-Parcel Minor Partition at 19790 Old River Drive
PLANNER: Ben Gardner, Assistant Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT/OWNER:	Jesse Coefield 19790 Old River Drive West Linn, OR
SITE LOCATION:	19790 Old River Drive West Linn, OR
SITE SIZE:	31,977 Square Feet
LEGAL DESCRIPTION:	Tax lot 21E24BB01600
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Residential
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 11: Residential, R-10; Chapter 48: Access, Egress, and Circulation; Chapter 85: General Provisions; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.
120-DAY RULE:	The application became complete on March 14, 2023. The 120-day period therefore ends on July 12, 2023.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and to the affected neighborhood association on March 22, 2023. A sign was placed on the property on March 22, 2023. The notice was also posted on the City's website on March 22, 2023. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant requests approval for a two-lot partition of 19790 Old River Dr, tax lot 21E24BB01600. The existing dwelling on the given tax lot will remain on the Westernmost lot of the partition (Parcel 1), and a new dwelling is proposed on the Easternmost lot of the partition (Parcel 2).

Proposed Parcel Sizes

Parcel 1 (Westernmost portion with existing residence) - 10,128 square feet

Parcel 2 (Easternmost portion with proposed detached dwelling) - 21,849 square feet

The property is not located within the Willamette River Greenway, within a FEMA flood hazard area, or within a Water Resource Area.

The property has 120 feet of frontage on the neighborhood route Old River Dr and 118'6" of frontage on the local street Ridgewood Way. The existing residence on Parcel 1 takes access from Old River Dr and the proposed detached dwelling on Parcel 2 would take access from Ridgewood Way.

The Ridgewood Way right-of-way is approximately 50 feet in width. The Applicant shall either pay a fee-in-lieu of street improvements or construct half-street improvements for the Parcel 2 frontage on Ridgewood Way. The Applicant shall show an 8-foot public utility easement along the Parcel 2 frontage of Ridgewood Way on the final plat.

Public Comments:

No public comments received for this application.

DECISION

The Planning Manager (designee) approves this application (MIP-23-02), 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, Elevations, and Narrative.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Partition Plat dated 2/10/23 (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, Community

Development Code, and Public Works Design Standards. The City may partner with the applicant to fund additional improvements as part of the project.

- 3. Street Improvements. The Applicant shall pay a fee-in-lieu of constructing half-street improvements along half of Parcel 2's frontage with Ridgewood Way in the amount of \$22,811.25 or install half-street improvements along half of Parcel 2's frontage with Ridgewood Way to meet West Linn Public Works Design Standards prior to final plat approval by the City.**
- 4. Utility Easement. The Applicant shall include on the final plat an 8-foot public utility easement along the Ridgewood Way right-of-way frontage.**

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



Ben Gardner, Assistant Planner

June 29, 2023
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 29th day of June 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on July 13, 2023.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-23-02**

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

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

- 1. Single-family attached or detached residential unit.*

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Staff Finding 1: Staff adopts Applicant findings found in Exhibit PD-1, page 4. The Applicant proposes to construct a new single family detached residential unit. The criteria is met.

Applicant Response: ‘The application is for the creation of two parcels to accommodate the existing home and one new single family detached residential unit.’

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:

STANDARD	REQUIREMENT	ADDITIONAL NOTES
<i>Minimum lot size Average minimum lot or parcel size for a townhouse project</i>	<i>10,000 sf 1,500 sf</i>	<i>For a single-family attached or detached unit</i>
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>50 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</i>
<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
<i>Interior side yard</i>	<i>7.5 ft</i>	<i>Townhouse common walls that are attached may have a 0-ft side setback.</i>
...
<i>Rear yard</i>	<i>20 ft</i>	
<i>Maximum building height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>
<i>Maximum lot coverage</i>	<i>35%</i>	<i>Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. • This does not include detached garages, carports, or accessory structures.</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		• A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio Duplex, triplex, and quadplex	0.45 0.60	Maximum FAR does not apply to cottage clusters. 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.

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Staff Finding 2: Staff adopts Applicant findings found in Exhibit PD-1, pages 4-6. Conformance with dimensional requirements will be evaluated by Staff in the course of building plan review. The criteria are met.

Applicant Response: "Parcel 1 contains 10,128 sq. ft. Parcel 2 is 21,849 sq. ft. in area (exclusive of the access strip) ..."

Applicant Response: "Parcel 1 has a front lot line length of 120 feet, which exceeds the minimum standard of 35 feet. Parcel 2 has a front lot line of 118'-6" which also exceeds the minimum standard."

Applicant Response: "Parcel 1 is approximately 118 feet wide at its narrowest point and Parcel 2 is about 115 feet in width at its narrowest point."

Applicant Response: "The property is not in the Willamette Historic District. The front yard for the existing home is a minimum of 20'-8" at its closest point. The rear yard is 25'-1" at its closest point. The side setback to the north is about 19' feet and the south side setback is about 34'. The existing home complies. Setbacks for the home to be constructed on Parcel 2 will be reviewed at the time of building permit application, but will conform to these standards"

Applicant Response: "The existing home meets the required building height, as was verified when the building permit was issued. Building height for the new home will be reviewed with the building permit."

Applicant Response: "The combined area of the house footprint, covered deck and covered front porch for the home on Parcel 1 is 1,569 sq. ft. The lot area is 10,128 sq. ft. so the total lot coverage equates to 15.4 percent. Lot coverage for the home to be built on Parcel 2 will comply with this standard, as will be demonstrated at the time of building permit application."

Applicant Response: “The accessway to Parcel 2 measures 15 feet in width.”

Applicant Response: “The floor area of the existing home on Parcel 1 is 2,352 sq. ft. and the lot area is 10,648 sq. ft., yielding an allowable floor area of 4557.6 sq. ft. This standard is met for the existing home. Compliance for Parcel 2 will be reviewed with the building permit.”

