



CITY OF
West Linn
PLANNING MANAGER DECISION

DATE: December 10, 2025

FILE NO: MIP-25-03/WRG-25-02/WPA-25-03/FMA-25-02

REQUEST: Request for a 3-Parcel Minor Partition, Willamette River Greenway, Water Resource Area, and Flood Management Area permit to partition a 40,960 property into three parcels for future development of three single-family homes.

PLANNER: Chris Myers, Senior Planner

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GENERAL INFORMATION

APPLICANT/ OWNER:

Patrick O'Brien
131 SW Bancroft Street
Portland, OR 97239

CONSULTANT:

AKS Engineering
Attn: Zach Pelz
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

SITE LOCATION:

No site address, at terminus of Evah Lane

SITE SIZE:

0.95 acres, 40,960 square feet

LEGAL

DESCRIPTION:

Clackamas County Assessor Map 31E02BC 03800

COMP PLAN

DESIGNATION:

Low Density Residential

ZONING:

Single-Family Residential Detached, R-10

APPROVAL

CRITERIA:

Community Development Code (CDC) Chapter 11, 27, 28, 32, 48, 85, 92, 96, and 99

120-DAY RULE:

The application was declared complete on August 28, 2025. The 120-day period ends on December 26, 2025.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the project boundary, to the Willamette Neighborhood Association, and to the Dept. of State Lands and Army Corps of Engineers on September 4, 2025 and posted on the City's website on September 4, 2025. A sign was placed on the property on September 9, 2025. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The subject property is located along the Tualatin River and is an undeveloped 40,960 square foot property. The applicant proposes a three-parcel partition for the future development of three single-family homes. The rear yard of the subject property is located within the 100-year floodplain of the Tualatin River and requires a Flood Management Area Permit. The proposed improvements are also within the Willamette River Greenway (WRG) and Habitat Conservation Area (HCA), thus requiring a Tualatin River Greenway Permit and Water Resource Area Permit.

Public comment:

No public comments were received prior to the close of the comment period.

DECISION

The Planning Manager (designee) approves this application (MIP-25-03/WRG-25-02/WPA-25-03/FMA-25-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum, and 3) the addition of conditions of approval. 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 project shall conform to the submitted plans, elevations, and narrative submitted in Exhibit PD-1 dated July 28, 2025.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Erosion Control Measures.** Full erosion control measures, as approved by the City Engineer, shall be in place prior to any grading, development, or site clearing and shall remain for the duration of the project.
4. **Reciprocal Access Easement.** Prior to final plat approval, the applicant shall record a reciprocal access easement and a mutual maintenance agreement for the shared use of the driveway located in the access and utility easement. The easement recording number shall be provided on the face of the final plat.
5. **New Private Utility Easement.** The applicant shall provide a 20-foot private utility easement along the shared access drive and show it on the final plat.

6. **Street Improvements.** Prior to final plat approval, the applicant shall construct half-street improvements on Evah Lane as shown in Figure 10 of the original applicant submittal in 2018. Improvements include a 6-foot sidewalk on the west side of Evah Lane, curb, gutter, ADA ramps at both the north and south corners on Evah Lane and 20 feet of paved roadway.
7. **Increase in Flood Levels.** The existing sanitary sewer main is located within the special flood hazard area. The applicant proposal calls for new sanitary sewer laterals to be installed. The applicant will provide certification by a registered civil engineer that demonstrates the encroachment and work within the special flood hazard area will not result in any increase in flood levels (See finding 23).
8. **Restoration of Temporarily Disturbed Areas (TDA).** The Applicant shall restore all TDAs to pre-construction condition of grade and soil permeability and re-vegetate them with native plantings in line with the re-vegetation requirements of CDC 32.100.
9. **Maintenance of Plantings.** The Applicant shall ensure a minimum survival rate of 80% of trees and shrubs planted by the third year after the date at which all mitigation plantings were completed and submit a report at that time from the parties responsible for plantings that demonstrates the survival of plantings. The Applicant shall be responsible for monitoring and maintaining all plantings with the following practices:
 - a. Plants that die must be replaced in kind.
 - b. New plantings shall be mulched to a minimum of three inches in depth and 18 inches in diameter.
 - c. Plantings shall be watered one inch per week between June 15th to October 15th for the three years following planting.
 - d. Non-native and/or noxious vegetation shall be controlled or removed
 - e. Bare root trees shall be planted between December 1st and February 28th, and potted plants shall be planted between October 15th and April 30th.
 - f. Plant sleeves or fencing shall be used to protect trees and shrubs against wildlife browsing and damaging plants.

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

Chris Myers

Chris Myers, Senior Planner

December 10, 2025

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

This city-level approval does not guarantee compliance with other laws, such as the federal and state Endangered Species Acts (ESA). All applicants are responsible for ensuring their actions comply with all applicable regulations.

Mailed this 11th day of December 2025. Therefore, the 14-day appeal period ends at 5 p.m., on December 25, 2025.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-25-03/WRG-25-02/WPA-25-03/FMA-25-02

CHAPTER 11, RESIDENTIAL, R-10

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 a minor partition to create three parcels from the existing parcel. Each parcel will contain a single-family home as allowed by the R-10 zone. The criteria are 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:

(...)

- 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.*

- d. For a rear yard, 20 feet.*

(...)

Staff Finding 2: The 40,960 square foot property will be divided into three parcels. All parcels (Parcel 1 = 13,329 sq. ft.; Parcel 2 = 11,781 sq. ft.; Parcel 3 = 15,849 sq. ft.) will exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be reviewed for compliance. The criteria are met.

CHAPTER 27, FLOOD MANAGEMENT AREAS

27.070 General Standards

A. Alteration of Watercourses.

- 1. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with CDC [27.060\(B\)\(3\)\(b\)](#) and (c).*

B. Anchoring.

1. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*

2. *All manufactured dwellings shall be anchored per CDC 27.080(C)(4).*

C. Construction Materials and Methods.

1. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*

2. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

Staff Finding 3: No alteration of watercourses is anticipated as a result of this project. The installation of the new sanitary sewer laterals connecting each of the planned lots to the existing main will involve only temporary impacts to the FMA. The applicable standards will be met, including the use of construction materials and equipment resistant to flood damage, utilizing construction methods that minimize flood damage, ensuring the new sanitary sewer laterals minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and balanced cut and fill for the temporary impact to install the laterals. The criteria are met.

D. Utilities and Equipment.

1. *Water Supply, Sanitary Sewer and On-Site Waste Disposal Systems.*

a. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*

b. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*

c. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.*

Staff Finding 4: The installation of the new sanitary sewer laterals connecting each of the planned lots to the existing main will involve only temporary impacts to the FMA. The applicable standards will be met, including the use of construction materials and equipment resistant to flood damage, utilizing construction methods that minimize flood damage, ensuring the new sanitary sewer laterals minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and balanced cut and fill for the temporary impact to install the laterals. The criteria are met.

The criteria are met.

2. *Electrical, Mechanical, Plumbing, and Other Equipment.*

a. *Electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above one foot above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects*

of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement, shall meet all the requirements of this section.

Staff Finding 5: The applicant does not propose any new electrical, heating, ventilation, air conditioning, plumbing, duct systems, or any other equipment and services associated with a structure. The criteria are met.

E. Tanks.

- 1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.*
- 2. Above-ground tanks shall be installed at or above one foot above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.*

Staff Finding 6: The applicant does not propose any new above or below ground tanks. The criteria are not applicable.

F. Subdivision Proposals and Other Proposed Developments.

- 1. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data.*
- 2. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for any land division proposal.*
- 3. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:*
 - a. Be consistent with the need to minimize flood damage.*
 - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.*
 - c. Have adequate drainage provided to reduce exposure to flood hazards.*

Staff Finding 7: The applicant does not propose a subdivision or other new development. The criteria are not applicable.

G. Use of Other Base Flood Elevation Data.

- 1. When base flood elevation data has not been provided in accordance with CDC 27.020, the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, State, or other source, in order to administer this section and CDC 27.080, 27.090, and 27.100. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (F) of this section.*
- 2. Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser, in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered*

A zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided base level engineering data, and photographs of past flooding. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered A zone is a minimum of two feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Staff Finding 8: The applicant utilized the base flood elevation in CDC 27.020, which was identified by the Federal Insurance Administrator in a scientific and engineering report entitled “Flood Insurance Study: Clackamas County, Oregon, and Incorporated Areas (FIRMETTE 41005C0019D – NVAD 88). The base flood elevation is 48.00 feet and is associated with Zone AE. The criteria are met.

H. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:

- 1. When a structure is located in multiple flood zones on the community’s flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.*
- 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.*

Staff Finding 9: The applicant proposes to partition the property into three buildable parcels for the future development of three single-family homes. Future construction of the single-family homes will comply with all base flood zone requirements including flood openings, enclosed areas below the base flood elevation, crawl spaces, and will be confirmed for compliance at the time of building permits. The proposed new structures will be constructed entirely outside of the special flood hazard area. The criteria are met.

I. Balanced Cut and Fill.

- 1. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.*
- 2. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below the ordinary high water line shall not count toward compensating for fill.*
- 3. Excavation to balance a fill shall be located on the same lot or parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis*

Staff Finding 10: Staff incorporates applicant findings.

“The installation of the new sanitary sewer laterals connecting each of the planned lots to the existing main will involve only temporary impacts to the FMA. The applicable standards will be met, including the use of construction materials and equipment resistant to flood damage, utilizing construction methods that minimize flood damage, ensuring the new sanitary sewer laterals minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and balanced cut and fill for the temporary impact to install the laterals.” The criteria are met.

J. Minimum Finished Floor Elevation.

1. Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area

Staff Finding 11: The applicant does not propose to construct any new habitable structures as part of this project. The criteria do not apply.

K. Other Requirements.

1. New culverts, stream crossings, and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

Staff Finding 12: The applicant does not propose to construct any new culverts, stream crossings, or transportation projects. The criteria do not apply.

2. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land.

Staff Finding 13: The applicant does not propose to construct any new detention facilities, habitable structures, or levees as part of this project. The criteria do not apply.

27.080 Specific Standards for Riverine Flood Zones

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in CDC 27.070.

A. Flood Openings

1. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements:

2. Enclosed areas below the base flood elevation, including crawl spaces, shall:

a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

b. Be used solely for parking, storage, or building access;

c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

- 1) A minimum of two openings,*
- 2) The total net area of nonengineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,*
- 3) The bottom of all openings shall be no higher than one foot above grade,*
- 4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area,*
- 5) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.*

Staff Finding 14: The applicant proposes to partition the property into three buildable parcels for the future development of three single-family homes. Future construction of the single-family homes will comply with all base flood zone requirements including flood openings, enclosed areas below the base flood elevation, crawl spaces, and will be confirmed for compliance at the time of building permits. The criteria are met.

B. Garages.

- 1. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:*
 - a. If located within a floodway the proposed garage must comply with the requirements of CDC 27.090.*
 - b. The floors are at or above grade on not less than one side;*
 - c. The garage is used solely for parking, building access, and/or storage;*
 - d. The garage is constructed with flood openings in compliance with subsection (A) of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;*
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;*
 - f. The garage is constructed in compliance with the standards in CDC 27.070; and*
 - g. The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.*
- 2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection (C)(6) of this section or nonresidential structures in subsection (C)(3) of this section depending on the square footage of the garage.*

Staff Finding 15: The applicant proposes to partition the property into three buildable parcels for the future development of three single-family homes. Future construction of the single-family homes and garages will comply with all base flood zone requirements and will be confirmed for compliance at the time of building permits. The criteria are met.

C. *For Riverine Special Flood Hazard Areas With Base Flood Elevations.* In addition to the general standards listed in CDC 27.070 the following specific standards shall apply in riverine (noncoastal) special flood hazard areas with base flood elevations (BFE): zones A1-30, AH, and AE.

1. *Before Regulatory Floodway.* In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Staff Finding 16: The regulatory floodway is designated on the property; therefore, this standard is not applicable. Nevertheless, the cumulative effect of the project will not increase the water surface elevation of the base flood. The criteria are met.

2. *Residential Construction.*

a. *New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above one foot above the base flood elevation.*

b. *Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection (A) of this section.*

Staff Finding 17: The 40,960 square foot property will be divided into three lots. All lots will exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR, confirmation the lowest floor is at or above one foot above the base flood elevation, flood opening requirements, and sidewall transition requirements will be reviewed for compliance. The criteria are met.

3. *Nonresidential Construction.*

a. *New construction, conversion to, and substantial improvement of any commercial, industrial, or other nonresidential structure shall:*

1) *Have the lowest floor, including basement, elevated at or above one foot above the base flood elevation (BFE) or, together with attendant utility and sanitary facilities:*

(A) *Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;*

(B) *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*

(C) *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in CDC 27.060(B)(2).*

- b. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (A) of this section.*
- c. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).*

Staff Finding 18: The applicant does not propose commercial, industrial, or other non-residential structure construction. The criteria are not applicable.

4. Manufactured Dwellings.

- a. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with subsection (A) of this section.*
- b. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation.*
- c. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).*
- d. Electrical crossover connections shall be a minimum of 12 inches above base flood elevation (BFE).*

Staff Finding 19: The applicant does not propose any manufactured dwellings. The criteria are not applicable.

5. Recreational Vehicles. Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days; and*
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or*
- c. Meet the requirements of subsection (C)(4) of this section, including the anchoring and elevation requirements for manufactured dwellings.*

Staff Finding 20: The applicant does not propose placing recreational vehicles on site. The criteria are not applicable.

6. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in CDC 27.090.*
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.*

- c. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as nonresidential are limited in size to 120 square feet.*
- d. The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials.*
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.*
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (A) of this section.*
- g. Appurtenant structures shall be located and constructed to have low damage potential.*
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with CDC 27.070(E).*
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.*

Staff Finding 21: The applicant does not propose any appurtenant structures. The criteria are not applicable.

7. Below-Grade Crawl Spaces.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in subsection (A) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.*
- b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.*
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.*
- d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood*

conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

e. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

h. The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

Staff Finding 22: The applicant does not propose any below grade crawlspaces. The criteria are not applicable.

27.090 Standards for Floodways

Located within the special flood hazard areas established in CDC [27.020\(A\)](#) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under [44 CFR 65.12](#) are fulfilled.

B. If the requirements of subsection (A) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of CDC [27.070](#), [27.080](#), this section, and CDC [27.100](#).

Staff Finding 23: An existing sanitary sewer main is located on the south portion of the subject property and within the special flood hazard area. The applicant proposal calls for new sanitary sewer laterals to enter into the special flood hazard area to connect to the main. The applicant will provide certification by a registered civil engineer that demonstrates

the encroachment and work within the special flood hazard area will not result in any increase in flood levels as expressed in Condition of Approval 7. The criteria are not applicable.

CHAPTER 28: WILLAMETTE AND TUALATIN RIVER PROTECTION AREA

28.110 APPROVAL CRITERIA

A. Development: All sites.

1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC [28.070](#) and site visit. Also, "tree canopy only" HCAs shall not constitute a development limitation and may be exempted per CDC [28.070](#)(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.
2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated "Habitat and Impact Areas Not Designated as HCAs," consistent with subsection (A) (3) of this section.
3. If the subject property contains no lands designated "Habitat and Impact Areas Not Designated as HCAs" and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Staff Finding 24: Staff incorporate applicant findings.

"As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible." The criteria are met.

4. All development, including exempted activities of CDC [28.040](#), shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC [32.070](#) and [32.080](#) as deemed applicable by the Planning Director.

Staff Finding 25: The City's Building Department will ensure that all applicable erosion control measures are in place prior to site construction during review of final construction plans. The applicant shall install erosion control measures prior to any site work per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

[...]

H. Partitions, subdivisions and incentives.

1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.

2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.

3. Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.

4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:

a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and

b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;

c. Fencing may be required near steep dropoffs or grade changes.

Staff Finding 26: Staff incorporates applicant findings.

"This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material. The property does not have frontage on the Tualatin River. Riverfront trails are not included in this application." The criteria are met.

B. Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with "a" being the most appropriate and "d" being the least appropriate:

- a "Habitat and Impact Areas Not Designated as HCAs"*
- b Low HCA*
- c Moderate HCA*
- d High HCA*

1. Development of land classifications in “b,” “c” and “d” shall not be permitted if at least a 5,000-square-foot area of buildable land (“a”) exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).
2. If 5,000 square feet of buildable land (“a”) are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications (“a,” “b” and “c”) totaling a maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area “a” prior to extending construction into area “b,” then “c” lands.

Staff Finding 27: Staff incorporate applicant findings.

“As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible.” The criteria are met.

3. The underlying zone FAR shall also apply as well as allowable lot coverage.

Staff Finding 28: The 40,960 square foot property will be divided into three lots. All lots will exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR, confirmation the lowest floor is at or above one foot above the base flood elevation, flood opening requirements, and sidewall transition requirements will be reviewed for compliance. The criteria are met.

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.
Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000-square-foot lot coverage.) The underlying zone FAR and allowable lot coverage shall also apply and may result in less than 5,000 square feet of lot coverage.
When only HCA land is available then the structure shall be placed as far away from the water resource area or river as possible. To facilitate this, the front setback of the structure or that side which is furthest away from the water resource or river may be reduced to a five-foot setback from the front property line without a variance. Any attached garage must provide a 20-foot by

20-foot parking pad or driveway so as to provide off-street parking exclusive of the garage. The setbacks of subsection C of this section shall still apply.

Staff Finding 29: Staff incorporate applicant findings.

“As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible.” The criteria are met.

Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will be exempt from the lot coverage calculations of subsections (B)(1) through (4) of this section and the underlying zone.

Staff Finding 30: Staff incorporate applicant findings.

“As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible.” The criteria are met.

6. Table showing development allowed by land classification:

	Development Allowed
Non-HCA (“a”)	Yes
Low-Medium HCA (“b” and “c”)	Yes, if less than 5,000 sq. ft. of non-HCA land available. Avoid “d.”
High HCA (“d”)	Yes, but only if less than 5,000 sq. ft. of “a,” “b” and “c” land available.

Development Allowed

Non-conforming Structures (structures on HCA land) Yes: vertically, laterally and/or away from river.
Avoid "d" where possible.

(The underlying zone FAR and allowable lot coverage shall also apply)

Staff Finding 31: Staff incorporate applicant findings.

"As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible." The criteria are met.

C. Setbacks from top of bank.

1. *Development of single-family homes or attached housing on lands designated as "Habitat and Impact Areas Not Designated as HCAs" shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as "Habitat and Impact Areas Not Designated as HCAs."*
2. *At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback but must keep five feet from top of bank and cannot cantilever over the top of bank or into the five-foot setback area.*
3. *For properties that lack a distinct top of bank the applicant shall identify the boundary of the area designated as "Habitat and Impact Areas Not Designated as HCAs" which is closest to the river. A structural setback of 15 feet is required from that boundary line. That 15-foot measurement extends from the boundary line away from the river. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback 10 feet but must keep five feet from the boundary and cannot cantilever into the five-foot setback area. For vacant lots of record that comprise no lands with "Habitat and Impact Areas Not Designated as HCAs" designation or insufficient lands with those designations so that the above setbacks cannot be met, the house shall be set back as far from river as possible to accommodate house as part of the allowed 5,000 square feet of impermeable surfaces.*

Staff Finding 32: Staff incorporate applicant findings.

"As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at

the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible. The criteria are met.

D. Development of lands designated for industrial, commercial, office, public and other non-residential uses.

1. Development of lands designated for industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential uses shall be permitted on the following land designations and in the following order of preference with "a" being the most appropriate for development and "d" being the least appropriate:

- a "Habitat and Impact Areas Not Designated as HCAs"*
- b Low HCA*
- c Moderate HCA*
- d High HCA*

Staff Finding 33: The proposal does not include any industrial, commercial, office, public, and other non-residential uses. The project was designed to have the least possible impact on HCAs by avoiding and minimizing development activities in HCAs to the extent possible. The criteria are not applicable.

E. Hardship provisions and non-conforming structures.

1. For the purpose of this chapter, non-conforming structures are existing structures whose building footprint is completely or partially on HCA lands. Any additions, alterations, replacement, or rehabilitation of existing non-conforming non-water-related structures (including decks), roadways, driveways, accessory uses and accessory structures shall avoid encroachment upon the HCAs, especially high HCAs, except that:

- a. A 10-foot lateral extension of an existing building footprint is allowed if the lateral extension does not encroach any further into the HCA or closer to the river or water resource area than the portion of the existing footprint immediately adjacent.*
- b. An addition to the existing structure on the side of the structure opposite to the river or water resource area shall be allowed. There will be no square footage limitation in this direction except as described in subsection (E)(1)(c) of this section.*
- c. The same allowance for the use of, and construction of, 5,000 square feet of total impervious surface for sites in HCAs per subsections (B)(2) through (4) of this section shall apply to lots in this section.*
- d. Vertical additions are permitted including the construction of additional floors.*
- e. The provisions of Chapter 66 CDC, Non-conforming Structures, shall not apply.*

Staff Finding 34: The proposal does not include any request for hardship provisions or non-conforming structures. No existing structures exist on the subject property therefore no additions to structures are proposed. The criteria do not apply.

b. An addition to the existing structure on the side of the structure opposite to the river or water resource area shall be allowed. There will be no square footage limitation in this direction except as described in subsection (E)(1)(c) of this section.

Staff Finding 35: The proposal does not include any additions to existing structures. The criteria do not apply.

c. The same allowance for the use of, and construction of, 5,000 square feet of total impervious surface for sites in HCAs per subsections (B)(2) through (4) of this section shall apply to lots in this section.

d. Vertical additions are permitted including the construction of additional floors.

Staff Finding 36: Staff incorporate applicant findings.

“As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible.” The criteria are met.

F. Access and property rights.

1. Private lands within the protection area shall be recognized and respected.

2. Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.

Staff Finding 37: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The criteria do not apply.

3. To construct a water-dependent structure such as a dock, ramp, or gangway shall require that all pre-existing legal public access or similar legal rights in the protection area be recognized and respected. Where pre-existing legal public access, such as below the OLW, is to be obstructed by, for example, a ramp, the applicant shall provide a reasonable alternate route around, over or under the obstruction. The alternate route shall be as direct as possible. The

proposed route, to include appropriate height clearances under ramps/docks and specifications for safe passage over or around ramps and docks, shall be reviewed and approved by the Planning Director for adequacy.

Staff Finding 38: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The criteria are met.

4. Any public or private water-dependent use or facility shall be within established DSL-authorized areas.

Staff Finding 39: The applicant proposal is not characterized as a water dependent use. The criteria do not apply.

5. Legal access to, and along, the riverfront in single-family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.

Staff Finding 40: The subject property does not contain a legal public access or similar legal rights and is not identified on the City of West Linn 20 Year Master Plan for West Linn Parks, Recreation, and Open Space (2019) or the West Linn Transportation System Plan (2021) as being near any existing or planned pedestrian paths/trails. Therefore, there are no reasonable expectations that a continuous trail system can be facilitated on the site. The criteria are not applicable.

G. Incentives to encourage access in industrial, multi-family, mixed use, commercial, office, public and non-single-family residential zoned areas.

1. For all industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential zones, this section encourages the dedication or establishment of access easements to allow legal public access to, and along, the river. Support for access may be found in the Parks Master Plan, a neighborhood plan or any applicable adopted sub-area plans. The emphasis will be upon locating paths where there is a reasonable expectation that the path can be extended to adjacent properties to form a connective trail system in the future, and/or where the trail will provide opportunities for appreciation of, and access to, the river.

2. Height or density incentives may be available to developers who provide public access. Specifically, commercial, industrial, multi-family, mixed use, and public projects may be constructed to a height of 60 feet. No variance is required for the 60-foot height allowance regardless of the underlying zone height limitations; however, the following conditions must be met:

- a. *Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and*
- b. *Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way.*
- c. *Fencing may be required near steep dropoffs or grade changes.*

Staff Finding 41: The subject property does not contain a legal public access or similar legal rights and is not identified on the City of West Linn 20 Year Master Plan for West Linn Parks, Recreation, and Open Space (2019) or the West Linn Transportation System Plan (2021) as being near any existing or planned pedestrian paths/trails. Therefore, there are no reasonable expectations that a continuous trail system can be facilitated on the site. The criteria are not applicable.

H. Partitions, subdivisions and incentives.

1. *When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.*
2. *Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.*
3. *Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.*
4. *Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:*
 - a. *Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and*
 - b. *Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;*
 - c. *Fencing may be required near steep dropoffs or grade changes.*

Staff Finding 42: Staff incorporates applicant findings.

"This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material. The property does not have

frontage on the Tualatin River. Riverfront trails are not included in this application.” The criteria are met.

1. Docks and other water-dependent structures.

1. Once the preference rights area is established by DSL, the property owner identifies where the water-dependent use will be located within the authorized portion of the preference rights area. The water-dependent use should be centered or in the middle of the preference rights/authorized area or meet the side yard setbacks of the underlying zone.

Private and public non-commercial docks are permitted where dredging is required so long as all applicable federal and State permits are obtained. Dredging is encouraged if deposits silt up under an existing dock. Dredging is seen as preferable to the construction of longer docks/ramps.

Staff Finding 43: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

2. Both joint and single use docks shall not extend into the water any further than necessary to provide four feet between the ship’s keel or fixed propeller/rudder and the bottom of the water at any time during the water’s lowest point.

Staff Finding 44: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

3. In no case except as provided in this section shall a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.

Staff Finding 45: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

4. Docks on sloughs and similar channels shall not extend more than 30 percent of the distance between two land masses at OHW, such as between the mainland and an island or peninsula, measured in a lineal manner at right angle to the dominant shoreline. In no way shall a dock impede existing public usage or block navigation of a channel.

Staff Finding 46: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

Boat storage associated with a rail launch facility shall be located above the OHW, either vertically raised above the ordinary high water line or set back behind the OHW. Such boat storage structure will be natural wood colors or similar earth tones. Private railed launch

facilities are permitted for individual boat owners. The onshore setback of the storage structure is equal distance on both sides as extended perpendicular to the thread of the stream, or seven and one-half feet, whichever is the greater setback.

Staff Finding 47: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. No boat storage is proposed. The criteria are not applicable.

6. The width of each deck section shall be no more than 12 feet wide.

Staff Finding 48: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. No deck is proposed. The criteria are not applicable.

7. For only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

Staff Finding 49: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The applicant proposal does not include any docks or water dependent structures. The criteria are not applicable.

1. A single user non-commercial dock shall not exceed 400 square feet in deck area. The boat slip is not included in the calculation of this square footage limitation.

Staff Finding 50: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The applicant proposal does not include any docks or water dependent structures. The criteria are not applicable.

9. Private non-commercial boat houses are allowed but only if they are within 50 feet of OLW and/or in locations sufficiently screened from view so that they do not have a significant visual impact on views from adjacent and nearby homes. Building and roof colors shall be brown, gray, beige, natural or similar earth tones. Non-commercial boat houses shall not exceed 12 feet in height measured from the boat house deck level to the roof peak. The size of the boat house shall be sized to accommodate one boat only and shall not exceed a footprint greater than 500 square feet. Boatlifts are permitted within the boat house. The above provisions also apply to open-walled boat shelters with or without boatlifts.

Staff Finding 51: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The applicant proposal does not include any docks or water dependent structures. No boat storage is proposed. The criteria are not applicable.

J. Joint docks.

- 1. Joint use boat docks may be permitted by the reviewing authority where the applicants are riverfront property owners, ideally owners of adjacent lots of record.*
- 2. Co-owners of the joint dock use shall be prohibited from having their own non-joint dock.*
- 3. A joint use agreement shall be prepared which will be included in the application for review by the reviewing authority and subsequently recorded. A copy of the recorded document with the County Recorder's stamp shall be submitted to the City.*
- 4. A condition of approval for any joint use permit shall be that the dock must be used to serve the same lots of record for which the dock permit was issued. Joint use cannot be transferred to, or used by, any party other than the original applicants or the future owners of those properties.*
- 5. Joint docks may go on the common property line between the two landowners who are sharing the dock. Unless agreed to by the adjoining owner, joint docks not being shared with the adjacent property owner must be at least 15 feet from the preference rights area side lines or centered in the middle of the preference rights area.*

Staff Finding 52: The applicant proposes to construct three new single-family homes each on its own parcel. No legal public access to the river exists on the subject property. The applicant proposal does not include any docks or water dependent structures. No joint dock is proposed. The criteria are not applicable.

