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CITY OF  
**West Linn**

**PLANNING MANAGER DECISION**

DATE: June 29, 2023  
FILE NO.: MIP-23-03  
REQUEST: Approval of a Two-Parcel Minor Partition at 5435 Summit St  
PLANNER: Ben Gardner, Assistant Planner

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Planning Manager DSW

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## GENERAL INFORMATION

<b>APPLICANT/OWNER:</b>	Dale Lumpkin 5435 Summit St West Linn, OR
<b>SITE LOCATION:</b>	5435 Summit St West Linn, OR
<b>SITE SIZE:</b>	26,916 Square Feet
<b>LEGAL DESCRIPTION:</b>	Tax lot 21E25BA13700
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>ZONING:</b>	R-10, Residential
<b>APPROVAL CRITERIA:</b>	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.
<b>120-DAY RULE:</b>	The application became complete on March 16, 2023. The 120-day period therefore ends on July 14, 2023.
<b>PUBLIC NOTICE:</b>	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-parcel partition of 5435 Summit St, tax lot 21E25BA13700. Both lots are proposed for the development of single family detached dwelling units.

### Proposed Parcel Sizes

Parcel 1 (Southernmost portion) - 13,990 square feet

Parcel 2 (Northernmost portion) - 12,926 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 85.11 feet of frontage on the neighborhood route Summit St and 30' of frontage on the local street Randall St. Parcel 1 is proposed to take access from Summit St and Parcel 2 is proposed to take access from Randall St.

Both the Summit St right-of-way as well as the Randall St right-of-way are approximately 60 feet in width. The Applicant shall show an 8-foot public utility easement on the final plat along the Parcel 1 frontage of Summit St.

The West Linn Community Development Code Chapter 48: Access, Egress, and Circulation establishes maximum block lengths (800 feet) with an exception to provide a pedestrian / bicycle connection. The Summit St block length exceeds this maximum (approximately 1600 feet from Apollo Rd to Renaissance Ct) so it is recommended to dedicate 8-feet of the Eastern side of the proposed lots as a Public Access Easement (PAE) and construct a pedestrian trail in partnership with the City. See Condition 3. The PAE location will overlap the existing 5-foot PUE (Plat 1988-2820).

### Public Comments:

No public comments received for this application.

## DECISION

The Planning Manager (designee) approves this application (MIP-23-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:


1. **Site Plan, Elevations, and Narrative.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Partition Plat dated 2/13/23 (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. All public improvements shall be installed and approved prior to final plat approval.

3. **Public Access Easement.** The Applicant shall include on the final plat an eight-foot public pedestrian trail and access easement (PAE) abutting the Eastmost property lines of the two proposed lots that runs from the Randall St right-of-way to the Summit St right-of-way. The Applicant shall partner with the City of West Linn Parks Department and establish a contract whereby the Applicant and City are each responsible for 50 percent of the total cost of constructing a six-foot pedestrian trail that runs the length of the PAE. The given contract shall be established before any construction may begin. The construction of the given pedestrian trail shall be completed prior to final plat approval.

4. **Utility Easement.** The Applicant shall include on the final plat an eight-foot public utility easement along the Summit St right-of-way frontage.

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

  
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Ben Gardner, Assistant Planner

July 1, 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 1st day of July 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on July 15, 2023.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-23-03**

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.*

...

**Staff Finding 1: The Applicant proposes to construct new single family detached residential units on both lots. The criteria is met.**

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

*Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:*

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>ADDITIONAL NOTES</b>
<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 <a href="#">25.070(C)(1)</a> 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 <a href="#">41.010</a> 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>Street side yard</i>	<i>15 ft</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 <a href="#">41</a> 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. • A developer may deduct up to 200 sf for an attached garage or carport.</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex	0.60	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 <a href="#">66</a> CDC.

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**Staff Finding 2:** Staff adopts applicant findings on page 2 of Applicant submittal, Exhibit PD-1. The southernmost lot, hereby referred to as Parcel 1, is proposed to be 13,990 square feet in area and the northernmost lot, hereby referred to as Parcel 2, is proposed to be 12,926 square feet in area. The proposed front lot width for Parcel 1 is 65.08 feet, while the proposed front lot width for Parcel 2 is 189.6 feet. Floor area ratio, building height, and all other dimensional requirements will be reviewed for compliance by Staff in the course of building plan review. The criteria are met.

