



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: March 6, 2015
 FILE NO.: MIP-14-08
 REQUEST: Request for a 2-lot Partition at 5651 Cascade Street
 PLANNER: Peter Spir, Associate Planner

Planning Manager AB
 Development Review Engineer KQL

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GENERAL INFORMATION

OWNER: Christ Stathakis, PO Box 2525, Yelm WA. 98597

**APPLICANT/
CONSULTANT:** Bruce D. Goldson, PE, Theta, LLC, PO Box 1345, Lake Oswego, OR 97035

SITE LOCATION: 5651 Cascade Street

SITE SIZE: 32,695 square feet

**LEGAL
DESCRIPTION:** Assessor's Map 2-2E-30AC Tax Lot 1800

**COMP PLAN
DESIGNATION:** Low-Density Residential

ZONING: R-10, Single-Family Residential Detached

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapter 85, Land Division, General Provisions; Chapter 11, Single-Family Residential Detached, R-10

120-DAY RULE: The application became complete on January 26, 2015. The 120-day period therefore ends on May 16, 2015.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and the Bolton neighborhood association on January 29, 2015. A sign was placed on the property on February 6, 2015. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a two-lot partition of a 32,695 square foot parcel on the northeast side of Cascade Street. There is a house at the site which will be retained as part of Parcel 1. Parcel 2 will be a flag lot behind the existing house.

Parcel 1 will comprise 19,614 square feet, while parcel 2 will comprise 13,081 square feet (not counting the flag lot stem). Each lot will exceed the 10,000 square foot minimum lot size of the single family residential R-10 zone.

Access to parcel 1 will be the existing driveway. Parcel 2 will be accessed via a flag lot stem parallel to the south-east (side) lot line.

The rear of the site comprises a hillside (over 25% slope) and is heavily treed.

All lots exceed the dimensional standards, setbacks, lot coverage and other provisions of the underlying R-10 zone. Therefore the applicable approval criteria for this minor partition include:

- Chapter 11, Single-Family Residential Detached R-10 zoning district.
- Chapter 85, Land Division General Provisions, criteria in Section 85.200.
- Chapter 28, Willamette River Greenway and Tualatin River Protection Zone.
(This site has a Habitat Conservation Area (HCA) designation for 1,723 square feet of the lower/north portion of the site. Since this HCA will not be encroached upon it is exempt from a Willamette River Greenway and Tualatin River Protection Zone permit pursuant to the exemption of 28.040 (S).)

Public comments:

Comments have been received from the following members of the public:

Jerome Couture, Rick and Darcey Price, Linda Hamel, Debra Day, Wayne Aldridge, Joseph and Kelly Vetere, Linda and Doug Spillum. All wrote or spoke to advocate denial of the application. The written comments are part of this record.

DECISION

The Planning Manager (designee) approves this application (MIP-14-08), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the two parcel Partition Tentative Plan, Sheet 1/3, and date stamped January 17, 2015.
2. Engineering Standards. All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval.

The applicant may request to provide fees in lieu for half street improvements for the frontage on Cascade Street.

3. Tree Conservation Easement. The applicant shall provide a tree conservation easement that shall protect the significant trees identified on the non-Type I & II lands on the "Slope Analysis and Tree Protection Plan" Sheet 2/3 as 447, 443, 435 and 436. The easement shall include a legal description and map of the area.
 - a. The easement document shall be reviewed by the City prior to being presented to the City Council for consideration.
 - b. If approved by City Council, the easement shall be recorded with the County and a copy of the recorded easement shall be provided to the City.

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

Peter Spir

PETER SPIR, Associate Planner

March 6, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 6th day of March, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on March 20, 2015.