K. Non-conforming docks and other water-related structures. Pre-existing non-conforming structures, including docks, ramps, boat houses, etc., as defined in this chapter may remain in place. Replacement in kind (e.g., replacement of decking and other materials) will be allowed provided the replacement meets the standards of this chapter. However, if any non-conforming structure that is damaged and destroyed or otherwise to be replaced to the extent that the rebuilding or replacing (including replacement in kind) would exceed 50 percent of the current replacement cost of the entire structure, the owner shall be required to meet all the standards of this chapter.

Staff Finding 53: The applicant proposes to construct three new single-family homes each on its own parcel. No pre-existing non-conforming structures are a part of the application. The criteria are not applicable.

L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:

- 1. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- 2. For upgrade of existing utility facilities, no greater than 15 feet wide.*

3. *For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.*

Staff Finding 54: The applicant proposes to construct three new single-family homes each on its own parcel. Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

M. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.

Staff finding 55: This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material. The property does not have frontage on the Tualatin River. Riverfront trails are not included in this application." The criteria are met.

N. Water-permeable materials for hardscapes. The use of water-permeable materials for parking lots, driveways, patios, and paths as well as flow-through planters, box filters, bioswales and drought tolerant plants are strongly encouraged in all "a" and "b" land classifications and shall be required in all "c" and "d" land classifications. The only exception in the "c" and "d" classifications would be where it is demonstrated that water-permeable driveways/hardscapes could not structurally support the axle weight of vehicles or equipment/storage load using those areas. Flow through planters, box filters, bioswales, drought tolerant plants and other measures of treating and/or detaining runoff would still be required in these areas.

Staff finding 56: Staff incorporates applicant findings.

"This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area

outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material.” The criteria are met.

O. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.

Staff finding 57: The applicant proposes to construct three new single-family homes each on its own parcel. No signs or graphic displays are included in this project. The criteria are met.

P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.

Staff finding 58: The applicant proposes to construct three new single-family homes each on its own parcel. No lighting is included in this project. The Criteria do not apply.

Q. Parking. Parking and unenclosed storage areas located within or adjacent to the protection area boundary shall be screened from the river in accordance with Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas. The use of water-permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 28.110(N)(4).

Staff finding 59: The applicant proposes to construct three new single-family homes each on its own parcel. No parking or unenclosed storage is included in this project. The criteria do not apply.

R. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.

Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

Staff finding 60: The applicant proposes to construct three new single-family homes each on its own parcel. The criteria do not apply.

S. Aggregate deposits. Extraction of aggregate deposits or dredging shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to promote necessary reclamation.

Staff Finding 61: The applicant does not propose any extraction of aggregate deposits or dredging. The criteria are not applicable.

T. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

Any construction to stabilize or protect the bank with rip rap, gabions, etc., shall only be allowed where there is clear evidence of erosion or similar hazard and shall be the minimum needed to stop that erosion or to avoid a specific and identifiable hazard. A geotechnical engineer's stamped report shall accompany the application with evidence to support the proposal.

Staff Finding 62: Staff incorporates applicant findings.

"This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material." The criteria are met.

2. The applicant shall establish to the satisfaction of the approval authority that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach and river edge).

Staff Finding 63: The existing sanitary sewer main is located within the special flood hazard area. The applicant proposal calls for new sanitary sewer laterals to be installed. The applicant will provide certification by a registered civil engineer that demonstrates the encroachment and work within the special flood hazard area will not result in any increase in flood levels as expressed in Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

3. The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.

Staff Finding 64: The applicant does not propose any stabilization measures. The criteria are not applicable.

4. *Prior to any grading or development, that portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved Willamette and Tualatin River Protection and/or water resource area (WRA) permit. Such fencing shall be maintained until construction is complete. That portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.*

5. *Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.*

Staff Finding 65: The applicant shall install erosion control measures prior to any site work per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

1. *Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.*

Staff Finding 66: The applicant does not propose any disturbance to vegetation below the ordinary high water line. The criteria are met.

2. *Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or their designated expert. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.*

Staff Finding 67: No riparian vegetation below the ordinary high water (OHW) line is planned to be removed during development. Any unanticipated disruption of the native riparian environment will be restored by planting native vegetation species in accordance with code requirements. The criteria are met.

3. *Tree cutting shall be prohibited in the protection area except that:*

a. *Diseased trees or trees in danger of falling may be removed with the City Arborist's approval; and*

- b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;*
- c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained.*

Staff Finding 68: A Preliminary Tree Preservation and Removal Plan is provided in Exhibit A. The City will ensure applicable landscape plan requirements are met with building permit submittal. The criteria are met.

CHAPTER 32: WATER RESOURCE AREA PROTECTION

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

- 1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.*
- 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100. respectively.*

B. Storm water and storm water facilities.

- 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless (....)*
- 2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if: (....)*

Staff Finding 69: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

32.090 MITIGATION PLAN

A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC 32.040 do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC 32.100, Re-Vegetation Plan Requirements.

Staff Finding 70: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):

- 1. On-site mitigation by restoring, creating or enhancing WRAs.*
- 2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:*
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and*
 - b. The mitigation will provide equal or superior ecological function and value.*
- 3. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:*
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and*
 - b. The mitigation will provide equal or superior ecological function and value.*
- 4. Purchasing mitigation credits through DSL or other acceptable mitigation bank.*

Staff Finding 71: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to

Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

C. Amount of mitigation.

- 1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.*
- 2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.*
- 3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.*

Staff Finding 72: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and

pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

- 1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*
- 2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.*
- 3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC 32.100.*
- 4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.*
- 5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety. (Ord. 1623 § 1, 2014)*

Staff Finding 73: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

32.100 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:

- 1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.*
- 2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*

Staff Finding 74: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

3. *Plant coverage.*

a. *Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.*

b. *Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.*

Staff Finding 75: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve

hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

4. *Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.*
5. *Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.*

Staff Finding 76: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

6. *Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.*
7. *Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.*
8. *To enhance survival of tree replacement and plantings, the following practices are required:*
 - a. *Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.*
 - b. *Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.*
 - c. *Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.*
 - d. *Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.*
 - e. *Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.*
- B. *When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and*

shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds. (Ord. 1623 § 1, 2014)

Staff Finding 77: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope of 22-24 percent. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill.

Temporary disturbance of the WRA transition area, will occur for the purpose of installing private sanitary sewer laterals from homes to the existing public sanitary sewer line as well as upgrading the existing sanitary line at the bottom of the hill as shown in the applicant's Exhibit A. The temporary trenches will be less than 10 feet wide. Once the private sanitary sewer laterals are installed, the trenches will be backfilled and revegetated, per CDC 32.090 and 32.100. The applicant's mitigation plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. See Condition of Approval 9, 10, and 11. Subject to the Conditions of Approval, the criteria is met.

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.)

Staff Finding 78: No traffic impact analysis (TIA) is required as none of the criteria of 85.170(B) (2) are met. An Average Daily Trip count (ADT) increase of 250 is required before a TIA is needed. The potential addition of 3 additional/new homes generates an ADT increase of 28.71 trips per day according to the Institute of Traffic Engineers (ITE) trip generation manual. The criteria is met.

2. In order to comply with the access standards in this chapter, 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. Access to and from off-street parking areas shall not permit backing onto a public street.

Staff Finding 79: The proposal does not require backing onto a public street. All three parcels will utilize a shared access drive. A reciprocal access easement and maintenance agreement will be recorded per Condition of Approval 4. 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 from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.

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. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.

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 ensure access to the closest public street for all users of the private street/drive.

Staff Finding 80: All three parcels will utilize a shared access drive connected to Evah Lane, a public street. A reciprocal access easement and maintenance agreement will be recorded per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

*4. Subdivisions fronting onto an arterial street.
(...)*

5. Double frontage lots.

Staff Finding 81: The applicant does not propose a subdivision. No double frontage lots are proposed. The criteria are met.

6. Access Spacing.

a. The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.

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

Staff Finding 82: The applicant proposal does not include any new public street intersections. The subject property has an existing shared access drive to Evah Lane. The criteria are met.

7. Number of access points. For single-family (detached and attached) 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 CDC 48.060. The number of street access points for multiple family development is subject to the access spacing standards in CDC 48.060. The number of street access points for 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 (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Staff Finding 83: The applicant proposes one shared access drive to Evah Lane, a public street, for all three parcels. The criteria are met.

8. Shared driveways. For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, 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. When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall 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. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.*

Staff Finding 84: The proposal does not require backing onto a public street. All three parcels will utilize a shared access drive. A reciprocal access easement and maintenance agreement will be recorded per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and 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

along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).

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 as part of a discretionary review 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 85: The proposed land division includes no new public or private streets. Adjacent properties are fully developed and provide a functional limitation to implementation of block length standards as no new block can be formed. 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 TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted 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 by an adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question. (...)

Staff Finding 86: The proposal does not take access from an arterial. The criteria are met.

B. Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:

- 1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged but not required.*
- 2. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.*
- 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. However, in no case shall the last 18 feet in front of the garage exceed 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 87: The proposal does not require backing onto a public street. All three parcels will utilize the existing a shared access drive. A reciprocal access easement and maintenance agreement will be recorded per Condition of Approval 4. 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 shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.*
- 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 TVF&R.*
- 4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

Staff Finding 88: The applicant proposal does not contain any structures or trees that impede the 13 foot 6 inch vertical clearance. The proposal is to utilize the shared access drive located on the northern portion of the property. TVF&R has not signed off on the plan TVF&R Provider Permit (see PD-1). The criteria are met.

D. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.

E. Access and/or service drives for multifamily 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. Turnaround facilities as required by TVF&R 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 TVF&R.*
- 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.*

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.

G. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.

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

prohibited.

Staff Finding 90: The applicant proposal is for a minor partition creating three new parcels. No multifamily dwellings are proposed. No streets are proposed. A turnaround on the access drive is not proposed and not required. TVF&R have approved the site plan through a provider permit (see PD-1). A gated accessway is not a part of the proposal. The criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

B. Maximum curb cut width shall be 36 feet...

(...)

C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:

(...)

5. On a collector when intersected by another collector or local 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:

(...)

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

(...)

Staff Finding 91: The proposal is for all three new parcels to utilize a shared access drive adjacent to Evah Lane. Curb cut widths and distances between curb cuts will be confirmed at the time of development. The criteria are met.

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

F. For non-residential development, 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.

Staff Finding 92: The applicant does not propose any rolled curbs. All curb cuts will be confirmed at the time of development. The criteria are met.

G. Clear vision areas shall be maintained, pursuant to Chapter 42 CDC, and required line of sight shall be provided at each driveway or accessway, pursuant to the West Linn Public Works Design Standards.

Staff Finding 93: The proposal is for all three new parcels to utilize the existing shared access drive adjacent to Evah Lane. Vision clearance will be confirmed by planning staff during the building permit process. The criteria are met.

CHAPTER 85, GENERAL PROVISIONS

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 94: The City will ensure the final plat substantially conforms to the approved tentative plan by satisfaction of Condition of Approval 1. 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 conditions of approval:

A. Streets.

1. Purpose and guiding principles. The purpose of these standards is to promote safe, efficient, and convenient options for walking, bicycling, and driving while accommodating access to individual properties, as needed, and access to transit. The following principles shall guide land division applications:

(...)

Staff Finding 95: The proposal does not include any internal streets. The applicant proposes a minor partition creating three total parcels. All parcels will be adjacent to Evah Lane and half-street improvements are required. No additional right-of-way will need to be dedicated. The criteria are met.

2. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Staff Finding 96: The subject property is located directly adjacent to Evah Lane, a Local Street that has approximately 60 feet of right-of-way width. The addition of two parcels and any future development will not cause the roadway to fail. Evah Lane has capacity to meet the increase volume-to-capacity standard for a local street. The criteria are met.

3. Tree protection. Streets shall be laid out to avoid and protect significant trees and significant tree clusters, but not to the extent that it would compromise connectivity requirements per this subsection A, or bring the achievable density below 70 percent of the

maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant trees and tree clusters as provided in CDC 55.100(B)(2) or 55.105(B)(2), as applicable.

Staff Finding 97: The proposal is for a minor partition creating two new parcels. Any future tree removal will be confirmed at time of permitting for construction. The criteria are met.

4. Street connections. The developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project.

(...)

5. Street improvements.

a. Streets that are internal to the land division site are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements to the City of West Linn Public Works Design Standards. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP), Tables 26 through 30 and Exhibits 6 through 9.

b. Waiver of required street improvements and in-lieu fee. An applicant may submit a written request for a waiver of abutting street improvements if the improvement would be prohibited by the TSP. When a requested waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in-kind or related improvements.

c. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP, Exhibits 6 through 9.

d. Public Works Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the West Linn Public Works Design Standards manual. Where a conflict occurs between this code and the Public Works Design Standards manual, the provisions of this code shall govern.

Staff Finding 98: The subject property is located on Evah Lane, a Local Street that has a approximately 60-feet of right-of-way width and is precluded from any potential future extension by existing development. The City does not require a property dedication to increase the right-of-way width. The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. The City Engineer has also determined the City's sanitary sewer and water systems have sufficient capacity to serve the site. The criteria are met.

6. *Street widths.* Street widths shall depend upon the classification of street proposed. The classifications and required cross sections are established in the adopted TSP, (...)

7. *The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and geometry for streets within or adjacent to the subdivision. To approve a street design less than the width in Table 85-1, the applicant shall demonstrate with proper documentation that one of the following applies:*

a. *The street design will help protect a water resource area and complies with the submittal requirements and approval standards found in Chapter 32 CDC.*

b. *The street design will help protect a flood management area and complies with the submittal requirements and approval standards found in Chapter 27 CDC.*

c. *The street design will help protect the Willamette River Greenway, Tualatin River Greenway, or a habitat conservation area and complies with the submittal requirements and approval standards found in Chapter 28 CDC.*

d. *The street design will help protect steep slopes and complies with the submittal requirements found in CDC 85.170(C) and approval standards found in subsection E of this section.*

e. *The street design will help protect a significant tree cluster and complies with subsection (J)(9) of this section.*

8. *Reserve strips.* Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.

9. *Alignment.* All streets other than local streets or cul-de-sacs shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet. Exceptions to these requirements shall only be approved if the applicant demonstrates that compliance is not practical through a discretionary review.

Staff Finding 99: The applicant proposes no reserve strips, no new streets or intersections, and is precluded from any potential future extension of streets by existing development patterns. The criteria are met.

10. *Future extension of streets.* The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Where the stubbed street is over 100 feet long, street ends shall contain temporary turnarounds built to Oregon Fire Code standards and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

Staff Finding 100: The subject property is located on Evah Lane, a Local Street that has approximately 60-feet of right-of-way width and is precluded from any potential future extension by existing development. The City does not require a property dedication to

increase the right-of-way width. The criteria are met.

11. Intersection angles.

a. Except as specified in subsection (A)(11)(c) of this section, street intersections shall be located and designed as follows:

(...)

b. Curb radii.

1) Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles.

(...)

c. Through a discretionary review, applicants may request the City consider modifications of the standards in subsections (A)(11)(a) and (b) of this section; provided, that the following are met:

(...)

Staff Finding 101: The applicant does not propose any new intersections, cul-de-sacs, or closed-end streets. These criteria are met.

13. Cul-de-sacs.

a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) are not allowed unless the applicant demonstrates as part of a discretionary review that one or more of the following criteria are met:

1) Due to existing slopes on the site that exceed 25 percent, it is not feasible to construct a street connection that does not exceed the maximum grade allowed by the Public Works Design Standards; or

2) It is not feasible to construct a street connection using the constrained cross-section design, as provided in Exhibits 6 through 9 of the TSP, that avoids one or more of the following:

(A) A natural resource protected by Chapter 32 CDC;

(B) Existing transportation or utility facilities, buildings, or other existing development on adjacent land; or

(C) Existing easements or leases.

b. New cul-de-sacs and other closed-end streets, consistent with subsection (A)(13)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units and shall comply with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards.

Staff Finding 102: The applicant does not propose any new cul-de-sacs. The proposed partition is adjacent to Evah Lane, a Local Street. The criteria are met.

c. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.

(...)

Staff Finding 103: The applicant has provided and approved TVF&R Provider Permit as part of

the application (see Exhibit PD-1). The criteria are met.

14. Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the City. Street names that involve difficult or unusual spellings are discouraged. Street names shall be subject to the approval of the Planning Commission or Planning Director, as applicable. Continuations of existing streets shall have the name of the existing street. Streets, drives, avenues, ways, boulevards, and lanes shall describe through streets. Place and court shall describe cul-de-sacs. Crescent, terrace, and circle shall describe loop or arcing roads.

Staff Finding 104: The application is for a partition of an existing parcel. The applicant proposes a private direct access driveway for all three parcels. No new streets or roads are proposed. No street names are proposed. The criteria are met.

15. Grades and curves. Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.

16. Access to local streets.

a. Except as provided in subsection (A)(16)(c) of this section, intersection of a local residential street with an arterial street shall be prohibited by the decision-making authority if one or more alternatives exist for providing interconnection of proposed local residential streets with other local streets.

b. Where a residential subdivision or partition abuts or contains an existing or proposed major arterial street, the design shall incorporate at least three of the following measures to protect residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic: marginal access streets, reverse-frontage lots with lot depth of at least 100 feet, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other similar measures proposed by the applicant.

c. At the applicant's request, the City may consider design alternatives to subsections (A)(16)(a) and (b) of this section through a discretionary review.

Staff Finding 105: The applicant does not propose any grading. The subject property is adjacent to Evah Lane, a Local Street. The criteria are met.

17. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multifamily projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:

(...)

Staff Finding 106: No alleys are proposed as part of this project. The criteria do not apply.

18. *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)(6) of this section. See also subsection C of this section. If part of a discretionary review, 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.*

19. *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 six feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curblane. If part of a discretionary review, 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.*

Staff Finding 107: The applicant proposes a new sidewalk on Evah Lane. All street improvements will meet the City of West Linn Engineering standards as expressed in Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

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

21. *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 accessways in Chapter 48 CDC.*

Staff Finding 108: The proposal does not call for any new street or roads. The proposal is for a minor partition and a Water Resource Area Permit not a subdivision. Access will be via an existing shared access drive with a reciprocal access and maintenance agreement. The criteria are met.

22. *Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.*

23. *Entryway treatments and street isle design. When the applicant proposes to construct certain walls, planters, and other architectural entryway treatments within a subdivision, the following standards shall apply:*

a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.

(...)

Staff Finding 109: The proposal does not call for any gated streets. The proposal will not require any entryway treatments or street isle designs. The criteria do not apply.

24. *Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the*

costs, for all necessary off-site improvements identified by the traffic impact analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP, Figures 6, 7 and 10 and Tables 4 and 6.

Staff Finding 110: The proposed minor partition does not meet the threshold of increasing traffic by 250 trips per day therefore a traffic impact analysis is not required. The criteria do not apply.

B. Blocks and lots.

1. Purpose. 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.

*a. Except as required under subsection (B)(2)(c) of this section, block lengths shall not exceed 800 feet, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation as part of a discretionary review.
(...)*

Staff Finding 111: The proposed partition does not include any new blocks. The criteria do not apply.

*3. Lot size and shape. Lot or parcel sizes and dimensions shall conform to the minimum standards of the CDC, unless as allowed by planned unit development (PUD). 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.
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.*

Staff Finding 112: The 40,960 square foot property will be divided into three parcels. All parcels will exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be reviewed for compliance. The criteria are met.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

Staff Finding 113: The 40,960 square foot property will be divided into three lots. All lots will

exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be reviewed for compliance. No new streets or roads are proposed. No street names are proposed. The criteria are met.

*5. Through lots and parcels. Through lots and parcels have frontage on a street at the front and rear property lines.
(...)*

Staff Finding 114: The subject property is not a through lot or parcel. The criteria do not apply.

6. Lot and parcel side lines. The side lot lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

7. Flag lots. Flag lots are permitted only where it can be shown that there is adequate lot area to divide a property into two or more lots but there is not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. 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:

Staff Finding 115: All three parcels will take access from an existing shared access drive adjacent to Evah Lane. A flag lot is the only option to get access to all proposed parcels. The criteria are met.

8. Large lots or parcels. In dividing tracts into large lots or parcels that are more than double the minimum area designated by the zoning district:

- a. Those lots must be arranged so as to allow further subdivision, and must contain such easements and site restrictions as will provide for extension and opening of future streets where it would be necessary to serve potential lots; 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.*

Staff Finding 116: The 40,960 square foot property will be divided into three lots. All lots will exceed the 10,000 square foot minimum lot size. At the time building permits are applied for, the front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be reviewed for compliance. No new streets or roads are proposed. All parcels meet the minimum lot size and all dimensional standards of the R-10 zone. The criteria are met.

C. Pedestrian and bicycle trails.

1. When pedestrian and bicycle accessways are required pursuant to subsection (B)(2)(d) of this section, trails or multiuse pathways shall be installed, consistent and compatible with Federal ADA requirements and with the Oregon Transportation Planning Rule. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.
(...)

Staff Finding 117: The subject property does not have any proposed pedestrian or bicycle trails. The criteria do not apply.

D. Transit facilities.

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing. Additional rights-of-way may be required of developers to accommodate buses.
(...)

Staff Finding 118: The proposed Minor Partition does not have any transit facilities. The criteria do not apply.

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

- 1. All cuts and fills shall comply with the excavation and grading provisions of the Building Code and the following:*
 - a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).*
 - b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade). Please see the following illustration.*
- 2. If areas are to be graded, compliance with CDC 85.170(C) is required.*
- 3. The proposed grading shall be the minimum grading necessary to meet roadway standards, pursuant to the West Linn Public Works Design Standards, and to create buildable sites, considering maximum allowed driveway grades.*
- 4. Type I lands shall require a geologic report submitted by a certified engineering geologist, and Type I and Type II lands shall require a geologic hazard report stamped by a certified geotechnical professional engineer, consistent with the submittal requirements in CDC 85.170(C)(3).*
- 5. The review authority may impose conditions, including limits on type or intensity of land use, necessary to mitigate known risks of landslides or property damage, based on the conclusions and recommendations of the geologic report.*
- 6. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as*

follows:

Staff Finding 119: Grading plans will be submitted and reviewed at the time of building permit application and will conform to the Uniform Building Code. The subject property is currently served by city water in Evah Lane. The City Engineer has confirmed that the system has sufficient volume and pressure to serve all proposed Parcels, which will both be metered individually at the street. The site is currently served by an existing sanitary sewer line at the southern edge of the subject property. The criteria are met.

F. Water.

- 1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Master Plan, updated in 2008, and subsequent superseding revisions or updates. The plan shall include:*
 - a. Location and sizing of the water lines consistent with the Water System Master Plan and West Linn Public Works Design Standards.*
 - b. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site, as demonstrated by consistency with West Linn Public Works Design Standards.*
 - c. 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.*

Staff Finding 120: The subject property is currently served by city water in Evah Lane. The City Engineer has confirmed the system has sufficient volume and pressure to serve all proposed Parcels, which will be metered individually at the street. The criteria are met.

G. 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 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 as part of a discretionary review why the alternative location is necessary and meets accepted engineering standards.*
- 4. Sanitary sewer line shall be at a depth that can facilitate connection with down-system properties in an efficient manner.*
- 5. For non-residential development, 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 drainageways. 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 drainageway is not disturbed.

7. Sanitary sewer shall be extended or stubbed out to adjacent undeveloped land or a point in the street that allows for 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 shall 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.

Staff Finding 121: The subject property is currently served by city sewer at the southern edge of the subject property. The City Engineer has confirmed the system has sufficient volume and pressure to serve all proposed parcels, which will be metered individually at the street. The criteria are met.

H. 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, as demonstrated by stormwater plan and report stamped by a professional engineer.

Staff Finding 122: The applicant will ensure all storm detention and treatment facilities comply with the West Linn Public Works Design Standards, ensure there will be no adverse off-site impacts caused by development, and that there is sufficient factual data to support the conclusions of the submitted plan per Condition of Approval 2. 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 specified in the West Linn Public Works Design Standards.

Staff Finding 123: The applicant shall provide a 20-foot wide public utility easement along the shared access drive, and show it on the final plat per Condition of Approval 3. 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.

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.

3. Street trees. Street trees are required as identified in Section 8.720 of the municipal code

and Chapter 54 CDC.

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

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 124: Street trees are not required as part of this partition application. No property dedications are required as part of this partition application. 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. Exceptions shall be permitted in those cases where 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, are also exempted. Where adjacent future development is planned or proposed, 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 125: The subject property needs to meet three criteria for exemption from undergrounding existing overhead utilities. The area is built out with adjacent properties having above-ground utilities, the subject property has less than 200 feet of frontage and the site is less than one acre at 40,000+ square feet. The subject property meets all three exemption criteria. The applicant is not required to underground existing utilities. The criteria are met.

7. *Density requirement.* Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions do 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 are also exempt.

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 (including duplex, triplex, quadplex, and townhouse development). The intent is that the majority of the site shall be developed as medium high density multifamily housing.

Staff Finding 126: The 40,960 square foot property will be divided into three lots. All lots will exceed the 10,000 square foot minimum lot size. The subject property is 40,960 square feet. The property is zoned R-10, which requires a minimum of 10,000 square feet per parcel. The maximum number of parcels that can be created from the subject property is three (40,960/10,000), thus the proposal is for 75% of the maximum density. The mix rule does not apply. The criteria are met.

9. *Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in Section 8.710 of the municipal code, shall be protected. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed. Significant trees and significant tree clusters, as defined in CDC 2.030, shall be protected pursuant to CDC 55.100(B)(2) or 55.105(B)(2), as applicable.*

Staff Finding 127: The application is for a minor partition to create three parcels from one lot. Heritage and significant tree protection will be confirmed at time of future development. The criteria do not apply.

CHAPTER 92 REQUIRED IMPROVEMENTS

92.020 IMPROVEMENTS IN PARTITIONS

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

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.

Staff Finding 128: The applicant shall construct street improvements that match Figure 10 of the original project submittal which include a 6-foot sidewalk, curb, gutter, 20 feet of paved roadway, and ADA ramps at the north and south corners of Evah Lane. The subject property is located less than 100 feet from the nearest street improvements on the same or connecting street. A fee-in-lieu of constructing street improvements is not allowed. See Condition of Approval 9. Subject to the Conditions of Approval, the criteria are met.

CHAPTER 96 STREET IMPROVEMENT CONSTRUCTION

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:

- 1. Located on a cul-de-sac with no existing curb and/or no existing sidewalk; or*
- 2. Located on a street less than 1,320 linear feet in length and not planned as a through street;*
or
- 3. Located more than 1,320 linear feet from nearest street improvements on the same street or connecting street*

Staff Finding 129: The subject property is located less than 100 feet from the nearest street improvements on the same or connecting street. A fee-in-lieu of constructing street improvements is not allowed. The criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	Chris Myers	PROJECT No(s) MIP-25-03/ FMA-25-03/WPA-25-02/WRG-25-03
		PRE-APPLICATION NO. PA-23-20)
NON-REFUNDABLE FEE(S)	\$4,400 + \$5,700	TOTAL \$10,100.00

Type of Review (Please check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Final Plat (FP) Related File # _____ | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal (AP) | <input checked="" type="checkbox"/> Flood Management Area (FMA) | <input type="checkbox"/> Temporary Uses (MISC) |
| <input type="checkbox"/> CDC Amendment (CDC) | <input type="checkbox"/> Historic Review (HDR) | <input type="checkbox"/> Time Extension (EXT) |
| <input type="checkbox"/> Code Interpretation (MISC) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Right of Way Vacation (VAC) |
| <input type="checkbox"/> Conditional Use (CUP) | <input checked="" type="checkbox"/> Minor Partition (MIP) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval (MOD) | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC) | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD) | <input checked="" type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change (ZC) |

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

Site Location/Address: Site not addressed; located west of the terminus of Evah Lane

Assessor's Map No.: 3 1E 02BC

Tax Lot(s): 3800

Total Land Area: ±0.95 acres

Brief Description of Proposal:

Three-parcel partition and associated site improvements for access and utility connections.