**Applicant Response:** “The proposed lot size is 12,926 square feet, and the existing lot will be reduced to 13,990 square feet.”

**Applicant Response:** “The Summit Street front lot line is 65.08 FT, and the front lot line of the the[sic] proposed new Randall Street lot is 189.6 FT.”

#### 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 each parcel is estimated to add an average of 20 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: Parcel 1 is adjacent to Summit St and is proposed to take access from it. Parcel 2 is adjacent to Randall St and is proposed to take access from it. 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: The existing block on which the two lots are located is approximately 1600 feet long and does not meet the block length standard. No new streets are proposed. Therefore, per Condition 3, the Applicant shall show an 8-foot easement along the Eastern proposed property lines from Randall St to Summit St on the final plat and partner with the City to construct a pedestrian trail to satisfy the exception listed in 48.025(C)(3) before permit issuance for any structures. Subject to the Conditions of Approval, the criteria are met.**

#### *48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES*

*A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, 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:*

...

**Staff Finding 8: Parcel 1 and Parcel 2 take access from a neighborhood route and a local street respectively. The criteria do 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: 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.**

*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: 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.**

*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: No gated accessway is proposed. The criteria is met.**

#### *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 9. Conformance with this provision will be evaluated by staff in the course of Building Plan Review.**

**Applicant Response: “Driveway width and curb cuts will be at least 16’ wide.”**

*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: Staff adopts Applicant findings found in Exhibit PD-1, page 9. Conformance with these provisions will be evaluated by staff in the course of Building Plan Review. The criteria are met.**

**Applicant Response: “The maximum curb cut will not exceed 36’.”**

#### *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.*

...

**Staff Finding 17: Both parcels have access from existing streets. The criteria are met.**

*B. Blocks and lots.*

*1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.*

*2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, 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 7. Subject to the Conditions of Approval, 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: 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 Summit St bounded by other existing lots on the East, West, 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:

...

**Staff Finding 22: Any grading proposed for future residences will be reviewed by Staff in the course of building plan review. The criteria are met.**

F. Water.

...

G. Sewer.

...

H. Storm detention and treatment.

...

**Staff Finding 23: Summit St and Randall St contain utilities both parcels can access. 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.

...

**Staff Finding 24: Per Condition 4, an 8-foot utility easement along the Southern property line of Parcel 1 following Summit St 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.*

...

**Staff Finding 25: Staff adopts Applicant findings found in Exhibit PD-1, page 13. There are no wetlands or natural drainageways on site that meet the provisions for protection under CDC Chapter 32. The criteria are met.**

**Applicant Response: "There are no wetlands or natural drainage-ways present on the site."**

*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 14. Conformance with the given provisions will be evaluated by Staff in the course of building plan review. The criteria are met.**

**Applicant Response: "Proposed utilities will all be 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.*

...

**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.*

...

**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:*

...

*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*

...

**Staff Finding 32:** The applicant proposes to construct a new single-family dwelling on each lot. Parcel 1 has 85.11 feet of frontage on Summit St that is already improved and will not require street frontage improvements. Parcel 2 has 30 feet of frontage on Randall St. The Applicant proposes a driveway access from Randall. Staff finds the combination of the improvements required for the proposed driveway to Parcel 2 and the 8-foot public access easement and pedestrian trail required by Condition 3 to be roughly proportional to the proposed development of two single family dwellings. 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.

**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 5435 Summit St 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 <b>Chris Myers</b>	PROJECT NO(S). <b>MIP-23-03</b>	PRE-APPLICATION NO. <b>PA-22-12</b>
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) <b>\$2,800</b>	TOTAL <b>\$2,800</b>

**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.

<b>Site Location/Address:</b> 5435 Summit Street West Linn, OR 97068	Assessor's Map No.: 21E25BA13700
	Tax Lot(s): 05036007
	Total Land Area: .62 acre

**Brief Description of Proposal:**  
 Requesting partition of the existing site located at 5435 Summit Street, West Linn into two building lots. The proposed new lot will have access from Randall Street.

