



November 27, 2013

City of West Linn
Mr. Peter Spir
Associate Planner
22500 Salamo Road
West Linn, OR 97068

SUBJECT: WEATHERHILL (SUB-13-04)

Dear Peter,

I am writing on behalf of JT Smith Companies regarding the previously submitted changes to the plans for the Weatherhill Subdivision. This letter has been prepared in order to supplement the record for the project and to document the ability of the current site plan to meet the City's approval criteria for a subdivision.

Below you will find the code sections and revised findings for the sections identified within your November 21 correspondence. In addition to sections identified with your email, we have also included several sections which were identified by the project team as also needing revision. As in the original narrative, Code sections are **Bold** and the findings are immediately below each section. Please accept this letter into the record as an addendum to the previously submitted narrative.

**DIVISION 8. LAND DIVISION
CHAPTER 85. GENERAL PROVISIONS**

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets.

1. General. 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 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. 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. 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. 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.

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. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the Transportation System Plan prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Manager or Manager's designee as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system as determined in subsection (A)(22) of this section.

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the 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 tree clusters or stands as defined in CDC 55.100(B)(2).

**Applicant's
Finding:**

This site is located on Weatherhill Road, a local street. Weatherhill Road adjacent to this site connects Bland Circle to the west with Salamo Road to the east. The connectivity of this local street will not be changed. The current right-of-way width of Weatherhill Road adjacent to the subject site is 30 feet, inadequate based on the requirements of Section 2, below. The Applicant proposes 13-feet of additional right-of-way along the property's frontage on Weatherhill Road, for a total right-of-way width of 43 feet. Sidewalks and planter strips are also proposed.

This section requires that the developer be responsible for the construction of internal streets. One internal street is proposed, providing access to all 11 lots. The Applicant proposes full responsibility for construction of this internal street, with a total right-of-way width of 48 feet. The paved surface will be 24 feet in width and 6-foot sidewalks and 6-foot planter strips will be provided on each side of the paved surface.

The proposed internal street will connect through the property, from Weatherhill Road to the north and to the adjacent property to the east. The alignment provides connectivity while preserving some tree clusters and maintaining density on the site.

The requirements of this section have been satisfied.

2. Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:

<u>Street Classification</u>	<u>Right-of-Way</u>
Local street	40 – 60

Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

Applicant's Finding:

As discussed above, the Applicant proposes the dedication of 13 feet of right-of-way along Weatherhill Road to increase the right-of-way width from 30 feet to 43 feet. From centerline, the right-of-way will increase from 15 feet to 28 feet. This will accommodate a total right-of-way of 56 feet when the property to the north develops in the future. The City's Engineering Department calls out a 56-foot right-of-way in the pre-application notes dated April 4, 2013.

The Applicant further proposes a new local street with a 48 foot right-of-way and 24 foot pavement width. No parking is proposed on this new public street.

The requirements of this section have been satisfied.

3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP.

Applicant's Finding:

As discussed above, the width of the paved section of the new local street will be 24 feet, per the TSP standard for a local street with no on-street parking.

The requirements of this section have been satisfied.

4. The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer of the following criteria:

- a. The type of road as set forth in the Transportation Master Plan.
- b. The anticipated traffic generation.
- c. On-street parking requirements.
- d. Sidewalk and bikeway requirements.
- e. Requirements for placement of utilities.
- f. Street lighting.



- g. **Drainage and slope impacts.**
- h. **Street trees.**
- i. **Planting and landscape areas.**
- j. **Existing and future driveway grades.**
- k. **Street geometry.**
- l. **Street furniture needs, hydrants.**

Applicant's Finding: The original submittal included a hammerhead termination of the new local street that did not provide the connectivity that the new configuration does. The City Engineer has reviewed the proposal and made dimensional recommendations to the applicant, which are incorporated into the proposed configuration.

The requirements of this section have been satisfied.

8. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without turnarounds. (Temporary turnarounds built to Fire Department standards are required when the dead-end street is over 100 feet long.)

Applicant's Finding: The layout of the proposed local street extends to the eastern boundary of the subdivision and dead-ends at the property to the east, providing the opportunity for connectivity when and if the property to the west develops in the future.

The requirements of this section have been satisfied.

9. Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than 60 degrees unless a special intersection design is approved. Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles. Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 25 feet. All radii shall maintain a uniform width between the roadway and the right-of-way lines. The intersection of more than two streets at any one point will not be allowed unless no alternative design exists.