Applicant Name*: Patrick O'Brien
Address: 131 SW Bancroft Street
City State Zip: Portland, OR 97239

Phone:
Email: (503) 563-6151
pelzz@aks-eng.com

Owner Name (required): Patrick O'Brien
Address: 131 SW Bancroft Street
City State Zip: Portland, OR 97239

Phone:
Email: (503) 563-6151
pelzz@aks-eng.com

Consultant Name: AKS Engineering & Forestry, LLC (Zach Pelz)
Address: 12965 SW Herman Road, Suite 100
City State Zip: Tualatin, OR 97062

Phone:
Email: (503) 563-6151
pelzz@aks-eng.com

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all application costs.**
2. All information provided with the application is considered a public record and subject to disclosure.
3. The owner/applicant or their representative should attend all public hearings related to the application.
4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
5. Submit this form, application narrative, and all supporting documents as a single PDF through the web page: <https://westlinnoregon.gov/planning/submit-land-use-application>.

The undersigned property owner authorizes the application and grants city staff the right of entry onto the property to review the application. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Applicant's signature _____ Date 7/21/25

Owner's signature (required) _____

Date 7/21/25

Evah Lane Consolidated Land Use Application

Date: July 2025

Submitted to: City of West Linn
Planning Department
22500 Salamo Road
West Linn, OR 97068

Applicant: Patrick O'Brien
131 SW Bancroft Street
Portland, OR 97239



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

Exhibit A: Preliminary Plans

Exhibit B: Application Form

Exhibit C: Ownership Information

Exhibit D: Pre-Application Conference Meeting Summary Notes

Exhibit E: TVF&R Service Provider Letter

Exhibit F: Storm Memorandum

Evah Lane

Consolidated Land Use Application

Submitted to:	City of West Linn Planning Department 22500 Salamo Road West Linn, OR 97068
Applicant:	Patrick O'Brien 131 SW Bancroft Street Portland, OR 97239
Property Owners:	Patrick O'Brien 131 SW Bancroft Street Portland, OR 97239
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact(s): Zach Pelz, AICP Email: pelzz@aks-eng.com Phone: (503) 563-6151
Site Location:	Site not addressed; Located west of the terminus of Evah Lane
Clackamas County Assessor's Map:	3 1E 02BC; Tax Lot 3800
Site Size:	±40,960 square feet (±0.94 acres)
Land Use Districts:	Single-Family Residential – 10 (R-10)

I. Executive Summary

AKS Engineering & Forestry, LLC (AKS) seeks approval for a three-parcel Partition on behalf of our client, Patrick O'Brien (Applicant), for the property generally located west of the terminus of Evah Lane in West Linn, Oregon. This consolidated land use application also includes a Flood Management Area (FMA), Water Resource Area (WRA), and Tualatin River Protection (WRG) permit application, necessary for the public and private utility connections to serve the new lots, which require temporary disturbance in the mapped Habitat Conservation Area (HCA), FMA, and WRA on the subject property.

The subject property was previously approved for a three-parcel Partition and the associated WRA and WRG permit for the sanitary sewer lateral connections on January 29, 2018 (City File No. MIP-17-03/WAP-17-02/WRG-17-05). An extension of the permit was approved on January 29, 2021, but has since expired. This three-parcel Partition maintains a similar plan and directly aligns with the City of West Linn's (City) housing goals and policies outlined in the West Linn Comprehensive Plan. These goals and policies promote a variety of housing types at a range of price levels to accommodate the diverse housing needs of current and future residents and will ensure the availability of adequate homes for future residents. The subject property is identified as vacant in the City's Buildable Lands Inventory (BLI), with the potential of providing up to five homes. As planned, the three parcels will introduce more housing variety into the area and will optimize the housing potential of the site to get closer to the number of units projected in the BLI.

This application includes the application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject property (Tax Lot 3800 of Clackamas County Assessor's Map 3 1E 02BC) is located near the City's southern boundary, north of the Tualatin River, and immediately west and south of the southernmost terminus of Evah Lane, which is classified as a local street in the City's Transportation System Plan (TSP). The terrain of the property slopes downward from ±123 feet in elevation at the northeast corner to ±75 feet at the southeast edge. A paved access runs along the northern site boundary, providing access to both the subject property and, via easement, the adjacent property to the west. A sanitary sewer main is located along the southern boundary of the property. The remaining area is vacant land with scattered trees.

The subject property, and the surrounding properties, are within the City's Single-Family Residential-10 (R-10) zoning district. According to the City's geographic information systems (GIS) map (West Linn Maps), the southern portion of the property, closest to the Tualatin River, is designated with HCAs, a WRA, the FMA, and the Tualatin River Protection Area. A delineated natural resource is also located along the southern property line as shown on the Preliminary Plans in Exhibit A.

An existing sanitary sewer main on the property crosses through the HCAs, FMA, and WRA boundaries. Connecting to this main will necessitate temporary disturbances within these protected areas. While another sewer main exists east of the property, existing site topography prevents connection to it. Therefore, FMA, WRA, and WRG permits are included in this application. The previously approved three-parcel Partition for the subject property included these permits; however, the City determined an FMA

permit was not necessary for the temporary disturbances for the sanitary sewer lateral connections at that time.

The terminus of Evah Lane that is adjacent to the subject property meets the City's local street right-of-way width; however, it is not improved to City standards. Due to Evah Lane's steep grade along the property frontage and the impracticality of extending it or connecting it to 14th Street, the City's prior approval of the Partition for the subject property permitted alternative street improvements to a portion of Evah Lane just north of the subject property. These alternative improvements included a 6-foot-wide sidewalk along the west side of Evah Lane and a 20-foot road section. As documented in the Pre-Application Conference Meeting Summary Notes in Exhibit D, the same alternative street improvements to Evah Lane are expected with this application. These improvements are shown on the Preliminary Plans in Exhibit A.

III. Applicable Review Criteria

This application involves the development of land for housing. ORS 197A.400(1) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a "limited land use decision" as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development" (Rogue Valley Association of Realtors v. City of Ashland, 35 OR LUBA 139, 158 [1998] aff'd, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197A.400(2) do not apply to this application.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the CDC. Pursuant to ORS 197.195(1) comprehensive plan provisions (as well as goals, policies, etc. from within the adopted elements of the comprehensive plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to comprehensive plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the Applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the Applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

WEST LINN COMMUNITY DEVELOPMENT CODE

Chapter 11 RESIDENTIAL, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.
 - a. Duplex residential units.
 - b. Triplex residential units.
 - c. Quadplex residential units.
2. Cottage clusters.
3. Townhouse.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
9. Manufactured home.
10. Community building on City-owned property at 3706 Cedaroak Drive and indicated on the map below.

Response: This application is for a three-parcel Partition to accommodate residential uses on the subject property which are permitted uses in the R-10 zoning district. The City will reaffirm that the proposed structures are permitted in the R-10 zoning district at the time of building permit submittal. This provision 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:

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size Average minimum lot or parcel size for a townhouse project	10,000 sf 1,500 sf	For a single-family attached or detached unit
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks		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.
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
Street side yard	15 ft	
Rear yard	20 ft	
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage	35%	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. <ul style="list-style-type: none"> This does not include detached garages, carports, or accessory structures. 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	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 66 CDC.

1. The sidewall provisions of Chapter [43](#) CDC shall apply.

Response: As shown on the Preliminary Plans in Exhibit A, all planned lots can meet the applicable setback and other lot development requirements outlined above. The front and rear setbacks are greater than 20 feet due to the existing access easement and the structural setbacks from the HCAs on the property. The applicable standards are met.

Chapter 27 FLOOD MANAGEMENT AREAS

27.020 APPLICABILITY

This chapter shall apply to all flood management areas within the jurisdiction of West Linn. A flood management area permit is required for all development in the flood management area overlay zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.

- A. Basis for Establishing the Special Flood Hazard Areas (SFHA). The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "Flood Insurance Study: Clackamas County, Oregon and Incorporated Areas," dated 06/2008 and revised 01/2019, FIRM Panels 41005C0018D, 41005C0019D, 41005C0038D, 41005C0257D, 41005C0259D, 41005C0260D, and 41005C0276D are hereby adopted by reference and declared to be a part of this chapter. The FIS and FIRM panels are on file at West Linn City Hall with the Community Development Department.
- B. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of West Linn administers and enforces the State of Oregon Specialty Codes, the City of West Linn does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

Response: While the planned building setbacks are outside the City's FMA, an existing sanitary sewer main lies within the area in the southern portion of the subject property as shown on the Preliminary Plans in Exhibit A. Installation of the new sanitary sewer laterals connecting each of the planned lots to the existing main will involve only temporary impacts to the FMA, requiring a permit. An FMA permit is included with this consolidated application. This provision is met.

27.040 PROHIBITED USES

Prohibited uses in flood management areas include the following:

- A. Any use prohibited in the base zone.
- B. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality.

Response: This application does not include any of the above listed prohibited uses. This provision is met.

27.070 GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

[...]

- C. Construction Materials and Methods.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- D. Utilities and Equipment.
 - 1. Water Supply, Sanitary Sewer and On-Site Waste Disposal Systems.

-
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

[...]

[...]

I. Balanced Cut and Fill.

1. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
2. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below the ordinary high water line shall not count toward compensating for fill.
3. Excavation to balance a fill shall be located on the same lot or parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

[...]

Response: The installation of the new sanitary sewer laterals connecting each of the planned lots to the existing main will involve only temporary impacts to the FMA. The applicable standards will be met, including the use of construction materials and equipment resistant to flood damage, utilizing construction methods that minimize flood damage, ensuring the new sanitary sewer laterals minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and balanced cut and fill for the temporary impact to install the laterals.

27.090 STANDARDS FOR FLOODWAYS

Located within the special flood hazard areas established in CDC 27.020(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed

encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR 65.12 are fulfilled.

- B. If the requirements of subsection (A) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of CDC 27.070, 27.080, this section, and CDC 27.100.

Response: The planned sanitary sewer lateral connections will not be located within the floodway. These provisions do not apply.

Chapter 28 WILLAMETTE AND TUALATIN RIVER PROTECTION

28.030 APPLICABILITY

- A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City's zoning map, and include:
 1. All land within the City of West Linn's Willamette River Greenway Area.
 2. All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.
 3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.
- B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.
- C. All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.
- D. The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure.

Response: As shown on the Preliminary Plans in Exhibit A, a small portion of the property is within the Tualatin River Protection Zone, and HCAs comprise roughly the southern half of the property. No impacts are planned within the Tualatin River Protection Zone. As shown on

the Preliminary Middle Housing Plat with Building Setbacks in Exhibit A, the planned lots will maintain building setback areas entirely outside of the HCAs. Impacts within the HCA boundary will be limited to the installation of public and private utilities including new sanitary sewer laterals connecting each lot to the existing sanitary sewer main near the southern edge of the property and the new public stormwater line and outfall to accommodate the required Evah Lane street improvements. Temporary impacts for the sewer lateral connections were previously approved for the subject property with the three-parcel Partition (City File No. MIP-17-03/WAP-17-02/WRG-17-05). The temporary impacts associated with this application are substantially similar to the previous approval with one additional connection.

A delineated natural resource is also present along the southern boundary of the site, and the associated WRA boundary is noted on the plans in Exhibit A. The provisions of CDC Chapter 32 are addressed in this narrative for the impacts in the WRA for the new sanitary sewer laterals and new public stormwater line and outfall.

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

[...]

- D. Replacement-in-kind or minor modification by public utilities for pump stations, public bathrooms, utilities, existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors and similar facilities.

[...]

- J. Landscaping with native or existing vegetative materials only (excluding nuisance or prohibited plants on the Metro Native Plant List).
- K. Routine repair and maintenance of legally established structures, utilities, roads, and human-made water control facilities such as constructed ponds or lakes, wastewater facilities, and stormwater treatment facilities that do not alter the location or footprint of the structure, utility, or road.

[...]

- O. Routine maintenance activities such as removing dead or dying vegetation that constitutes a hazard to life or property, pollutants, trash, eroded material, etc.

[...]

- S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the “Habitat and Impact Areas Not Designated as HCAs” and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

- T. The construction, remodeling or additions of home and accessory structures that take place completely within the “Habitat and Impact Areas Not Designated as HCAs” shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the “Habitat and Impact Areas Not Designated as HCAs” goes to the edge of a clearly defined top of bank, the

applicant's home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

- U. Maintenance, alteration, expansion, repair and replacement of existing structures are exempt, provided impermeable surfaces do not exceed 5,000 square feet and that it complies with the provisions of Chapters 27 and 28 CDC. The following standards shall also apply:
1. Rebuilding of existing residential and non-residential structures within the same foundation lines as the original structure(s) including, but not limited to, those damaged or destroyed by fire or other natural hazards; or
 2. The alteration, expansion, repair and replacement of a house or structure per the standards of CDC 28.110(E) not to exceed 5,000 square feet of impermeable surface per that section; or
 3. The alteration, expansion, repair and replacement of a house or structure vertically where the applicant is adding additional floors or expanding above the footprint of the existing structure regardless of whether the structure's footprint is in an HCA or not.

[...]

Response: This application is for a three-parcel partition and the associated access and utility improvements necessary to serve the new lots. As shown on the Preliminary Partition Plat with Building Setbacks in Exhibit A, the buildable areas for the parcels are located entirely outside the HCA boundary and provide a 15-foot structural setback from the boundary. Therefore, the future home construction does not require a permit under the provisions of this chapter per exemption (S) above.

Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new stormwater line and outfall is also necessary to extend through the HCAs to safely convey the stormwater from the Evah Lane street improvements to the Tualatin River and limit potential for erosion. Although some utility work and routine maintenance activities within HCAs are exempt from review under this chapter, the temporary disturbance related to the installation of the new sanitary sewer laterals and stormwater line is not. Therefore, this application includes a WRG permit application, and the applicable criteria are addressed in this narrative below.

28.050 PROHIBITED USES

The following are prohibited:

1. Residential floating structures, also known as floating homes or houseboats.
2. Permanent ski jumps.
3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.

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4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
 5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the “Allowed Development” area is permitted.
 6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
 7. Non-permitted storage of hazardous materials as defined by the Oregon Department of Environmental Quality and dumping of any materials of any kind.
 8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation.

Response: This application does not include any of the above listed prohibited uses. This provision is met.

28.090 SUBMITTAL REQUIREMENTS: APPLICATION

- A. An application for a protection area permit shall be initiated by the property owner or the owner’s authorized agent. Evidence shall be provided to demonstrate that the applicant has the legal right to use the land above the OLW. The property owner’s signature is required on the application form.

Response: Proof of property ownership is provided in Exhibit C. A signed application form, with the Applicant and property owner’s signature is provided in Exhibit B. This requirement is met.

- B. A prerequisite to the filing of an application is a pre-application conference at which time the Planning Director shall explain the provisions of this chapter and provide appropriate forms as set forth in CDC 99.030(B).

Response: A pre-application conference was held for the project on October 19, 2023. The City’s summary notes are provided in Exhibit D. This requirement is met.

- C. An application for a protection area permit shall include the completed application and:
 1. Narrative which addresses the approval criteria of CDC 28.110.
 2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC 28.120).
 3. A grading plan if applicable (CDC 28.130).
 4. Architectural drawings if applicable (CDC 28.140).
 5. A landscape plan if applicable (CDC 28.150).
 6. A mitigation plan if applicable (CDC 28.160).
 7. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items, including the narrative, must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the city. When the

application submittal is determined to be complete, additional copies may be required as determined by the Planning Director.

Response: The applicable information listed above is provided in this narrative and accompanying exhibits. These requirements are met.

D. The applicant shall pay the requisite fees.

Response: The requisite fees are included with this application package. This requirement is met.

E. The applicant shall be responsible for, and shall apply for, all applicable State and/or federal permits.

Response: This provision is understood.

F. The applicant shall include a map, approved or acknowledged by DSL, of the preference rights and authorized areas if a water surface structure is proposed.

Response: This application is for a three-parcel partition and associated utility installation, not a water surface structure. This requirement does not apply.

28.100 ADDITIONAL SUBMITTAL INFORMATION REQUIRED, WAIVER OF SUBMITTAL REQUIREMENTS

A. The Planning Director may require additional information as a part of the application subject to the provisions of CDC 99.035(A).

B. The Planning Director may waive any submittal requirement for the application subject to the provisions of CDC 99.035(B) and (C).

Response: These provisions are understood. The Planning Director has not requested any additional information as a part of this application, and this application does not seek a waiver to any of the submittal requirements.

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

A. Development: All sites.

1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.
2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A)(3) of this section.
3. If the subject property contains no lands designated “Habitat and Impact Areas Not Designated as HCAs” and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last

choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Response: As shown on the Preliminary Plans in Exhibit A, the subject property has sufficient buildable area for three parcels, each suitable for future home construction without encroaching into the HCAs. These buildable areas, located outside the HCAs and including a 15-foot structural setback from the HCA boundary, are exempt from the requirement to obtain a permit under the provisions of this chapter per CDC 28.040(S). Each lot will require a new sanitary sewer lateral, extending south through the HCAs to connect with the existing sanitary sewer main at the property's south end. A new public stormwater line and outfall, necessary to safely convey stormwater from the required Evah Lane street improvements, also extends through the HCA. These utilities are permitted by, and will be made in accordance with, CDC 28.110(L), as detailed below. Therefore, HCAs are avoided to the greatest extent possible. These criteria are met.

4. All development, including exempted activities of CDC 28.040, shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.

Response: All applicable erosion control measures will be in place prior to site construction and will be approved by the City. A Preliminary Grading and Erosion and Sediment Control Plan is provided in Exhibit A. This criterion will be met.

[...]

H. Partitions, subdivisions and incentives.

1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.
3. Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.
4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:
 - a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and

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- b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;
 - c. Fencing may be required near steep dropoffs or grade changes.

Response: This application is for a three-parcel partition. The HCA boundary is shown on the Preliminary Plans in Exhibit A, which illustrates that all planned parcels include sufficient area outside of the HCAs to accommodate a new residence. Temporary disturbance within the HCAs for installation of the sanitary sewer lateral connections and a public stormwater line will be restored and revegetated with native plant material. The property does not have frontage on the Tualatin River. Riverfront trails are not included in this application.

[...]

- L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:
 - 1. For utility facility connections to utility facilities, no greater than 10 feet wide.
 - 2. For upgrade of existing utility facilities, no greater than 15 feet wide.
 - 3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.

Response: As shown on the Preliminary Plans in Exhibit A, new sanitary sewer laterals are planned to extend from each of the three parcels, through the HCAs, to a connection with an existing sanitary sewer main located at the south end of the site. Due to the location of the existing sanitary sewer main and the site topography, no other practical alternative exists to provide sanitary sewer connections to the property. A new stormwater line and outfall is also necessary to extend through the HCAs to safely convey the stormwater from the Evah Lane street improvements to the Tualatin River and limit potential for erosion. No practical alternative exists to safely convey the stormwater. At the time of construction permit issuance, the City will ensure that temporary disturbances in these areas, as necessary to install the sanitary sewer laterals and public stormwater line, disturbs the minimum area consistent with the provisions above. The temporary trenches for the new utilities will be less than 10 feet wide, and once the utilities are installed, the trenches will be backfilled and revegetated with native plant material. This criterion will be met.

[...]

T. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

Any construction to stabilize or protect the bank with rip rap, gabions, etc., shall only be allowed where there is clear evidence of erosion or similar hazard and shall be the minimum needed to stop that erosion or to avoid a specific and identifiable hazard. A geotechnical engineer's stamped report shall accompany the application with evidence to support the proposal.

2. The applicant shall establish to the satisfaction of the approval authority that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach and river edge).
3. The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.
4. Prior to any grading or development, that portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved Willamette and Tualatin River Protection and/or water resource area (WRA) permit. Such fencing shall be maintained until construction is complete. That portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.
5. Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.

Response: The Tualatin River bank line is located more than 100 feet south of the subject property boundary. This criterion does not apply.

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.
2. Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or their designated expert. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved.

“Vegetative improvements” will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.

3. Tree cutting shall be prohibited in the protection area except that:
 - a. Diseased trees or trees in danger of falling may be removed with the City Arborist’s approval; and
 - b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;
 - c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained.

Response: Riparian and adjacent vegetation describes vegetation in areas adjacent to the Tualatin River, specifically below the Ordinary High Water (OHW) line. The Tualatin River bank line (and OHW line) is over 100 feet south of the subject property boundary. This criterion does not apply.

28.120 SITE PLAN

- A. All site plans and maps shall include the name, address and telephone number of the applicant, a lineal scale of the plot plan, a north arrow and a vicinity map.
- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet), which contains the following information:
 1. Assessor’s Map number and tax lot number.
 2. The lot or parcel boundaries, dimensions and gross area.
 3. The applicant’s property and the surrounding property to a distance sufficient to determine the relationship between the applicant’s property and proposed development to the adjacent property and development.
 4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
 5. The location, dimensions and setback distances of all:
 - a. Existing structures, improvements, utility facilities and drainageways on site and on adjoining properties;
 - b. Proposed structures or changes to existing structures, improvements, utility facilities and drainageways on the site.
 6. All developments shall define and map existing public access rights on, and adjacent to, the subject property.

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7. A slope contour map at minimum two-foot intervals showing slope classifications of zero to 25 percent and greater than 25 percent.
 8. If a wetland on the West Linn Local Wetland Inventory is identified on the property and the proposed activity is expected to encroach within 25 feet of the wetland, a delineation of the precise boundaries of that wetland prepared by a wetland biologist.
 9. The location of the ordinary high water mark and the ordinary low water mark on the property and on abutting properties.
 10. The delineation of areas designated “Habitat and Impact Areas Not Designated as HCAs” and HCA areas by low, medium and high designation shall be mapped based on the HCA Map and any necessary verification shall be done by the Planning Director.

Response: The Preliminary Plans in Exhibit A contain the applicable information listed above. This requirement is met.

28.130 GRADING PLAN

[...]

Response: This application does not include grading, only temporary disturbance activities for the utilities to serve the lots. A Preliminary Grading and Erosion and Sediment Control Plan is included in Exhibit A for the utilities. The City will ensure the grading plan requirements are met with building permit submittal.

28.140 ARCHITECTURAL DRAWINGS

[...]

Response: This application does not include structures or vertical development. The City will ensure the applicable architectural plan requirements are met with building permit submittal. This requirement is not applicable.

28.150 LANDSCAPE PLAN

- A. The landscape plan shall be prepared per site plan standards (CDC 28.120) and in addition shall show:
 1. The location, size and type of existing trees and location and type of vegetation to be removed and to be retained;
 2. The location and design of landscaped areas;
 3. The varieties and sizes of trees and materials to be planted;
 4. The location and height of fences and other buffering or screening materials; and
 5. The location, materials, dimensions and design of terraces, decks, patios, shelters, footpaths, retaining walls and play areas.
- B. Revegetation plan per CDC 32.080.

Response: A Preliminary Tree Preservation and Removal Plan is provided in Exhibit A. The City will ensure applicable landscape plan requirements are met with building permit submittal. This requirement is met, as applicable.

28.160 MITIGATION PLAN

If any HCA is permanently disturbed as a result of the proposed development of any uses or structures, the applicant shall prepare and implement a revegetation and mitigation plan pursuant to the provisions of CDC 32.070 and 32.080.

Response: Only temporary disturbance to the HCA is planned for the sanitary sewer lateral connections and new public stormwater line. This requirement is not applicable. Nevertheless, once installed, the temporary trenches will be backfilled and revegetated with native plant material consistent with the applicable provisions of CDC 32.100. The outfall and rip-rap pad for the new public stormwater line will include ±72 square feet of permanent disturbance. This disturbance is also within the WRA boundary, which is subject to CDC Chapter 32 per CDC 32.040(F)(1). The applicable provisions of CDC Chapter 32 are addressed in this narrative below.

Chapter 32 WATER RESOURCE AREA PROTECTION

32.020 APPLICABILITY

- A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.
- B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:
 - 1. The existence of a WRA;
 - 2. The exact location of the WRA; and/or
 - 3. Whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense.

Response: As shown on the Natural Resource Buffer Determination in Exhibit A, a delineated natural resource is located along the southern boundary of the subject property. The wetland was delineated by a professional natural resource scientist (AKS). The associated WRA boundary is indicated on the Preliminary Plans. This chapter is applicable and addressed in the narrative below.

32.030 PROHIBITED USES

Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

Response: None of the prohibited uses listed are included in this application.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter		
Type of Development or Activity	In Water Resource	Water Resource Area
Storm water treatment and detention (e.g., rain gardens, storm outfall/energy dissipaters)	No	Yes, private and public facilities including outfall and energy dissipaters are permitted if no reasonable alternatives exist.
Temporarily disturbed areas (TDAs) (e.g., buried utilities)	No, except as allowed by WRA permit.	Yes, restoration and re-vegetation required.
Removal of existing vegetation or planting new vegetation	No, except invasive plants and hazard trees per CDC 32.040(A)(2) or per CDC 32.100.	Yes, if it is replaced by native vegetation. Exemption CDC 32.040(A)(3) applies.

Response: As shown on the Preliminary Plans in Exhibit A, no activities are planned within the water resource, only the WRA boundary. The new sanitary sewer laterals are planned to extend from each of the three parcels, through the WRA boundary, to a connection with an existing sanitary sewer main located at the south end of the site. The installation of the new sanitary sewer laterals will involve temporarily disturbed areas (TDAs), which are permitted with a WRA permit. The new public stormwater line and outfall and rip-rap pad are also planned within the WRA boundary. The installation of the new public stormwater line will similarly involve TDAs which are permitted with a WRA permit. The new outfall and rip-rap pad will involve permanent disturbance, which are stormwater treatment measures permitted in the WRA with a permit if no reasonable alternative exists. The outfall location is necessary to safely convey the stormwater from the required Evah Lane improvements to the Tualatin River and limit the potential for erosion. A WRA permit is included with this consolidated land use application. All TDAs will be revegetated with native vegetation and one dead tree is planned for removal as shown on the Tree Preservation and Removal Plan in Exhibit A. These activities are exempt per CDC 32.040(A).

32.040 EXEMPTIONS

The following development, activities or uses are exempt from a WRA permit but must conform to any applicable requirements of this section.

- A. Vegetation maintenance, planting and removal.
 1. The routine maintenance of any existing WRA, consistent with the provisions of this chapter such as, but not limited to, removing pollutants, trash, unauthorized fill, and dead or dying vegetation that constitutes a hazard to life or property.
 2. Removal of plants identified as nuisance, invasive or prohibited plants; provided, that after plant removal, re-vegetation of disturbed areas is performed pursuant to CDC 32.100.
 3. The planting or propagation of plants identified as native plants on the Portland Plant List.
 4. Maintenance of existing gardens, pastures, lawns, and landscape perimeters, including the installation of new irrigation systems within existing gardens, lawns, and landscape perimeters.
 5. The use of pesticides and herbicides with applicable state (e.g., Oregon DEQ) permits.

[...]

F. Exempt areas.

1. The Tualatin or Willamette Rivers are regulated by Chapter 28 CDC and are not subject to this chapter. However, wetlands and buffers, regardless of their proximity to these rivers, are subject to this chapter. In areas where there is overlap with Chapter 28 CDC, this chapter shall prevail.
2. Existing enclosed or piped sections of streams, including any development at right angles to the enclosed or piped sections.

