



June 23, 2015

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

SUBJECT: WEATHERVIEW (15-01)

Dear Peter,

I am writing on behalf of JT Smith Companies to request that the application for the Subdivision of Weatherview Subdivision (SUB-15-01) be deemed complete. The following has been provided to document our response to each of the requests listed within the May 14th incompleteness notification. The applicant is providing all of the missing information identified in the incompleteness determination as required by ORS 227.178(2)(a). We have prepared this correspondence as well as a revised preliminary plat drawing and we believe that the revised plans adequately address the comments provided by the City in the May 14, 2015 incompleteness notification letter.

Incomplete items per the Planning Department, as listed by their Community Development Code section, are as follows:

85.160(D) (1): *Need to select a subdivision name that is different from an existing subdivision.*

Applicant's Finding: The Applicant has changed the proposed name of the subdivision to Weatherview. The new plat name has been reserved with the Clackamas County Surveyor's Office.

85.160(E) (5): *Identification of significant trees by the City Arborist to be followed by mapping of those trees plus calculations per 55.100(B) (2) and this section. Please contact City Arborist Mike Perkins at 503-723-2554 to set up a site inspection. He should be provided with a map which inventories each tree by type and size. Each tree should be allocated a number on that map which should correspond to a numbered tag on the tree in the field.*

Applicant's Finding: The City's Arborist, Mike Perkins, has performed an inspection of the site and confirmed the Applicant's tree inventory.

85.160(E) (8): *Show zoning on, and adjacent to, the subject property*

Applicant's Finding: The Applicant has revised the Site Plan (Sheet C2.1) to show the zoning on and adjacent to the subject property.

85.160(E) (9): *Show existing houses (outline of house footprint) on adjacent properties*

Applicant's Finding: The Applicant has revised the Site Plan (Sheet C2.1) to show the existing houses on adjacent properties.

85.160(F) (7): *Street tree planting plan or request waiver of that submittal*

Applicant's Finding: The Applicant will submit a tree planting plan that meets the City's requirements for tree planting along public streets with the construction documentation plan set.

The applicant requests a waiver of the tree planting plan with the preliminary plan review.

85.170(B) (2): *Explain why Traffic Impact Analysis is not required. Provide estimate of ADT likely to be produced by this subdivision.*

Applicant's Finding: The Applicant has updated the project's narrative to provide an average daily trip projection based upon the number of new single family residential dwellings.

Chapter 32: The proposal to install storm water/sanitary sewer facilities takes place in the vicinity of the detention pond which is also identified in the City's wetland inventory and newly adopted WRA map as a wetland (TA-01). This concern was discussed in February 2015. At that time I noted the potential exemption of 32.040(B) (1) which states:

B. Building, paving, grading, and testing.

1. Maintenance. Routine repair, maintenance and replacement of legally established above and below ground utilities and related components (including storm water catch basins, intakes, etc.), roads, driveways, paths, trails, fences and manmade water control facilities such as constructed ponds, wastewater facilities, and storm water treatment facilities that do not expand the disturbed area at grade or footprint, provided re-vegetation of disturbed areas or corridors is performed pursuant to CDC 32.100.

But that exemption only applies to existing legally established facilities. It would not apply to the installation of new sewer and storm facilities. Not only are the sewer and storm water pipes being newly introduced to the WRA but there is a new storm water outfall as shown on sheet C2.3 (specifically Grading Key Note 5: 150 foot long swale and an energy dissipater) which increases the disturbed footprint. And whereas, that exemption might be argued to relate to the detention pond, it would not apply to Salamo Creek and its associated setback.

A Chapter 32 WRA permit is required. There is a deposit fee of \$1,850.

Applicant's Finding: The Applicant submitted a check for \$1,850 in order to initiate a concurrent review of the project's proposed offsite impacts which will affect a mapped Water Quality Resource Area.

Please respond to the submittal requirements of 32.050. The submittal requirements require that you map the water resource which would be Salamo Creek and the wetland in and upstream of the detention pond. (Although the detention pond may be determined to be exempt from DSL permits, the City's code has no exemption and indeed the wetland has extended upstream from the detention pond.) Assuming slopes between 0-24% range, the WRA setback would be 65 feet from bankful stage or the Ordinary High Water mark of the wetland and Salamo Creek.

Applicant's Finding: The Applicant has revised the narrative to address the impacts to the Water Resource Area listed in section 32.050.

Please respond to the approval criteria of 32.060. (There are specific approval criteria for storm water and storm water facilities per 32.060(B) (2) and utilities (sewer) per 32.060 (E).)

Applicant's Finding: The Applicant has revised the narrative to address the approval criteria of CDC Section 32.060.



You should anticipate vegetative restoration (32.100) of temporarily impacted areas (sewer and storm water pipe trenches) and mitigation (32.090) for the new storm water swale and energy dissipater.

Applicant's Finding: The Applicant has revised the narrative to address the mitigation and restoration requirements of CDC Section 32.090 and CDC Section 32.100.

A sidebar to this issue and not specifically required for completeness of your application is the DSL/USACE removal/fill permit. That permit may be exempted under their "man-made storm facility" exemption or if less than 50 cubic yards is modified. However, Salamo Creek may trigger a permit if it is declared "waters of the state". Waters of the state include intermittent streams. Anita Huffman of DSL should be contacted to discuss the applicability of the DSL/USACE removal/fill permit.

Applicant's Finding: The Applicant has submitted a letter from Schott and Associates addressing the status of the regional stormwater pond as it relates to state and federal wetland regulations. As clarified by Dr. Schott within the letter, the pond was constructed to be a regional stormwater facility. Although the pond has taken on the characteristics of a wetland, maintenance and impacts to the pond from development are exempt from formal reviews by the Department of State Lands and the US Army Corps of Engineers because of its status as a man-made stormwater facility.

*Incomplete items per the Engineering Department are as follows:
Amend Sheet C 3.0 "Composite Utility Plan" to show looping water line to Crestview Drive.*

Applicant's Finding: The Applicant has discussed the potential for a looped water line with the City's Engineering Department. Our office is currently working with the City to identify acceptable options for the water line loop. The City's Engineering department has indicated that the formal review of the subdivision can be initiated but that providing for a looped water line may be conditioned upon the application if a solution is not finalized during the land use review period.