Applicant's Finding: The new public local street will intersect Weatherhill Road approximately at the location of the existing driveway and as near to a right angle as practical. The curb radii at the intersection will exceed 25 feet.

The requirements of this section have been satisfied.

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

Applicant's Finding: Additional right-of-way on Weatherhill Road and the new public local street, as discussed above, will be dedicated at time of subdivision.



The requirements of this section have been satisfied.

11. Cul-de-sacs. Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 12 dwelling units, unless by variance per Chapter 75 CDC. All cul-de-sacs shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).***

Applicant's Finding: The Applicant has not proposed to construct a hammer head or cul-de-sac.

This section does not apply.

12. 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.

Applicant's Finding: The Applicant proposes the name Satter Street for the new street within the development.

The requirements of this section have been satisfied.

13. Grades and curves. Grades shall not exceed 8 percent on major or secondary arterials, 10 percent on collector streets, or 15 percent on any other street unless by variance. Willamette Drive/Highway 43 shall be designed to a minimum horizontal and vertical design speed of 45 miles per hour, subject to Oregon Department of Transportation (ODOT) approval. Arterials shall be designed to a minimum horizontal and vertical design speed of 35 miles per hour. Collectors shall be designed to a minimum horizontal and vertical design speed of 30 miles per hour. All other streets shall be designed to have a minimum centerline radii of 50 feet. Super elevations (i.e., banking) shall not exceed four percent. The centerline profiles of all streets may be provided where terrain constraints (e.g., over 20 percent slopes) may result in considerable deviation from the originally proposed alignment.

Applicant's Finding: The grade and curves of the new local public street will not exceed 15 percent, per this standard. The minimum centerline radii will be 50 feet. No super elevations are proposed.

The requirements of this section have been satisfied.

14. Access to local streets. Intersection of a local residential street with an arterial street may be prohibited by the decision-making authority if suitable alternatives exist for providing interconnection of proposed local residential streets with other local streets. Where a subdivision or partition abuts or contains an existing or proposed major arterial street, the decision-making authority may require marginal access streets, reverse-frontage lots with suitable depth, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or

other measures necessary for adequate protection of residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic.

Applicant's Finding: The subject property does not abut nor contain an existing or proposed Major Arterial Street, nor is an intersection of a Local Residential Street with an Arterial Street proposed.

The requirements of this section have been satisfied.

15. 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 multi-family projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. ***

Applicant's Finding: No alleys are proposed with this subdivision.

The requirements of this section have been satisfied.

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

Applicant's Finding: The applicant proposes to install a 6-foot sidewalk plus planter strip along the Weatherhill Road frontage of this property, and along the new public street within the development, per this standard.

The requirements of this section have been satisfied.

17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curbline. 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.

Applicant's Finding: The applicant proposes to install a 6-foot planter strip between all proposed sidewalks and paved street sections on Weatherhill Road and the new local public street.

The requirements of this section have been satisfied.

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

Applicant's Finding: No reservations or restrictions are proposed with the street dedication.

The requirements of this section have been satisfied.



19. 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.

Applicant's Finding: All lots in the subdivision will have access to the new public street proposed.
The requirements of this section have been satisfied.

20. 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.

Applicant's Finding: Gated streets are not proposed.
The requirements of this section have been satisfied.

21. Entryway treatments and street isle design. When the applicant desires 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.
- b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curblines, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curblines of the street to which they are perpendicular.
- c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.
- d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.
- e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.
- f. Under Chapter 52 CDC, subdivision monument signs shall not exceed 32 square feet in area.

Applicant's Finding: The applicant does not propose to construct entryway treatments to the subdivision at this time.
The requirements of this section have been satisfied.

22. 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 transportation 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.

Applicant's Right-of-way dedication and street improvements are proposed with this



Finding: application proportionate to the construction of eleven new lots. Off-site improvements are not necessary or proportionate to mitigate impacts from this 11-lot subdivision.

The requirements of this section have been satisfied.

B. Blocks and lots.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.

Applicant's Finding: Weatherhill Road currently extends from Salamo Road on the east to Bland Circle on the West. The new public street proposed with this subdivision application will intersection Weatherhill Road near the middle of the distance between Salamo and Bland. This new public street will then connect to the eastern boundary of the subdivision, providing future connectivity to the property to the east for vehicles, pedestrians and bicycles. A pedestrian/bicycle path is proposed to extend to the east of the new public street.

The requirements of this section have been satisfied.