Notes to Developer/Builder: The City Arborist provides the following comments for the construction phase: "The developer/builder shall install cyclone fencing, per West Linn Tree Technical Manual, around the drip lines of Douglas Fir trees 447, 443, 435 and 436, (as identified on the "Slope Analysis and Tree Protection Plan" Sheet 2/3) prior to, and through completion of development on parcel 2. A snow fence shall also be installed from the paved portion of Cascade Street northeasterly along the common lot line with the property at 5641 Cascade Street for a distance of 70 feet to protect the neighbor's Oak tree roots to the degree possible. The oak tree's location is identified in the City Arborist's map which is part of the record."

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-14-09

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

Chapter 11
SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. *Single-family detached residential unit.*

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:

1. *The minimum lot size shall be 10,000 square feet for a single family detached unit.*
2. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
3. *The average minimum lot width shall be 50 feet.*

Staff Response 1: The lots are proposed for single-family detached residential development. Parcels 1 and 2 comprise 18,483 and 13,081 square feet respectively. Thus, both lots exceed the 10,000 square foot minimum lot size. The front lot line of parcel 1 exceeds 50 feet in length. Parcel 2 is a flag lot and is required to have a 15 foot flag lot stem width at the point of intersection with the right of way (ROW). The proposed flag lot stem width is 15 feet which meets the standard. Each proposed lot has an average width of over 50 feet. Each lot is more than 90 feet deep. Staff determines the criteria are met.

CHAPTER 85

LAND DIVISION 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 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. 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.*

Staff Response 2: Cascade Street is an existing local street per the City's Transportation System Plan. It has an existing ROW width of 50 feet in front of this property which meets the 40-60 foot standard. No additional ROW is required.

Cascade Street's paved width is 20 feet. Whereas local streets in brand new subdivisions must be designed with a minimum width of 12 feet per travel lane for a total width of 24 feet, Staff's finding is that widening the north travel lane for this partition's 100 feet of frontage by two feet to 12 feet, (as measured from the street centerline for a total paved width of 22 feet) would have no functional value. This finding is based on the fact that a widened section in front of 5651 Cascade Street would then have to transition back to, and be inconsistent with, the 20 foot width that exists on either side of this property and for most of Cascade Street. There are also no sidewalks or curbs along Cascade Street (except curb 300 feet southeast near the end of the cul de sac within the Cascade Court plat). For these reasons, the City Engineer will accept fees in lieu of the required street improvements (including curb and sidewalks) to be installed elsewhere in the City (see condition of approval 2) if the applicant chooses to do so instead of completing the improvements.

The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 trips per day and one trip per evening peak hour. With a total of 16 households on the street at the present time, the estimated number of vehicle trips per day for Cascade Street is 153.12 (also referred to as Average Daily Traffic count (ADT)) with a peak evening or PM peak hour trip generation of 15 trips. The addition of another household means that the total ADT will still be extremely low and the PM peak hour trip count will increase by one trip.

On the subject of safety, Cascade Street and other local streets have a speed limit of 25 mph. There is straight and unobstructed line of sight along Cascade Street from the vicinity of 5651 Cascade Street to the end of the cul de sac. According to West Linn Police Department records, between January 2009 and March 2014 there have been no bicycle, pedestrian or vehicular crashes on Cascade Street. The addition of one household, which will generate one additional peak hour p.m. trip per day, is not expected to have any adverse impact on traffic safety. There is a street light between this property and 5661 Cascade Street which provides illumination of this street section.

Given these facts, staff finds no justification for any street widening, traffic control devices, access consolidations or other limitations on the use of this street.

(...)

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:

<i>Street Classification</i>	<i>Right of Way</i>
<i>Local Street</i>	<i>40-60</i>

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.

Staff Response 3: Cascade Street, which is classified as a local street, has an existing ROW width of 50 feet in front of this property which meets the 40-60 foot standard. No additional ROW is required. Staff finds the criterion is met.

(...)