48.025 ACCESS CONTROL

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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, Transportation Impact Analysis.)

Staff Finding 3: The addition of a new single-family dwelling to Parcel 2 is estimated to add an average of 10 vehicle trips per day. Both streets are in the jurisdiction of the City, and a traffic study will not be required. The criteria is met.

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.

Staff Finding 4: Per Condition 2, proposed access infrastructure will be reviewed by Public Works Engineering staff during building plan review. Subject to the Conditions of Approval, the criteria are met.

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” as approved by the City Engineer.

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: The new lot to be created in the course of the partition (Parcel 2) is adjacent to Ridgewood Way, which the Applicant proposes taking access from. The criteria is 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 (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.

Staff Finding 6: Both Parcel 1 and Parcel 2 have one side that abuts a street, and both lots are proposed to have one street access point. The criteria is met.

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.*

Staff Finding 7: Staff adopts Applicant findings found in Exhibit PD-1, page 13. The existing block on which the two lots are located is approximately 650 feet by 280 feet and does not exceed the maximum dimensions. No new streets are proposed. The criteria are met.

Applicant Response: "Adjacent property to the north and south is fully developed, and no street stubs are provided to the subject property. Because of this, it is not possible to extend a local street through the site to create a new block."

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:

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Staff Finding 8: Staff adopts Applicant findings found in Exhibit PD-1, page 14. Parcel 1 and Parcel 2 take access from a neighborhood route and a local street respectively. The criteria are met.

Applicant Response: "Figure 17 in the TSP designates this stretch of Ridgewood Way as a local street. This section does not apply."

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.*

Staff Finding 9: Staff adopts Applicant findings found in Exhibit PD-1, page 14. Conformance with these provisions will be evaluated by staff in the course of Building Plan Review. See Condition of Approval 1. Subject to the Conditions of Approval, the criteria are met.

Applicant Response: "The proposed driveway to Parcel 2 will comply with the minimum 10 foot unobstructed horizontal clearance standard. The grade is under 5 percent. The

driveways comply with the 20 foot minimum length between the garage and the sidewalk.”

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: Staff adopts Applicant findings found in Exhibit PD-1, page 15. Conformance with these provisions will be evaluated by staff in the course of Building Plan Review. See Condition of Approval 1. Subject to the Conditions of Approval, the criteria are met.

Applicant Response: “If some portion of the home on Parcel 2 is more than 150 feet from Ridgewood Way, the applicant will coordinate with the Fire Chief to determine whether a turnaround or other mitigating measures, such as sprinklers, are warranted. Compliance with other requirements of this section will be demonstrated at the time of building permit application.”

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.

Staff Finding 11: Conformance with these provisions will be evaluated by staff in the course of Building Plan Review. See Condition of Approval 1. Subject to the Conditions of Approval, the criteria are met.

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.

Staff Finding 12: Neither parcel takes access from an arterial or collector street. See Staff Finding 6. The criteria is not applicable.

I. Gated accessways to residential development other than a single-family home are prohibited.

Staff Finding 13: Staff adopts Applicant findings found in Exhibit PD-1, page 15. No gated accessway is proposed. The criteria is met.

Applicant Response: “No gated accessways are proposed.”

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

Staff Finding 14: Staff adopts Applicant findings found in Exhibit PD-1, page 16. Conformance with this provision will be evaluated by staff in the course of Building Plan Review.

Applicant Response: “The existing curb cut for the proposed access drive complies with this minimum. Any future curb cuts to be reviewed with future development.”

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.

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.*

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.*

...

G. Adequate line of sight pursuant to engineering standards should be afforded at each

Staff Finding 15: The single proposed curb cut on Ridgewood Way is approximately 400 feet from Old River Dr as well as Cedaroak Dr. The criteria are met.

85.080 SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED

A. Approval of the tentative plan shall require that the final plat be in substantial conformance. Only such changes in the plat or map as are necessary for compliance with the terms of its approval, changes appropriate to meet accepted engineering practices due to grades or site conditions, or changes to satisfy legislative requirements are appropriate; however

B. Approval of the tentative plan for the proposed subdivision or the partition shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording.

Staff Finding 16: Per Condition 1, the Final Plat shall conform to the approved tentative plat in Exhibit PD-1. Subject to the Conditions of Approval, the criteria are met.

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.

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Staff Finding 17: Staff adopts Applicant findings found in Exhibit PD-1, page 6. Both parcels have access from existing streets. The criteria are met.

Applicant Response: “No new streets are proposed. Parcel 1 fronts onto Old River Drive. Parcel 2 fronts onto Ridgewood Way. There is to be an 8’ utility easement along Ridgewood way.”

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, 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. Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet. If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart. Exceptions can be granted when prevented by barriers such as topography, rail lines, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995, or by requirements of Titles 3 and 13 of the UGMFP. If streets must cross water features protected pursuant to Title 3 UGMFP, provide a crossing every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.

Staff Finding 18: See Staff Finding 5. The criteria are met.

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).

Staff Finding 19: Staff adopts Applicant findings found in Exhibit PD-1, page 7. See Staff Finding 2. The criteria are met.

Applicant Response: "The proposed lots are consistent with the dimensional standards of the R-10 zone and provide reasonable building sites for 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.

Staff Finding 20: See Staff Findings 3 - 13. The criteria are met.

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.

Staff Finding 21: Proposed partition is a split of an existing lot approximately perpendicular to Old River Dr and Ridgewood Way bounded by other existing lots on the North and South sides. The alignment of the parent parcel boundaries are not proposed to be changed, and it is not practicable to do so. The criteria is met.