3. Lot size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the buildable depth should not exceed two and one-half times the average width. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Chapter 12- Single-Family Residential Detached and Attached, R-7 standards are as follows:

Lot Size (Detached Dwelling Units)	7,000 square feet
Lot Size (Attached Dwelling Units)	5,500 square feet
Front Lot Line Length/Minimum Lot Width at Front Lot Line	35 feet
Average Minimum Lot Width	50 feet
Lot Depth	Less than 2.5x Width and greater than Average Depth of 90 feet



Applicant's Finding: All proposed lots are a minimum of 7,000 square feet in size to accommodate single-family detached dwelling units. All 11 proposed lots exceed the minimum requirements for front lot line length, lot width and lot depth. The sizes, width, shape, and orientation of the lots is appropriate for the zone, the property shape and the location of the subdivision.

The requirements of this section have been satisfied.

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. ***

- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the 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.

Applicant's Finding: Lot 8 is proposed as a flag lot. The width of the frontage is 15 feet. All setback, lot size, lot depth and access requirements are met.

The requirements of this section have been satisfied.

C. Pedestrian and bicycle trails.

1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. 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 should 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 is wide enough to provide trail users with a sense of defensible space. Corridors that are too narrow, confined, or with vegetative cover may be threatening and discourage use. Consequently, the minimum corridor width shall be 20 feet. Sharp curves, twists, and blind corners on the trail are to be avoided as much as possible to enhance defensible space. Deviations from the corridor and trail width are permitted only 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 multi-family and commercial sites should follow the same defensible space standards but do not need to be defined by a fence unless required by the decision-making authority.
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 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 except in areas of unavoidable topography, where the trail may be up to a 15 percent grade for short sections no longer than 50 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.

Applicant's Finding: Sidewalks will be constructed with the new local street, connecting from the north at Weatherhill Road and extending east to the property boundary. The Applicant is also proposing a 10 foot pedestrian access easement with 6-foot all-weather surface path from the new public street within the subdivision to the west property lines.

The requirements of this section have been satisfied.

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 or imminent. 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 as deemed appropriate by the City Engineer.
3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop where feasible. Illumination of the transit stop

and crossing is required to enhance defensible space and safety. ODOT approval may be required.

4. Transit stops should include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users. Tri-Met must approve the final configuration.

Applicant's Finding: Transit facilities have not been identified by Tri-Met or the City Engineer adjacent to this property.

The requirements of this section have been satisfied.

E. Lot 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 Uniform 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. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.

3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.

4. The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.

5. Where landslides have actually occurred, where the area is identified as a hazard site in the West Linn Comprehensive Plan Report, or where field investigation by the City Engineer confirms the existence of a severe landslide hazard, development shall be prohibited unless satisfactory evidence is additionally submitted by a registered geotechnical engineer which certifies that methods of rendering a known hazard site safe for construction are feasible for a given site. The City Engineer's field investigation shall include, but need not be limited to, the following elements:

a. Occurrences of geotropism.

b. Visible indicators of slump areas.

c. Existence of known and verified hazards.

d. Existence of unusually erosive soils.

e. Occurrences of unseasonably saturated soils.

The City Engineer shall determine whether the proposed methods or designs are adequate to prevent landslide or slope failure. The City Engineer may impose conditions consistent with the purpose of these ordinances and with standard engineering practices including limits on type and intensity of land use, which have been determined necessary to assure landslide or slope failure does not occur.

6. All cuts and fills shall conform to the Uniform Building Code.

7. 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 (as described in subsection (G)(5) of this section).

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.

e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:

a. At least 70 percent of the site will remain free of structures or impervious surfaces.

b. Emergency access can be provided.

c. Design and construction of the project will not cause erosion or land slippage.

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.

Applicant's Finding: All grading on site will be done in conformance with these standards. A grading and erosion control plan is included with the land use application submittal and the applicant will obtain a grading permit prior to any earthwork on the site.

The requirements of this section have been satisfied.

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 Plan, plan update, March 1987, and subsequent superseding revisions or updates.

2. Adequate location and sizing of the water lines.

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

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

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

Applicant's Finding: The subject property is located in the Horton and Rosemont water pressure zone. The City Engineering Department's comments in the pre-application notes dated April 4, 2013 indicate that there is a surplus in supply capacity during normal conditions and that there is no storage volume deficit during normal conditions in the Horton pressure zone. The applicant will connect all lots to public water per the submitted public improvement plans. This plan is consistent with the adopted Comprehensive Water System Plan.