11. Cul-de-sacs.

a. *New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than five acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:*

1) *Physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC), or*

2) *Existing easements or leases.*

b. *New cul-de-sacs and other closed-end streets, consistent with subsection (A)(11)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).*

c. *New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.*

d. *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 Response 4: The Cascade Street cul-de-sac was legally created as part of the Moody Investment Tracts and platted in 1930; therefore, it is not a new cul-de-sac and the constraints in CDC 85.200(A)(11)(a)-(c) do not apply. Tualatin Valley Fire & Rescue has no access issues regarding this proposal. (See TVFR exhibit attached.)

16. Sidewalks. *Sidewalks shall be installed per CDC 92.010(H), Sidewalks.
(....)*

17. Planter strip. *The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees.
(...)*

Staff Response 5: The CDC requires sidewalks and planter strips; however, the applicant proposes no curb, planter strip and sidewalk along Cascade Street. Staff finds that there are no curbs and sidewalks on Cascade Street except for curb in the “Cascade Court” platted area 300 feet to the southeast at the end of the cul de sac.) The new house is expected to generate about five additional pedestrian trips per day. Instead of installing curbs and sidewalks, the applicant proposes to maintain the character of the neighborhood’s streetscape by paying fees in lieu (condition of approval 2). The fee in lieu offered by applicant is a means of redressing the projected impact of the proposed development because the required half street improvements are directly related to the development of the single family residence, which will result in additional pedestrian traffic. In addition, the required improvements are proportional to the development because the improvements are only required directly adjacent to the site and the improvements are the minimum necessary to improve pedestrian passage along the frontage of the development. The City Engineer supports the fee in lieu proposal if the applicant chooses to pay the fee instead of completing the required improvements.

B. Blocks and lots.

- 1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.*
- 2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer’s specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.*
- 3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. “Buildable” describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).*

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Staff Response 6: This project creates no new blocks. The original layout of this block along Cascade Street was legally established as part of the Moody Investment Tracts and platted in 1930, prior to the adoption of contemporary zoning ordinances in 1984.

Regarding lot size and shape, the lots all meet the minimum 10,000 square foot lot size of the R-10 zone. All lots within this partition exceed the R-10 zone's dimensional standards. The western 80 feet of parcel 2 and the western 150 feet of parcel 1 are flat and free of constraints. Both of these areas provide sufficient space for home construction. 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.

See Chapter 48: ACCESS
(...)

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.)

(...)

2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

Staff Response 7: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. Specifically, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. There are 16 households on the street. The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 trips per day and one trip per evening PM peak hour. That translates into an existing ADT of 153.12 trips with an evening PM peak hour trip generation of 15 trips. The addition of

another household means that the total ADT will be 162.69, which is below the 250 ADT threshold.

Staff finds no justification for any traffic control devices, access consolidations or other limitations on the use of this street. From a functional standpoint, engineering and planning staff find that the street's paved width of 20 feet is sufficient for a local street. The cul de sac at the terminus of the street facilitates turning around.

3. *Access options.* When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" to the developer/subdivider.

a) *Option 1.* Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

b) *Option 2.* Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

c) *Option 3.* Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.

Staff Response 8: The applicant will utilize (c) Option 3. Specifically, separate access to Cascade Street will be provided for each parcel since consolidated access is not practicable. The driveways will fully comply with the access spacing standards of (B) (6) which require a 50 foot separation of driveways on local streets (see staff response 9). TVFR submitted comments and found that access to the proposed parcel 2 meets TVFR access requirements. Other TVFR comments are contingent on the, as yet to be determined, location of the proposed house and consequently must be addressed when a building permit is applied for.