<b>Applicant Name:</b> F. Dale Lumpkin <small>(please print)</small> Address: 1611 Arran Court West Linn, OR 97068 City State Zip:	Phone: 503-780-0100 Email: dalelumpkin@icloud.com
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<b>Owner Name</b> (required): F. Dale and Peggy Lumpkin <small>(please print)</small> Address: 1611 Arran Court West Linn, OR 97068 City State Zip:	Phone: 503-780-0100 Email: dalelumpkin@icloud.com
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<b>Consultant Name:</b> Harry Salo, Surveyor, Andy Paris & Associates <small>(please print)</small> Address: 16057 Boones Ferry Road Lake Oswego, OR 97035 City State Zip:	Phone: 503-636-3341 Email: hsalo@andyparis.com
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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	2/13/23 Date	 Owner's signature (required)	2/13/23 Date
---------------------------	-----------------	----------------------------------	-----------------

**Narrative for Proposed Development at:  
5435 Summit Street  
West Linn, OR 97068**

**Proposed Lot Partition (Minor Partition)**

**Description of Proposal:**

Minor Partition to divide the existing 26,916 square foot site at 5435 Summit Street into two lots. The frontage at 5435 Summit Street will be one lot with 13,990 square feet, and the newly created lot will be 12,926 square feet with frontage on Randall Street. Per the City of West Linn, a 8' public utility easement dedication will be required along the frontages of the entire property. Sewer is available on the Summit Street lot and on the Randall Street lot. Water is available only on Summit Street for both lots. Storm water for both lots will be through StormTech and will flow to the Randall Street trash rack storm water system.

**Site Information:**

Site address: 5435 Summit Street, West Linn, OR 97068  
Tax Lot Number: 21E25BA13700  
Site Area: 26,916 square feet +/-  
Neighborhood: Rosemont  
Comp. Plan: Low Density Residential  
Zoning: Single-Family Residential Attached, R-10  
Zoning Overlays: N/A

**Applicable CDC Chapters:**

Chapter 11: Single-Family Residential Attached, R-10

11:030 Permitted Uses: The proposal will be to create a new site for a Single-Family detached residential unit. Response: The proposal complies.

11.070 Dimensional Requirements:

● Minimum Lot Size: 10,000 SF. The proposed lot size is 12,926 square feet, and the existing lot will be reduced to 13,990 square feet. Response: The proposal complies.

● Minimum Lot Width at Front Lot Line: 35FT. The Summit Street front lot line is 65.08 FT, and the front lot line of the the proposed new Randall Street lot is 189.6 FT. Response: The proposal complies.

● Average Minimum Lot Width: 50 FT. The Summit Street average width is 85.11 FT and the Randall Street average width is 90 FT. Response: The proposal complies.

● Minimum Building Setbacks:

○ Front Yard: 20 FT. Response: The proposal complies

○ Interior Side Yard: 7.5 FT. Response: The proposal complies

○ Rear Yard: 20 FT. Response: The proposal complies

Chapter 48: Access, Egress, and Circulation:

48.020

A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

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.).

Response: The City of West Linn has not required a Traffic Study for this proposal.

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.

Response: The City of West Linn is requiring an 8 FT Right of Way Dedication on the existing Summit Street lot and an 8 FT Right of Way Dedication on the proposed new Randall Street lot.

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.

Response: There is no alley or mid-block lane. Access will be from public streets. Option 1 does not apply.

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. Response: Access will be from public streets. Option 2 does not apply.

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 streets for access to 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 the section.

Response: Option 3 applies. Access will be from Summit Street, which is adjacent to the existing lot, and from Randall Street, which is adjacent to the proposed lot.

4. Subdivisions front 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).

Response: This development is not a subdivision. This section does not apply.

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 material 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.

Response: In the proposed partition, each lot has access from only one local street, so this section does not apply.

6. Access spacing.

a. The access spacing standards found in the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians. Deviation from the access spacing standards may be granted by the City Engineer if conditions are met as described in the access spacing variances section in the adopted TSO See b. below.

b. Private drives and other access ways are subject to the requirements of CDC 48.060 below.