We trust that these responses and materials will assist in the City's favorable evaluation of the application. 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.

Attachments: Revised Land Use Narrative
Revised Site Plan and Utility Plans

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



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GENERAL INFORMATION

Property Owner and Applicant: **Black Diamond Properties, LLC**
5285 Meadows Road, Suite #171
Lake Oswego, OR 97035
Contact: Jesse Nemec
Phone: 503-730-8620
Email: jnemec@jtsmithco.com

Applicant's Representative: **3J Consulting, Inc.**
5075 SW Griffith Drive, Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE INFORMATION

Tax Lot Numbers: 2S1E35A01200 and 2S1E35A01202
Address: 22850 and 22848 Weatherhill Road
Size: 4.92 Acres
Zoning Designation: R-7 (City of West Linn)

Neighborhood: Savanna Oaks
Comprehensive Plan: Low Density Residential
Existing Use: There is one single-family home on the site (residential) and a metal barn.
Street Functional Classifications: The site currently takes access from Weatherhill Road, a local street. As proposed, the lots would take access from one of two new local streets or from Weatherhill. The new north-south local street would connect to Weatherhill Road. The new east-western road would be an extension of Satter Street.
Surrounding Zoning: Northeast- R-40 (West Linn)
East and West- FU-10 (Clackamas County)
South- R-7 (West Linn)
North- R-3 (West Linn)

INTRODUCTION

APPLICANT'S REQUEST

The Applicant seeks approval of an application for Subdivision Preliminary Plat for the development of 22 residential lots (Weatherview Subdivision). This narrative describes the proposed subdivision of the site and documents compliance with the relevant sections of the City of West Linn's Community Development Code ("CDC").

This property was annexed into the City of West Linn in 2014 (ANX 14-02). Upon annexation, the zoning designation of R-7 was applied to the property.

PROPOSED SITE IMPROVEMENTS

The project site consists of a total of 4.92 acres. The property is located between Weatherhill Road to the north, Crestview Drive to the south, and west of Salamo Road. There is one single-family detached home with a metal barn in the middle of the property that will be demolished as part of this project.

The intent of this subdivision is to provide twenty-two (22) buildable lots, each a minimum of 7,000 square feet in size, for development with single-family homes, a use permitted outright in the R-7 zone.

APPLICABLE CRITERIA

The following sections of the CDC have been extracted as they have been deemed to be applicable to the proposal. Following each applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document that the proposed development has satisfied the approval criteria for Subdivision Preliminary Plat.

DIVISION 8. LAND DIVISION

CHAPTER 85. GENERAL PROVISIONS

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

B. Transportation.

2. Traffic Impact Analysis (TIA).

a. **Purpose.** The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.

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

c. **When required.** A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) The development application involves one or more of the following actions:

(A) A change in zoning or a plan amendment designation; or

**Applicant's
Finding:**

The Applicant is not proposing a change in zoning or a plan amendment designation as a part of this land use application, therefore a Traffic Impact Analysis is not required per this subsection.

(B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and

**Applicant's
Finding:**

The proposed development is not located along a State highway, therefore a Traffic Impact Analysis is not required per this subsection.

(C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or

Applicant's Finding:

The *Institute of Transportation Engineers Trip Generation Manual, 9th Edition* estimates an average increase in daily trips as 9.5 trips/ residential lot. The proposed 22 lot subdivision will generate 209 average daily trips (ADT), therefore a Traffic Impact Analysis is not required per this subsection.

(2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or

Applicant's Finding:

The proposed development is intended to serve primarily residential traffic and is not estimated to increase the use of adjacent streets by vehicles exceeding 20,000-pound gross vehicle weights by 10 vehicles or more per day, therefore a Traffic Impact Analysis is not required per this subsection.

(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

Applicant's Finding:

Proposed access driveways have been designed to meet the minimum intersection site distance for new single family homes.

(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

Applicant's Finding:

Proposed access driveways have been designed to meet the minimum intersection site distance for new single family homes.

(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

Applicant's Finding:

No changes to local traffic patterns hold the potential to cause off-site safety problems.

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 lot 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. 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 (TSP) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the TSP 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 pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements. 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 to Bland Circle to the west and 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 the developer be responsible for the construction of internal streets. Two internal streets are proposed, one running north-south and providing access to Weatherhill Road and one running east-west, south of and parallel to Weatherhill Road. The east-west street (Satter Street) will be stubbed to the east and west for future connectivity. The Applicant proposes full responsibility for construction of these internal streets, with a total right-of-way width of 48 feet per street. The paved surfaces will be 24 feet in width and 6-foot sidewalks and 6-foot planter strips will be provided on each side of the paved surfaces.

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. This dedication is consistent with the City Engineer’s requirements for the construction of Weatherhill road, as described within the Pre-application Conference Notes for the project.

The Applicant further proposes two new local streets, each with a 48 foot right-of-way and 24 foot pavement width.

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 streets 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 City's Development Engineer has reviewed the proposal and made recommendations to the applicant, which are incorporated into the proposed roadway configuration.

The requirements of this section have been satisfied.

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

- a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.
- b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
- c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.
- d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.

Applicant's Finding: The proposed streets and Weatherhill Road will serve the 22 proposed lots, no more than a normal Local Street traffic load. The dedication of right-of-way and street

improvements will result in adequate facilities on Weatherhill Road. No arterials are adjacent to this proposal.

The requirements of this section have been satisfied.

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

Applicant's Finding: The applicant does not propose reserve strips or street plugs with this application. All rights-of-way will be dedicated to the edge of the adjoining properties.

The requirements of this section have been satisfied.

7. Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

Applicant's Finding: The new proposed street does not continue on the north side of Weatherhill Road. The "T" intersection created will be more than 100 feet from the next intersection point along Weatherhill.

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 Applicant proposes an east-west street parallel to Weatherhill Road that will extend to the east and west boundaries of the subdivision and provide future connectivity. The dead-end streets that result will not have permanent turnarounds; however, the alignment of the driveways on lots 5, 6 and 10 will provide the necessary temporary turnaround for Fire Department and homeowner's use.