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

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Staff Finding 22: Staff adopts Applicant findings found in Exhibit PD-1, page 9. Any grading proposed for a future residence on Parcel 2 will be reviewed by Staff in the course of building plan review. The criteria are met.

Applicant Response: "No grading of building sites is planned at this time. Grading plans will be reviewed at the time of building permit application."

F. Water.

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G. Sewer.

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H. Storm detention and treatment.

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Staff Finding 23: Parcel 1 is already served by existing utilities from Old River Dr. Ridgewood Way has existing infrastructure from which Parcel 2 can access utilities for future development. Any proposal for utilities and their conformance with this provision will be evaluated by Staff in the course of Building Plan Review. 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.

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Staff Finding 24: Per Condition 4, an 8-foot utility easement along the Eastmost property line following Ridgewood Way shall be shown on the face of the final plat. Subject to the Conditions of Approval, the criteria are met.

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

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Staff Finding 25: Staff adopts Applicant findings found in Exhibit PD-1, page 9. The criteria are met.

Applicant Response: "There are no wetlands or drainageways on the subject property or on adjacent parcels."

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 26: See Staff Finding 32. The criteria are met.

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, 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. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services

shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Staff Finding 27: Staff adopts Applicant findings found in Exhibit PD-1, page 10. Conformance with the given provisions will be evaluated by Staff in the course of building plan review. The criteria are met.

Applicant Response: “All new utilities will be place[d] underground”

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.

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Staff Finding 28: The proposed partition creates a total of two lots and is thus exempted from the density requirement as it is less than three total lots being created. The criteria is met.

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 their direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) 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.

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Staff Finding 29: There are no heritage trees on site. Future submittal conformance with the provisions of CDC 55.100 regarding significant trees and significant tree clusters will be reviewed by staff in the course of building plan review. The criteria are met.

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

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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.

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H. Sidewalks.

1. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, or special site conditions, the Planning Commission may approve a subdivision without sidewalks if alternate pedestrian routes are available.

In the case of the double-frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the land owner at the time a request for a building permit is received. Additionally, deed restrictions and CC&Rs shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double-frontage lots.

2. On local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC 91.010(A)(2).

3. The sidewalks shall measure at least six feet in width and be separated from the curb by a six-foot minimum width planter strip. Reductions in widths to preserve trees or other topographic features, inadequate right-of-way, or constraints, may be permitted if approved by the City Engineer in consultation with the Planning Director.

4. Sidewalks should be buffered from the roadway on high volume arterials or collectors by landscape strip or berm of three and one-half-foot minimum width.

5. The City Engineer may allow the installation of sidewalks on one side of any street only if the City Engineer finds that the presence of any of the factors listed below justifies such waiver:

- a. The street has, or is projected to have, very low volume traffic density;
- b. The street is a dead-end street;
- c. The housing along the street is very low density; or
- d. The street contains exceptional topographic conditions such as steep slopes, unstable soils, or other similar conditions making the location of a sidewalk undesirable.

...

N. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

O. Curb cuts and driveways. Curb cuts and driveway installations are not required of the subdivider at the time of street construction, but, if installed, shall be according to City standards. Proper curb cuts and hard-surfaced driveways shall be required at the time buildings are constructed.

P. Street trees. Street trees shall be provided by the City Parks and Recreation Department in accordance with standards as adopted by the City in the Municipal Code. The fee charged the subdivider for providing and maintaining these trees shall be set by resolution of the City Council.

Q. Joint mailbox facilities shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval.

Staff Finding 30: Future submittal conformance with these provisions will be reviewed by staff in the course of building plan review. The criteria are met.

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each parcel 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).

...

Staff Finding 31: See Staff Finding 32. The criteria are met.

96.010 CONSTRUCTION REQUIRED

A. Street improvements for residential construction are required when:

- 1. Construction of a new single-family attached or detached structure (replacement of an existing structure is exempt); or*

...

96.020 FEE-IN-LIEU

A. An applicant may apply for a waiver of street improvements and the option to pay a fee-in-lieu (in accordance with the City's adopted fee structure) of constructing street improvements if one of the following are met:

...

- 3. Located more than 1,320 linear feet from nearest street improvements on the same street or connecting street.*

96.030 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided the applicant submit sufficient security in an amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

Staff Finding 32: The applicant proposes to construct a new single-family detached dwelling on Parcel 2. See Staff Finding 1. As a new single-family detached dwelling is proposed, street

improvements are required. The Applicant proposes to pay a fee in lieu of completing the required improvements. Parcel 2 is proposed to be located on Ridgewood Way, a local street that is approximately 1040 linear feet in length. As there are no existing street improvements within 1320 linear feet on the same street or connecting street, it qualifies for the fee-in-lieu option. Per the Public Works fee schedule, transportation frontage improvement fees paid in lieu of completing frontage improvements are charged at a rate of \$385 per linear foot. As the new parcel is being split from an existing lot that has dual frontages, staff finds 50% of Parcel 2's frontage on the side of Ridgewood Way (50% of the total frontage of 118'6" being 59'3") to be roughly proportional to the impact of the single family detached dwelling. The total fee-in-lieu is therefore \$22,811.25. Per Condition 3, the Applicant shall pay the given fee-in-lieu or install half-street improvements along Parcel 2's frontage with Ridgewood Way to meet West Linn Public Works Design Standards prior to final plat approval by the City. Subject to the Conditions of Approval, the criteria are met.

CDC 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.

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.

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.