6. *Access spacing.* The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

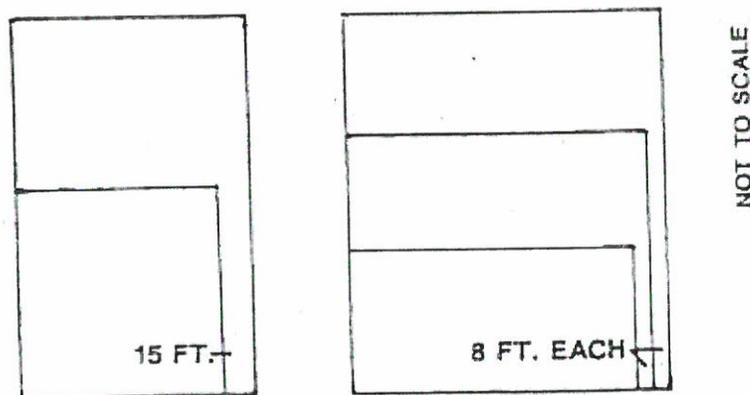
Staff Response 9: The applicant proposes that the two lots will have individual access to a public street via the existing driveway and the new driveway within the flag lot stem. Table 8-3 of Chapter 8 of the TSP requires a 50 foot separation between private driveways on local streets. The proposed 12 foot wide driveway to parcel 2 will be 50 feet from the existing

driveway of parcel 1 and 64 feet from the private driveway to 5641 Cascade Street. Therefore, the criterion is satisfied.

Return to 85.200(B)

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

FLAGLOT STEMS



- 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.

Staff Response 10: The lot dimension and placement of the existing home towards the front of the property means that a flag lot is the only reasonable development option available. The proposed flag lot has a stem width and paved width of 15 and 12 feet respectively which meets CDC requirements as well as TVFR standards. The square footage of the flag lot stem is not counted in the square footage of any of the two parcels.

(...)

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.

(...)

Staff Response 11: There are no pedestrian or bicycle paths or trails identified in the City's Transportation System Plan or Parks Master Plan for Cascade Street; therefore, this criteria does 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 or imminent. Additional rights-of-way may be required of developers to accommodate buses.

(....)

Staff Response 12: There is no transit service on or adjacent to Cascade Street; therefore, the criterion does 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 Uniform Building Code and the following:

(...)

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

Staff Response 13: No grading, stripping of vegetation, or development are proposed on the steep sloped portions (over 25% slope) of the site. Because the rest of the site has slopes in the 0-5% range, grading for new home construction, the driveway and utilities will be very limited and in compliance with this section and Building Code provisions.

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.*

(...)

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.*

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.*

(...)

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

(...)

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.*

Staff Response 14: The existing house is already served by sanitary sewer and water. The new house on parcel 2 will have individual water and sanitary sewer service extended to it. All existing and proposed above ground utilities shall be undergrounded.

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.

Staff Response 15: No easements are required for utilities. The criterion is met.

J. Supplemental provisions.

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

Staff Response 16: There are no wetlands or natural drainageways on this property so this criterion does not apply.

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.*

Staff Response 17: This property is not within the Willamette and Tualatin Greenways so this criterion does not apply.

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

Staff Response 18: The property already has a row of trees along the street frontage so no street trees are required.

(...)

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

Staff Response 19: Properties under an acre in size and with less than 200 lineal feet of street frontage are exempt from undergrounding utilities. The site meets the exception criteria.

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

(...)

Staff Response 20: This application is a two lot minor partition and is exempt from the density requirements.

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.

(...)

55.100 B. *Relationship to the natural and physical environment.*

(....)