The requirements of this section have been satisfied.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and 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 the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.
9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

**Applicant's
Finding:**

The applicant will connect all lots to public sanitary sewer per the submitted public improvement plans. The proposed sanitary sewer system is consistent with the Sanitary Sewer Master Plan, is in the correct basin and allows for full gravity service.

The requirements of this section have been satisfied.

H. Storm

1. A stormwater quality and detention plan shall be submitted which complies with the submittal criteria and approval standards contained within Chapter 33 CDC. It shall include profiles of proposed drainageways with reference to the adopted Storm Drainage Master Plan.
2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse off-site impacts from increased intensity of runoff downstream or constriction causing ponding upstream. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.
3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 25-year storm incident.

4. Treatment of storm runoff shall meet municipal code standards.

Applicant's Finding: The proposed stormwater treatment and detention is designed to meet city standards, as detailed in the submitted stormwater report.

The requirements of this section have been satisfied.

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

Applicant's Finding: The applicant will establish utility easements as determined by the City Engineer. All public utility easements will be shown on the final plat.

The requirements of this section have been satisfied.

J. Supplemental provisions.

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

Applicant's Finding: The proposed subdivision does not impact any wetlands or natural drainageways.

The requirements of this section have been satisfied.

2. Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.

Applicant's Finding: No greenways have been identified for dedication on this property. This property is not adjacent to the Willamette or Tualatin River and, therefore, a river greenway is not feasible on this site.

The requirements of this section have been satisfied.

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

Applicant's Finding: Street trees will be installed as part of the public improvements with the development of this subdivision.

The requirements of this section have been satisfied.

4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional.

Applicant's Finding: Any street light installation with the subdivision will utilize high or low pressure sodium light bulbs.

The requirements of this section have been satisfied.

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.

Applicant's Finding: The applicant is proposing right-of-way dedication and improvements that are roughly proportional to the development of an 11-lot subdivision. Additional dedication and/or public improvements would exceed rough proportionality of this development.

The requirements of this section have been satisfied.

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Applicant's Finding: All utilities will be installed in compliance with this section.

The requirements of this section have been satisfied.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

Applicant's Finding: The R-7 zone permits a maximum density of 6.2 dwelling units per net acre. Net acre is defined as "The total gross acres less the public right-of-way and other acreage deductions, as applicable". The net acreage of this site after removal of dedicated right-of way is 2.34 acres. At 6.2 dwelling units per net acre, the maximum number of dwelling units on this site is 14. The proposed 11 dwelling units would be 78 percent of the maximum density.

The requirements of this section have been satisfied.

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

Applicant's Finding: This property is zoned R-7 and, therefore, the use of the parcel as an entirely residential development is permitted.

The requirements of this section have been satisfied.



9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC **55.100(B)(2)**. Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

Applicant's Finding: No heritage trees have been identified on this site. Removal of significant trees has been minimized to the greatest extent feasible and reasonable. Several clusters of Douglas fir trees (some designated significant) will be protected throughout the construction process. A detailed tree protection and removal plan is included with this submittal.

The requirements of this section have been satisfied.

CHAPTER 54. LANDSCAPING

54.020 APPROVAL CRITERIA

A. Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot-tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three two-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

Applicant's Finding: This subdivision application includes a tree inventory and preservation plan focused on maintaining significant trees and clusters.

The requirements of this section have been satisfied.

B. To encourage tree preservation, the parking requirement may be reduced by one space for every significant tree that is preserved in the parking lot area for a maximum reduction of 10 percent of the required parking. The City Parks Supervisor or Arborist shall determine the significance of the tree and/or landscaping to determine eligibility for these reductions.

Applicant's Finding: No parking areas, aside from driveways, are required for residential subdivisions. No parking reduction is requested.

The requirements of this section have been satisfied.

C. Developers must also comply with the municipal code chapter on tree protection.

Applicant's Finding: The developer will comply with all municipal code requirements for tree protection.



The requirements of this section have been satisfied.

D. Heritage trees. Heritage trees are trees which, because of their age, type, notability, or historical association, are of special importance. Heritage trees are trees designated by the City Council following review of a nomination. A heritage tree may not be removed without a public hearing at least 30 days prior to the proposed date of removal. Development proposals involving land with heritage tree(s) shall be required to protect and save the tree(s). Further discussion of heritage trees is found in the municipal code.

Applicant's Finding: No heritage trees have been identified on this site.

The requirements of this section have been satisfied.