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

Staff Finding 33: A Class A Notice was prepared and sent via mail to the applicant, the affected neighborhood association, and all property owners within 500 ft. of the site perimeter of 19790 Old River Dr on 3/22/23. A sign detailing the property as being the subject of a land use decision with case details was placed on the property on 3/22/23. An affidavit of mailing of notice and posting of notice was filed in the land use case record. The sign was removed after the conclusion of the action on 6/29/23. This decision is made under the authority of the Planning Director and is exempt from the requirement of posting in a newspaper of general circulation. The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT Chris Myers	PROJECT NO(S). MIP-23-02	PRE-APPLICATION NO. PA-23-01
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"/> 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"/> Code Interpretation | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Conditional Use (CUP) | <input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

Site Location/Address:	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

Brief Description of Proposal:

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

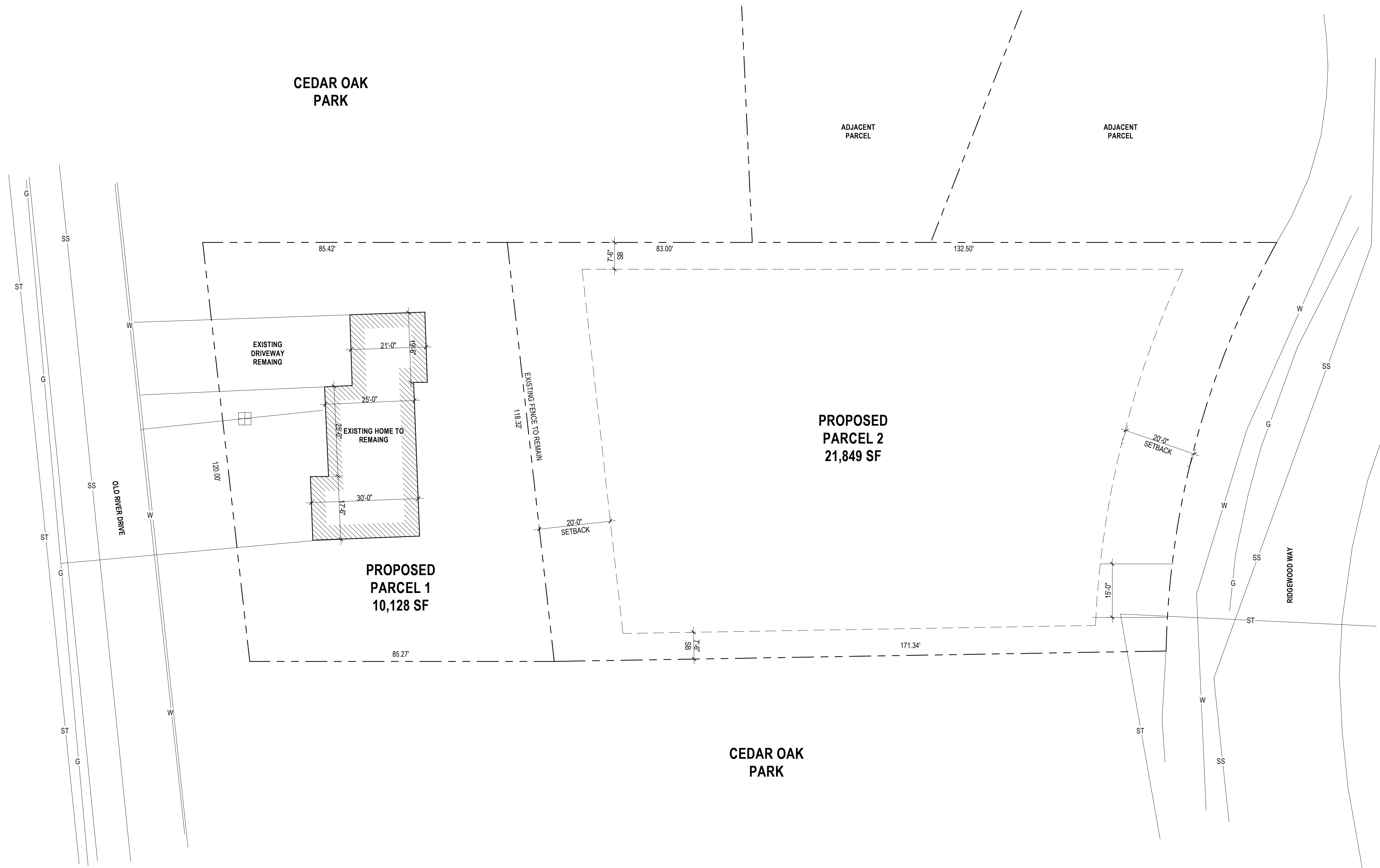
Owner Name (required): <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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. 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.