Response: The application involves revegetation of the TDAs associated with the utility installation, which is exempt per subsection (A) above. Portions of the new sanitary sewer lateral connections and stormwater line and outfall are also within HCAs and subject to CDC Chapter 28. Where they overlap, this chapter applies, and the applicable provisions are addressed in the narrative below.

32.050 APPLICATION

- A. An application requesting approval for a use or activity regulated by this chapter shall be initiated by the property owner, or the owner's authorized agent, and shall include an application form and the appropriate deposit or fee as indicated on the master fee schedule.

Response: A signed application form with the Applicant and property owner's signature is provided in Exhibit B. The requisite fees are included with this application package. This requirement is met.

- B. A pre-application conference shall be a prerequisite to the filing of the application.

Response: A pre-application conference was held for the project on October 19, 2023. The City's summary notes are provided in Exhibit D. This requirement is met.

- C. The applicant shall submit maps and diagrams at 11 by 17 inches and a written narrative addressing the approval criteria and requirements of this chapter, and any additional copies required by the Planning Director.

Response: The required maps and narrative are included with this submittal. This requirement is met.

- D. Where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies shall include all necessary measures to avoid or correct the potential hazard.

Response: Grading or development, except for the installation of new underground utilities, is not planned to occur on-site as part of this application. The City will determine whether site conditions warrant a geotechnical investigation with future building permits. This requirement does not apply.

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- E. Applications proposing that streets or utilities cross water resources, or any other development that modifies the water resource, shall present evidence in the form of adopted utility master plans or transportation master plans, or findings from a registered Oregon civil engineer, certified engineering geologist or similarly qualified professional to demonstrate that the development or improvements are consistent with accepted engineering practices.

Response: As shown on the Preliminary Plans in Exhibit A, this application involves new sanitary sewer laterals and a public storm water line and outfall that are planned to encroach into the WRA, but not into the delineated natural resource. The utility connections were designed by a licensed professional engineer (AKS) and are consistent with accepted engineering practices. This requirement is met.

- F. Site plan. The applicant shall submit a site plan which contains the following information, as applicable:
1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.
 2. Property lines, rights-of-way, easements, etc.
 3. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).
 4. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
 - a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
 - b. Assessment of engineering geological conditions and factors;
 - c. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
 - d. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
 5. Boundaries of the WRA, specifically delineating the water resource, and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL) delineation review process.
 6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation, water resource crossings, alterations to vegetation, or other alterations to the site's natural state.

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7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.
 8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
 - a. The type and general quality of ground cover, including the identification of dominant species and any occurrence of non-native, invasive species;
 - b. Square footage of ground cover; and
 - c. Square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.
 9. Locations of all significant trees as defined by the City Arborist.
 10. Identify adopted transportation, utility and other plan documents applicable to this proposal.
 11. For cases processed under CDC 32.110 (hardship), provide the maximum disturbed area (MDA) calculations.

Response: The Preliminary Plans in Exhibit A include the applicable information listed above. These requirements are met.

- G. Construction management plan. The applicant shall submit a construction management plan which includes the following:
 1. The location of proposed TDAs (site ingress/egress for construction equipment, areas for storage of material, construction activity areas, grading and trenching, etc.) that will subsequently be restored to original grade and replanted with native vegetation, shall be identified, mapped and enclosed with fencing per subsection (G)(3) of this section.
 2. Appropriate erosion control measures consistent with Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, and a tentative schedule of work.
 3. The WRA shall be protected, prior to construction, with an anchored chain link fence (or equivalent approved by the City) at its perimeter that shall remain undisturbed, except as specifically authorized by the approval authority. Additional fencing to delineate approved TDAs may be required. Fencing shall be mapped and identified in the construction management plan and maintained until construction is complete.

Response: Construction within the WRA is planned to be limited to the TDAs necessary to install the new sanitary sewer laterals and public stormwater line and the area for the stormwater outfall and rip-rap pad. Exhibit A shows the location of TDAs and subsequent restoration, protection fencing, and appropriate erosion control measures that will be provided in accordance with this section. These requirements are met.

- H. Mitigation plan prepared in accordance with the requirements in CDC 32.090.

Response: Mitigation for TDAs and the stormwater outfall is not required. This requirement is not applicable.

- I. Re-vegetation plan prepared in accordance with the requirements in CDC 32.100.

Response: As noted on the Preliminary Plans in Exhibit A, the TDAs for the new sanitary sewer lateral connections and public stormwater line will be revegetated, consistent with the applicable provisions of CDC 32.100. This requirement is met.

- J. The Planning Director may modify the submittal requirements per CDC 99.035.

Response: This application does not request a modification of the submittal requirements.

- K. The following additional requirements apply to applications being submitted under the alternative review process pursuant to CDC 32.070 and 32.080.

1. Identify the affected WRA and describe the functions it performs (see Table 32-4).
2. Provide a scaled map that delineates the proposed WRA boundaries determined to be sufficient to sustain the functions occurring at the site and a narrative that justifies the proposal, consistent with CDC 32.080.
3. Identify the recommended WRA boundary at the site with colored tape, survey markers or other easily identified means for field inspection by staff.
4. Consultant required for alternate review process.
 - a. The narrative and analysis required by CDC 32.070 and 32.080 shall be prepared and signed by a qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist. The Planning Director shall determine the scope of work and specific products required from the consultant. The Planning Director may require a mitigation plan pursuant to CDC 32.090 and/or a re-vegetation plan pursuant to CDC 32.100.
 - b. The Planning Director may waive the consultant requirement for simple or minor projects if they determine that it is not necessary in order to satisfy the requirements of this chapter.

Response: This application does not seek approval through the alternative review process. These requirements do not apply.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

- A. WRA protection/minimizing impacts.
1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.
 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100, respectively.

Response: As shown on the Preliminary Plans in Exhibit A, the partition has been configured to minimize impacts to the WRA by establishing future home sites located at the north end of the lots, outside of the WRA. Impacts to the WRA are planned to be limited to the TDAs necessary to connect new sanitary service laterals to the existing sanitary main near the south end of the property and to install a new public stormwater line. A permanent disturbance area is required for the stormwater outfall rip-rap pad to safely convey the runoff from the Evah Lane improvements to the Tualatin River and limit potential for erosion. TDAs and the stormwater outfall and rip-rap pad in the WRA are not subject to the mitigation requirements in CDC 32.090. TDAs will be revegetated in a manner consistent with the provisions of CDC 32.100. These criteria are met.

B. Storm water and storm water facilities.

1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
 - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or
 - b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.

Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

Response: This application does not include relocating any water resources on-site. These criteria are not applicable.

2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:
 - a. Accepted engineering practice requires it;
 - b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;
 - c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and
 - d. There are no reasonable alternatives available.

A geotechnical report may be required to make the determination regarding slope stability.

Response: This application includes a new public stormwater line and outfall and rip-rap pad in the WRA to safely convey runoff from the Evah Lane improvement area to the Tualatin River and limit potential for erosion. No reasonable alternative is available. The stormwater outfall is designed by a licensed engineer based on accepted engineering practice and does not require the removal of trees in the WRA. The outfall is not within the water

resource as shown on the Preliminary Composite Utility Plan in Exhibit A. A Storm Memorandum is provided in Exhibit F.

This application does not include new private stormwater facilities located within the WRA. Conceptual individual stormwater facilities, per the City's typical residential standard, are shown for each of the lots in Exhibit A. These stormwater facilities are outside of the WRA and are not proposed as part of this application but are planned to be included as part of a future building permit submittal.

3. Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).
4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.
5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.

Response: This application does not include roadside stormwater conveyance swales and ditches or stormwater detention and/or treatment facilities in the WRA. These criteria are not applicable.

6. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must 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 the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Response: Conceptual individual stormwater facilities, per the City's typical residential standard, are shown for each of the planned parcels in Exhibit A. This application does not include a request for new residential construction, so the associated stormwater facilities are not included. They are planned to be included with a future building permit submittal. This approach ensures flexibility for the location of the stormwater facility in the overall layout of each residential lot and ensures that the facilities are appropriately designed to complement new residential development. At the time of the building permit submittal, the City will ensure that new stormwater facilities serving these lots have been designed pursuant to the applicable standards in the West Linn Public Works Design Standards. These criteria will be met.

- C. Repealed by Ord. 1647.
- D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

Table 32-2. Required Width of WRA			
Protected WRA Resource (see Chapter 2 CDC, Definitions)	Slope Adjacent to Protected Water Resource ^{1, 3}	Starting Point for Measurements from Water Resource ^{1, 3}	Width of WRA on Each Side of the Water Resource
A. Water Resource	0% - 25%	OHW or delineated edge of wetland	65 feet

1 The slope is the average slope in the first 50 feet as measured from bankfull stage or OHW.

2 Where the protected water resource is confined by a ravine or gully, the top of slope is the location (30-foot minimum) where the slope breaks to less than 15 percent for at least 50 feet.

3 At least three slope measurements along the water resource, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon topography, the width of the protected corridor may vary.

4 The 50-foot distance may be reduced to 25 feet if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.

Response: Per Table 32-2, the width of the WRA on the subject property is 65 feet from the edge of the water resource, as the adjacent slopes are 25 percent or less as shown on the Preliminary Plans in Exhibit A. Impacts to this WRA are planned to be limited to the temporary disturbances necessary to connect new sanitary sewer laterals to an existing sanitary main at the south end of the new parcels and the new public stormwater line and outfall. These impacts are permissible as discussed above. The criterion is met.

- E. Per the submittals required by CDC 32.050(F)(4), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

Response: Grading or development, except for the installation of new underground utilities, are not planned to occur on-site as part of this application. The City will determine whether site conditions warrant a geotechnical investigation with future building permits. This criterion will be met.

F. Roads, driveways and utilities.

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:
 - a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.

-
- b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.
 - c. Road and utility crossings shall avoid, where possible:
 - 1) Salmonid spawning or rearing areas;
 - 2) Stands of mature conifer trees in riparian areas;
 - 3) Highly erodible soils;
 - 4) Landslide prone areas;
 - 5) Damage to, and fragmentation of, habitat; and
 - 6) Wetlands identified on the WRA Map.
 - 2. Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.
 - 3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.
 - 4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, U.S. Army Corps of Engineers and Oregon Department of State Lands (DSL).
 - 5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

Response: No roads or driveways are planned within the WRA boundary as a part of this application. TDAs for the installation of the new sanitary sewer lateral connections to serve the new parcels and the new public stormwater line will occur but will not be located within the delineated natural resource as shown on the Preliminary Plans in Exhibit A. The temporary trenches for the new laterals and stormwater line will be less than 10 feet wide, and once installed, the trenches will be backfilled and revegetated with native plant material. These criteria are met.

- G. Passive recreation. Low impact or passive outdoor recreation facilities for public use including, but not limited to, multi-use paths and trails, not exempted per CDC 32.040(B)(2), viewing platforms, historical or natural

interpretive markers, and benches in the WRA, are subject to the following standards:

[...]

Response: This application does not include passive recreation improvements within the WRA. These criteria do not apply.

H. Daylighting Piped Streams.

[...]

Response: This application does not include daylighting piped streams within the WRA. These criteria do not apply.

I. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.
2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
3. Incorporate storm water management in road rights-of-way.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.
6. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.
10. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.
11. Use shared driveways.
12. Reduce width of residential streets and driveways, especially at WRA crossings.
13. Reduce street length, primarily in residential areas, by encouraging clustering.
14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.
15. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.
16. Minimize the building, hardscape and disturbance footprint.
17. Consider multi-story construction over a bigger footprint.

Response: The installation of the sanitary sewer laterals and public stormwater line and outfall will include the restoration of soils and vegetation that are temporarily disturbed during construction. No additional impacts to the WRA are anticipated with future home construction, which is limited to buildable areas outside of the WRA. These criteria are met.

32.090 MITIGATION PLAN

- A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC 32.040 do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC 32.100, Re-Vegetation Plan Requirements.

Response: This application includes temporary disturbances to the WRA that are associated with the installation of new sanitary sewer laterals to serve the lots and a new public stormwater line. Temporary disturbances to soil and vegetation will be restored to a native condition following construction. A mitigation plan is not required for these temporarily disturbed areas, per the section above. These criteria do not apply.

32.100 RE-VEGETATION PLAN REQUIREMENTS

- A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:
1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.
 2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
 3. Plant coverage.
 - a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
 - b. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on

center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

4. Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.
5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.
6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.
7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.
8. To enhance survival of tree replacement and plantings, the following practices are required:
 - a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.
 - c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
 - d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
 - e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

- B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

Response: This application does not include any impacts that warrant revegetation in the manner prescribed in this section. Temporary disturbances to the WRA from constructing new sanitary sewer laterals serving all parcels and the public stormwater line are planned to be restored with native grasses and other native vegetation that will not impede new underground utilities. The Applicant does not anticipate additional impacts to the WRA at the time of new home construction. To the extent applicable, these criteria are met.

32.120 WRA MAP

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- A. The WRA Map, dated May 2014, is adopted as the official WRA Map. It is intended to identify WRA water features (wetlands, streams, ephemeral streams and riparian corridors). It is not intended to delineate the exact WRA boundaries or water feature alignment. That task will be carried out by staff in the course of site visits where the provisions of Table 32-2 shall apply.
 - B. Amendments to the WRA Map may be made in accordance with the provisions of Chapters 98 and 99 CDC. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting documents, on file in the Planning Department.
 - C. The Planning Director shall maintain in their office, and available for public inspection, an up-to-date copy of the WRA Map.

Response: The location of the WRA is included on the Preliminary Plans in Exhibit A and is based on the City's WRA map and field surveys conducted by a professional natural resource scientist (AKS).

Chapter 48 ACCESS, EGRESS AND CIRCULATION

48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

Response: All three parcels have access from Evah Lane, which is a public street, as shown on the Preliminary Plans in Exhibit A. The TSP standards are addressed, where they deviate from standards established in this section, below. These provisions are met.

- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.
- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

Response: Access to the planned parcels will occur via a 24-foot wide mutual access easement located along the north line of Parcels 1, 2, and 3, and that also benefits Lot 3801 immediately west of the subject site, as shown in Exhibit A. The criteria are met.

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- F. Property owners with access to their property via platted stems of flag lots may request alternate access as part of a discretionary review if other driveways and easements are available and approved by the City Engineer.

Response: As above, access to the planned parcels will occur via a 24-foot wide mutual access easement. The criteria are met.

48.025 ACCESS CONTROL

- 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. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).
 2. In order to comply with the access standards in this chapter, 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. Access to and from off-street parking areas shall not permit backing onto a public street.
 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 from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.
 - 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. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.
 - 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 ensure access to the closest public street for all users of the private street/drive.

Response: Access to the three parcels, as shown in Exhibit A, was developed after consultation with the City’s Planning and Engineering staff. It reflects the strategy identified in Option 2 (3b) above. This application does not meet the warrant for a traffic impact analysis due to the low volume of vehicle trips that are expected to be generated. The criteria are met.

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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.

Response: The subject site does not front an arterial street as designated in the City's TSP. The criterion 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 arterial street.

Response: The application does not include any parcels that will front on more than one public street or parcels that may be defined as double-frontage lots. This criterion does not apply.

6. Access spacing.

- a. The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.
- b. Private drives and other access ways are subject to the requirements of CDC 48.060.

Response: Exhibit A shows that the application utilizes an existing access easement and private driveway to provide access to the three subject parcels. Responses to the applicable criteria in CDC Section 48.060 are included below.

7. Number of access points. For single-family (detached and attached) 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 CDC 48.060. The number of street access points for multiple family development is subject to the access spacing standards in CDC 48.060. The number of street access points for 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 (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.
8. Shared driveways. For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, 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. When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall 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. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that 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: This application utilizes an existing access easement and private driveways to provide access to the three parcels planned with this partition. This shared access approach is consistent with the City’s desire to maintain the operation of adjacent roadways as implied above. The criteria are met.

- C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and 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 along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).
 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 as part of a discretionary review 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.

Response: Existing development and natural resource protection areas near the project site do not permit creating any new public streets or blocks. These criteria do not apply.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

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- A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted 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 by an 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, the applicant may request access onto an arterial street as part of a discretionary review, and approval may be granted by the Planning Director and City Engineer 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: This application does include parcels that will take direct individual access from an arterial street. The criteria of this section do not apply.

- B. Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:

1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged but not required.
2. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.
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. However, in no case shall the last 18 feet in front of the garage exceed 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.

- 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.

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1. A turnaround shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.
 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 TVF&R.
 4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.

Response: Access to the three parcels is planned from an existing 24-foot wide access easement located at the north end of the subject site, which currently benefits the subject site and Lot 3801 immediately west. Although the existing home on Lot 3801 is approximately 158-feet from the adjacent Evah Lane public right-of-way, this application will not exacerbate any non-conforming access issues (if any exist) relating to Lot 3801.

The future homes on the three parcels subject to this application will be less than 150-feet from the adjacent Evah Lane right-of-way, and the shared access will serve no more than four total residences at time of full build-out. Exhibit A shows that the shared driveway is +/- 15.5-feet wide and less than 15% grade. New driveways or homes on each of the three parcels are not included in this application. The applicable criteria are met.

- D. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.
- E. Access and/or service drives for multifamily 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. Turnaround facilities as required by TVF&R 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 TVF&R.
 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: The existing accessway serving the subject parcels will serve no more than four properties following the approval of this application. This application does not include a request for, nor does the R-10 zoning district allow for, the development of multi-family residential homes on the subject property. The criteria do not apply.

- F. Where on-site maneuvering and/or access drives are necessary to accommodate parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.

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- G. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.
 - H. Gated accessways to residential development other than a single-family home are prohibited.

Response: On-site parking will be accommodated for each parcel and will be further defined at time of building permit submittal. The site does not take access from an arterial or collector roadway, nor does it propose or abut a multi-family development. The application does not include a request for a gated accessway to the three parcels subject to this application. The criteria do not apply.

Chapter 55 DESIGN REVIEW

55.105 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE

[...]

C. Relationship to the natural and physical environment.

[...]

2. The following shall be protected pursuant to the criteria of subsections (C)(2)(a) through (f) of this section: all heritage trees, as defined in the municipal code and all significant trees and significant tree clusters, as defined in CDC 2.030.

a. The protected area for heritage trees, significant trees, and significant tree clusters is defined as the area within the dripline of the tree(s), plus an additional 10-foot measurement beyond the dripline.

b. Required protected areas include the following:

1) On Type I and II lands, protected areas are required for all heritage trees and all significant trees and significant tree clusters. The protected area(s) shall also be preserved within a dedication or easement.

Response: As shown in Exhibit A, the site does not include Type I or Type II lands. The criterion does not apply.

2) On non-Type I and II lands, protected areas are required for all heritage trees, significant trees, and significant tree clusters. However, in no case shall more than 20 percent of the non-Type I and II lands on the site be required to be set aside within protected areas. Where the percentage of total protected area exceeds 20 percent of the non-Type I and II lands, and includes both heritage trees and significant trees or tree clusters, the priority shall be to first protect the heritage trees, followed by protecting the significant tree clusters, and significant trees. Exemptions of subsections (C)(2)(d), (e), and (f) of this section shall apply.

Response: As shown in Exhibit A, more than 20 percent of the non-Type I and II land on the subject site is preserved for the protection of significant trees. The criterion is met.

- c. Development within required protected areas is prohibited except as specified in subsections (C)(2)(d), (e), and (f) of this section.

Response: As shown in Exhibit A, planned and anticipated site development will not occur within protected areas, except for temporary impacts associated with public and private utility installations. The criterion is met.

- d. The following are exempt from the requirements of subsections (C)(2)(a) through (c) of this section: significant trees, significant tree clusters, or heritage trees that would prevent the extension of stubbed streets from abutting properties; and where a row of significant trees or tree clusters would block access, per construction code standards, to a lot or parcel.
- e. The site layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protecting significant trees or significant tree clusters as specified in this subsection (C)(2).

Response: As shown in Exhibit A, the gross site area is ±0.94-acres (40,690 square feet). The net developable area, excluding the shared access driveway (±2,700-square feet) and the HCA (±22,000 square feet), is ±15,990 square feet. Per CDC Section 5.020, target density in the R-10 zoning district is 4.35 dwelling units per acre. Applied to the net development area on the subject site, the maximum density is 1.6 units (0.36 acres x 4.35 dwelling units/acre = 1.6 dwellings). Seventy percent of this maximum is 1.1 dwellings. Subsequently, the planned three parcels can accommodate a minimum of three homes, which exceeds the minimum required 1.1 dwellings. The criteria are met.

- f. Where an applicant proposes grading within the required protected area for significant tree(s) or significant tree clusters, the applicant may request an exception to the tree protection requirements of this section in order to remove the significant tree(s) or tree cluster(s). The applicant shall submit evidence to the Planning Director that the grading is necessary for the development of street grades, per City construction codes, and that all reasonable alternative grading plans have been considered and cannot work. The applicant shall then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an “inch-by-inch” basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four inches). The mix of tree sizes and types shall be approved by the City Arborist.

Chapter 85 LAND DIVISIONS – GENERAL PROVISIONS

85.150 APPLICATION – TENTATIVE PLAN

- A. The applicant shall submit a completed application which shall include:

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1. The completed application form(s).
 2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.
 3. A narrative explaining all aspects of land division per CDC 85.200.
- B. The applicant shall pay the requisite fee.

Response: A completed application form, copies of the tentative plan, narrative, and fee are included with this submittal.

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

- A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

Response: A vicinity map is included in the Preliminary Plans in Exhibit A. The criterion is met.

- B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.
- C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.
- D. The following general information shall be shown on the tentative plan of subdivision or partition:
1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
 2. Date, north arrow, scale of drawing, and graphic bar scale.
 3. Appropriate identification clearly stating the drawing as a tentative plan.
 4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.

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5. Names and addresses of the owner, developer, and engineer or surveyor.
- E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:
1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.
 2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:
 - a. Two-foot contour intervals for ground slopes less than 20 percent.
 - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
 3. The location of any control points that are the basis for the applicant's mapping.
 4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
 5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
 6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
 7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
 8. Zoning on and adjacent to the tract.
 9. Existing uses to remain on the adjoining property and their scaled location.
 10. The location of any existing bicycle or pedestrian ways.
 11. The location of adjacent transit stops.

Response: The pertinent information outlined above is shown on the Preliminary Plans in Exhibit A. The criteria are met.

- F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:

-
1. The street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(14).

Response: The application does not include the creation of new streets. The criterion does not apply.

2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's *Erosion/Sedimentation Control Plans Technical Guidance Handbook*, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:

- a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or
- b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or
- c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.

Additional on-site measures may later be required if original measures prove to be inadequate in meeting these attainment standards. For the purposes of this code, "one cubic foot in volume" is defined to include the volume of material, wet or dry, at the time of deposition and includes any water of a discolored or turbid nature.

Response: A Preliminary Grading, Erosion, and Sediment Control Plan is included in Exhibit A and illustrates the pertinent information listed above.

3. Any proposed infrastructure improvements that address those identified in the City of West Linn Transportation System Plan.
4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.

Response: The West Linn Transportation System Plan does not identify any improvements on the subject site nor does the application propose pedestrian paths or transit stops. The criteria do not apply.

5. Any easement(s) – location, width, and purpose of the easement(s).
6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.

Response: The configuration of easements and parcels are shown in Exhibit A. The criteria are met.

7. A street tree planting plan and schedule approved by the Parks Department.
8. Any land area to be dedicated to the City or put in common ownership.
9. Phase boundaries shall be shown.

Response: As above, the application does not include new streets and subsequently does not include street trees. No portion of the subject site will be dedicated to the City. The project will be completed in a single phase. The applicable criteria are met.

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.
2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).
3. A legal description of the tract.
4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.
5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.
6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: The pertinent information outlined above is included in this narrative and the accompanying exhibits. The applicable criteria are met.

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.

Response: The application does not include the creation of new streets. The criterion does not apply.

2. Traffic impact analysis (TIA).

- a. Purpose. The purpose of this section is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse

impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.

- b. Typical average daily trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

[...]

- d. Traffic impact analysis (dwellings). For development applications that propose new dwelling units, an applicant must submit a traffic impact analysis unless the application is exempt from this requirement pursuant to subsection (B)(2)(d)(6) of this section. Failure to submit the analysis will result in an incomplete application. The applicant shall prepare the analysis in accordance with the following:

[...]

- 6) A transportation impact study is not required under this section if:

- (A) The proposed development will generate no more than 250 average daily trips as determined by using the Institute of Transportation Engineers Trip Generation Manual (11th edition); or
- (B) The proposed development completed a transportation impact within the past five years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action.

Response: The application seeks approval for a three-parcel partition. It is anticipated that the resultant parcels will host one single-family detached dwelling each at some time in the future; however, the R-10 zoning district would permit up to four dwellings on each of the resulting parcels for a total of 12 dwellings. The Institute of Transportation Engineers Trip Generation Manual (11th edition) suggests that 12 four-plex style dwellings would generate a total average daily impact of 86 trip ends, which is below the 250 average daily trip threshold to warrant a TIA. The criterion does not apply.

[...]

C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils, shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).
2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

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3. The grading plan must identify proposed building sites and include tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
 - a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
 - b. Assessment of engineering geological conditions and factors;
 - c. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
 - d. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

Response: The Grading Plan in Exhibit A illustrates that only limited grading is expected to accommodate the installation of new public and private utility services to the planned lots. The applicable information listed above is included in this narrative and in Exhibit A.

D. Water.

1. A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Master Plan and most recently adopted updates and amendments.
2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.

Response: The Preliminary Composite Utility Plan in Exhibit A illustrates how water service is planned to be provided to the parcels resulting from this partition. The criteria are met.

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan, Public Works Design Standards, and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.

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2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths, and show how each lot or parcel would be sewerred.

Response: The Preliminary Composite Utility Plan in Exhibit A illustrates how sanitary sewer service is planned to be provided to the parcels resulting from this partition. The criteria are met.F. Storm. A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

Response: The Preliminary Composite Utility Plan in Exhibit A illustrates how stormwater runoff from the parcels created by this partition will be managed. The criterion is met.

- G. Service provider permit. A Tualatin Valley Fire and Rescue service provider permit shall be provided.

Response: A service provider letter from TVF&R is forthcoming. The criterion can be 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 conditions of approval:

A. Streets.

1. Purpose and guiding principles. The purpose of these standards is to promote safe, efficient, and convenient options for walking, bicycling, and driving while accommodating access to individual properties, as needed, and access to transit. The following principles shall guide land division applications:
 - a. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets.
 - b. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class.
 - c. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried.
 - d. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

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- e. To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.
 2. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.
 3. Tree protection. Streets shall be laid out to avoid and protect significant trees and significant tree clusters, but not to the extent that it would compromise connectivity requirements per this subsection A, or bring the achievable density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant trees and tree clusters as provided in CDC 55.100(B)(2) or 55.105(B)(2), as applicable.
 4. Street connections. The developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project.
 5. Street improvements.
 - a. Streets that are internal to the land division site are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements to the City of West Linn Public Works Design Standards. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP), Tables 26 through 30 and Exhibits 6 through 9.
 - b. Waiver of required street improvements and in-lieu fee. An applicant may submit a written request for a waiver of abutting street improvements if the improvement would be prohibited by the TSP. When a requested waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in-kind or related improvements.

- c. **Right-of-way widths** shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP, Exhibits 6 through 9.
- d. **Public Works Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the West Linn Public Works Design Standards manual. Where a conflict occurs between this code and the Public Works Design Standards manual, the provisions of this code shall govern.

- 6. **Street widths.** Street widths shall depend upon the classification of street proposed. The classifications and required cross sections are established in the adopted TSP, Tables 26 through 30 and Exhibits 6 through 9.

Table 85-1 identifies street width standards (curb to curb) in feet for various street classifications. The standard width shall be required unless the applicant or their engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width through a discretionary review.