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 north-south public local street will intersect Weatherhill Road at a right angle. The proposed north-south street intersects the proposed east-west street at a right angle. 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 streets, as discussed above, will be dedicated at time of subdivision.

The requirements of this section have been satisfied.

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 5 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 :***

Applicant's Finding: No cul-de-sacs are proposed with this subdivision. The extension of Satter Street to the east and west within the development will create temporary dead-end

The requirements of this section have been satisfied.

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 east-west local street within the development, as a continuation of Satter Street, located to the west. The Applicant has not proposed a name for the new north-south local street at this time.

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 of the new local public street will not exceed 15 percent, per this standard. No street will have a centerline radius of less than 50 feet.

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 streets within the development, per this standard, with the exception of areas near existing trees where a curb tight sidewalk will allow more room for tree preservation (Lots 10, 12, and 13)

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 curblines. 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 streets, with the exception of areas near existing trees where a curb tight sidewalk will allow more room for tree preservation (Lots 10, 12, and 13).

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: Lots 16-19 utilize a shared private access ("flag pole") to access the proposed public street. This is discussed further as permitted in Section 85.200.B.7. All other lots have access to a public street.

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 curbline, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curbline 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 Finding: Right-of-way dedication and street improvements are proposed with this application proportionate to the construction of 22 new lots. Off-site street improvements are not necessary or proportionate to mitigate traffic impacts from this 22-lot subdivision.

The requirements of this section have been satisfied.

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.

Applicant's Finding: The proposed north-south public street intersects Weatherhill Road where safe and appropriate. This access provides the best option for traffic safety, convenience, access, circulation, and control. Until development of the properties to the east or west, all 22 proposed lots will utilize the new north-south public street, which will then connect to Weatherhill Road.

The requirements of this section have been satisfied.

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 intersect Weatherhill Road near the middle of the distance between Salamo and Bland. However, due to topographical constraints (steep slope) and development constraints (the property to the south is subdivided with no potential for a public street connection), the new north-south public street will terminate within the subdivision at the new east-west street. The new east-west public street will continue to the boundaries of the subdivision, providing future vehicle, bicycle and pedestrian connectivity.

The City's TSP does not propose a specific lot or block arrangement within this part of the City. Blocks are generally recommended to be approximately 400 feet in length to allow for connectivity. The maximum allowable block length without topographic constraint, is recommended to be 800 feet. The block length pattern which will be partially established through the creation of the streets in this development is dictated by topography. The property to the west may have an opportunity to extend a new north/south road alignment but it is not clear whether this connection will be possible given the limited information regarding site topography which exists on the properties located to the east. From examining the contours, even though the applicant is proposing an at grade roadway connection to the east, a new north/south connection to Weatherhill may not

be possible. If no connection is made to the north, the next possible connection point to Weatherhill would be approximately 675 feet to the west where Sagert turns north to connect to Weatherhill.

To the east, the newly proposed street layout would fall approximately 900 feet away from Salamo. While a new north/south street would need to be installed to connect the extension of Satter street to the north to meet the 800 foot block length requirement, the topography on the lots to the east may be too restrictive to allow for the connection of a new north/south street. The applicant has again proposed an at grade connection to the property to the east, providing the best possible situation for the extension of the street network. The new local street arrangement for the properties to the east in relation to the topography will determine whether a future north/south street is possible within this constrained area.

The requirements of this section have been satisfied.

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.

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	35 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 22 proposed lots exceed the minimum requirements for front lot line length, lot width and lot depth

The requirements of this section have been satisfied.

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

Applicant's Finding: The proposed access to the subdivision conforms to the provisions of CDC Chapter 48 because all lots will take access from a Local Street either directly or via a flag pole, as permitted by Section 85.200.B.7.

The requirements of this section have been satisfied.

5. Double frontage lots and parcels. Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

Applicant's Finding: No through lots or double fronted lots are proposed with this application.

The requirements of this section have been satisfied.

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

Applicant's Finding: Though the shape of the subject site is somewhat irregular, all side lot lines run at approximate right angles to the streets upon which they face as far as practicable.

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

- e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

Applicant's Finding: Lots 16-19 are proposed as flag lots. The street frontage of the accessway serving the 4 lots is 32 feet wide (8 feet per lot). All setback, lot size, lot depth and access requirements are met.

The requirements of this section have been satisfied.

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:

- a. require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or
- b. alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

Applicant's Finding: The lots of the proposed subdivision, ranging in size from 7,004 square feet to 11,327 square feet, are not large enough for future division in the R-7 zone.

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: The proposed east-west street includes sidewalks and, therefore, additional trails or pedestrian connections are not required. There are no existing trail connections which require connection from this site. By connecting streets to the east, west, and the north, ample opportunities for connectivity along public streets will be provided.

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 Development Engineer adjacent to this property.

The requirements of this section have been satisfied.

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:
 - 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. Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.
6. *Repealed by Ord. 1635.*
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:**

The property contains a limited amount of steeply sloped lands but the majority of which were created by the previous owner of the property when the home on the property was constructed. The installation of roads and utilities will require impacts to these lands; however these disturbed slopes are not significant enough to be of any concern or to warrant a geologic hazard analysis.

Elsewhere, the property does contain lands with slopes in excess of 12%. Within these areas, the guidelines for development of slopes in excess of 12% have been utilized in preparing the project's grading and site plans.

The property does not contain any lands in excess of 50% slope.

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 applicant will connect all lots to public water per the submitted public improvement plans. To serve this site, it is necessary to install a new 8" public water main within the Weatherhill Road right-of-way from this site to Salamo Road to the east. 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 lots in the subdivision will be provided sanitary sewer service via a new sanitary line extension within a new public easement which will be located to the south and east of the site. The Applicant proposes adding manholes within the easements and one manhole within the right-of-way of Bland Circle. The sewer system will then be connected to the existing 8" public sewer main in Bland Circle. The proposed sanitary sewer system is consistent with the Sanitary Sewer Master Plan, is in the correct basin and allows for full gravity service. As shown on the development plans a temporary sanitary sewer alignment and easement will be provided on a neighboring property (the Sloop Property).