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 section (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 operations of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsections (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Response: One access is proposed per lot.

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 street 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).

Response: A shared driveway is not required.

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 sited development approval.

Response: Shared driveways are not proposed, and therefore access easements are not proposed.

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.

Response: Shared driveways are not required or proposed.

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.

Response: This section does not apply because a large subdivision or formation of blocks are not proposed.

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other application sections of the West Linn Community Development Code and approved TSP.

Response: This section does not apply because a large subdivision or formation of blocks are not proposed.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathways(s), in conformance with the provisions of CDC 85/200©, 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; Ord. 1650 § 1 (Exhibit. A), 2016; Ord. 1675 § 40, 2018).

Response: This section does not apply because a large subdivision or formation of blocks are not proposed.

48.030

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 stub-outs 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.

Response: Summit Street is a minor arterial street and Randall Street is a local street. This section does not apply because the subject lots do not have any alternative access other than on Summit Street for the existing lot and Randall Street for the proposed lot.

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

Response: The proposed partition for an additional lot is a low traffic volume development and access for the existing lot is Summit Street and access for the proposed new lot is on Randall Street. A shared driveway is not proposed.

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. Response: Driveways will comply with the standards set forth by the City of West Linn at the time of the building permits.

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. Response: Driveways will comply with the standards of the City of West Linn at time of building permit submittal.

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.

Response: The approval of the partition will not require a driveway with a slope greater than 15%.

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.

Response: Front setbacks for the existing house will be met with the proposed partition application.

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.

Response: This section does not apply because the existing lot driveway would be less than 150' from Summit Street, and the proposed new lot driveway would be less than 150' from Randall Street.

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.

Response: This section does not apply because five or more single-family homes is not being proposed.

E. Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Minimum vertical clearance of 13 feet, six inches.
4. Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.
5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.
6. A minimum centerline turning radius of 45 feet for the curve.

Response: This section does not apply because the proposed partition does not include multi-family dwellings.

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.

Response: Access drives are not required or proposed.

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.

Response: One driveway per lot is proposed.

H. In order to facilitate through traffic and improve neighborhood connections, it may be necessary to construct a public street through a multi-family site.

Response: a multi-family site is not being proposed.

I. Gated access-ways 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)

Response: Multi-family homes are not being proposed.

48.040

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

A. Service drives for non-residential uses shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Meet the requirements of CDC 48.030(E)(3) through (6).
4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.

Response: Non-residential uses are not proposed.

B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

Response: Non-residential uses are not proposed.

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

Response: Non-residential uses are not proposed.

D. Gated accessways to non-residential uses are prohibited unless required for public safety or security. (Ord. 1408, 1998, Ord. 1463, 2000).

Response: Non-residential uses are not proposed.

48.050

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.

Response: Parking facilities are not being proposed.

48.060

A. Minimum curb cut width shall be 16 feet.

Response: Driveway width and curb cuts will be at least 16' wide.

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.

Response: The maximum curb cut will not exceed 36'.

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.

Response: Does not apply, Summit Street and Randall Street are local streets.

2. On an arterial when intersected by a collector, 100 feet.

Response: Does not apply. Summit Street and Randall Street are local streets.

3. On an arterial when intersected by a local street, 100 feet.

Response: Does not apply. Summit Street and Randall Street are local streets.

4. On a collector when intersecting an arterial street, 100 feet.

Response: Does not apply. Summit Street and Randall Street are local streets.

5. On a collector when intersected by another collector or local street, 35 feet.

Response: Does not apply. Summit Street and Randall Street are local streets.

6. On a local street when intersecting any other street, 35 feet.

Response: There are no intersecting streets within 35' of either Summit Street or Randall Street.

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.

Response: Does not apply. Summit Street and Randall Street are local streets.

2. On a collector street, 75 feet.

Response: Does not apply. Summit Street and Randall Street are local streets.

3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

Response: There will be one curb cut on Summit Street.

E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.

Response: Randall Street will have no curb.

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.

Response: One curb cut is being proposed on Summit Street.