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



1 PRE APP SITE PLAN
1/16" = 1'-0"

COEFIELD RESIDENCE

JESSE COEFIELD
19790 Old River Drive
West Linn, OR 97068

REVISIONS

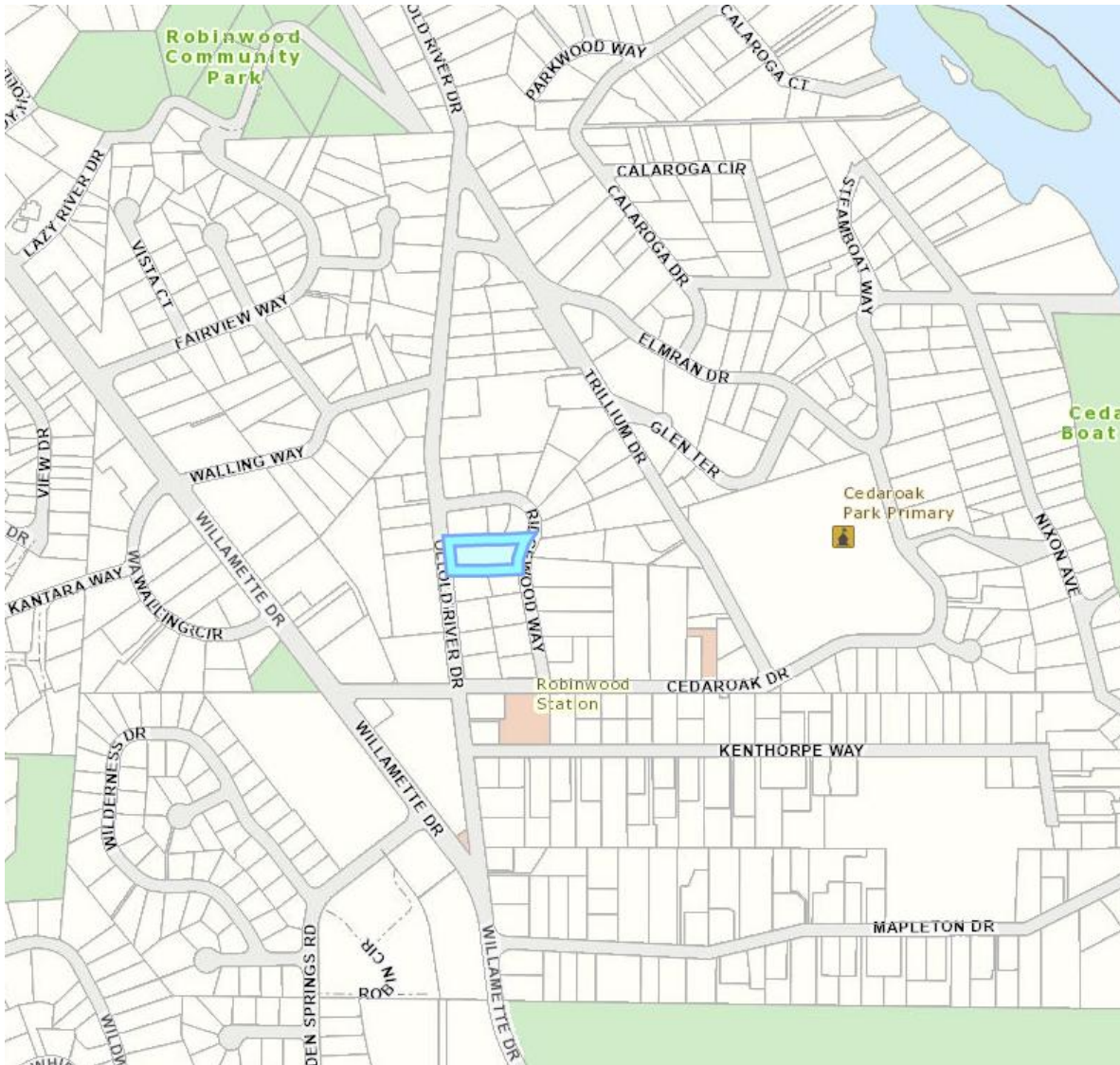
CHECKED BY: SR
ISSUE DATE: 10 FEB 2023
PROJECT NO: 2105

PRE-APP SITE PLAN
A052

PRELIMINARY

Partition Narrative
19790 Old River Dr, West Linn
Jesse Coefield

Proposal: This application requests the approval of a two-lot partition for property located at 19790 Old River Dr in West Linn. The property is situated on the east side of the street and extends to the east where it is bordered by Ridgewood Way. The subject property is 31,977 square feet in total area and is presently developed with a single-family home. The proposed partition will divide the property into two lots with the new parcel being to the east of the existing home. The new parcel will front onto Ridgewood Way. The subject property is zoned R-10. According to City of West Linn online maps, the property is described as Tax Lot 21E24BB01600



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 application is for the creation of two parcels to accommodate the existing home and one new single family detached residential unit. This use is permitted use by this section. The criterion is met.

11.70 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 contains 10,128 sq. ft. Parcel 2 is 21,849 sq. ft. in area (exclusive of the access strip). 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 a front lot line length of 120 feet, which exceeds the minimum standard of 35 feet. Parcel 2 has a front lot line of 118'-6" which also exceeds the minimum standard

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

Comment: Parcel 1 is approximately 118 feet wide at its narrowest point and Parcel 2 is about 115 feet in width at its narrowest point. 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 (not applicable at this site).*
 - d. *For a rear yard, 20 feet.*

Comment: The property is not in the Willamette Historic District. The front yard for the existing home is a minimum of 20'-8" at its closest point. The rear yard is 25'-1" at its closest point. The side setback to the north is about 19' feet and the south side setback is about 34'. The existing home complies. Setbacks for the home to be constructed on Parcel 2 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: The existing home meets the required building height, as was verified when the building permit was issued. Building height for the new home will be reviewed with the building permit.

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

Comment: The combined area of the house footprint, covered deck and covered front porch for the home on Parcel 1 is 1,569 sq. ft. The lot area is 10,128 sq. ft. so the total lot coverage equates to 15.4 percent. Lot coverage for the home to be built on Parcel 2 will comply with this 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: The accessway to Parcel 2 measures 15 feet in width.

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: The floor area of the existing home on Parcel 1 is 2,352 sq. ft. and the lot area is 10,648 sq. ft., yielding an allowable floor area of 4557.6 sq. ft. This standard is met for the existing home. Compliance for Parcel 2 will be reviewed with the building permit.

10. The sidewalk provisions of Chapter 43 CDC shall apply.

Comment: The existing home on Parcel 1 was presumably reviewed for compliance with these provisions when the building permit was reviewed. No changes are proposed. Compliance of the new home will be reviewed with the building permit.

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 fronts onto Old River Drive. Parcel 2 fronts onto Ridgewood Way. There is to be an 8' utility easement along Ridgewood way.

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 and both Parcels have adequate existing street frontage.

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 and provide reasonable building sites for 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 lots or 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 lines are roughly perpendicular to the Ridgewood Way right-of-way.

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:

- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.
- e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

Comment: No Flag is being proposed.

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: Not applicable. None of the parcels proposed are large enough to be capable of being redivided.