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 has been designed to meet City standards, as detailed in the submitted stormwater report. The project will be served by a regional stormwater pond located to the southwest of the property. The regional pond was created and sized to handle the future development of this property and other properties within the watershed basin for detention. The facility will be enhanced to include additional stormwater quality (swale) since the requirements for water quality has become more stringent than the original pond design. The applicant and the neighboring property owner have a preliminary agreement for an easement which will allow for the extension of a storm drainage line leading to the regional facility. The Applicant will provide all required easement documentation prior to any application for site development or construction.

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 and shown on the preliminary 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 drainage ways as none exist on the property.

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 exist on this site or 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 LED fixtures.

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 a 22-lot subdivision.

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 4.07 acres. At 6.2 dwelling units per net acre, the maximum number of dwelling units on this site is 25. The proposed 22 dwelling units would be 87 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. Tree preservation is discussed further in this report.

The requirements of this section have been satisfied.

CHAPTER 33. STORMWATER MANAGEMENT- REPEALED BY ORD 1622

CHAPTER 32. WATER RESOURCE AREA PROTECTION

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:

- 1. The existence of a WRA;**
- 2. The exact location of the WRA; and/or**
- 3. Whether the proposed development, activity or use is within the WRA boundary.**

Applicant's Finding:

The Applicant has proposed a series of off-site improvements on the Sloop's property in order to provide stormwater and sanitary services for the Weatherview property. The Sloop's property is located downhill from the subject property, along the site's eastern boundary. The site is known as taxlot number 2s1e35a 01100. The site is currently located outside of the City and contains a portion of a regional stormwater management pond which was created several years ago with the intent of providing regional stormwater quality and detention for the Weatherhill/Salamo drainage basin.

The stormwater pond is located in part, on the City's properties (taxlot 2s1e35a 01103 and 2s1e35a 01402), and in part, along the Sloop's property. The pond is connected to a small, ephemeral stream which generally follows the alignment of Salamo Road.

The stormwater pond and a portion of the stream are shown on the City's Water Quality Resource Area Maps. The Applicant's wetland biologist, Schott and Associates, has visited these sites and provided flagging of the high-water marks for both the stream and the pond and these flags have been picked up by the project's surveyor. While it is clear that the stormwater pond is not a wetland, its mapping as a WRA on the City's inventory necessitates an application under the requirements of this section. Further, the presence of Salamo Creek necessitates an application for development within the WRA.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense. (Ord. 1623 § 1, 2014)

32.040 EXEMPTIONS

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

A. Vegetation maintenance, planting and removal.

- 1. The routine maintenance of any existing WRA, consistent with the provisions of this chapter such as, but not limited to, removing pollutants, trash, unauthorized fill, and dead or dying vegetation that constitutes a hazard to life or property.**

2. Removal of plants identified as nuisance, invasive or prohibited plants; provided, that after plant removal, re-vegetation of disturbed areas is performed pursuant to CDC [32.100](#).
3. The planting or propagation of plants identified as native plants on the Portland Plant List.
4. Maintenance of existing gardens, pastures, lawns, and landscape perimeters, including the installation of new irrigation systems within existing gardens, lawns, and landscape perimeters.
5. The use of pesticides and herbicides with applicable state (e.g., Oregon DEQ) permits.

B. Building, paving, grading, and testing.

1. **Maintenance.** Routine repair, maintenance and replacement of legally established above and below ground utilities and related components (including storm water catch basins, intakes, etc.), roads, driveways, paths, trails, fences and manmade water control facilities such as constructed ponds, wastewater facilities, and storm water treatment facilities that do not expand the disturbed area at grade or footprint, provided re-vegetation of disturbed areas or corridors is performed pursuant to CDC [32.100](#).
2. **Trails.** The establishment of unpaved trails constructed of non-hazardous, pervious materials with a maximum width of four feet in generalized corridors approved in a parks or trails master plan; provided, that:
 - a. The trail is set back from the water resource at least 30 feet, except at stream crossing points or at points where the topography forces the trail closer to the stream.
 - b. Foot bridge crossings shall be kept to a minimum. When the stream bank adjacent to the foot bridge is accessible (e.g., due to limited vegetation or topography), fences or railings shall be installed from the foot bridge and extend 15 feet beyond the terminus of the foot bridge to discourage trail users and pets from accessing the stream bank, disturbing wildlife and habitat areas, and causing vegetation loss, stream bank erosion and stream turbidity.
 - c. Trails shall be designed to minimize disturbance to existing vegetation, work with natural contours, avoid the fall line on slopes where possible, and avoid areas with evidence of slope failure to ensure that trail runoff does not create channels in the WRA.
3. **Site investigations.** Temporary and minor clearing outside of wetlands not to exceed 200 square feet per acre or site, whichever is more; provided, that no individual area is greater than 200 feet in size, for the purpose of site investigations and pits for preparing soil profiles; provided, that such areas are restored to their original condition when the investigation is complete. While such temporary and minor clearing is exempt from the provisions of this chapter, it is subject to all other City codes, including provisions for erosion control and tree removal.

4. Support structures for overhead power or communication lines where the support structures are outside of the WRA.

5. The installation, within the developed portions of street rights-of-way, of new utilities, the maintenance or replacement of existing utilities and street repaving projects.

Applicant's Finding: Subsection 5 of this section identifies that newly proposed utilities are exempt from a WRA permit but must conform to any applicable requirements of this section.

32.050 APPLICATION

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

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

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

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

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

F. Site plan. The applicant shall submit a site plan which contains the following information, as applicable:

1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.
2. Property lines, rights-of-way, easements, etc.
3. Topographic information at two-foot contour increments identifying both existing grades and proposed grade changes.
4. A slope map delineating slopes zero to 25 percent and over 25 percent.

5. Boundaries of the WRA, specifically delineating the water resource, and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL) delineation review process.
6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation, water resource crossings, alterations to vegetation, or other alterations to the site's natural state.
7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.
8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
 - a. The type and general quality of ground cover, including the identification of dominant species and any occurrence of non-native, invasive species;
 - b. Square footage of ground cover; and
 - c. Square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.
9. Locations of all significant trees as defined by the City Arborist.
10. Identify adopted transportation, utility and other plan documents applicable to this proposal.
11. For cases processed under CDC [32.110](#) (hardship), provide the maximum disturbed area (MDA) calculations.