Table 85-1: City of West Linn Roadway Cross-Section Standards		
Street Element	Characteristic	Width/Options
Vehicle Lane Widths (Typical widths)	Minor Arterial	11 – 12 feet
	Collector	10 – 12 feet
	Neighborhood Route	10 – 12 feet
	Local	10 – 12 feet
On-Street Parking	Minor Arterial	Limited (in designated commercial zones)
	Collector	Optional (8 feet typical width)
	Neighborhood Route	Optional (8 feet typical width)
	Local	Optional* (8 feet typical width)
Bicycle Lanes (Typical widths)	Arterial	5 feet
	Collector	5 feet
	Neighborhood Route	5 feet
Cycle Track	Minor Arterial (30 MPH or greater)	7 feet
	Collector (30 MPH or greater)	7 feet

Sidewalks (Typical widths)	Minor Arterial	6 feet, 10 – 12 feet in commercial zones
	Collector	6 feet, 8 feet in commercial zones
	Along Cycle Track	6 feet, 10 – 12 feet in commercial zones
	Neighborhood Route/Local	6 feet (4 – 5 feet in Willamette Historical District), 8 feet in commercial zones
Landscape Strips	Can be included on all streets	6 feet typical (5 feet for minor arterials)
Raised Medians	5-Lane	Optional
	3-Lane	Optional
	2-Lane	Consider if appropriate
Neighborhood Traffic Management	Arterials	None
	Collectors	None
	Neighborhood Route/Local	At the discretion of the City Engineer
Transit	Minor Arterial/Collector	Appropriate
	Neighborhood Route	Only in special circumstances
	Local	Not recommended

* The minimum paved width for both internal and adjacent local streets in new subdivision proposals shall be 28 feet, unless reduced in subsection (A)(7) of this section.

7. The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and geometry for streets within or adjacent to the subdivision. To approve a street design less than the width in Table 85-1, the applicant shall demonstrate with proper documentation that one of the following applies:
 - a. The street design will help protect a water resource area and complies with the submittal requirements and approval standards found in Chapter 32 CDC.
 - b. The street design will help protect a flood management area and complies with the submittal requirements and approval standards found in Chapter 27 CDC.

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- c. The street design will help protect the Willamette River Greenway, Tualatin River Greenway, or a habitat conservation area and complies with the submittal requirements and approval standards found in Chapter 28 CDC.
 - d. The street design will help protect steep slopes and complies with the submittal requirements found in CDC 85.170(C) and approval standards found in subsection E of this section.
 - e. The street design will help protect a significant tree cluster and complies with subsection (J)(9) of this section.
8. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.
9. Alignment. All streets other than local streets or cul-de-sacs shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in “T” intersections shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet. Exceptions to these requirements shall only be approved if the applicant demonstrates that compliance is not practical through a discretionary review.
10. Future extension of streets. The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Where the stubbed street is over 100 feet long, street ends shall contain temporary turnarounds built to Oregon Fire Code standards and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
11. Intersection angles.
- a. Except as specified in subsection (A)(11)(c) of this section, street intersections shall be located and designed as follows:
 - 1) Streets shall be located and designed to intersect at, or close to, right angles (i.e., 90 degrees or within three degrees of 90 degrees).
 - 2) All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection.
 - 3) No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point.
 - 4) Street jogs and intersection offsets of less than 125 feet are not permitted.
 - b. Curb radii.
 - 1) Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles.

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- 2) Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet.
 - 3) Other street intersections shall have curb radii of not less than 25 feet.
 - 4) All radii shall maintain a uniform width between the roadway and the right-of-way lines.
 - c. Through a discretionary review, applicants may request the City consider modifications of the standards in subsections (A)(11)(a) and (b) of this section; provided, that the following are met:
 - 1) Where an intersection is constrained by topography, the applicant may propose lesser intersection angles. However, intersection angles of less than 60 degrees are not allowed unless a special intersection design is requested and approved.
 - 2) The intersection of more than two streets at any one point or a street jogs or intersection offset of less than 125 feet is necessary because no alternative design exists.
12. 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 dedicated at the time of subdivision or partition.
 13. Cul-de-sacs.
 - a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) are not allowed unless the applicant demonstrates as part of a discretionary review that one or more of the following criteria are met:

[...]
 14. Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the City. Street names that involve difficult or unusual spellings are discouraged. Street names shall be subject to the approval of the Planning Commission or Planning Director, as applicable. Continuations of existing streets shall have the name of the existing street. Streets, drives, avenues, ways, boulevards, and lanes shall describe through streets. Place and court shall describe cul-de-sacs. Crescent, terrace, and circle shall describe loop or arcing roads.
 15. Grades and curves. Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.
 16. Access to local streets.
 - a. Except as provided in subsection (A)(16)(c) of this section, intersection of a local residential street with an arterial street shall be prohibited by the decision-making authority if one or more alternatives exist for providing interconnection of proposed local residential streets with other local streets.
 - b. Where a residential subdivision or partition abuts or contains an existing or proposed major arterial street, the design shall incorporate at least three of the following

measures to protect residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic: marginal access streets, reverse-frontage lots with lot depth of at least 100 feet, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other similar measures proposed by the applicant.

- c. At the applicant's request, the City may consider design alternatives to subsections (A)(16)(a) and (b) of this section through a discretionary review.
17. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multifamily projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:
[...]
18. 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)(6) of this section. See also subsection C of this section. If part of a discretionary review, 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.
19. 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 six feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curbline. If part of a discretionary review, 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.
20. Streets and roads shall be dedicated without any reservations or restrictions.
21. 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 accessways in Chapter 48 CDC.
22. Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.
23. Entryway treatments and street isle design. When the applicant proposes to construct certain walls, planters, and other architectural

entryway treatments within a subdivision, the following standards shall apply:

[...]

24. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the traffic impact analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP, Figures 6, 7 and 10 and Tables 4 and 6.

Response: The application does not seek approval for new streets. The criteria do not apply.

B. Blocks and lots.

1. Purpose. 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.
[...]
3. Lot size and shape. Lot or parcel sizes and dimensions shall conform to the minimum standards of the CDC, unless as allowed by planned unit development (PUD). 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.

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.

Response: The Preliminary Partition Plat in Exhibit A illustrates that all parcels will be of sufficient size and configuration to accommodate a buildable footprint that is free of constraints. The criteria are met.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

Response: As responded to above, access to the planned parcels is in conformance with the applicable provisions in Chapter 48. The criterion is met.

5. Through lots and parcels. Through lots and parcels have frontage on a street at the front and rear property lines. Through lots and parcels shall be avoided except where they are necessary to avoid residential lots with frontage on arterial streets. Additional exceptions may be granted as part of a discretionary review if an applicant proposes through lots to provide separation from adjacent non-residential activities, or to overcome specific disadvantages of topography and

orientation. As part of the discretionary review, 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.

Response: The application does not include through lots. The criterion does not apply.

6. Lot and parcel side lines. The side lot lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Response: As illustrated in Exhibit A, parcel side lines run perpendicular to the shared access driveway. To the extent it applies, the criterion is met.

7. Flag lots. Flag lots are permitted only where it can be shown that there is adequate lot area to divide a property into two or more lots but there is not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. 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 shall 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, if the garage or parking area will be oriented toward the flag lot accessway, the front yard setback may be parallel to the accessway and measured from the edge of the accessway. As part of a discretionary review, the buildings and 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 specified in the zoning district standards 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.

Response: The application does not seek approval for the creation of flag lots, as that term is defined by the CDC. The criteria do not apply.

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8. Large lots or parcels. In dividing tracts into large lots or parcels that are more than double the minimum area designated by the zoning district:
- a. Those lots must be arranged so as to allow further subdivision, and must contain such easements and site restrictions as will provide for extension and opening of future streets where it would be necessary to serve potential lots; 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.

Response: The application does not seek approval for the creation of parcels that are more than 20,000 square feet in total area. The criteria do not apply.

C. Pedestrian and bicycle trails.

1. When pedestrian and bicycle accessways are required pursuant to subsection (B)(2)(d) of this section, trails or multiuse pathways shall be installed, consistent and compatible with Federal ADA requirements and with the Oregon Transportation Planning Rule. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.
2. The all-weather surface (asphalt, etc.) trail shall be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails within 10 feet of a wetland or natural drainageway shall not have an all-weather surface, but shall have a soft surface as approved by the Parks Director. These trails shall be contained within a corridor dedicated to the City that has a minimum width of 20 feet. Sharp curves, twists, and blind corners on the trail shall be avoided. Deviations from the corridor and trail width are permitted only through a discretionary review where topographic and ownership constraints require it.
3. Defensible space shall also be enhanced by the provision of a three-to four-foot-high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.
4. The bicycle or pedestrian trails that traverse multifamily and commercial sites shall follow the standards in subsection (C)(2) of this section, but do not need to be defined by a fence unless required by the decision-making authority as part of a discretionary review.
5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director as part of a discretionary review that the principal users of the path will be recreational, non-destination-oriented foot traffic, and that alternate paved routes are nearby and accessible.
6. The trail grade shall not exceed 12 percent, and may increase to no more than 15 percent for a maximum of 50 feet, with a resting interval of no more than 12 percent for a minimum of five feet. In any location where topography requires steeper trail grades than permitted by this

section, the trail shall incorporate a short stair section to traverse the area of steep grades.

Response: The application does not seek approval for, nor does the partition warrant under the applicable provisions of the CDC, the creation of new pedestrian or bicycle pathways. The criteria do not apply.

D. Transit facilities.

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing. Additional rights-of-way may be required of developers to accommodate buses.
2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site, consistent with ODOT standards and in coordination with Tri-Met.
3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.
4. Transit stops shall include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users, unless a reduction is approved by Tri-Met. Tri-Met must approve the final configuration.

Response: The application does not seek approval for, nor does the partition warrant under the applicable provisions of the CDC, the creation of new transit facilities. The criteria do not apply.

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

1. All cuts and fills shall comply with the excavation and grading provisions of the Building Code and the following:
 - a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).
 - b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade). Please see the following illustration.
2. If areas are to be graded, compliance with CDC 85.170(C) is required.
3. The proposed grading shall be the minimum grading necessary to meet roadway standards, pursuant to the West Linn Public Works Design Standards, and to create buildable sites, considering maximum allowed driveway grades.
4. Type I lands shall require a geologic report submitted by a certified engineering geologist, and Type I and Type II lands shall require a geologic hazard report stamped by a certified geotechnical professional engineer, consistent with the submittal requirements in CDC 85.170(C)(3).

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5. The review authority may impose conditions, including limits on type or intensity of land use, necessary to mitigate known risks of landslides or property damage, based on the conclusions and recommendations of the geologic report.
 6. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:
 - a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
 - b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists.
 - c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
 - d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
 7. Land over 50 percent slope shall be developed only where the applicant cannot meet the standards of Chapter 24 CDC. In such cases, the development will provide that:
 - a. At least 70 percent of the land over 50 percent slope will remain free of structures or impervious surfaces.
 - b. Emergency access can be provided per the TVF&R service provider permit.
 - c. Design and construction of the project will not cause erosion or land slippage per the geologic report and geologic hazard report.
 - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Response: As illustrated in Exhibit A, only minor grading is anticipated as necessary for the installation of the public and private utilities to serve the planned parcels. Cut and fill slopes are not planned to exceed 1.5:1 or 2:1, respectively. As discussed above, the site does not include Type I or II lands, and subsequently, a geotechnical report is not warranted. The application does not seek approval for development on land with slopes exceeding 50 percent. The applicable criteria are met.

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Master Plan, updated in 2008, and subsequent superseding revisions or updates. The plan shall include:
 - a. Location and sizing of the water lines consistent with the Water System Master Plan and West Linn Public Works Design Standards.

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- b. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site, as demonstrated by consistency with West Linn Public Works Design Standards.
 - c. 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: The Preliminary Composite Utility Plan in Exhibit A illustrates how water service will be provided to the planned parcels. New water service laterals will connect to an existing water system main in the Evah Lane public right-of-way and will be sized according to City of West Linn Public Works and Building Department standards. The criteria are met.

G. 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 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 as part of a discretionary review why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line shall be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. For non-residential development, 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 drainageways. 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 drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to adjacent undeveloped land or a point in the street that allows for 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 shall 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: The Preliminary Composite Utility Plan in Exhibit A illustrates how sanitary sewer service will be provided to the planned parcels. New sanitary sewer service laterals will connect to an existing sanitary sewer system main located at the south end of the site and will be sized according to applicable standards. The criteria are met.

H. 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, as demonstrated by stormwater plan and report stamped by a professional engineer.

Response: The Preliminary Composite Utility Plan in Exhibit A illustrates how stormwater runoff from new and future impervious areas will be managed on site. Consistent with City standards, new private stormwater infiltration chamber trenches, rain gardens, or an equivalent system, will be located on each lot to manage new stormwater runoff. The criterion can be met.

I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as specified in the West Linn Public Works Design Standards.

Response: The application does not warrant new utility system easements. The criterion does not apply.

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.

Response: Responses to the applicable criteria from CDC Chapter 32 are located under that section heading in this narrative.

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: Responses to the applicable criteria from CDC Chapter 28 are located under that section heading in this narrative.3. Street trees. Street trees are required as identified in Section 8.720 of the municipal code and Chapter 54 CDC.

Response: The application does include the creation of new streets or installation of street trees. This section does not apply.

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

Response: The application seeks approval for a 3-parcel partition and not a subdivision and subsequently is not subject to this requirement.

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: The application does not anticipate that any dedications or exactions are warranted. The criterion does not apply.

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. Exceptions shall be permitted in those cases where 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, are also exempted. Where adjacent future development is planned or proposed, 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: All planned new utilities will be located underground as appropriate. The criteria can be met. 7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions do 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 are also exempt.

Response: The application seeks approval for a 3-parcel partition. The criterion does not apply.

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 (including duplex, triplex, quadplex, and townhouse development). The intent is that the majority of the site shall be developed as medium high density multifamily housing.

Response: The subject site is not located within the R-2.1 or R-3 zoning districts. The criterion does not apply.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in Section 8.710 of the municipal code, shall be protected. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed. Significant trees and significant tree clusters, as defined in CDC 2.030, shall be protected pursuant to CDC 55.100(B)(2) or 55.105(B)(2), as applicable.

Response: Heritage trees are not present on the subject site. Significant trees will be protected pursuant to CDC 55.105(C)(2), as detailed in this written narrative. Please note that the subsection mentioned in this provision is an incorrect reference to the residential/clear and objective standards in CDC Chapter 55. The correct subsection is therefore addressed in lieu of the one mentioned above.

Chapter 92 **REQUIRED IMPROVEMENTS**

92.010 **PUBLIC IMPROVEMENTS FOR LAND DIVISIONS**

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

- A. Streets within subdivisions.

[...]

- B. Extension of streets to subdivisions. The extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to a minimum street structural section and width of 24 feet.
- C. Streets within the rights-of-way abutting a subdivision shall:
1. Be graded for the full right-of-way width and approved in accordance with the West Linn Public Works Design Standards;
 2. Install pedestrian and bicycle infrastructure and two full travel lanes adjacent to the subdivision in accordance with CDC 85.200(A)(3);
 3. Install required stormwater and utility facilities adjacent to the subdivision in accordance with the West Linn Public Works Design Standards; and
 4. Comply with adopted West Linn Public Works Design Standards.
- D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

Response: The application seeks approval for a three-parcel partition and not a subdivision. The criteria do not apply.

- E. Storm detention and treatment. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), a registered civil engineer must prepare a storm detention and treatment plan, at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:
1. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
 2. 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.
 3. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.
 4. There is sufficient factual data to support the conclusions of the plan.
 5. Per CDC 99.035, the Planning Director may require the information in subsections (E)(1), (2), (3) and (4) of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.

Response: The Preliminary Composite Utility Plan in Exhibit A illustrates that the planned parcels can accommodate on site stormwater management via a method that is consistent with applicable local, state, and federal requirements. The criteria can be met.

- F. Sanitary sewers. Sanitary sewers shall be installed in accordance with the West Linn Public Works Design Standards to serve the subdivision and to connect the subdivision to existing mains.

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1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing their share of the construction.
 2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.

Response: The application seeks approval for a three-parcel partition and not a subdivision. The criteria do not apply.

- G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

Response: The application seeks approval for a three-parcel partition and not a subdivision. The criteria do not apply.

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 requested by the applicant as part of a discretionary review, and only if alternate pedestrian routes are available.

In the case of the through lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. On all other frontages, 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 through lots.

Response: The application seeks approval for a three-parcel partition and not a subdivision. The criteria do not apply.2. At the applicant's option, on local streets serving only single-family

dwelling, 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 be located and designed consistent with the street cross sections in Exhibits 6 through 9 of the Transportation System Plan. If requested by the applicant through a discretionary review, reductions in sidewalk 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 shall 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. If requested by the applicant through a discretionary review, 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.

Response: The application seeks approval for a three-parcel partition and not a subdivision. The criteria do not apply.

- I. Bicycle routes. As part of a discretionary review, and if appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- J. Street name signs. All street name signs and traffic control devices for the initial signing of the new development shall be installed by the City with sign and installation costs paid by the developer.
- K. Dead-end street signs. Signs indicating “future roadway” shall be installed at the end of all discontinued streets. Signs shall be installed by the City per City standards, with sign and installation costs paid by the developer.
- L. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.). Sign and installation costs shall be paid by the developer.
- M. Street lights. Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.

Response: The application seeks approval for a 3-parcel partition and not a subdivision. Further, the application is not subject to a discretionary review by the Planning Commission. The criteria do not apply.

- 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. Exceptions shall be permitted in those cases where 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, are also exempted. For non-residential development where adjacent future development is planned or proposed, conduits may be required at the direction of the City Engineer.
- 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, to ensure they do not conflict with any other City standards.

Response: The application seeks approval for a 3-parcel partition and not a subdivision. Further, the application is not subject to a discretionary review by the Planning Commission. The criteria do not apply.

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision, as specified in CDC 92.010. 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).

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.

Response: Per ORS 197A.018 and 197A.400, this 3-parcel partition application is an application for needed housing whereby in reaching their decision, the City may only apply criteria and standards that are clear and objective. Because the statement above allows the decision body to waive any or all of the criteria in CDC 92.010 where that body finds, "that the

nature of development in the vicinity of the partition makes installation of some improvements unreasonable,” and because there is no clear and objective standard to determine what is unreasonable in a given development context, the City must find that this standard and the standards in CDC 92.010 may not be applied to this application for housing. The criterion does not apply.

Chapter 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

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

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:
 - a. The owner of the property that is the subject of the application or the owner's duly authorized representative;
 - b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;
 - c. A lessee in possession of such property who submits written consent of the owner to make such application; or
 - d. Motion by the Planning Commission or City Council.
2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

Response: A signed application form, with the Applicant and property owner's signature is provided in Exhibit B. This requirement is met.

B. Pre-application conferences.

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

[...]

 - l. Land divisions;

[...]

 - p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
 - q. Development subject to Chapter 27 CDC, Flood Management Areas;
 - r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;

Response: A pre-application conference was held for the project on October 19, 2023. The City's summary notes are provided in Exhibit D. This requirement is met.

[...]

C. The requirements for making an application.

1. The application shall be made on forms provided by the Director as provided by CDC 99.040(A)(1);

-
2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application materials shall be returned to the applicant, notwithstanding any determination of completeness.

Response: The applicable signed application forms are complete and provided in Exhibit B. The requisite fees are included with this application package. These requirements are met.

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

- A. Planning Director authority. The Planning Director, or designee, shall have the authority to:
 1. Approve, deny, or approve with conditions the following applications:
 - [...]
 - d. A minor partition (Chapter 85 CDC).
 - [...]
 - o. Flood management area permit (Chapter 27 CDC).
 - [...]
 - q. Tualatin River protection permit (Chapter 28 CDC).
 - r. Water resource area permit (Chapter 32 CDC).
 - [...]

Response: This provision is understood. The minor partition application and the additional FMA, WRA, and WRG permit applications necessary for the sanitary sewer lateral connections to the existing sanitary sewer main and the new public stormwater line and outfall are subject to Planning Director approval.

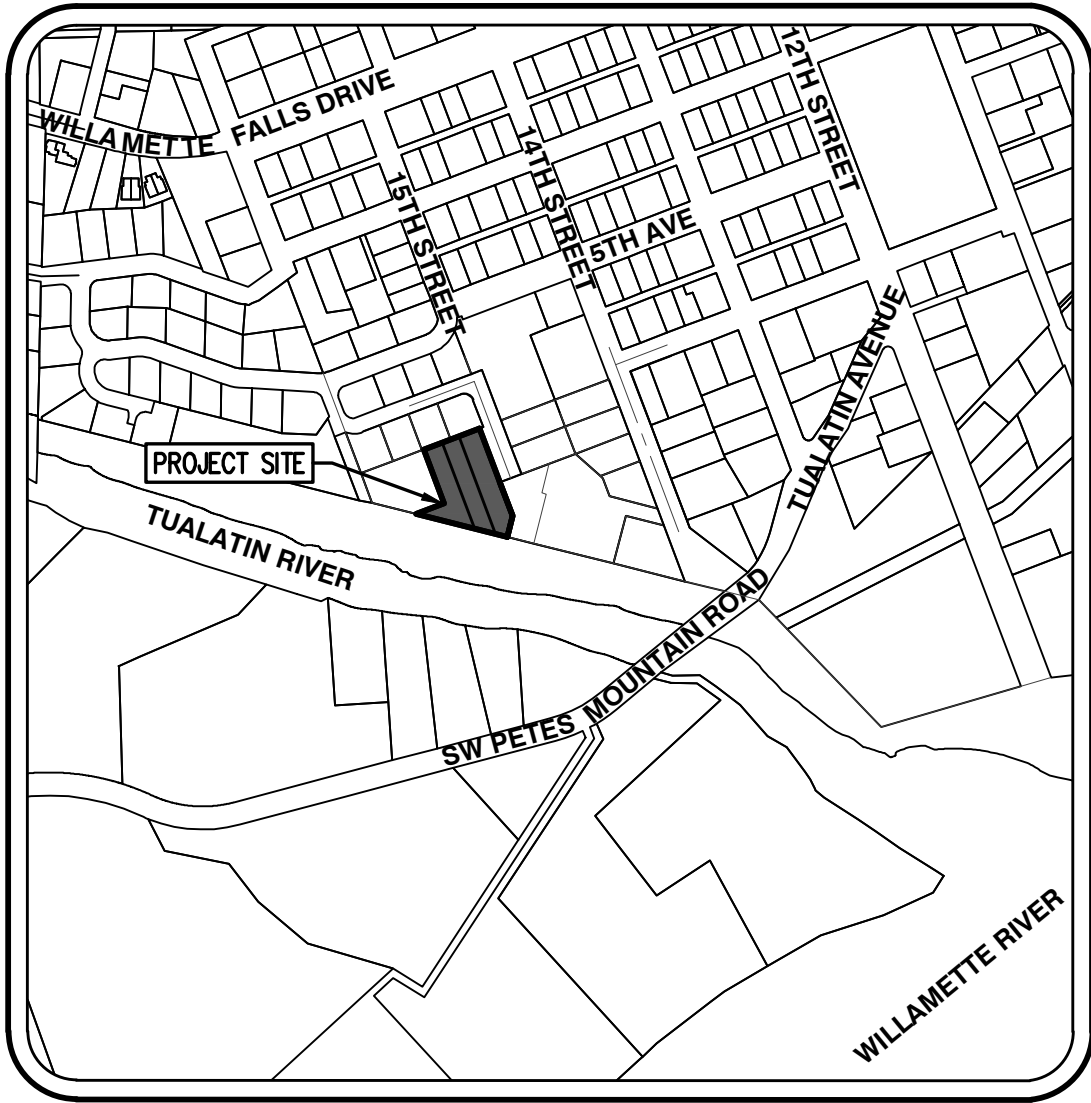
IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the West Linn Community Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this three-parcel partition application and the associated FMA, WRA, and WRG permits for the planned utility connections.

Exhibit A: Preliminary Plans

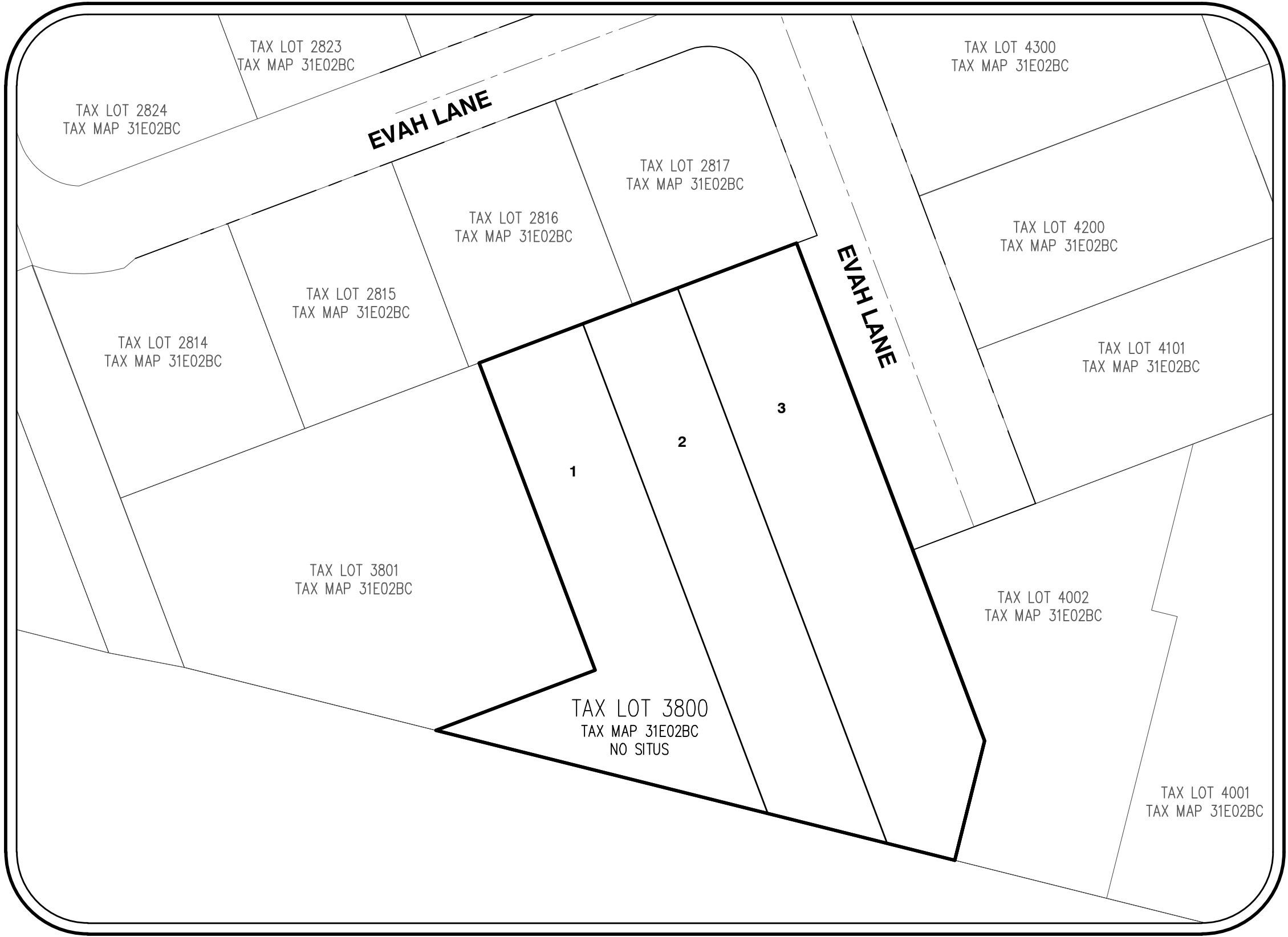
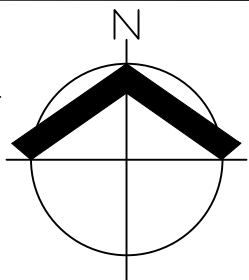
EVAH LANE THREE PARCEL PARTITION

PRELIMINARY LAND USE PLANS



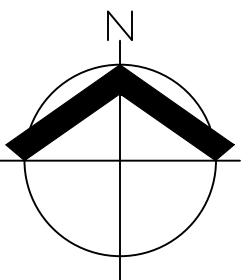
VICINITY MAP

SCALE: 1" = 500'



SITE MAP

SCALE: 1" = 50'



APPLICANT:

PATRICK O'BRIEN
131 SW BANCROFT ST
PORTLAND, OR 97239

PLANNING/CIVIL ENGINEERING/SURVEYING/ LANDSCAPE ARCHITECTURE/ARBORISTS (APPLICANT'S CONSULTANT):

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PHONE: (503) 563-6151
FAX: (503) 563-6152
CONTACT: JONATHON MORSE/ZACH PELZ

SITE LOCATION AND ZONING:

SITE NOT ADDRESSED
WEST LINN, OR 97068
ZONING: R-10

SITE DESCRIPTION:

TAX LOT 3800, CLACKAMAS COUNTY ASSESSOR'S MAP 3 1E 02BC.
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF
SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE
MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

PROJECT PURPOSE:

THREE PARCEL PARTITION

BENCHMARK:

VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS
BENCHMARK Y723 WITH AN ELEVATION OF 81.25 FEET
(NAVD 88).