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway. (Ord. 1270, 1990; Ord. 1584, 2008; Ord. 1636 § 35, 2014}.

Response: Site distance will be met for each lot.

48.070

A. In order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or their designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:

1. Provide inadequate access for emergency vehicles; or

2. Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.

Response: The proposed partition will not generate any access issues, hazardous conditions, or inadequate access for emergency vehicles.

B. A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240(B).

48.080

A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)

Response: This section does not apply because the proposed is not a multi-family development.

B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(A)(3).

Response: This section does not apply because the proposed development is not a subdivision.

C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.

Response: This section does not apply because the proposed development is not commercial or industrial.

#### Chapter 75: Variances and Special Waivers

##### 75.020

The purpose of this chapter is to provide standards for granting variances and special waivers from the applicable requirements of this code. However, this chapter may not be used to allow a use that is not a specified use in the zone where the land is located or to modify density provisions. (Ord. 1442, 1999; Ord. 1622 § 9, 2014)

Response: No variances are being requested. However, the Randall Street lot driveway will be 14' because the existing house adjacent at 2664 Randall Street is encroaching 16' into Randall Street. Discussions with Associate Planner indicate City Planning is agreeable to this solution.

#### Chapter 85: Land Division, General Provision

##### 85.200

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

Response: An 8' Right-of-Way exists for Summit Street and does not apply on Randall Street.

Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.

Response: The continuation of the existing sidewalk of the existing Summit Street lot will be continued along the entire frontage per City of West Linn standards. The proposed Randall Street lot is a dead-end where the entire frontage will be taken up by the driveway, so there is not space for a sidewalk.

Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curb-line. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

Response: The continuation of the existing planter strip on Summit Street will be continued along the entire frontage of the subject site per City of West Linn standards.

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

Response: An 8' Right-of-Way exists on Summit Street without reservations or restrictions and does not apply on Randall Street.

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

Response: The existing lot generated by this partition will have direct access to Summit Street, and the proposed lot will have direct access to Randall Street.

#### Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.

2. Adequate location and sizing of the water lines.

3. Adequate looping system of water lines to enhance water quality.

4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.

5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

Response: There is an existing water main in Summit Street which is adequate to serve the existing and newly created lots with public water.

#### Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.

3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.

4. Sanitary sewer line should be at a depth that can facilitate connection with down system properties in an efficient manner.

5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.

6. The sanitary sewer line shall avoid disturbance of wetland and drainage-ways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainage-way is not disturbed.

7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.

8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

Response: There is an existing sewer to the the existing lot on Summit Street. The newly created lot can obtain sewer from Randall Street.

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

Response: StormTech water facilities will be installed on site for each lot and its proposed structures.

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

Response: Utility easement will be provided on each lot for the required service providers as determined by the City Engineer.

#### Supplemental Provisions.

1. Wetland and natural drainage-ways. Wetlands and natural drainage-ways 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.

Response: There are no wetlands or natural drainage-ways present on the site.

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.

Response: The site is not part of the Willamette and Tualatin River Greenways Protection.

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

Response: Street trees will be planted as required on Summit Street. Does not apply to Randall Street.

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

Response: Does not apply.

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.

Response: An 8' public utility easement exists along the frontage of Summit Street and does not apply on Randall Street.

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.

Response: Proposed utilities will all be 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.

Response: The proposal is for the partition of an existing site for one additional site so the two lots would be exempt from this requirement.

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

Response: The site is located in the R-10 zone.

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 drip-line; however, native oaks need not have an overlapping drip-line) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1,



2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014; Ord. 1647 § 8, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 16, 2017; Ord. 1675 § 53, 2018; Ord. 1695 § 4, 2019; Ord. 1713 § 1, 2020)

Response: There are no heritage trees present on the subject site.

## Chapter 92: Required Improvements

### 92.020

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)(l).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City. (Ord. 1192, 1987; Ord. 1287, 1990; Ord. 1442, 1999; Ord. 1544, 2007; Ord. 1636 § 59, 2014)

Response: Half street improvements are not required. Frontage includes an existing 8' public utility easement on the Summit Street sidewalk and planter strip.