Applicant's Finding:

Based upon the preliminary mapping of the WRA areas on the property, the Applicant has provided a preliminary site plan showing the extent of the offsite improvements proposed to provide utility service to the Weatherview Subdivision. The boundaries of the WRA's both from the existing stormwater pond and from Salamo Creek have been estimated to be 65 feet. Disturbances to these areas will be minor in nature and strictly limited to the minimum area required to facilitate the construction of the proposed utilities. The areas of impacts for the proposed utilities have been shown and quantified on the attached plans. All required and requested information has been provided to the City in support of the proposed development within the WRA.

G. Construction management plan. The applicant shall submit a construction management plan which includes the following:

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

Applicant's Finding: The Applicant proposes to submit a Construction Management Plan along with the project's construction documentation plan set. The Construction Management Plan will be subject to the City Engineer's review and approval prior to any construction activities within the WRA buffer areas. The proposed Construction Management Plan will be prepared to reflect the final design for the site's utility scheme. Any updates to the required mitigation quantities will be refined and delivered to the City for final approval.

H. Mitigation plan prepared in accordance with the requirements in CDC [32.090](#).

I. Re-vegetation plan prepared in accordance with the requirements in CDC [32.100](#).

Applicant's Finding: The Applicant proposes to submit a Mitigation and Re-vegetation Planting Plan along with the final construction documentation plan set for the project. The applicant has provided preliminary calculations for the temporary and permanent impacts to the buffers associated with the WRA's. The final impacts to the WRA buffers will be updated to reflect the final approved construction plans and the mitigation calculations will be updated and provided to staff for review.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

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

A. WRA protection/minimizing impacts.

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

Applicant's Finding: The Applicant has illustrated, on the attached plans, a series of proposed impacts which have been identified as necessary and appropriate to provide utility service to the Weatherview Subdivision and to other sit's which may develop adjacent to Weatherview. The proposed impacts to the WRA buffers are primarily limited to temporary impacts which will provide both sewer and stormwater utility services to an area of the City which is currently without service. All proposed impacts and utility alignments have been specifically designed in consultation with the City Engineer, our project team's Wetland Biologist and Arborist. The goal of the design process has been to provide services while minimizing impacts to significant trees and to WRA's and their associated buffers. The Application has identified the impacts required to construct the proposed utility extensions and has quantified them on the plan so that mitigation can be adequately identified and provided.

The requirements of this section have been satisfied.

B. Storm water and storm water facilities.

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

Applicant's Finding: The proposed stormwater design utilizes a stormwater pond which has been constructed by the City within an existing WRA area (Salamo Creek). The conveyance of stormwater to the City's regional stormwater facility perfectly reflects the intent of this section.

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

Applicant's Finding: The proposed stormwater design an energy dissipater which will be located adjacent to the WRA but within a WRA buffer. No encroachments to the WRA are anticipated. Impacts to the buffer areas are overwhelmingly temporary and shall be mitigated for during the construction phase of the project.

3. **Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).**
4. **Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.**

Applicant's Finding: The Applicant is proposing to route stormwater from the Weatherhill Subdivision to an existing City Owned and City maintained regional stormwater facility. No improvements to provide fencing have been contemplated by the applicant.

5. **Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.**

Applicant's Finding: The Applicant is proposing to route stormwater from the Weatherhill Subdivision to an existing City Owned and City maintained regional stormwater facility. The existing facility currently has an established access point. The Applicant’s proposal is not intended to alter this access point.

C. Dedications and easements. The City shall request dedications of the WRA to the City when acquisition of the WRA by dedication or easement would serve a public purpose. When such a dedication or easement is mutually agreed upon, the applicant shall provide the documentation for the dedication or easement. Nothing in this section shall prohibit the City from condemning property if:

1. **The property is necessary to serve an important public purpose; and**
2. **Alternative means of obtaining the property are unsuccessful.**

Applicant's Finding: The Applicant intends to submit an easement for access to the proposed stormwater improvements associated with the Weatherhill Subdivision’s stormwater utility plan. The Applicant understands that if not submitted with the preliminary land use application that the City may condition that the easements be submitted and recorded prior to the approval of any construction plans for the proposed development.

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

Applicant's Finding: The Applicant has assumed that both the pond and the small section of Salamo Creek which will have buffers that are affected by the proposed utility corridors will be measured to be 65'. This preliminary measurement has been provided to allow for a conservative treatment of Salamo Creek. As the project's wetland biologist has indicated, Salamo may be an ephemeral stream however sufficient research has not been conducted at this time to document that the stream meets the definition of an ephemeral waterway. At some point in the future, perhaps at the time of the development of the Sloop's property, the classification of Salamo Creek may be further defined and the buffer width reduced. For the purposes of this project, both the regional stormwater pond and the stream have been provided with 65' buffers, consistent with the table 32-2.

E. Roads, driveways and utilities.

- 1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:**
 - a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.**
 - b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.**
 - c. Road and utility crossings shall avoid, where possible:**
 - 1) Salmonid spawning or rearing areas;**
 - 2) Stands of mature conifer trees in riparian areas;**
 - 3) Highly erodible soils;**
 - 4) Landslide prone areas;**
 - 5) Damage to, and fragmentation of, habitat; and**
 - 6) Wetlands identified on the WRA Map.**
- 2. Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.**
- 3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.**

4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, U.S. Army Corps of Engineers and Oregon Department of State Lands (DSL).
5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

Applicant's Finding: The Applicant has illustrated, on the attached plans, a series of proposed impacts which have been identified as necessary and appropriate to provide utility service to the Weatherview Subdivision and to other sit's which may develop adjacent to Weatherview. The proposed impacts to the WRA buffers are primarily limited to temporary impacts which will provide both sewer and stormwater utility services to an area of the City which is currently without service. All proposed impacts and utility alignments have been specifically designed in consultation with the City Engineer, our project team's Wetland Biologist and Arborist. The goal of the design process has been to provide services while minimizing impacts to significant trees and to WRA's and their associated buffers.

The requirements of this section have been satisfied.

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

32.090 MITIGATION PLAN

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

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

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

C. Amount of mitigation.

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

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

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

Applicant's Finding: The Applicant intends to provide a mitigation plan for the proposed temporary and permanent impacts into the site's WRA buffer areas. The preliminary impacts to the WRA's buffers have been shown within the attached plan. The Applicant will provide the City's staff with a final impact analysis upon completion of the construction documentation phase of the project and will arrange for mitigation and re-vegetation as required by this section.