TOTAL SITE AREA:

40,960 SF± (0.94 ACRES±)

SHEET INDEX

- P01 COVER SHEET WITH SITE AND VICINITY MAPS
- P02 EXISTING CONDITIONS PLAN
- P03 PRELIMINARY AERIAL PHOTOGRAPH PLAN
- P04 PRELIMINARY SLOPE ANALYSIS
- P05 PRELIMINARY DEMOLITION PLAN
- P06 NATURAL RESOURCE BUFFER DETERMINATION
- P07 PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
- P08 PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE
- P09 PRELIMINARY MIDDLE HOUSING PLAT WITH BUILDING SETBACKS
- P10 PRELIMINARY GRADING, EROSION AND SEDIMENT CONTROL PLAN
- P11 PRELIMINARY COMPOSITE UTILITY PLAN
- P12 PRELIMINARY STREET PLAN
- P13 PRELIMINARY TVF&R SITE PLAN

EXISTING

PROPOSED

EXISTING

PROPOSED

DECIDUOUS TREE



STORM DRAIN CLEAN OUT



CONIFEROUS TREE



STORM DRAIN CATCH BASIN



STORM DRAIN AREA DRAIN



FIRE HYDRANT



STORM DRAIN MANHOLE



WATER BLOWOFF



GAS METER



WATER METER



GAS VALVE



WATER VALVE



GUY WIRE ANCHOR



DOUBLE CHECK VALVE



UTILITY POLE



AIR RELEASE VALVE



POWER VAULT



SANITARY SEWER CLEAN OUT



POWER JUNCTION BOX



SANITARY SEWER MANHOLE



POWER PEDESTAL



SIGN



COMMUNICATIONS VAULT



STREET LIGHT



COMMUNICATIONS JUNCTION BOX



MAILBOX



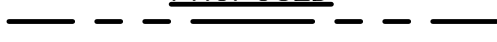
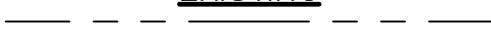
COMMUNICATIONS RISER



EXISTING

PROPOSED

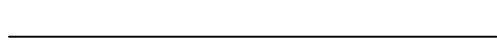
RIGHT-OF-WAY LINE



BOUNDARY LINE



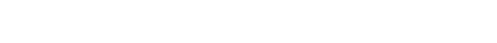
PROPERTY LINE



CENTERLINE



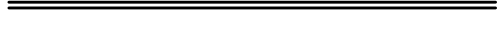
DITCH



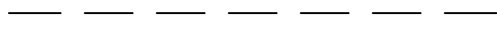
CURB



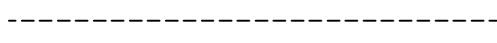
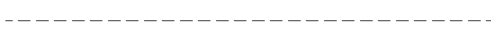
EDGE OF PAVEMENT



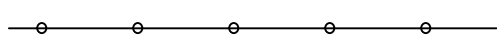
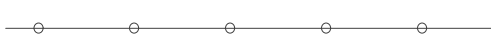
EASEMENT



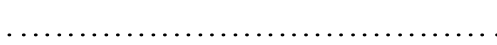
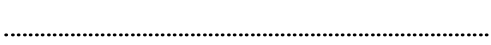
FENCE LINE



GRAVEL EDGE



POWER LINE



OVERHEAD WIRE



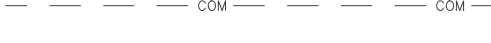
COMMUNICATIONS LINE



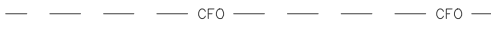
FIBER OPTIC LINE



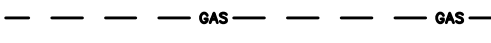
GAS LINE



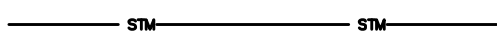
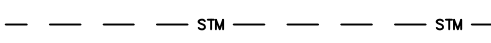
STORM DRAIN LINE



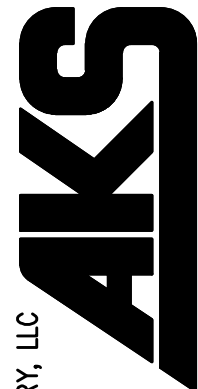
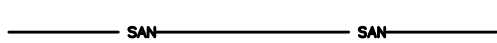
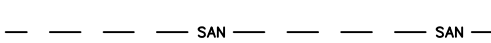
SANITARY SEWER LINE



WATER LINE



RECLAIMED WATER LINE



AKS ENGINEERING & FORESTRY, LLC

2777 NW LOGO DR, STE 150

BEND, OR 97703

541.317.8429

WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES

FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

EVAH LANE THREE
PARCEL PARTITION

OREGON

WEST LINN

CLACKAMAS COUNTY TAX MAP 3 1E 02BC

COVER SHEET WITH SITE
AND VICINITY MAPS

DESIGNED BY:

DRAWN BY:

BDL

MANAGED BY:

JMM

CHECKED BY:

JMM

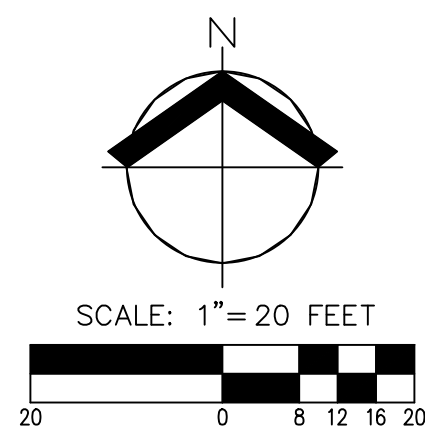
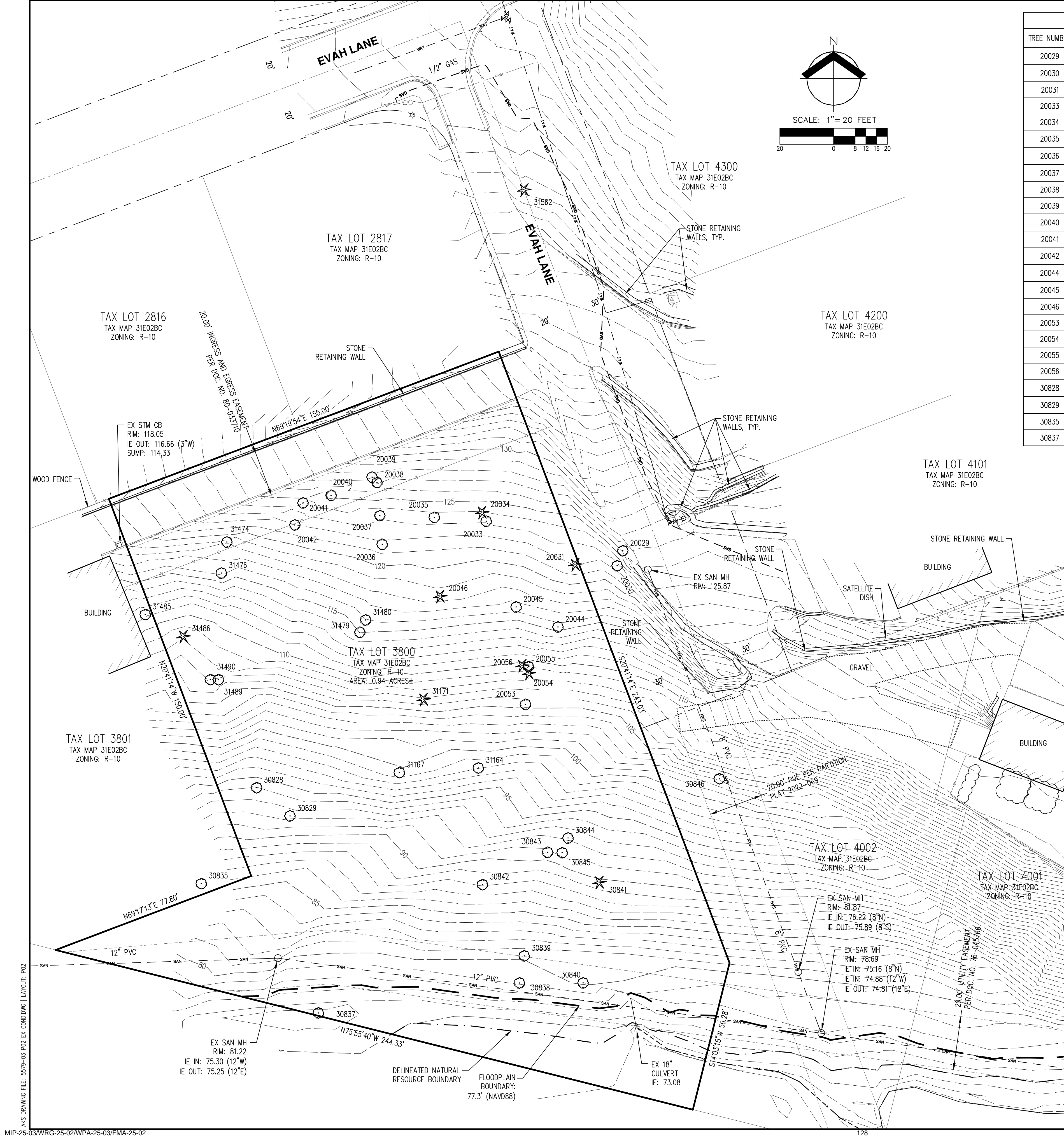
DATE: 7/16/2025



RENEWAL DATE: 12/31/2026

REVISIONS

</



TREE TABLE		
TREE NUMBER	SPECIES	DBH (IN.)
20029	DECIDUOUS	13,15,15,16
20030	DECIDUOUS	11,24
20031	CONIFEROUS	48
20033	DECIDUOUS	8
20034	CONIFEROUS	6
20035	DECIDUOUS	6,7
20036	DECIDUOUS	5,6,7,10,12,13,14,17
20037	DECIDUOUS	5,5
20038	DECIDUOUS	8
20039	DECIDUOUS	8
20040	DECIDUOUS	9,13
20041	DECIDUOUS	10
20042	DECIDUOUS	5,8,10,12,14,16
20044	DECIDUOUS	7,8,8,9,12,12,13,15
20045	DECIDUOUS	10,17,17
20046	CONIFEROUS	47
20053	DECIDUOUS	6
20054	CONIFEROUS	8
20055	DECIDUOUS	6
20056	CONIFEROUS	10
30828	DECIDUOUS	13,14,16,19
30829	DECIDUOUS	7,11,15,15
30835	DECIDUOUS	7
30837	DECIDUOUS	25

TREE TABLE		
TREE NUMBER	SPECIES	DBH (IN.)
30838	DECIDUOUS	14
30839	DECIDUOUS	15,17
30840	DECIDUOUS	15,16
30841	DECIDUOUS	22
30842	DECIDUOUS	6,9
30843	DECIDUOUS	8,10
30844	DECIDUOUS	11
30845	DECIDUOUS	7
30846	DECIDUOUS	21
30847	DECIDUOUS	11
31164	DECIDUOUS	12
31167	DECIDUOUS	15,16,20
31171	CONIFEROUS	9
31437	DECIDUOUS	5,7,14
31474	DECIDUOUS	7
31476	TRO	
31479	DECIDUOUS	5,6,7
31480	DECIDUOUS	5
31485	DECIDUOUS	15,21
31486	CONIFEROUS	11
31489	DECIDUOUS	6,11,19
31490	DECIDUOUS	27
31562	CONIFEROUS	59

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED PER UTILITY LOCATE TICKET NUMBER 17010983. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - UTILITIES ON TAX LOT 4001 SHOWN PER CLIENT DIRECTION AND ARE NOT BASED ON LOCATE MARKINGS.
 - FIELD WORK WAS CONDUCTED JANUARY 21-30, 2017.
 - VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK Y723 WITH AN ELEVATION OF 81.25 FEET (NAVD 88).
 - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
 - WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC. ON 01/20/2017 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 01/21/2017.

EXISTING

DECIDUOUS TREE

CONIFEROUS TREE

FIRE HYDRANT

WATER BLOWOFF

WATER METER

WATER VALVE

DOUBLE CHECK VALVE

AIR RELEASE VALVE

SANITARY SEWER CLEAN OUT

SANITARY SEWER MANHOLE

SIGN

STREET LIGHT

MAILBOX

EXISTING

RIGHT-OF-WAY LINE

BOUNDARY LINE

PROPERTY LINE

CENTERLINE

DITCH

CURB

EDGE OF PAVEMENT

EASEMENT

FENCE LINE

GRAVEL EDGE

POWER LINE

OVERHEAD WIRE

COMMUNICATIONS LINE

FIBER OPTIC LINE

GAS LINE

STORM SEWER LINE

SANITARY SEWER LINE

WATER LINE

RESOURCE BOUNDARY

EXISTING

STORM SEWER CLEAN OUT

STORM SEWER CATCH BASIN

STORM SEWER AREA DRAIN

STORM SEWER MANHOLE

GAS METER

GAS VALVE

GUY WIRE ANCHOR

POWER POLE

POWER VAULT

POWER JUNCTION BOX

POWER PEDESTAL

COMMUNICATIONS VAULT

COMMUNICATIONS JUNCTION BOX

COMMUNICATIONS RISER

AKS

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12065 SW HERMAN RD., STE 100
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503.563.6151
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ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

EVAAH LANE THREE
PARCEL PARTITION
WEST LINN
TAX LOT 3800

OREGON

EXISTING CONDITIONS
PLAN

DESIGNED BY: _____
DRAWN BY: **MEB**
MANAGED BY: **MSK**
CHECKED BY: _____
DATE: 3/31/2025
REGISTERED PROFESSIONAL LAND SURVEYOR
MICHAEL S. KALINA
89558PLS
RENEWED: 6/30/27
REVISIONS: _____
JOB NUMBER
5579-03
SHEET
P02



AKS DRAWING FILE: 5579-03_P03 PRELIM AERIAL PLANNING LAYOUT: P03

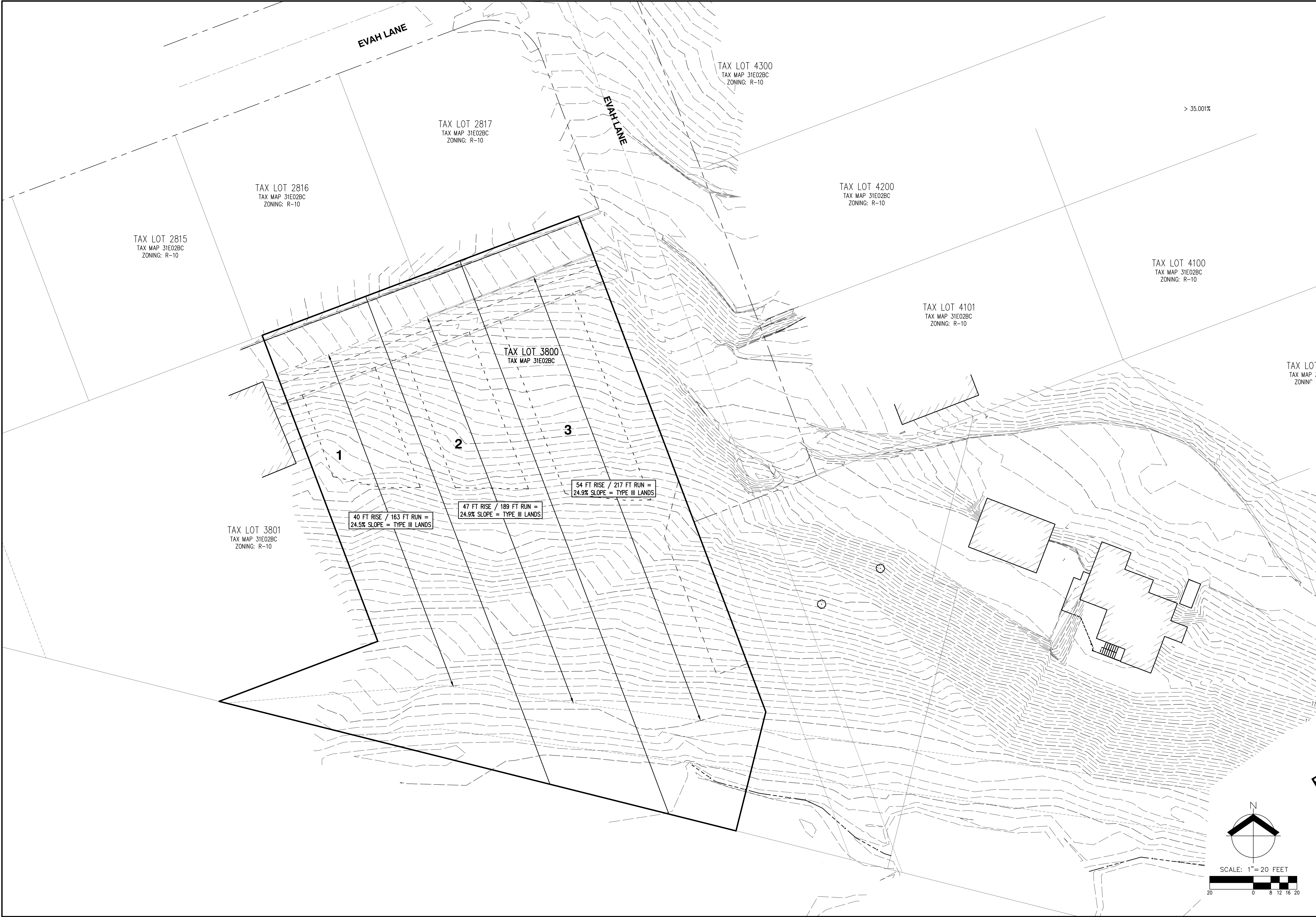
MIP-25-03\WRG-25-02\WPA-25-03\FMA-25-02

129

AKS DRAWING FILE: 5579-03_P04 PRELIM SLOPES.DWG | LAYOUT: P04

MIP-25-03\WRG-25-02\WPA-25-03\FMA-25-02

130



AKS

AKS ENGINEERING & FORESTRY, LLC
2777 NW LLOYD DR., STE 130
BEAD, OR 97703
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EVAH LANE THREE
PARCEL PARTITION

WEST LINN
TAX LOT 3800

OREGON
CLACKAMAS COUNTY TAX MAP 3 1E 02BC

PRELIMINARY SLOPE
ANALYSIS

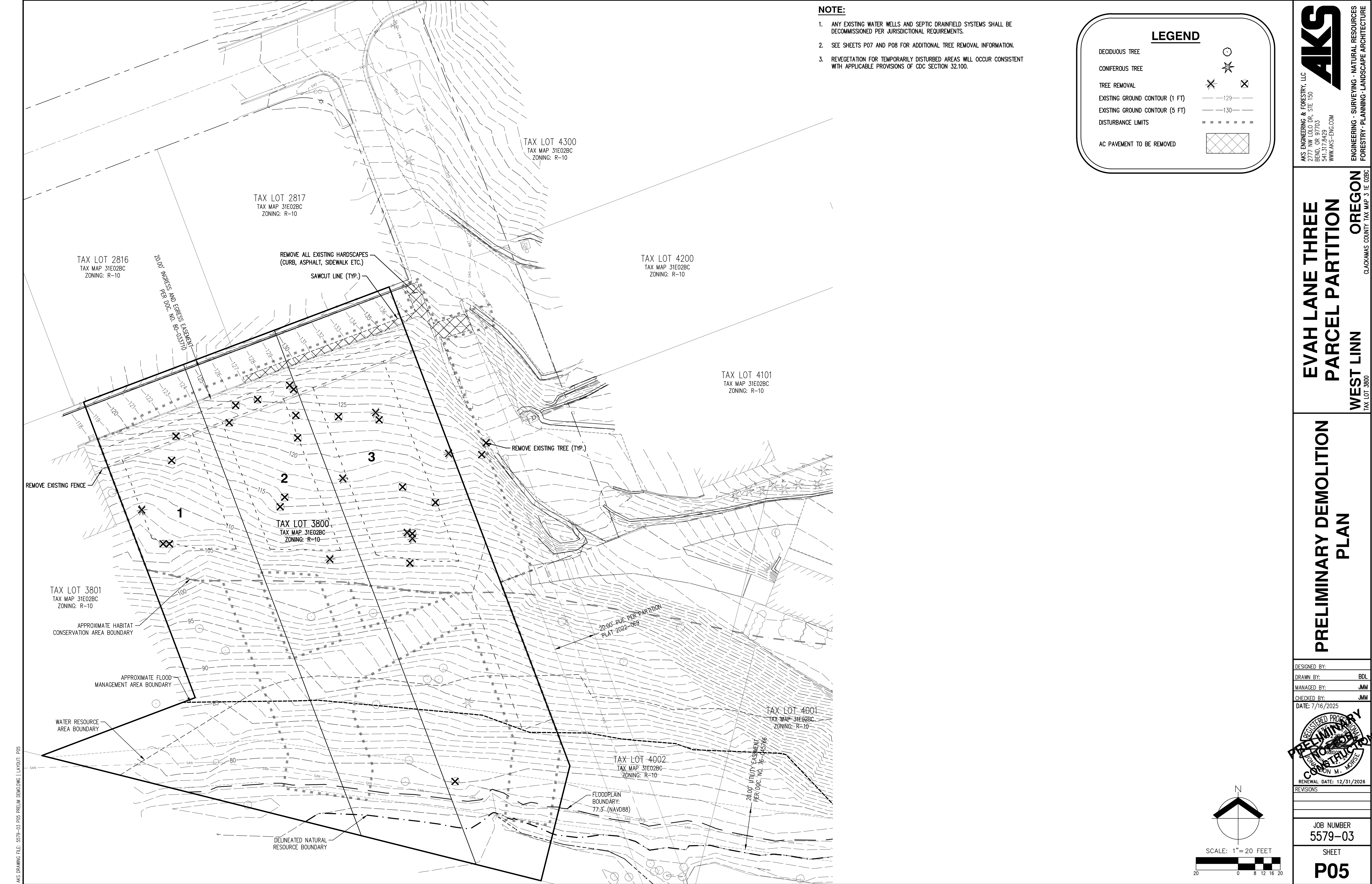
DESIGNED BY: BDL
DRAWN BY: JMM
MANAGED BY: JMM
CHECKED BY: JMM
DATE: 7/16/2025

REGISTERED PROFESSIONAL
SURVEYOR
OREGON
CORRECTION
RENEWAL DATE: 12/31/2026

REVISIONS

JOB NUMBER
5579-03

SHEET
P04





TREE PRESERVATION NOTES:

PLACING MATERIALS NEAR TREES:

- 1. NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE TREE PROTECTION AREA OF ANY TREE DESIGNATED TO REMAIN, INCLUDING, BUT NOT LIMITED TO, PARKING EQUIPMENT, PLACING SOLVENTS, STORING BUILDING MATERIAL AND SOIL DEPOSITS, DUMPING CONCRETE WASHOUT.

ATTACHMENTS TO TREES:

- 1. DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY OBJECT TO ANY TREE DESIGNATED FOR PROTECTION.

GRADING NEAR TREES:

- 1. THE GRADE SHALL NOT BE ELEVATED OR REDUCED WITHIN THE TREE PROTECTION AREA OF TREES TO BE PRESERVED WITHOUT THE PROJECT ARBORIST'S AUTHORIZATION.
- 2. IF THE GRADE ADJACENT TO A PRESERVED TREE IS RAISED SUCH THAT IT COULD SLOUGH OR ERODE INTO THE TREE PROTECTION AREA, IT SHALL BE PERMANENTLY STABILIZED TO PREVENT SUFFOCATION OF THE ROOTS.
- 3. THE APPLICANT SHALL NOT INSTALL AN IMPERVIOUS SURFACE WITHIN THE TREE PROTECTION AREA WITHOUT THE AUTHORIZATION OF THE PROJECT ARBORIST.
- 4. TO THE GREATEST EXTENT PRACTICAL, UTILITY TRENCHES SHALL BE LOCATED OUTSIDE OF THE TREE PROTECTION AREA. THE PROJECT ARBORIST MAY REQUIRE THAT UTILITIES BE TUNNELED UNDER THE ROOTS OF TREES TO BE RETAINED IF THE PROJECT ARBORIST DETERMINES THAT TRENCHING WOULD SIGNIFICANTLY REDUCE THE CHANCES OF THE TREE'S SURVIVAL.
- 5. TREES AND OTHER VEGETATION TO BE RETAINED SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION. CLEARING OPERATIONS SHALL BE CONDUCTED SO AS TO EXPOSE THE SMALLEST PRACTICAL AREA OF SOIL FOR THE LEAST POSSIBLE AMOUNT OF TIME. SHRUBS, GROUND COVER, AND STUMPS SHALL BE MAINTAINED TO CONTROL EROSION, WHERE FEASIBLE. WHERE NOT FEASIBLE, APPROPRIATE EROSION CONTROL PRACTICES SHALL BE IMPLEMENTED.

ADDITIONAL REQUIREMENTS:

- 1. THE PROJECT ARBORIST MAY REQUIRE ADDITIONAL TREE PROTECTION MEASURES WHICH ARE CONSISTENT WITH ACCEPTED URBAN FORESTRY PRACTICES.
- 2. AT THE COMPLETION OF CONSTRUCTION, ALL TREES SHOULD ONCE AGAIN BE REVIEWED. LAND CLEARING AND REMOVAL OF ADJACENT TREES CAN EXPOSE PREVIOUSLY UNSEEN DEFECTS AND OTHERWISE HEALTHY TREES CAN BE DAMAGED DURING CONSTRUCTION. AT THE COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHOULD COORDINATE WITH THE PROJECT ARBORIST FOR A FINAL INSPECTION.

EXCAVATION WITHIN ASSUMED TREE ROOT ZONES:

- 1. EXCAVATION IN THE TOP 24 INCHES OF SOIL IN THE ASSUMED TREE ROOT ZONE SHOULD BEGIN AT THE EXCAVATION LINE THAT IS CLOSEST TO THE TREE.
- 2. THE EXCAVATION SHOULD BE DONE BY HAND/SHOVEL OR WITH AN EXCAVATOR AND A PERSON WITH A SHOVEL, PRUNING SHEARS, AND A PRUNING SAW.
- 3. IF DONE BY HAND, ALL ROOTS 1-INCH DIAMETER OR LARGER SHOULD BE PRUNED AT THE EXCAVATION LINE.
- 4. IF DONE WITH AN EXCAVATOR (MOST LIKELY SCENARIO), THEN THE OPERATOR SHALL START THE CUT AT THE EXCAVATION LINE AND CAREFULLY "FEEL" FOR ROOTS/RESISTANCE. WHEN THERE IS RESISTANCE, THE PERSON WITH THE SHOVEL HAND DIGS AROUND THE ROOTS AND PRUNES THE ROOTS 1-INCH DIAMETER OR LARGER.
- 5. THE EXCAVATOR IS TO REMAIN OFF OF THE TREE ROOTS TO BE PRESERVED AT ALL TIMES.
- 6. ALL ROOTS SHALL BE CUT CLEANLY WITH PRUNING SHEARS OR A PRUNING SAW.
- 7. THE PROJECT ARBORIST MUST BE ON SITE DURING ANY WORK WITHIN THE TREE PROTECTION AREA.