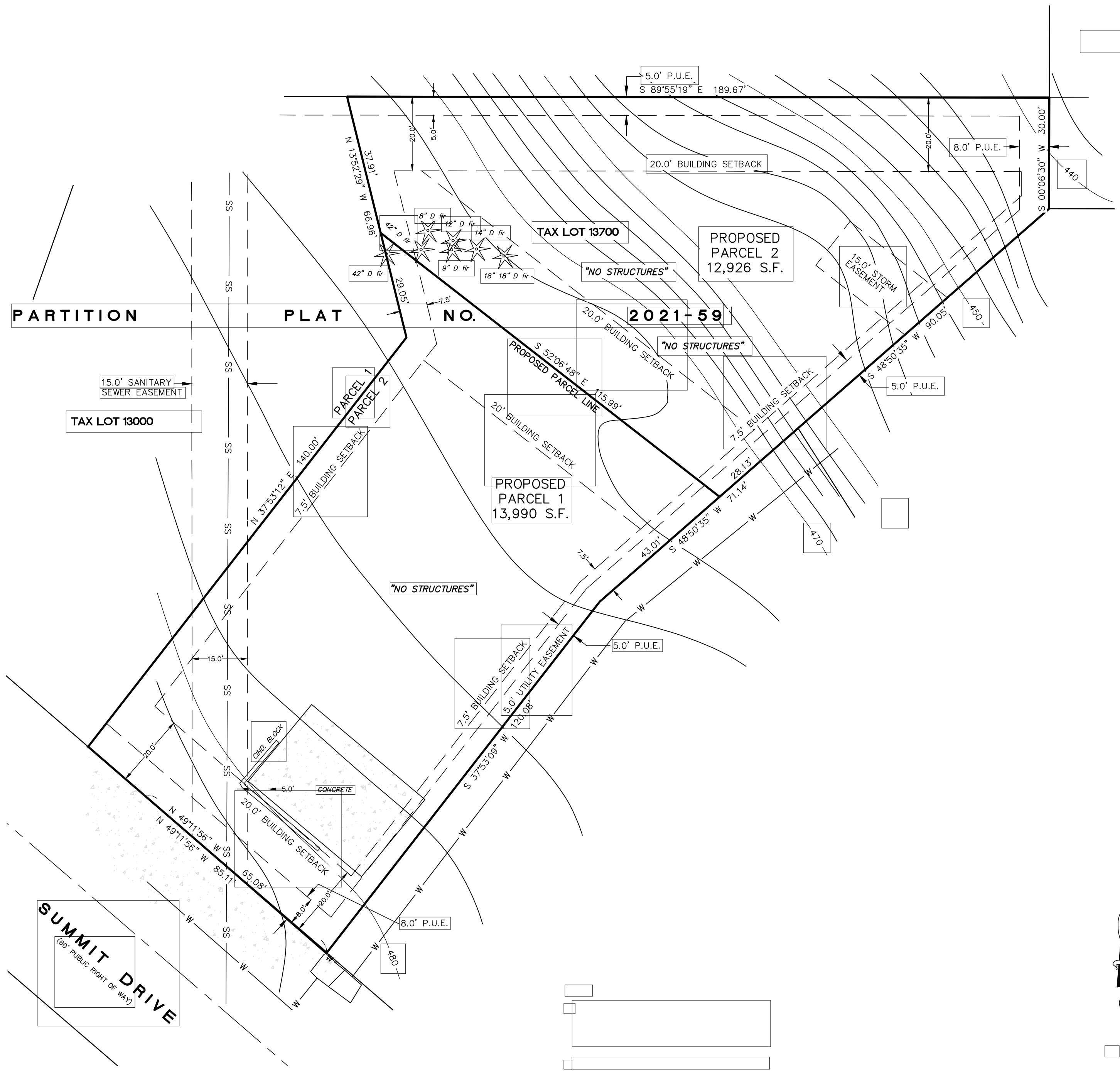
**PRELIMINARY PARTITION PLAN**

FOR:  
**DALE LUMPKIN**

BEING PARCEL 2  
"PARTITION PLAT NO. 2021-59"  
IN THE NW 1/4 OF SECTION 25  
T.2S, R.1E, W.M.  
CLACKAMAS COUNTY COUNTY, OREGON