C. Pedestrian and bicycle trails.

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

D. Transit facilities.

Comment: The closest Tri-Met bus service is on Highway 43 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:

Comment: No grading of building sites is planned at this time. Grading plans will be reviewed at the time of building permit application.

F. Water.

Comment: Water service will be provided from the existing water line in Ridgewood Way. No new public water lines are proposed. A new water meter for Parcel 2 will be provided in the public right-of-way, with private water service lines extending to Parcel 2 via the access strip.

G. Sewer.

Comment: Sewer service will be provided from the existing sewer line in Ridgewood Way for any future development to tie into.

H. (Deleted)

I. Utility easements.

There are is an 8' utility easement proposed along the east property line following Ridgewood Way.

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 along the frontage of Parcel 1 as required. Trees already exist along Ridgewood Way at Parcel 2.

4. Lighting.

Comment: No street lighting presently exists at either parcel.

5. Dedications and exactions.

Comment: There are know known dedications beyond the 8' easement noted above.

6. Underground utilities.

Comment: All new utilities will be place underground.

7. Density requirement.

Comment: The subject property measures 31,977 square feet in site area. Dividing by the minimum 10,000 sq. ft. lot size of the R-10 zone yields a maximum density of 2 lots. Two lots are proposed so both the minimum and maximum density standards are met.

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-familyhousing.*

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 not 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, the City did not require a traffic impact analysis.

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. Any curb cuts added or changed as part of development of Parcel to would be addressed in the future.

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: Access to Parcel 2 will be via a 15-foot access driveway. Location to be determined with future development.

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 site does not front onto an arterial street. Ridgewood Way is classified as a local 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. The shared access drive complies with the requirements of the CDC.

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: Not applicable. There will be no shared driveway.

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: Adjacent property to the north and south is fully developed, and no street stubs are provided to the subject property. Because of this, it is not possible to extend a local street through the site to create a new block.

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: Figure 17 in the TSP designates this stretch of Ridgewood Way as a local street. This section does not apply.

- 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: The proposed driveway to Parcel 2 will comply with the minimum 10 foot unobstructed horizontal clearance standard. The grade is under 5 percent. The driveways comply with the 20 foot minimum length between the garage and the sidewalk.

- 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: If some portion of the home on Parcel 2 is more than 150 feet from Ridgewood Way, the applicant will coordinate with the Fire Chief to determine whether a turnaround or other mitigating measures, such as sprinklers, are warranted. Compliance with other requirements of this section will be demonstrated at the time of building permit application.

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. The proposed access will not serve five or more vehicles.

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 proposed access drive complies with these standards

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: Not applicable. The site is on a local street and a Neighborhood Route.

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 development patterns to the north.

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: The existing curb cut for the proposed access drive complies with this minimum. Any future curb cuts to be reviewed with future development.

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: The proposed curb cut will not exceed 36 feet, 15 feet is 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: Figure 17 in the Transportation System Plan designates this stretch of Ridgewood Way as a local street and it designates Old River Drive as a Neighborhood Route. This standard is met.

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: Existing and proposed curb cuts shall be in compliance.

- 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: The proposed plan makes use of the single existing curb cut for Parcel 1 and the proposed access for Parcel to as proposed in in compliance.

- 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: The tree survey information was reviewed by the City's A There are no heritage or significant trees on the subject property so the provisions of Chapter 55 do not apply.