32.100 RE-VEGETATION PLAN REQUIREMENTS

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

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

must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

3. **Plant coverage.**

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

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

4. **Plant diversity.** Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.

5. **Invasive vegetation.** Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. **Tree and shrub survival.** A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.

7. **Monitoring and reporting.** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.

8. To enhance survival of tree replacement and plantings, the following practices are required:

a. **Mulching.** Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

b. **Irrigation.** Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

c. **Weed control.** Remove, or control, non-native or noxious vegetation throughout maintenance period.

d. **Planting season.** Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

e. **Wildlife protection.** Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds. (Ord. 1623 § 1, 2014)

Applicant's Finding: The Applicant intends to provide a mitigation plan for the proposed temporary and permanent impacts into the site's WRA buffer areas. The preliminary impacts to the WRA's buffers have been shown within the attached plan. The Applicant will provide the City's staff with a final impact analysis upon completion of the construction documentation phase of the project and will arrange for mitigation and re-vegetation as required by this section.

CHAPTER 42. CLEAR VISION AREAS

42.020 CLEAR VISION AREAS REQUIRED, USES PROHIBITED

A. A clear vision area shall be maintained on the corners of all property adjacent to an intersection as provided by CDC 42.040 and 42.050.

B. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the street centerline grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed. (Ord. 1192, 1987)

42.030 EXCEPTIONS

The following described area in Willamette shall be exempt from the provisions of this chapter. The parcels of land zoned General Commercial which abut Willamette Falls Drive, located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

42.040 COMPUTATION; STREET AND ACCESSWAY 24 FEET OR MORE IN WIDTH

The clear vision area for all street intersections and street and accessway intersections (accessways having 24 feet or more in width) shall be that triangular area formed by the right-of-way or property lines along such lots and a straight line joining the right-of-way or property line at points which are 30 feet distant from the intersection of the right-of-way line and measured along such lines.

42.050 COMPUTATION; ACCESSWAY LESS THAN 24 FEET IN WIDTH

The clear vision area for street and accessway intersections (accessways having less than 24 feet in width) shall be that triangular area whose base extends 30 feet along the street right-of-way line in both directions from the centerline of the accessway at the front setback line of a single-family and two-family residence, and 30 feet back from the property line on all other types of uses.

Applicant's Finding: All clear vision areas at the intersections of public streets with driveways or other public streets on the subject site will be free of plantings, fences, walls, structures and obstructions, meeting the requirements for clear vision areas.

The requirements of this section have been satisfied.

CHAPTER 44. FENCES

44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

A. A sight- or non-sight-obscuring fence may be located on the property line or in a yard setback area subject to the following:

1. The fence is located within:
 - a. A required front yard area, and it does not exceed three feet, except pillars and driveway entry features subject to the requirements of Chapter 42 CDC, Clear Vision Areas, and approval by the Planning Director;
 - b. A required side yard which abuts a street and it is within that portion of the side yard which is also part of the front yard setback area and it does not exceed three feet;
 - c. A required side yard which abuts a street and it is within that portion of the side yard which is not also a portion of the front yard setback area and it does not exceed six feet provided the provisions of Chapter 42 CDC are met;
 - d. A required rear yard which abuts a street and it does not exceed six feet; or
 - e. A required side yard area which does not abut a street or a rear yard and it does not exceed six feet.

Applicant's Finding: New fences are not indicated on the proposed plans because the exact locations have yet to be determined. All fences constructed as part of this subdivision will meet the requirements of these standards.

The requirements of this section have been satisfied.

B. Fence or wall on a retaining wall. When a fence is built on a retaining wall or an artificial berm, the following standards shall apply:

1. When the retaining wall or artificial berm is 30 inches or less in height from finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half feet.
3. Fences or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of eight and one-half feet; provided, that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.

Applicant's Finding: Any fences built on retaining walls will meet these standards.

The requirements of this section have been satisfied.

44.030 SCREENING OF OUTDOOR STORAGE

A. All service, repair, and storage activities carried on in connection with any commercial, business or industrial activity and not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight-obscuring fence.

B. The sight-obscuring fence shall be in accordance with provisions of Chapter 42 CDC, Clear Vision Areas, and shall be subject to the provisions of Chapter 55 CDC, Design Review.

Applicant's Finding: This site is residential and no service, repair, or storage activities in connection with commercial, business, or industry activities are proposed.

The requirements of this section have been satisfied.

44.040 LANDSCAPING

Landscaping which is located on the fence line and which impairs sight vision shall not be located within the clear vision area as provided in Chapter 42 CDC.

44.050 STANDARDS FOR CONSTRUCTION

A. The structural side of the fence shall face the owner's property; and

B. The sides of the fence abutting adjoining properties and the street shall be maintained. (Ord. 1291, 1990)

Applicant's Finding: Any fences built will meet these standards.

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. Roads, utilities, and lots have been carefully placed to allow the retention of as many trees as possible.

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-ways and along Weatherhill Road.

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.

DIVISION 4. DESIGN REVIEW

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.

Applicant's Finding: The findings of subsections (B)(2)(a) through (f) are found below.

The requirements of this section have been satisfied.

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.

Applicant's Finding: The City defines type I and II sites as lands that have either slopes of 35 percent or more or more than 25 percent slopes over more than 50 percent of the site. The total amount of land on this site is less than 50 percent of the total site area.

This standard is not applicable.

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.

Applicant's Finding: The applicant has inventoried all trees on site and has consulted with the City’s arborist to determine which trees on site are significant. The applicant is proposing tree preservation consistent with these requirements, as detailed in the tree plan.

A total of 52,282 square feet of significant tree canopy area exists on site. The Applicant has proposed to retain a total of 18,205 square feet of significant tree canopy on site which achieves 35% retention of the existing significant canopy on site.

The requirements of this section have been satisfied.

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 lot or parcel is blocked by a row or screen of significant trees or tree clusters.