TAX MAP 2 1 E 25BA

DECEMBER 05, 2022  
UPDATE: FEBRUARY 13, 2023



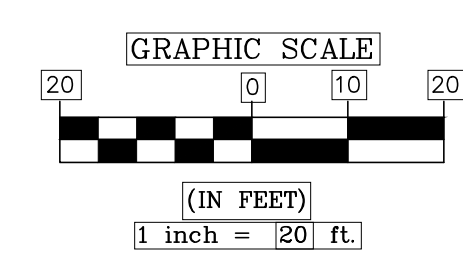
**NOTES:**

- ELEVATIONS ARE BASED ON AN ASSUMED VALUE OF 200.00' ASSIGNED TO SELECTED SURVEY CONTROL. NO CITY BENCHMARK HAS BEEN REFERENCED IN THIS SURVEY.
- THE BOUNDARIES AS SHOWN ON THIS MAP ARE BASED ON FOUND MONUMENTS, AND RECORD SURVEY AND DEED INFORMATION. THIS MAP DOES NOT REPRESENT A SURVEY TO BE RECORDED, BUT WAS DONE FOR SITE/TOPO INFORMATION ONLY.
- THIS SURVEY IS MADE FOR THE ORIGINAL PURCHASER OF THE SURVEY ONLY. ANDY PARIS & ASSOCIATES, INC. ASSUMES NO LIABILITY FOR INFORMATION SHOWN HEREON TO ANY OTHER INSTITUTIONS OR SUBSEQUENT PURCHASERS OF THE PROPERTY.
- SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. THERE MAY EXIST EASEMENTS, CONDITIONS, OR RESTRICTIONS THAT COULD AFFECT THE TITLE OF THIS PROPERTY. NO ATTEMPT HAS BEEN MADE IN THIS SURVEY TO SHOW SUCH MATTERS THAT MAY AFFECT TITLE.

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Harold P. Salo*  
**OREGON**  
JANUARY 15, 1987  
HAROLD P. SALO  
2264  
EXPIRES: JUNE 30, 2024

(SINCE 1952)  
**ANDY PARIS AND ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS  
16057 BOONES FERRY ROAD  
LAKE OSWEGO, OREGON 97035  
PH: 503-636-3341  
www.andyparis.com  
PROJECT: 21256  
DRAWING: 21256PRL-2.DWG  
DRAFTED: RC 02/13/23



**SUMMIT DRIVE**  
(60' PUBLIC RIGHT OF WAY)

**PD-2 COMPLETENESS LETTER**



CITY OF  
**West Linn**

March 16, 2022

Franklin Dale Lumpkin  
1611 Arran Court  
West Linn, OR 97068

SUBJECT: Minor Partition at 5435 Summit St (MIP-23-03)

Franklin Dale Lumpkin:

Your application submitted on February 13, 2023 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends July 14, 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](mailto: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-23-03**      Applicant's Name: **Franklin Dale Lumpkin**  
Development Name:    **MIP-23-03 – 5435 Summit St**  
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.

<b>3/22/23</b>	<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:

<b>Franklin Dale Lumpkin, applicant / propertyowner</b>	<b>3/22/23</b>	<i>Lynn Schroder</i>
<b>Property owners within 500ft of the site perimeter</b>	<b>3/22/23</b>	<i>Lynn Schroder</i>
<b>Rosemont Summit Neighborhood Association</b>	<b>3/22/23</b>	<i>Lynn Schroder</i>

**EMAILED NOTICE**

Notice of Upcoming Planning Manager Decision was emailed at least 20 days before the decision date to:

<b>Rosemont Neighborhood Association</b>	<b>3/22/23</b>	<i>Lynn Schroder</i>
<b>Dale Lumpkin, applicant</b>	<b>3/22/23</b>	<i>Lynn Schroder</i>

**WEBSITE**

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

<b>3/22/23</b>	<i>Lynn Schroder</i>
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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.

<b>3/22/23</b>	<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.