E. (Not applicable to single-family residential)

F. Landscaping (trees) in new subdivision.

1. Street trees shall be planted by the City within the planting strips (minimum six-foot width) of any new subdivision in conformity with the street tree plan for the area, and in accordance with the planting specifications of the Parks and Recreation Department. All trees shall be planted during the first planting season after occupancy. In selecting types of trees, the City Arborist may determine the appropriateness of the trees to local conditions and whether that tree has been overplanted, and whether alternate species should be selected. Also see subsection (C) of this section.

2. The cost of street trees shall be paid by the developer of the subdivision.

3. The fee per street tree, as established by the City, shall be based upon the following:

a. The cost of the tree;

b. Labor and equipment for original placement;

c. Regular maintenance necessary for tree establishment during the initial two-year period following the City schedule of maintenance; and

d. A two-year replacement warranty based on the City's established failure rate. (Ord. 1408, 1998; Ord. 1463, 2000)

Applicant's Finding: The applicant will pay for the installation of street trees by the City and maintain the trees for the two-year establishment period.

The requirements of this section have been satisfied.

54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

All proposed changes in width in a public street right-of-way or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. This chapter requires any multi-family, commercial, or public facility which

causes change in public right-of-way or street improvement to comply with the street tree planting plan and standards.

Applicant's Finding: 6-foot-wide planting strips will be installed between the sidewalk and the asphalt within the new street right-of-way and along Weatherhill Road. The newly proposed roadway will also contain 6-foot-wide planting strips.

The requirements of this section have been satisfied.

54.040 INSTALLATION

A. All landscaping shall be installed according to accepted planting procedures.

B. The soil and plant materials shall be of good quality.

C. Landscaping shall be installed in accordance with the provisions of this code.

D. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.

Applicant's Finding: All landscaping installation will meet the requirements of this section.

The requirements of this section have been satisfied.

54.050 PROTECTION OF STREET TREES

Street trees may not be topped or trimmed unless approval is granted by the Parks Supervisor or, in emergency cases, when a tree imminently threatens power lines.

Applicant's Finding: There are no existing street trees adjacent to this property.

The requirements of this section have been satisfied.

54.060 MAINTENANCE

A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

B. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- 1. It will not interfere with the maintenance or repair of any public utility;**
- 2. It will not restrict pedestrian or vehicular access; and**
- 3. It will not constitute a traffic hazard because of reduced visibility.**

Applicant's Finding: The owners of this property, including future homeowners, will be responsible for maintenance of landscaping.

The requirements of this section have been satisfied.

54.070 SPECIFICATION SUMMARY

*****25% of residential/multi-family site must be landscaped.**



Applicant's Finding: A minimum of 25% of this site will be landscaped as part of the yards of future homes.

The requirements of this section have been satisfied.

CHAPTER 55. DESIGN REVIEW

55.100 APPROVAL STANDARDS - CLASS II DESIGN REVIEW

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.

Applicant's Finding: No heritage trees were identified on this site.

The requirements of this section have been satisfied.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections

(B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a parcel is blocked by a row or screen of significant trees or tree clusters.

d. For both non-residential and residential development, the 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 protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will 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-inch). The mix of tree sizes and types shall be approved by the City Arborist.

Applicant's Finding: The applicant has inventoried all trees and tree clusters on the site. The applicant is proposing tree preservation consistent with these requirements, as detailed in the tree plan.

The site plan, with the revised roadway alignment, would enable the retention of approximately 22,023 square feet of significant tree canopy. This represents 47% of the existing significant canopy on the property. Of the retained canopy, approximately 9,350 square feet of the retained canopy will be placed into an conservation easement. The easement area on site represents 20% of the total significant tree canopy area plus ten feet.

The Applicant's proposed roadways and access drives will result in the removal of 210 caliper inches therefore mitigation for 210 inches is required. During the construction documentation phase of the project, the Applicant will provide a mitigation plan containing the required 105 trees required to meet the mitigation thresholds. All trees installed will be 2 inches in caliper size or greater, therefore meeting the inch for inch mitigation requirement.

The requirements of this section have been satisfied.

We trust that these responses will assist with the City's favorable evaluation of the project. Please feel free to contact us with any questions that you may have. We will be ready to respond to any questions or requests for any further clarification.



Sincerely,



Andrew Tull
Senior Planner
3J Consulting, Inc.

copy: Mr. John Wyland, JT Smith Companies
Mr. Mike Robinson, Perkins Coie
Mr. Brian Feeney, 3J Consulting, Inc
File