Applicant's Finding: Street layouts within the subdivision have been proposed to minimize tree loss at stubout locations by proposing roadway connections which are as close to existing grade as possible at the property boundaries. Tree loss on the adjoining properties at the time of future development is inevitable; however, the ability to connect to existing roadway stubs at grade provides the best possible opportunity for the adjoining properties to extent roadways in and around existing trees without having to accommodate significant cuts and fills.

The requirements of this section have been satisfied.

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.

Applicant's Finding: The proposed density of 5.4 dwelling units/acre is 87 percent of the maximum density for the developable net acre, 6.2 dwelling units/acre. A total of 35% percent of the existing tree canopy has been proposed for retention at the proposed density level.

The requirements of this section have been satisfied.

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.

Applicant's Finding: No arterial or collector street projects are included with this development application.

The requirements of this section have been satisfied.

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's proposed roadways, access drives, and homes will result in the removal of 594 caliper inches. Of the significant trees to be removed from the site, a total y trees will be removed specifically to allow for the development of street grades. The total significant caliper inches to be removed to facilitate street grades is 244 caliper inches.

The Applicant proposes to mitigate for the removal of the significant trees, consistent with the requirements of this section. As part of this mitigation, a total of 244 caliper inches of trees will either be planted on site or the applicant will plant a portion of the total caliper inches on site and pay a fee in lieu into the City's tree planting fund for the remaining caliper inches.

All trees installed on site will be 2 inches in caliper size or greater, therefore meeting the inch for inch mitigation requirement.

The requirements of this section can be satisfied during the construction documentation plan review stage of the project.

CHAPTER 92. REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

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

A. Streets within subdivisions.

1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:

a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.

b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.

2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:

a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.

b. A condition that the applicant build a trail, bicycle path, or other appropriate way.

If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter [271](#) ORS.

Construction staging area shall be established and approved by the City Engineer. Clearing, grubbing, and grading for a development shall be confined to areas that have been granted approval in the land use approval process only. Clearing, grubbing, and grading outside of land use approved areas can only be approved through a land use approval modification and/or an approved Building Department grading permit for survey purposes. Catch basins shall be installed and connected to pipe lines leading to storm sewers or drainageways.

B. Extension of streets to subdivisions. The extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to a minimum street structural section and width of 24 feet.

C. Local and minor collector streets within the rights-of-way abutting a subdivision shall be graded for the full right-of-way width and approved to the City's permanent improvement standards and specifications. The City Engineer shall review the need for street improvements and shall specify whether full street or partial street improvements shall be required. The City Engineer shall also specify the extent of storm drainage improvements required. The City Engineer shall be guided by the purpose of the City's systems development charge program in determining the extent of improvements which are the responsibility of the subdivider.

D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

E. Surface drainage and storm sewer system. 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 impacts from increased intensity of runoff off site of a 100-year storm, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts commensurate to the particular land use application. Mitigation measures shall maintain pre-existing levels and meet buildout volumes, and meet planning and engineering requirements.

F. Sanitary sewers. Sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains.

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.

2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area

served according to the City Engineer's recommendations and City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

H. Sidewalks.

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

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

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

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

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

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

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

I. **Bicycle routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

J. **Street name signs.** All street name signs and traffic control devices for the initial signing of the new development shall be installed by the City with sign and installation costs paid by the developer.

K. **Dead-end street signs.** Signs indicating “future roadway” shall be installed at the end of all discontinued streets. Signs shall be installed by the City per City standards, with sign and installation costs paid by the developer.

L. **Signs indicating future use** shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.). Sign and installation costs shall be paid by the developer.

M. **Street lights.** Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.

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

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

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

Q. **Joint mailbox facilities** shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval. (Ord. 1180, 1986; Ord. 1192, 1987; Ord. 1287, 1990; Ord. 1321, 1992; Ord. 1339, 1993; Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999)

Applicant's Finding: All improvements will be installed per the submitted plans and in conformance with the requirements of this title.

The requirements of this section have been satisfied.

92.030 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this title and permanent improvement standards and specifications adopted by the City and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the improvement plans may be required before approval of the tentative plan of a subdivision or partition. Plans shall be prepared in accordance with the requirements of the City.
- B. Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the Engineer. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or by any utility company shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- E. A digital and mylar map showing all public improvements as built shall be filed with the City Engineer upon completion of the improvements. (Ord. 1408, 1998)

Applicant's Finding: All improvements will be installed in conformance with the requirements of this title.
The requirements of this section have been satisfied.

CHAPTER 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

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

A. Who may apply.

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

2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

Applicant's Finding: The owner of the property is initiating this application for approval.

The requirements of this section have been satisfied.

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, *I. land divisions.**

Applicant's Finding: A pre-application meeting was held December 18, 2014.

The requirements of this section have been satisfied.

C. The requirements for making an application.

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

2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application materials shall be returned to the applicant, notwithstanding any determination of completeness. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1599 § 6, 2011)

Applicant's Finding: This application has been made on forms provided by the City's Planning Department. The application contains the necessary information and the required fee.

The requirements of this section have been satisfied.

99.033 FEES

The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of the administrative process. The Council may establish either a set fee or a deposit system in which the applicant pays a deposit and the City determines the total administrative cost at the end of the process and refunds any unused amount of the deposit to the applicant. No additional deposit shall be required for additional costs that are incurred because the matter is referred to or called up by a higher decision-making authority. The Council shall charge no fees for City-initiated land use applications or appeals filed by a recognized neighborhood association pursuant to the provisions of CDC 99.240. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1604 § 70, 2011)

Applicant's Finding: The required fee was submitted with the land use application.

The requirements of this section have been satisfied.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings of over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section.

Although not required for other or smaller projects, contact with neighbors is highly recommended.

The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

A. **Purpose.** The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.

C. The letter shall be sent by to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall encourage concerned citizens to contact their association president, or their association designee, with any questions that they may want to relay to the applicant.