<b>6/29/23</b>	<i>Lynn Schroder</i>
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**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. MIP-23-03**

The West Linn Planning Manager is considering a Minor Partition at 5435 Summit St. 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/5435-summit-street-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](mailto:bgardner@westlinnoregon.gov) or mail them to City Hall. All comments must be received by the deadline.**

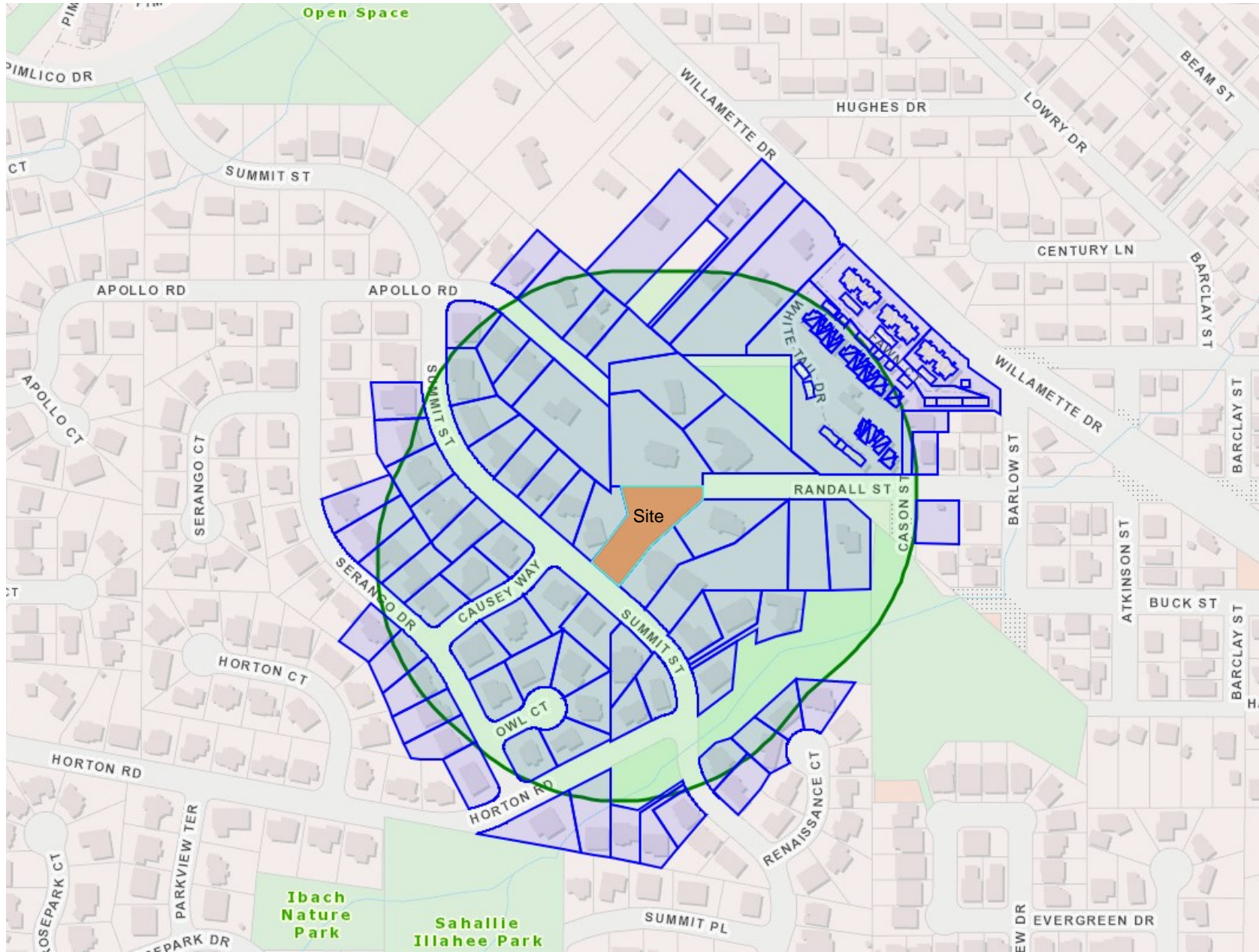
**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford 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-23-03 Properties within 500 feet of 5435 Summit







**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # MIP-23-03  
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.