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...*

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....*

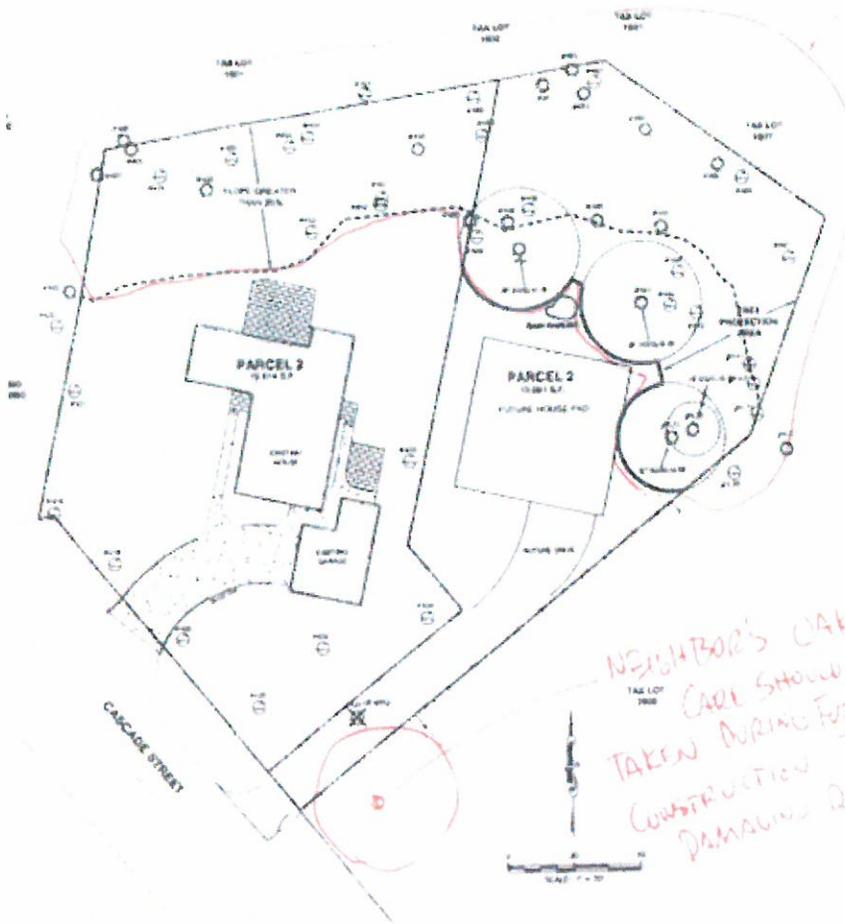
Staff Response 21: There are no heritage trees on this property. The rear of the site comprises a heavily treed hillside. The City Arborist identified the trees on the hillside (Type I and II lands) as significant. (see Arborist's map below). No residential project is proposed in this Type I/II area.

In addition, the City Arborist determined that there are four large Douglas Firs above the top of the slope (non-Type I and II lands) that are significant. (Those trees are identified on the "Slope Analysis and Tree Protection Plan" Sheet 2/3 as 447, 443, 435 and 436.) Pursuant to 55.100(B)(2)(b) above, the applicant has proposed to protect those four Douglas Fir trees. Whereas 55.100(B)(2)(b) seeks to protect up to 20% of the significant trees on non-Type I and II lands, the applicant's proposed tree protection constitutes 100% of the significant trees on the non-type I and II lands at this site. These identified trees on the residential project are subject to the tree conservation easement (condition of approval #3.)

The City Arborist proposed protection of the four Douglas Firs during development would come in the form of cyclone fences around the tree drip lines. These fences would remain in place until completion of development and home construction (see "Notes to Developer/Builder"). After the removal of the fencing, tree protection, provided through the Municipal Code, will apply.

The City Arborist also recommended that protective measures be put in place to help protect the roots of a mature oak tree on the property at 5641 Cascade Street. (See "Notes to Developer/Builder".)

There are no other significant trees on the site. Only one tree on the total site, a non-significant 18-inch apple tree in the driveway alignment for parcel 2, is proposed for removal. The criteria are met.



SIGNIFICANT TREES

1-6-15

NEIGHBOR'S OAK - CARE SHOULD BE TAKEN DURING FUTURE CONSTRUCTION TO AVOID DAMAGING ROOTS

TREE PROTECTION PLAN
SCALE 1" = 20'

**SLOPE ANALYSIS AND TREE PROTECTION PLAN
CASCADE PARTITION**

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Clatsop County, Oregon

SHEET
2/3