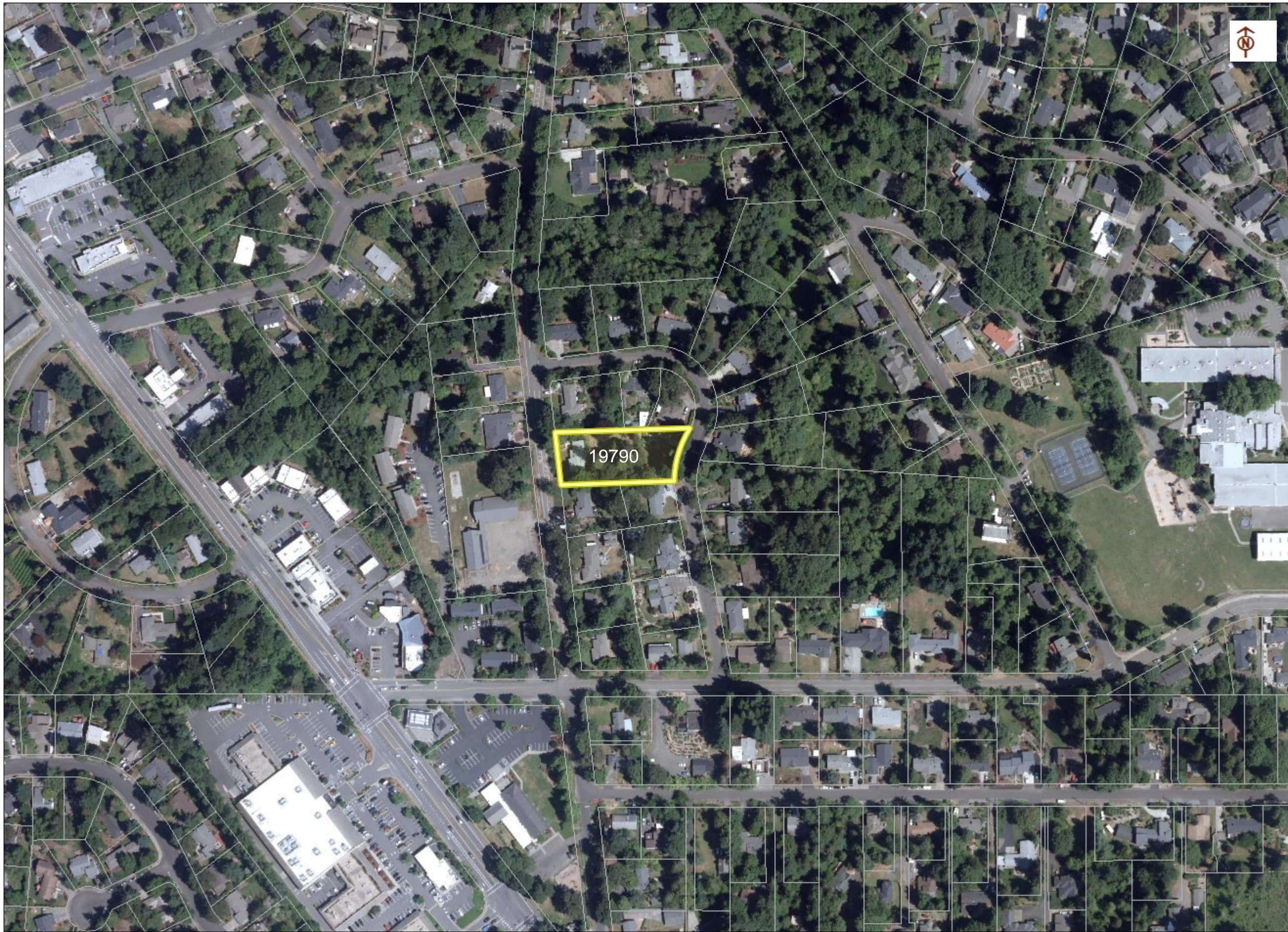
Chapter 92, required improvements

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 provide a rain garden on Parcel 2 with an overflow at the Northeast corner of the property to accommodate runoff from the new home. It shall be sized to address excess runoff from Parcel 1. The residence on Parcel 1 ties into the existing storm sewer.

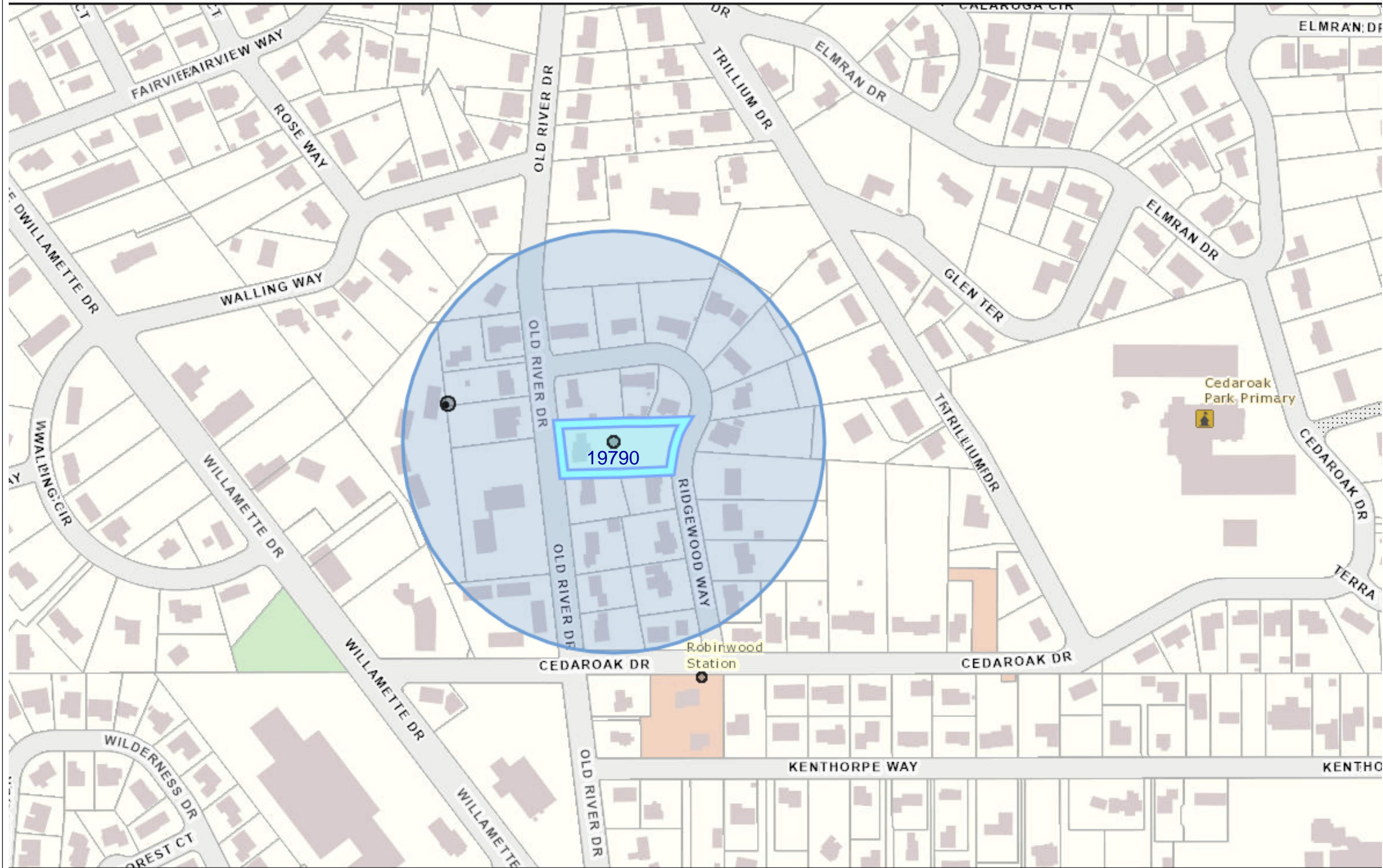


0 0.05 0.1 Miles

1:3,600



WEST LINN GIS



500' NEIGHBOR NOTIFICATION RADIUS



PD-2 COMPLETENESS LETTER



CITY OF
West Linn

March 14, 2023

Jesse Coefield
19790 Old River Dr
West Linn, OR 97068

SUBJECT: Minor Partition at 19790 Old River Dr (MIP-23-02)

Jesse Coefield:

Your application submitted on February 14, 2023 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends July 12, 2023.