PRUNING/TREE REMOVAL NOTES:

- 1. THE CONTRACTOR SHALL PROVIDE AN ADEQUATE CREW OF PERSONNEL, EQUIPMENT, AND MATERIALS TO SAFELY AND EFFICIENTLY COMPLETE THE ASSIGNED WORK. EACH SUCH CREW SHALL INCLUDE AN INDIVIDUAL WHO SHALL BE DESIGNATED AS THE CREW SUPERVISOR, BE RESPONSIBLE FOR THE CREW'S ACTIVITIES, RECEIVE INSTRUCTION FROM THE OWNER OR THE OWNER'S REPRESENTATIVE, AND DIRECT THE CREW TO ACCOMPLISH SUCH WORK.
- 2. THE CONTRACTOR SHOULD PRUNE ANY DEAD LIMBS FROM ALL TREES TO BE PRESERVED ON-SITE.
- 3. WHENEVER A TREE, WHICH IS NOT SCHEDULED TO BE REMOVED, MUST BE TRIMMED OR PRUNED, THE CONTRACTOR SHALL ENSURE THAT SUCH TRIMMING AND PRUNING IS CARRIED OUT UNDER THE DIRECT SUPERVISION OF A CERTIFIED ARBORIST. ALL PRUNING AND TRIMMING SHALL BE PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ANSI A300 "STANDARD PRACTICES FOR TREE, SHRUB AND OTHER WOODY PLANT MAINTENANCE".
- 4. UNLESS AS OTHERWISE DIRECTED BY THE OWNER, ROOT BALLS FROM TREES BEING REMOVED SHALL BE COMPLETELY REMOVED UNLESS THE ROOT REMOVAL CROSSES ONTO ADJACENT PROPERTIES OR WOULD COMPROMISE TREES BEING PRESERVED. IN THOSE CASES, THE STUMPS SHALL BE GROUND AS NECESSARY SO AS NOT TO CAUSE DAMAGE TO THE ROOT ZONES OF ADJACENT TREES TO BE PRESERVED ON THE SUBJECT PARCEL OR ABUTTING PARCELS. STUMPS NEAR PROPERTY LINES SHALL ALSO BE GROUND AS NECESSARY SO AS NOT TO CAUSE DISTURBANCE TO ADJACENT PARCELS.
- 5. THE CONTRACTOR SHALL PERFORM ALL WORK IN ACCORDANCE WITH THE LATEST GOVERNMENTAL SAFETY REGULATIONS. ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ANSI Z133.1 "PRUNING, TRIMMING, REPAIRING, MAINTAINING AND REMOVING TREES AND CUTTING BRUSH-SAFETY REQUIREMENTS" WITH SPECIAL EMPHASIS GIVEN TO THE REQUIREMENT THAT ONLY QUALIFIED LINE-CLEARANCE TREE TRIMMERS BE ASSIGNED TO WORK WHERE A POTENTIAL ELECTRICAL HAZARD EXISTS.
- 6. THE CONTRACTOR SHALL MAKE ALL THE NECESSARY ARRANGEMENTS WITH ANY UTILITY THAT MUST BE PROTECTED OR RELOCATED IN ORDER TO ACCOMPLISH THE WORK. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE PROTECTION OF THE OPERATING CONDITION OF ALL ACTIVE UTILITIES WITHIN THE AREA OF CONSTRUCTION AND SHALL TAKE ALL NECESSARY PRECAUTIONS TO AVOID DAMAGE TO EXISTING UTILITIES.
- 7. ANY MATERIAL RESULTING FROM THE TRIMMING OR REMOVAL OF ANY TREES SHALL BECOME THE RESPONSIBILITY OF THE CONTRACTOR TO DISPOSE OF.
- 8. HAZARDOUS TREE REPORTING: ANY PERSON ENGAGED IN TRIMMING OR PRUNING WHO BECOMES AWARE OF A TREE OF DOUBTFUL STRENGTH, THAT COULD BE DANGEROUS TO PERSONS AND PROPERTY, SHALL REPORT SUCH TREE(S) TO THE OWNER OR THE OWNER'S REPRESENTATIVE. SUCH TREES SHALL INCLUDE THOSE THAT ARE OVER MATURE, DISEASED, OR SHOWING SIGNS OF DECAY OR OTHER STRUCTURAL WEAKNESS.
- 9. TREES DETERMINED TO BE A HAZARD SHALL BE REMOVED AS SOON AS POSSIBLE.
- 10. DAMAGES: ANY DAMAGE CAUSED BY THE CONTRACTOR, INCLUDING, BUT NOT LIMITED TO, BROKEN SIDEWALK, CURB, RUTTED LAWN, BROKEN WATER SHUT-OFFS, WIRE DAMAGE, BUILDING DAMAGE, STREET DAMAGE, ETC., WILL BE REPAIRED OR REPLACED IN A TIMELY MANNER, TO THE OWNER'S SATISFACTION, AND ALL COSTS PAID BY THE CONTRACTOR.
- 11. ANY BRUSH CLEARING REQUIRED WITHIN THE TREE PROTECTION AREA SHALL BE ACCOMPLISHED WITH HAND OPERATED EQUIPMENT.
- 12. TREES TO BE REMOVED SHALL BE FELLED SO AS TO FALL AWAY FROM ASSUMED TREE ROOT ZONES AND TO AVOID PULLING AND BREAKING OF ROOTS TO REMAIN. DIRECTIONAL FELLING OF TREES SHALL BE USED TO AVOID DAMAGE TO TREES DESIGNATED FOR RETENTION.
- 13. ALL DOWNED BRUSH AND TREES SHALL BE REMOVED FROM THE TREE PROTECTION AREA EITHER BY HAND OR WITH EQUIPMENT STAGED OUTSIDE OF THE TREE PROTECTION AREA. EXTRACTION SHALL OCCUR BY LIFTING THE MATERIAL OUT, NOT BY SKIDDING IT ACROSS THE GROUND.
- 14. IF TEMPORARY HAUL OR ACCESS ROADS MUST PASS OVER TREE PROTECTION AREA, A ROADBED OF STEEL PLATES, OR 6 INCHES OF MULCH, OR 6 INCHES OF GRAVEL SHALL BE PLACED TO PREVENT SOIL COMPACTION IF DETERMINED NECESSARY BY THE PROJECT ARBORIST. THE ROADBED MATERIAL SHALL BE REPLENISHED AS NECESSARY TO MAINTAIN A 6-INCH DEPTH.
- 15. PRUNING: THE CONTRACTOR SHALL CONSULT WITH THE PROJECT ARBORIST PRIOR TO ANY PRUNING ACTIVITIES NECESSARY FOR CONSTRUCTION ACTIVITIES. ALL PRUNING ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH ANSI A300 PRUNING STANDARDS. PRUNING SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES.
- 16. CUT BRANCHES AND ROOTS WITH SHARP PRUNING INSTRUMENTS THAT DO NOT CHOP OR TEAR.
- 17. FENCING SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING, BUT NOT LIMITED TO CLEARING, GRADING, EXCAVATION, OR DEMOLITION WORK, AND SHALL BE REMOVED ONLY AFTER THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES, INCLUDING LANDSCAPING AND IRRIGATION INSTALLATION.
- 18. TREE PROTECTION FENCING SHALL BE FLUSH WITH THE INITIAL UNDISTURBED GRADE.

Detailed Tree Inventory for Evah Lane Partition

AKS Job No. [5579-03] - Evaluation Date: 02/04/2025 - Evaluated by: BRK

Tree #	DBH (in.)	Avg. Crown Radius (ft)	Tree Species Common Name (Scientific name)	Comments	Health Rating*	Structure Rating**	Exempt Tree***	Remove / Preserve
20029	17,15,15,14	25	Bigleaf Maple (Acer macrophyllum)	OFFSITE; Asymmetrical canopy (E); 15" stem dead	2	2	No	Remove
20030	11,24	20	Bigleaf Maple (Acer macrophyllum)	OFFSITE; Asymmetrical canopy (E)	1	1	No	Remove
20031	48	30	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	No	Remove
20033	9	7	Willow (Salix spp.)	Some dead limbs	2	1	Yes	Remove
20034	9	12	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	Yes	Remove
20035	6,7	15	English Hawthorn (Crataegus monogyna)	Asymmetrical canopy (N); Dead and broken branches	2	2	Yes	Remove
20036	5,6,7,10,12,13,14,17	30	Bigleaf Maple (Acer macrophyllum)	Clustered base; Broken top on one stem; Dead branches	2	2	No	Remove
20037	5,5	10	English Holly (Ilex aquifolium)	Dead branches; Low vigor	2	1	Yes	Remove
20038	8	0	Bigleaf Maple (Acer macrophyllum)	Dead	3	3	Yes	Remove
20039	8	6	English Holly (Ilex aquifolium)	Good condition	1	1	Yes	Remove
20040	9,13	8	Bigleaf Maple (Acer macrophyllum)	9" stem dead; Many sapsucker bore holes; Decay; In decline	3	3	No	Remove
20041	10	14	Bigleaf Maple (Acer macrophyllum)	Broken and dead top	2	3	No	Remove
20042	5,8,10,12,14,16	20	Bigleaf Maple (Acer macrophyllum)	Codominant base with included bark	1	2	No	Remove
20044	7,8,8,9,12,12,13,15	20	Bigleaf Maple (Acer macrophyllum)	Codominant stem failed; Large cavity with decay in base; Low vigor; Dead limbs	2	3	No	Remove
20045	10,17,17	19	Bigleaf Maple (Acer macrophyllum)	Large cavities with decay up trunks; Insect frass; 10" stem dead; In decline	3	3	No	Remove
20046	47	35	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	No	Remove
20053	7	10	Bigleaf Maple (Acer macrophyllum)	Asymmetrical canopy (S)	1	1	Yes	Remove
20054	8	7	Douglas-fir (Pseudotsuga menziesii)	Sweep (S)	1	1	Yes	Remove
20055	8	15	Bigleaf Maple (Acer macrophyllum)	Lean (S)	1	2	Yes	Remove
20056	10	8	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	Yes	Remove
30828	13,14,16,19	19	Bigleaf Maple (Acer macrophyllum)	Large cavity with decay up bole; Primary stem dead; In decline	3	3	No	Preserve
30829	7,11,15,15	14	Willow (Salix spp.)	Significant decay; Broken tops; In decline	3	3	No	Preserve
30835	7,7,7	17	Willow (Salix spp.)	OFFSITE; Good condition	1	1	Yes	Preserve
30837	25	0	Red Alder (Alnus rubra)	Dead	3	3	No	Preserve
30838	14	0	Red Alder (Alnus rubra)	Dead	3	3	No	Preserve
30839	15,17	22	Oregon Ash (Fraxinus latifolia)	Codominant base with included bark	1	2	No	Preserve
30840	15,16	0	Red Alder (Alnus rubra)	Dead	3	3	No	Remove
30841	29	24	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	No	Preserve
30842	6,9	9	Sweet Cherry (Prunus avium)	Broken tops; Decay; In decline	2	3	Yes	Preserve
30843	8,10	16	Cherry (Prunus spp.)	Broken tops; Decay; In decline	2	3	Yes	Preserve
30844	12	13	Oregon White Oak (Quercus garryana)	Good condition	1	1	No	Preserve
30845	7	8	Pacific Madrone (Arbutus menziesii)	Butt sweep (S)	1	1	No	Preserve
30846	21	15	Bigleaf Maple (Acer macrophyllum)	OFFSITE; Large bulges; Fungal growth at base; Low vigor	2	3	No	Preserve
30847	15	11	Apple (Malus domestica)	OFFSITE; Broken top; Decay; In decline	3	3	No	Preserve
31164	16	18	Bigleaf Maple (Acer macrophyllum)	Asymmetrical canopy (S)	1	1	No	Preserve
31167	15,16,20	17	Bigleaf Maple (Acer macrophyllum)	15" and 16" stem dead and failed (N); Large cavity up bole	3	3	No	Preserve
31171	11	15	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	Yes	Remove
31474	7	0	Sweet Cherry (Prunus avium)	Dead	3	3	Yes	Remove
31476	22,20,15,15,15,10	30	Bigleaf Maple (Acer macrophyllum)	Some dead limbs	2	1	No	Remove
31479	5,6,7	0	Cherry (Prunus spp.)	Dead; Failed (S)	3	3	Yes	Remove
31480	5	0	Cherry (Prunus spp.)	Dead; Failed (S)	3	3	Yes	Remove
31485	15,21	15	Bigleaf Maple (Acer macrophyllum)	OFFSITE; Some broken limbs; Asymmetrical canopy (W)	1	2	No	Preserve
31486	13	9	Douglas-fir (Pseudotsuga menziesii)	Good condition	1	1	No	Remove
31489	6,11,19	18	Bigleaf Maple (Acer macrophyllum)	Codominant base; Lean (E)	1	2	No	Remove
31490	27	20	Bigleaf Maple (Acer macrophyllum)	Asymmetrical canopy (W); Some broken limbs	1	2	No	Remove
31562	59	25	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Large bore holes; Broken branches; Crooked top	2	2	No	Preserve

Total # of Existing Trees Inventoried = 46

Total # of Existing Onsite Trees = 39

Total # of Existing Onsite Trees to be Preserved = 12

Total # of Existing Onsite Trees to be Removed =27

Total # of Existing Onsite Trees to be Removed that are Exempt = 14

Total # of Existing Onsite Trees to be Removed that are not Exempt, but are in Poor Condition = 5

Total # of Existing Offsite Trees = 7

Total # of Existing Offsite Trees to be Preserved = 5

Total # of Existing Offsite Trees to be Removed for Partition = 2

*Health Rating:

1 = Good Health - A tree that exhibits typical foliage, bark, an root characteristics, for its respective species, shows no signs of infection or infestation, an has a high level of vigor an vitality.

2 = Fair Health - A tree that exhibits some abnormal health characteristics an/or shows some signs of infection or infestation, but may be reversed or abated with supplemental treatment.

3 = Poor Health - A tree that is in significant decline, to the extent that supplemental treatment would not likely result in reversing or abating its decline.

**Structure Rating:

1 = Good Structure - A tree that exhibits typical physical form characteristics, for its respective species, shows no signs of structural defects of the canopy, trunk, an/or root system.

2 = Fair Structure - A tree that exhibits some abnormal physical form characteristics an/or some signs of structural defects, which reduce the structural integrity of the tree, but are not indicative of imminent physical failure, an may be corrected using arboricultural abatement methods.

3 = Poor Structure - A tree that exhibits extensively abnormal physical form characteristics an/or significant structural defects that substantially reduces the structural viability of the tree, cannot feasibly be abated, an are indicative of imminent physical failure.

***Exempt Tree:

Per the City of West Linn's Community Tree Ordinance, Chapter 8.510, trees listed above as exempt do not meet the City's definition of a tree. A tree is defined as: "Any woody, perennial plant, deciduous, evergreen, or coniferous, having a main stem or trunk of a minimum of 6 inch DBH for Oregon white oak, Pacific madrone, and Pacific dogwood, and 12 inch DBH for all other tree species."

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the health of trees, and attempt to reduce the risk of living near trees. The Client and Jurisdiction may choose to accept or disregard the recommendations of the arborist, or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees. Neither this author nor AKS Engineering & Forestry, LLC have assumed any responsibility for liability associated with the trees on or adjacent to this site.

At the completion of construction, all trees should once again be reviewed. Land clearing and removal of adjacent trees can expose previously unseen defects and otherwise healthy trees can be damaged during construction.



BENNETT R. KOCSIS
CERTIFICATE NUMBER: PN 8877A
EXPIRATION DATE: 12/31/2025

DESIGNED BY:
DRAWN BY: BDL
MANAGED BY: JMM
CHECKED BY: JMM
DATE: 7/16/2025



RENEWAL DATE: 12/31/2026
REVISIONS:

JOB NUMBER
5579-03

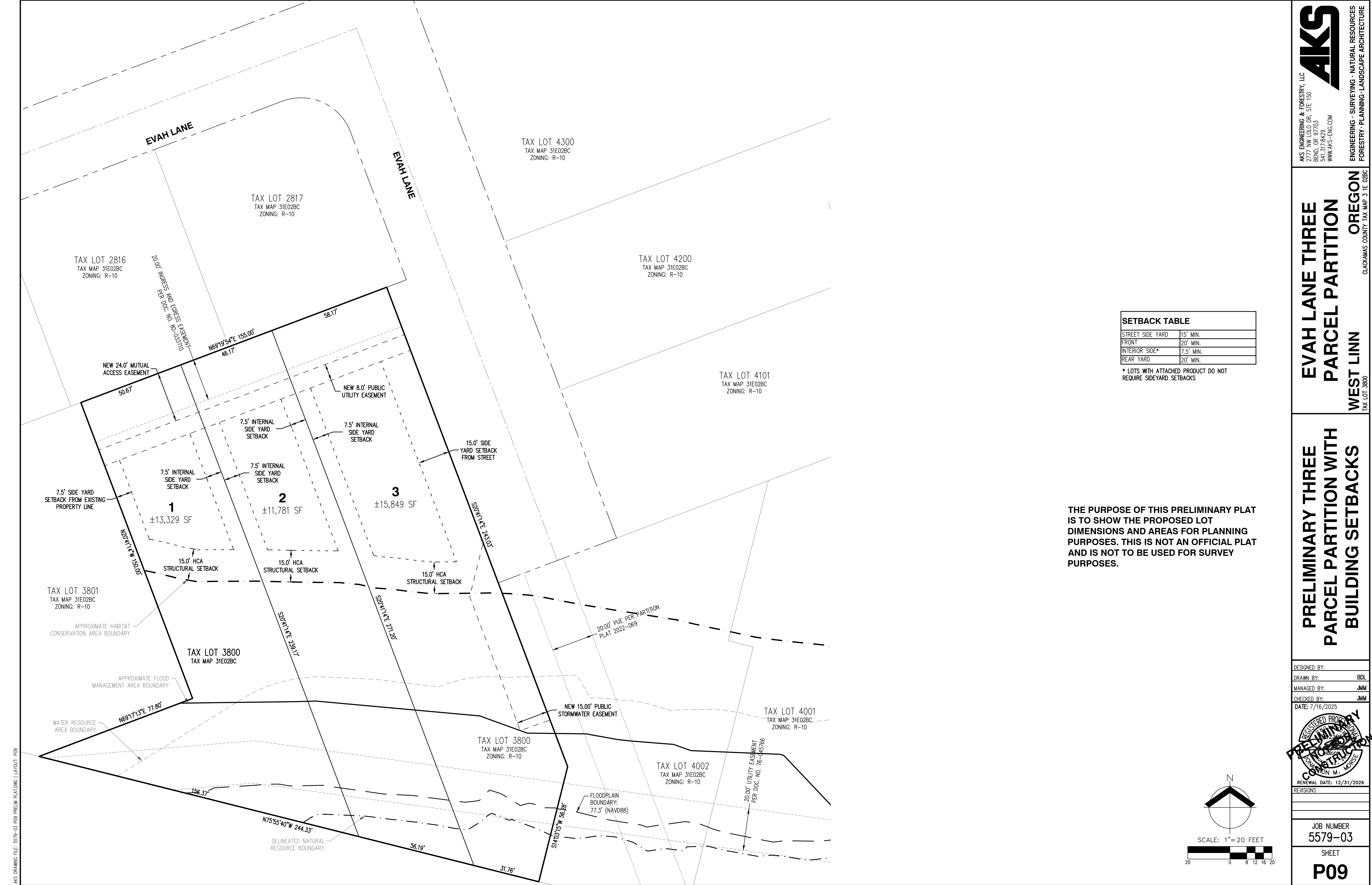
SHEET

P08

EVAH LANE THREE
PARCEL PARTITION
WEST LINN
TAX LOT 3800

OREGON
CLACKAMAS COUNTY TAX MAP 3 1E 026C

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BEND, OR 97703
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AKS DRAWING FILE: 5579-03_P09 PRELIM PLATTING LAYOUT: P09

MIP-25-03\WRG-25-02\WPA-25-03\FMA-25-02

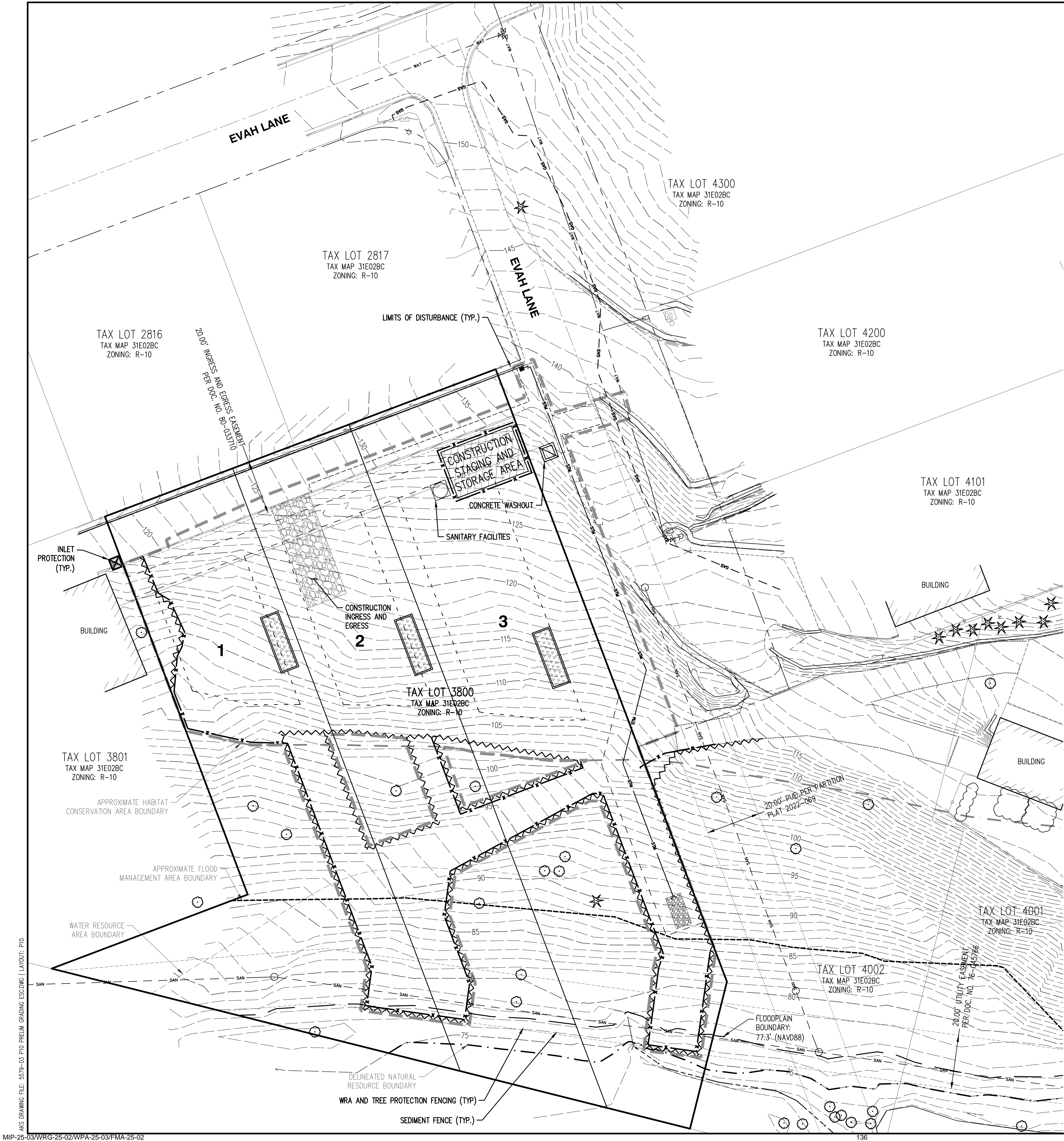
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**EVAAH LANE THREE
PARCEL PARTITION
WEST LINN
OREGON**
CLATSOP COUNTY TAX MAP 3 1E 02BC
TAX LOT 3800

**PRELIMINARY THREE
PARCEL PARTITION WITH
BUILDING SETBACKS**

REGISTERED PROFESSIONAL
SURVEYOR
CLATSOP COUNTY
JASON M. MOORE
RENEWAL DATE: 12/31/2026
REVISIONS: _____



LEGEND

- EXISTING GROUND CONTOUR (1 FT) ---129---
- EXISTING GROUND CONTOUR (5 FT) ---130---
- FINISHED GRADE CONTOUR (1 FT) ---129---
- FINISHED GRADE CONTOUR (5 FT) ---130---
- SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING) ---x---
- CURB INLET PROTECTION (TYP) PER COMBINATION DETAIL [Symbol]
- LIMITS OF DISTURBANCE [Symbol]
- TREE PROTECTION/CONSTRUCTION FENCE [Symbol]

NOTE
1. FINAL CUT/FILL QUANTITIES SHALL BE BALANCED.

AKS

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BEAD, OR 97103
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EVAH LANE THREE
PARCEL PARTITION
WEST LINN
TAX LOT 3800

OREGON
CLACKAMAS COUNTY TAX MAP 3 1E 02BC

PRELIMINARY GRADING,
EROSION AND SEDIMENT
CONTROL PLAN

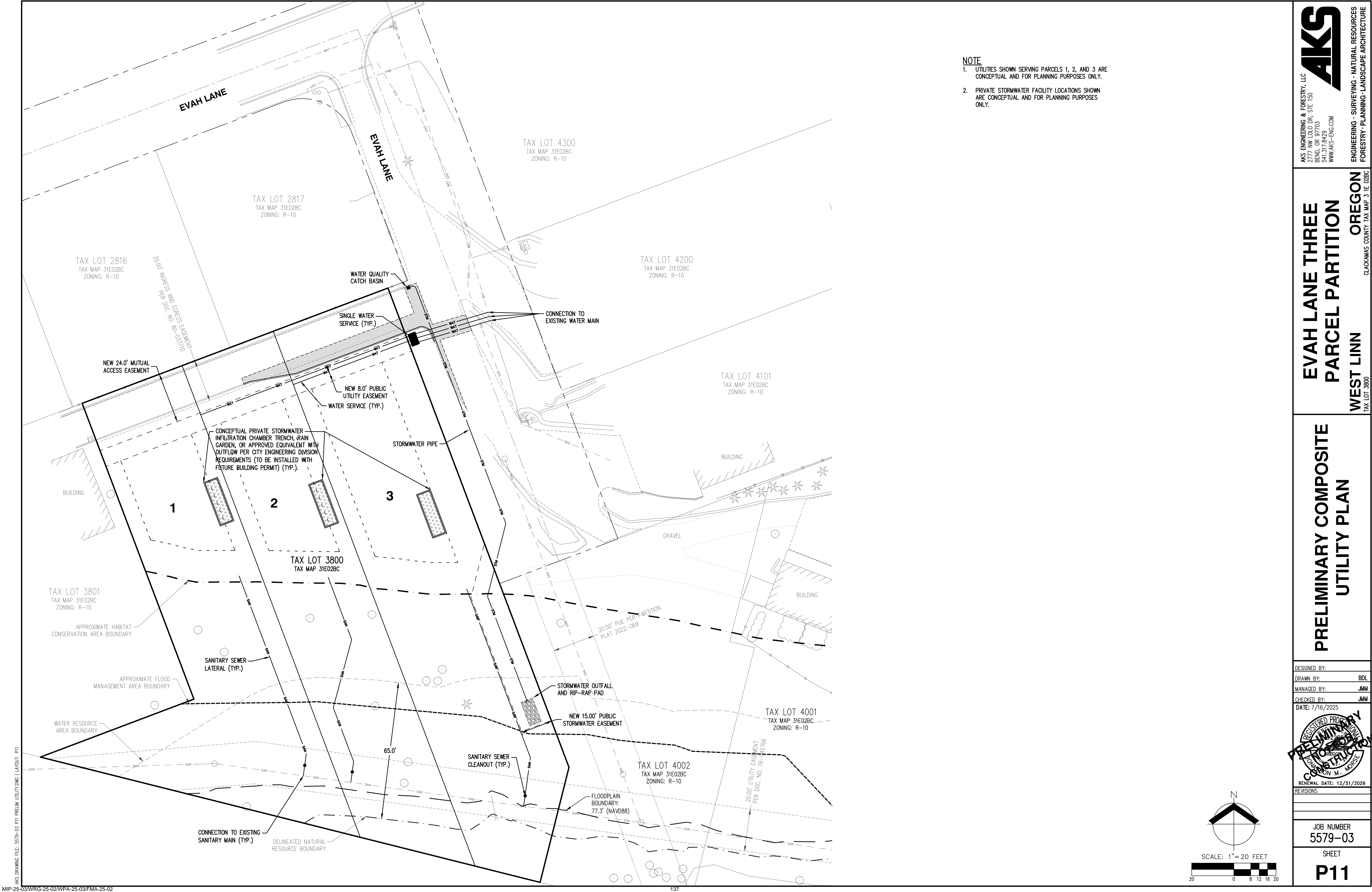
DESIGNED BY: _____
DRAWN BY: BDL
MANAGED BY: JMM
CHECKED BY: JMM
DATE: 7/16/2025

REGISTERED PROFESSIONAL
LAND SURVEYOR
CLACKAMAS COUNTY
DON M. MORE

RENEWAL DATE: 12/31/2026
REVISIONS

JOB NUMBER
5579-03

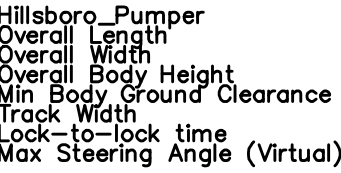
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P10



AKS DRAWING FILE: 5579-03_P11_PRELIM UTILITY.DWG | LAYOUT: P11

MIP-25-03\WRG-25-02\WPA-25-03\FMA-25-02





30.758ft
8.250ft
10.166ft
1.281ft
8.000ft
6.00s
31.00°

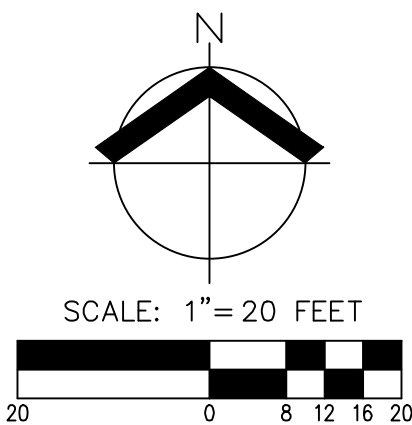
1. PROPOSED WORK INCLUDES A THREE PARCEL PARTITION AND ASSOCIATED SITE IMPROVEMENTS FOR ACCESS AND UTILITY CONNECTIONS. NO NEW BUILDINGS ARE PROPOSED.
2. ROAD GRADES SHOWN ARE EXISTING SLOPES.
3. TAX LOT 3800 WAS PREVIOUSLY APPROVED FOR A 3-LOT PARTITION, TUF&R STATED THAT THE EXISTING TURNAROUND WOULD BE UTILIZED FOR FIRE APPARATUS TURNING MOVEMENTS. THE JANUARY 29, 2018 NOTICE OF DECISION HAS BEEN INCLUDED IN THIS APPLICATION.

REMOVE EXISTING AC PAVEMENT
AND REPLACE PER TYPICAL
CROSS-SECTION (THIS SHEET)

EXISTING FIRE HYDRANT


— HOSE PULL DISTANCE
FROM ACCESS ROAD
FURTHEST POINT FROM
FIRE HYDRANT

FLOODPLAIN
BOUNDARY:
77.3' (NAVD88)



**EVAN LANE THREE
PARCEL PARTITION**

PRELIMINARY TVF&R SITE PLAN

DESIGNED BY:	
DRAWN BY:	BDL
MANAGED BY:	JMM
CHECKED BY:	JMM
DATE:	7/16/2025
	
RENEWAL DATE: 12/31/2026	
REVISIONS	

JOB NUMBER
5579-03

SHEET
P13

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Exhibit B: Application Form

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Final Plat (FP) Related File # _____ | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal (AP) | <input checked="" type="checkbox"/> Flood Management Area (FMA) | <input type="checkbox"/> Temporary Uses (MISC) |
| <input type="checkbox"/> CDC Amendment (CDC) | <input type="checkbox"/> Historic Review (HDR) | <input type="checkbox"/> Time Extension (EXT) |
| <input type="checkbox"/> Code Interpretation (MISC) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Right of Way Vacation (VAC) |
| <input type="checkbox"/> Conditional Use (CUP) | <input checked="" type="checkbox"/> Minor Partition (MIP) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval (MOD) | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC) | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD) | <input checked="" type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change (ZC) |

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

Site Location/Address: Site not addressed; located west of the terminus of Evah Lane	Assessor's Map No.: 3 1 E 02BC
	Tax Lot(s): 3800
	Total Land Area: ±0.95 acres

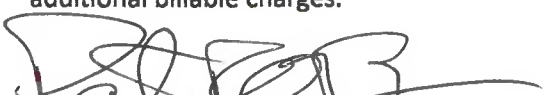
Brief Description of Proposal:

Three-parcel partition and associated site improvements for access and utility connections.


Applicant Name*: Patrick O'Brien Address: 131 SW Bancroft Street City State Zip: Portland, OR 97239	Phone: Email: (503) 563-6151 pelzz@aks-eng.com
Owner Name (required): Patrick O'Brien Address: 131 SW Bancroft Street City State Zip: Portland, OR 97239	Phone: Email: (503) 563-6151 pelzz@aks-eng.com
Consultant Name: AKS Engineering & Forestry, LLC (Zach Pelz) Address: 12965 SW Herman Road, Suite 100 City State Zip: Tualatin, OR 97062	Phone: Email: (503) 563-6151 pelzz@aks-eng.com

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all application costs.**
2. All information provided with the application is considered a public record and subject to disclosure.
3. The owner/applicant or their representative should attend all public hearings related to the application.
4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
5. Submit this form, application narrative, and all supporting documents as a single PDF through the web page: <https://westlinnoregon.gov/planning/submit-land-use-application>.

The undersigned property owner authorizes the application and grants city staff the right of entry onto the property to review the application. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.


Applicant's signature

Date 7/21/25 141


Owner's signature (required)

Date 7/21/25

DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files **MUST** be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets BEFORE uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- ☒ Development Review Application. Original signatures from all owners must be on the application form. **Do NOT use DocuSign.**
- ☒ A **project narrative** outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- ☒ Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- ☒ A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at jason.arn@tvfr.com with any questions about TVF&R requirements.
- ☒ Vicinity Map showing the site within the City.
- ☒ Site Plan drawn to scale showing the:
 - Taxlot and address of the project,
 - Area of the site (acres or square feet),
 - Zoning and Neighborhood Association,
 - Location and dimensions of existing and proposed buildings, structures,
 - Location of existing and proposed on-site driveways and off-street parking,
 - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
 - Location and width of existing and proposed easement for access, drainage, etc., and
 - Location of existing and proposed trees and other proposed landscaping.
 - Location of existing public and private utilities, easements, and 100-year floodplain,
 - Sensitive areas, including the location of on-site wetlands and riparian areas,
 - Location of existing off-site driveways across the street,
 - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
 - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- ☒ If applicable, a Utility Plan and Landscape plan, drawn to scale.
- ☐ If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- ☐ If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- ☒ Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.

Exhibit C: Ownership Information



PROPERTY INFORMATION REPORT

Date: February 14, 2025

File No.: 25-113882
Property: XXX 31E02BC03800, West Linn, OR 97068

Shelley Williams
5885 Meadows Road Suite 130
Lake Oswego, OR 97035

Your Reference:

REPORT FEE: \$200.00

The information contained in this report is furnished by WFG National Title Insurance Company (the "Company") as an information service based on the records and the indices maintained by the Company for the county identified below. This report does not constitute title insurance and is not to be construed or used as a commitment for title insurance. The Company assumes and shall have no liability whatsoever for any errors or inaccuracies in this report. In the event any such liability is ever asserted or enforced, such liability shall in no event exceed the paid herein. No examination has been made of the Company's records, other than as specifically set forth in this report.

The effective date of this report is February 5, 2025 at 8:00am

REPORT FINDINGS

A. The land referred to in this report is located in the county of Clackamas State of Oregon, and is described as follows:

See Attached Exhibit "A"

B. As of the Effective Date and according to the last deed of record, we find the title to the land to be vested as follows:

Patrick R. O'Brien and Deborah O'Brien

C. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

1. Conditions and Restrictions established by West Willamette Sanitary Sewer Local Improvement District by Resolution No. 918, and the terms and provisions thereof:

Recorded : April 5, 1977
Recording No(s) : [77-012434](#)

2. Easement, including the terms and provisions thereof:

For : Ingress and egress
Recorded : September 9, 1980
Recording No(s) : [80-033710](#)
Affects : a portion of the premises herein

3. City liens, if any, of the City of West Linn.

4. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor	:	Patrick R. O'Brien
Trustee	:	Chicago Title Insurance Company
Beneficiary	:	Richard M. Clark
Dated	:	December 27, 2013
Recorded	:	December 27, 2013
Recording No(s)	:	2013-084645
Amount	:	\$182,373.00

5. Any unrecorded leases or rights of tenants in possession.

END OF EXCEPTIONS

NOTE: [Taxes](#) paid in full for 2024 -2025

Levied Amount	:	\$3,304.65
Property ID No.	:	00750752
Levy Code	:	003-002
Map Tax Lot No.	:	31E02BC03800

NOTE: We find NO judgments or Federal Tax Liens against the name(s) of Patrick O'Brien and Deborah O'Brien.

NOTE: Links for additional supporting documents:

[Vesting Deed](#)

(Correction noted)

[Cut Deeds](#)

[Plat Map](#)

[Cut Plat Map](#)

[Aerial](#)

[SN 2017-281](#)

END OF REPORT

Jiffy Dinger-Gardner
WFG National Title Insurance Company
12909 SW 68th Parkway, Suite 350
Portland, OR 97223
Phone: (503) 431-8515
Fax:
Email: JGardner@wfgnationaltitle.com

EXHIBIT A
LEGAL DESCRIPTION

A tract of land located in the Northwest one-quarter of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southeasterly corner of Tract 'B' of the plat "Tualatin River Bluff", Plat No. 3020, Clackamas County Plat Records, also being on the southerly line of the plat "Willamette & Tualatin Tracts", Plat No. 198, Clackamas County Plat Records; thence along said southerly line South 75°55'40" East, 118.31 feet to the most westerly corner of Document Number 99-004290, Clackamas County Official Records, and the point of beginning; thence along the northwesterly line of said deed North 69°17'13" East 77.80 feet; thence North 20°41'14" West 150.00 feet to the southeasterly line of Lot 34 of the plat "Tualatin River Bluff"; thence along said southeasterly line and the southeasterly line of Lot 35 of said plat North 69°19'54" East 155.00 feet to the westerly right-of-way line of 15th Street (30.00 feet from centerline); thence along said westerly right-of-way line and the southerly extension thereof South 20°41'14" East 243.03 feet; thence leaving said southerly extension South 14°03'15" West 56.28 feet to the southerly line of the plat "Willamette & Tualatin Tracts"; thence along said southerly line North 75°55'40" West 244.33 feet to the point of beginning.

Exhibit D: Pre-Application Conference Meeting Summary Notes

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
October 19, 2023

SUBJECT: Proposed 4-unit SB458 Division of tax lot 31E02BC03800

FILE: PA-23-20

APPLICANTS PRESENT: Patrick O'Brien, Zach Pelz, Daisy Goebel

STAFF PRESENT: Ben Gardner (Planning), Lynn Schroder (Planning), Clark Ide (Public Works)

PUBLIC PRESENT: **None present**

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

SITE INFORMATION:

Site Address: Taxlot 3800 Evah lane
Tax Lot No: 21E14DA 03101
Site Area: 0.943 Acres +/-, 41,072 Square Feet
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Low Density
Zoning: Residential R-10
Zoning Overlays: Habitat Conservation Area, Flood Management Area, FEMA Flood Hazard, Wetland, Tualatin River Protection Area

PROJECT DESCRIPTION:

The applicant is interested in dividing the property.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:

Approval standards and criteria in effect when an application is **received** will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- [Chapter 11: Residential, R-10](#)
- [Chapter 96: Street Improvement Construction](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

KEY ISSUES & CONSIDERATIONS

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

The applicant presented multiple potential approaches for the division and development of the given tax lot, hereby referred to as Options A, B, and C. Option A entails submitting concurrent building permit applications and a SB458 middle housing division application for the creation of a detached four-plex, Option B entails resubmitting the original application / proposal, and Option C entails submitting building permit applications for a detached four-plex and pursuing a SB458 middle housing division application at a future date.

Options A and C are essentially identical in their requirements, merely differing in their timelines. When utilizing the provisions of SB458, the Applicant is able to submit permitting and land use applications concurrently. The provisions of SB458 shown here outline the requirements for such a submittal:

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0458/Enrolled>

They also outline the minimal areas of the Community Development Code that still apply in the chapters listed in the above section. More detail is provided on this in the 'Process' section below. For examples of this type of submittal, see the response to supplemental Question 2 in the below section.

One potential complicating factor in this development is where the Applicant decides to connect to a City sanitary main. The sanitary main that runs along the Southernmost property line is within the Flood Management Area, and a connection to it from the proposed development will likely require a Flood Development Application in line with the provisions of Chapter 27 of the CDC.

RESPONSE TO APPLICANT QUESTIONS:

SUPPLEMENTAL QUESTIONS

Question 1 – Are there recent/upcoming code changes that will affect this submittal?

- The Clear and Objective code amendment package is linked for your reference here:

<https://www.codepublishing.com/OR/WestLinn/html/pdfs/Ord1745.pdf>

It is adopted and applies to this prospective submittal.

Question 2 – Please provide examples of middle housing land divisions for reference.

- For examples of middle housing land divisions, see our [completed project page online here](#). Search for the phrase 'ELD' and you will find most middle housing divisions from this year. They each will serve as a good example of how other folks have been navigating SB458 submittals.

Question 3 – Please provide the deadlines associated with plat recording in the course of a SB458 division.

- Regarding deadlines for final plat—you have (3) years after approval. See the language directly from SB458 below:
'(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.'

SUBMITTED APPLICANT QUESTION RESPONSES – GENERAL LAND USE

1 – See the 'Process' section below.

2 – Detached quadplexes are allowed in all residential zoning districts. The given property also qualifies for middle housing division.

3 – See the 'Key Issues' and 'Process' sections of this document.

4 – See 3 above and the Public Works response on their comment sheet. Public Improvements are still required as allowed by SB458.

5 – HB2001, Chapter 96 amendments, and the Clear and Objective Standards project have been implemented since the original submittal. HB2001 and Chapter 96 amendments are in the current code available online, and the Clear and Objective Standards, while adopted, might not be available online yet, and thus have been provided in response to supplemental question 3 above. The given changes provide more flexible development options and clarity in our standards for such a development.

6 – Based on current requirements, the provided site plan is likely approvable with the exception of the street-side setback, which should be 15 feet.

7 – See 6 above and note Public Works’ comments on the frontmost easement requirements.

8 – Options A and C do not require neighborhood meetings, as they are completed under the provisions of SB458, and are a staff-level decision.

9 – See 8 above.

10 – The underlying zoning dimensional standards and the provisions of SB458 apply.

11 – See 5 above. No other code amendments are upcoming that will likely affect the application at this time.

SUBMITTED APPLICANT QUESTION RESPONSES – NATURAL RESOURCES

7 – slopes, landslide hazards, and other geotechnical issues will be addressed in building plan review. The only other natural resource regulations that may affect this submittal are related to the sanitary main on the Southernmost property line. If the Applicant connects to sanitary in the Flood Management Area, a Flood Development Application will likely be required in line with the provisions of CDC Chapter 27.

8 – this depends on the scope of improvements needed to connect to sanitary and protect it from floodwaters. See CDC Chapter 27. Staff can provide additional guidance upon submittal of preliminary plans.

9 – Not applicable based on provided scope.

10 – Not applicable based on provided scope.

11 – This may be required by Building staff in the course of the building plan review to verify that local conditions are suitable for development.

12 – Sitework that affects trees will be reviewed in the course of building plan review. Contact the City Arborist for further questions.

13 – See 12 above.

PUBLIC COMMENT:

No public comments were made during the pre-application conference.

ENGINEERING:

The Engineering Department comments are attached to the end of this document. For further details, contact Clark Ide at 503-722-3437 or Cide@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Alisha Bloomfield at abloomfield@westlinnoregon.gov / 503-742-6053 or Adam Bernert at abernert@westlinnoregon.gov / 503-742-6054

TREES:

For information on the tree requirements for the building permitting portion of this submittal, contact the Ron Jones, City Arborist at rjones@westlinnoregon.gov or 503-722-4728.

PROCESS:

A SB458 division is a Planning Director’s decision. No public hearing is required. Once the application is declared complete, staff will review the application, send a 14-day public comment notice, and post a notice sign on the

property. When the comment period closes, the Planning Director will prepare a decision. The final decision must be rendered within 63 days from the completeness determination.

After the Planning Director decides, there is a 14-day appeal period. If the decision is not appealed in line with the provisions of SB458, the applicant may proceed with the development.

NEIGHBORHOOD MEETING:

No neighborhood meeting is required for a SB458 Subdivision.

HOW TO SUBMIT AN APPLICATION:

Submit a complete application in a single PDF document through the [Submit a Land Use Application](#) web portal. A complete application should include:

1. A [development application](#);
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;

COMPLIANCE NARRATIVE:

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

The Planning Division Fee Schedule can be found on our website: <https://westlinnoregon.gov/finance/current-fee-schedule>

- **FEE** for a SB458 Expedited Land Division = \$4900
- **FEE** for the final plat review = \$2000

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

TIMELINES:

Once the application and payment are received, the City has 21 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 63 days from the completeness determination to make a final decision on the application.

*** DISCLAIMER:** *These pre-application notes have been prepared per [CDC Section 99.030.B.7](#). The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*

Engineering Pre App Notes – 3800 Evah Lane

Land Use – General

4. Applicant would still be subject to previously discussed public improvements on Evah Ln if they opted for Option C. These improvements would still be constructed under a Public Improvement permit.

Public Improvements/Utilities/Circulation

1. The shared access easement for all configurations is allowable.
2. Public Improvement plans from 2022 are still acceptable. Previously proposed improvements should be reviewed and updated, if required, to meet current construction codes/standards.
 - a. If the new impervious area associated with the public improvement scope on is over 1000 SFT, which is likely, a stormwater facility will be required. See COWL standards for details.
3. The addition of the fourth lot would be acceptable with the proposed public improvements.
4. No traffic analysis will be required.
5. Applicant to get approval from TVFR for fire and emergency access approval on proposed layout.
6. Additional Notes:
 - a. 24' Mutual Access and Utility Easement will overlay the 20' Ingress and Egress Easement currently in place. We recommend vacating the current 20' easement and replacing it with the 24' easement if possible.
 - b. There will need to be a maintenance agreement in place for the for the 4 properties and Lot 3801 for the access.

Other

7. SDC charges would apply to each lot at the current rates located in the Master Fees and Charges document available on the COWL Finance website.
 - a. Under middle housing, each unit would be considered '2-4 Units, Separate'
 - b. Under a normal partition, each unit would be considered 'Single Family'

Exhibit E: TVF&R Service Provider Letter

Exhibit F: Storm Memorandum

March 20, 2025

City of West Linn
Engineering Department
22500 Salamo Road
West Linn, OR 97068

RE: Evah Lane Middle Housing Land Division – Storm Memorandum

Dear Engineering Staff:

This letter addresses the stormwater management requirements for the Evah Lane Middle Housing Land Division application in West Linn, Oregon.

The stormwater management approach for impervious areas within the Evah Lane public right-of-way will be managed similarly to what was shown on the previously approved Evah Lane Partition Plans dated December 6, 2021. Due to existing topographic and right-of-way constraints, City of West Linn engineering staff recommended that stormwater runoff from Evah Lane be captured with a new catch basin installed south of the existing driveway and routed downslope directly to the Tualatin River. As such, the public stormwater management approach will remain unchanged.

Similarly, the private stormwater management approach will mirror what was previously presented with the previous three-parcel partition application. Each lot will utilize a separate private stormwater facility that will be designed in accordance with the City of West Linn stormwater management criteria. Stormwater leaving each private facility will outfall near the back of the lot and ultimately be conveyed to the Tualatin River.

Please contact me if you have any questions regarding the stormwater management approach for this development.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, appearing to read 'Jonathon Morse', with a stylized flourish at the end.

Jonathon Morse, PE
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
503.563.6151 | jonm@aks-eng.com

EXHIBIT PD-2 COMPLETENESS LETTER



August 28, 2025

Patrick O'Brien
131 Bancroft Street
Portland OR 97239

Subject: MIP-25-03/FMA-25-03/WPA-25-02/WRG-25-03 A Minor Partition/Flood Management Areas/Water Resource Area Permit/and Willamette and Tualatin River Protection Permit at Assessor's Map 31E02BC Tax Lot 3800.

Dear Mr. Obrien,

Your application was accepted for review on July 29, 2025, and deemed complete as of August 28, 2025. The city has up to 120 days to exhaust all local review; that period ends December 26, 2025.

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 503-742-6058, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Chris J. Myers

Chris Myers
Associate Planner

EXHIBIT PD-3 AFFIDAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
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-25-03/FMA-25-03/WAP-25-02/WRG-25-03

Applicant's Name: Patrick O'Brien

Development Address: Taxlot 31E02BC03800, end of Evah Lane

Planning Manager Decision no earlier than September 24, 2025

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:

AKS Engineering, Zach Pelz, applicant representative	09/04/25	<i>Lynn Schroder</i>
Patrick O'Brien, property owner	09/04/25	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	09/04/25	<i>Lynn Schroder</i>
Willamette Neighborhood Association	09/04/25	<i>Lynn Schroder</i>
Division of State Lands	09/04/25	<i>Lynn Schroder</i>
US Army Corp of Engineer	09/04/25	<i>Lynn Schroder</i>

EMAILED NOTICE

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

Neighborhood Association	09/04/25	<i>Lynn Schroder</i>
Patrick O'Brien, applicant	09/04/25	<i>Lynn Schroder</i>
Metro land use notifications	09/04/25	<i>Lynn Schroder</i>

WEBSITE

Notice of Upcoming Planning Manager Decision was posted on the City's website at least 20 days before the decision.

09/04/25	<i>Lynn Schroder</i>
----------	----------------------

SIGN

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

9/9/25	<i>Chris Myers</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.

	<i>Lynn Schroder</i>
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NOTICE OF UPCOMING PLANNING MANAGER DECISION FILE NO. MIP-25-03/FMA-25-03/WPA-25-02/WRG-25-03

The West Linn Planning Manager is considering a three-lot minor partition of Tax Lot 31E02BC03800 on Evah Lane. This consolidated land use application also includes a Flood Management Area (FMA), Water Resource Area (WRA), and Tualatin River Protection (WRG) permit application, necessary for the public and private utility connections to serve the new lots, which require temporary disturbance in the mapped Habitat Conservation Area (HCA), FMA, and WRA on the subject property.

The Planning Manager will decide the application based on criteria in Chapters 11, 27, 28, 32, 48, 55, 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/projects>. 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 September 24, 2025 to cmyers@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

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

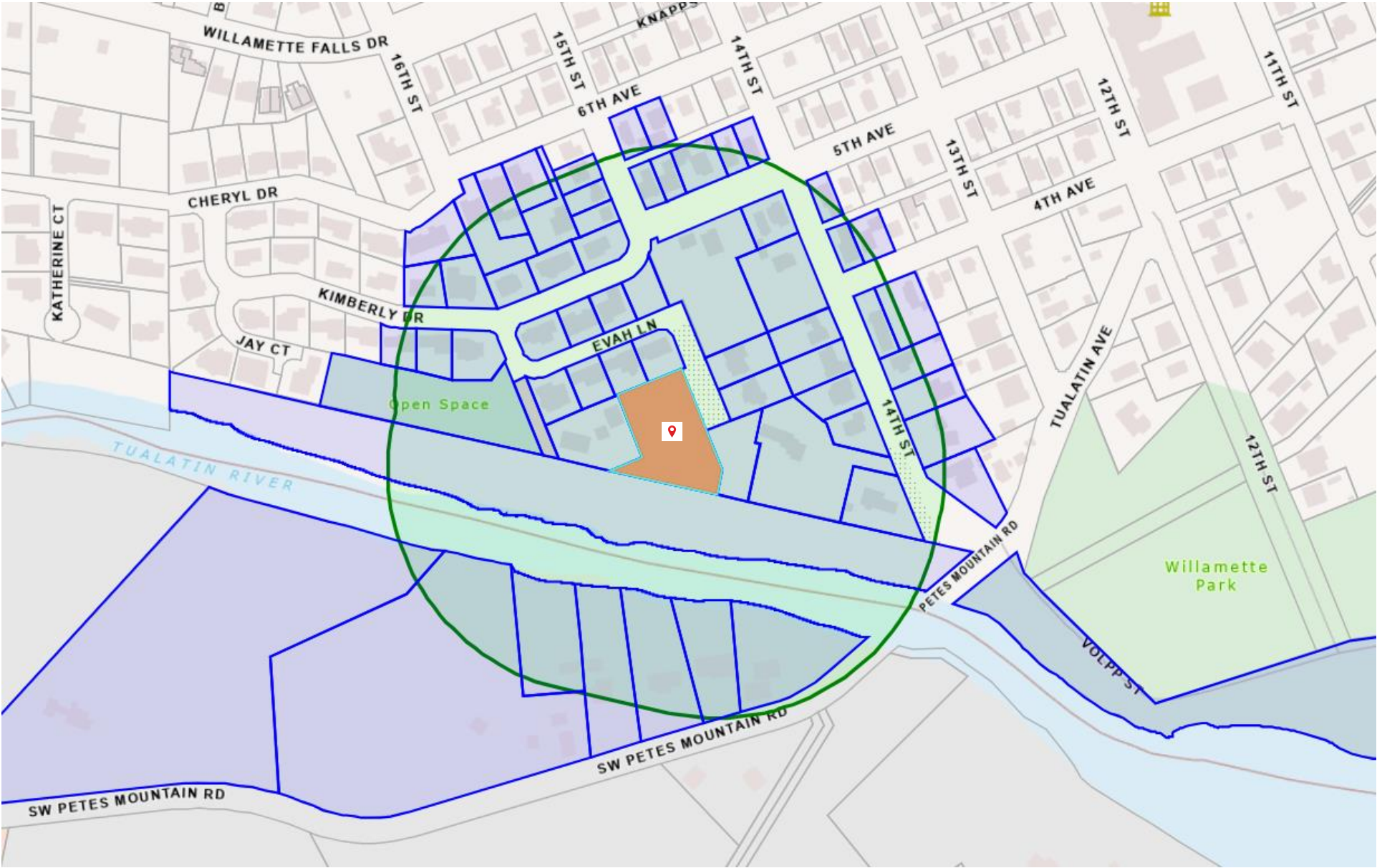
The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

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

Scan this QR Code to go to Project Web Page:



Mailed: September 4, 2025





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

PROJECT #: MIP-25-03/FMA-25-03/WAP-25-02/WRG-25-03

**MAIL: 9/4/25
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.