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 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 503-742-6057, or by email at bgardner@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Gardner', written in a cursive style.

Ben Gardner
Assistant Planner

PD-3 AFFADAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
TYPE A
PLANNING MANAGER 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.: **MIP-23-02** Applicant's Name: **Jesse Coefield**
Development Name: **MIP-23-02 - 19790 Old River Dr**
Scheduled Decision Date: **Planning Manager Decision no earlier than April 12, 2022**

APPLICATION

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

3/22/23	<i>Lynn Schroder</i>
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MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Jesse and Michelle Coefield, applicant / property owners	3/22/23	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	3/22/23	<i>Lynn Schroder</i>
Robinwood Neighborhood Association	3/22/23	<i>Lynn Schroder</i>

WEBSITE

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

3/22/23	<i>Lynn Schroder</i>
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TIDINGS

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

N/A	
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SIGN

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

3/22/23	<i>Ben Gardner</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.

6/29/23	<i>Lynn Schroder</i>
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MIP-23-02**

The West Linn Planning Manager is considering a Minor Partition at 19790 Old River Dr. The applicant is requesting approval for a 2-lot Minor Partition.

The Planning Manager will decide the application based on criteria in Chapters 11, 48, 85, 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/19790-old-river-drive-minor-partition>. 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.

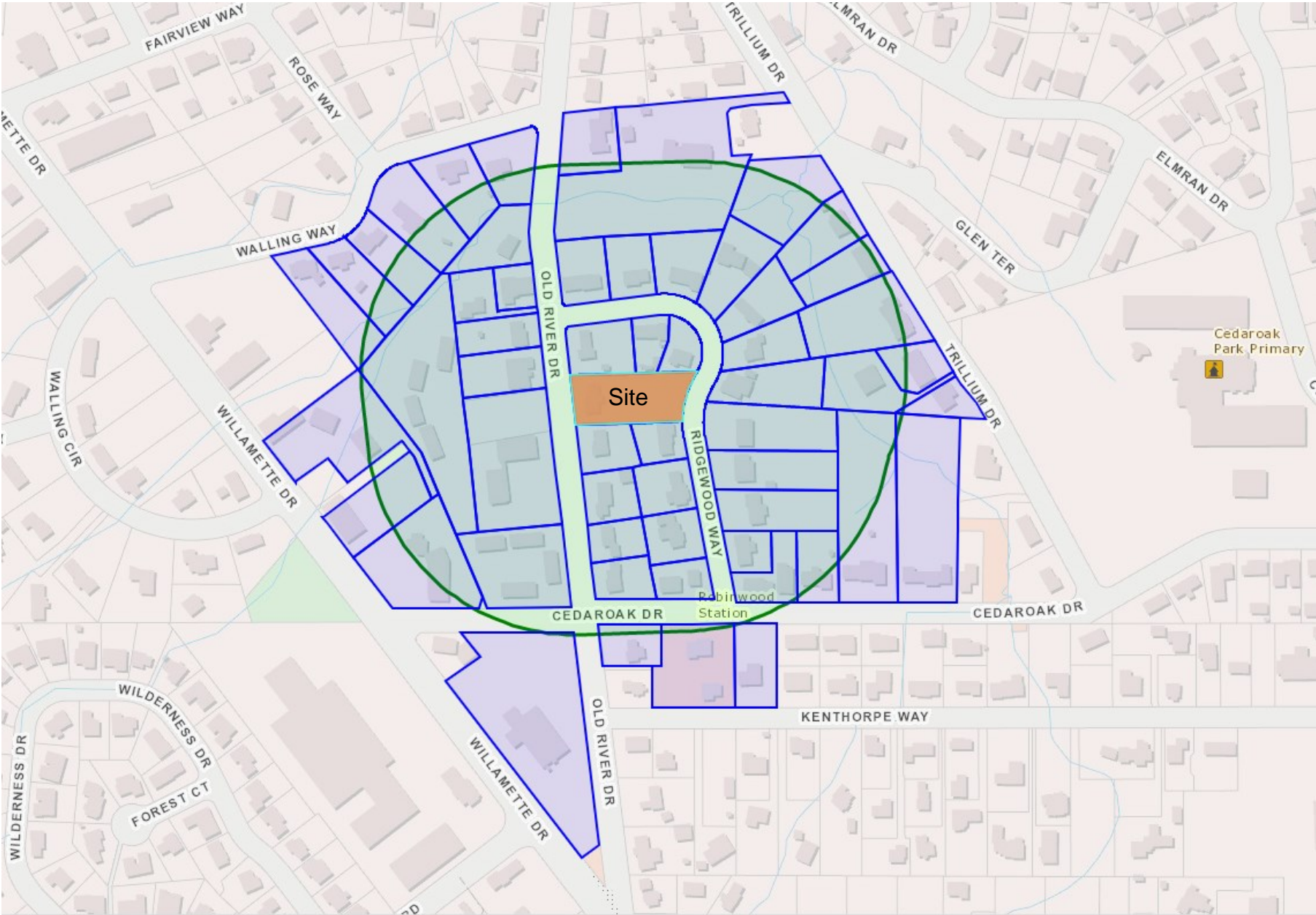
A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on April 12, 2023 bgardner@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

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 Ben Gardner, Assistant Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057 for additional information.

MIP-23-02 – Notified Properties with 500 Feet of the Property





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-23-02
MAIL: 3/22/23 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.