Neighborhood contact shall be initiated by the applicant by mailing the association president, and to one designee as submitted to the City by the neighborhood association, a letter, return receipt requested, formally requesting, within 60 days, a date and location to have their required neighborhood meeting. The 60 days shall be calculated from the date that the applicant mails this letter to the association. If the neighborhood association does not want to meet within the 60-day timeframe, or if there is no neighborhood association, the applicant may hold a public meeting during the evening after 6:00 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

D. On the same date the letters described in subsections A through C of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right-of-way. If the site is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street. The sign notice shall be at least 11 inches by 17 inches in size on durable material and in clear, legible writing. The notice shall state that the site may be subject to a proposed development (e.g., subdivision, variance, conditional use) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

- 1. A copy of the certified letter to the neighborhood association with a copy of return receipt;**
- 2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;**
- 3. A copy of the required posted notice, along with an affidavit of posting;**
- 4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;**
- 5. An audiotape of the meeting; and**
- 6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section. (Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009)**

Applicant's Finding: This section requires the applicant to contact and discuss the proposed development with any affected neighborhood as provided in this section.

A meeting was held with the Savanna Oaks Neighborhood Association on February 3, 2015. The meeting was scheduled and noticed per the requirements of this section, and the required neighborhood meeting documentation is submitted with this application. The applicant provided renderings and information regarding the proposed subdivision and answered all questions asked by the members of the neighborhood association. The requirements of this section have been satisfied.

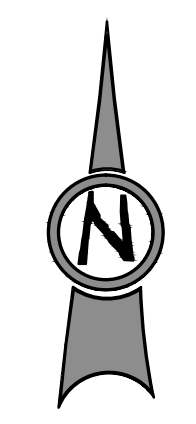
SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests that the City's Planning Commission approve this 22-lot subdivision.

A PORTION OF LOT 22, "BLAND ACRES"
 TAX LOTS 1200 & 1202, MAP 2-1E-35A
 NE 1/4 SECTION 35, T.2S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY,
 OREGON

TAX LOT 100
 MAP 2-1E-26D
 ZONED R-3

TAX LOT 1006
 MAP 2-1E-35A
 PARCEL 1, PARTITION PLAT 1997-97
 ZONED R-40



Scale: 1 inch = 30 feet

LEGEND

	BOUNDARY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING CENTERLINE
	EXISTING LOT LINE
	PROPOSED RIGHT-OF-WAY
	PROPOSED LOT LINE
	PROPOSED CENTERLINE
	PROPOSED SETBACK LINE
	PROPOSED EASEMENT LINE
	EXISTING 1 FOOT CONTOUR
	EXISTING 5 FOOT CONTOUR
	PROPOSED 1 FOOT CONTOUR
	PROPOSED 5 FOOT CONTOUR

SITE STATISTICS

SITE ADDRESS	22850 S WEATHERHILL RD
TAXLOT	21E35A 1200 & 1202
JURISDICTION	CITY OF WEST LINN
GROSS SITE AREA	4.92 ACRES
PROPERTY ZONING	R-7
FLOOD HAZARD MAP NUMBER	41005C0257D ZONE X (UNSHADED)

SUBDIVISION STATISTICS

RIGHT OF WAY DEDICATION	0.85 ACRES
MINIMUM ALLOWABLE EFFECTIVE LOT SIZE	7,000 SF
MINIMUM LOT DENSITY	18 UNITS
MAXIMUM LOT DENSITY	25 UNITS
PROPOSED LOT DENSITY	5.4 UNITS/ACRE
MINIMUM LOT DENSITY (PER R-7 ZONING)	4.3 UNITS/ACRE
MAXIMUM LOT DENSITY (PER R-7 ZONING)	6.2 UNITS/ACRE
SETBACKS:	
FRONT	20 FEET
SIDE	7.5 FEET
REAR	20 FEET
STREET SIDE	15 FEET
MAX. HEIGHT	35 FEET

PROJECT TEAM

OWNER/APPLICANT
 LF 7, LLC
 C/O: J.T. SMITH COMPANIES
 5285 MEADOWS ROAD, SUITE #171
 LAKE OSWEGO, OR 97035
 CONTACT: JESSE NEMEC
 PHONE: (503) 730-8620
 EMAIL: jnemec@jtsmithco.com

GEOTECHNICAL CONSULTANT
 GEOPACIFIC ENGINEERING, INC.
 14835 SW 72ND AVENUE
 PORTLAND, OR 97224
 CONTACT: JIM IMBRIE
 PHONE: (503) 625-4455
 EMAIL: jimbrie@geopacificeng.com

PLANNING CONSULTANT
 3J CONSULTING, INC
 10445 SW CANYON ROAD, SUITE 245
 BEAVERTON, OR 97005
 CONTACT: ANDREW TULL
 PHONE: 503-946-9365
 EMAIL: andrew.tull@3j-consulting.com

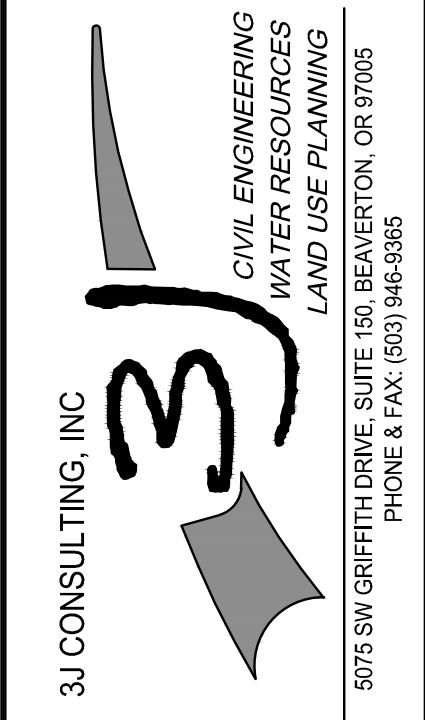
CIVIL ENGINEER
 3J CONSULTING, INC.
 10445 SW CANYON ROAD, SUITE 245
 BEAVERTON, OR 97005
 CONTACTS:
 CASEY FERGESON, PE
 PHONE: (503) 946-9365
 EMAIL: casey.fergeson@3j-consulting.com
 AARON MURPHY, PE
 PHONE: (503) 946-9365
 EMAIL: aaron.murphy@3j-consulting.com

LAND SURVEYOR
 COMPASS SURVEYING
 4107 SE INTERNATIONAL WAY, SUITE 705
 MILWAUKIE, OR 97222
 CONTACT: DON DEVLAMINCK, PLS
 PHONE: 503-653-9093
 EMAIL: dond@compass-engineering.com

LAND USE APPROVAL 06/23/2015
 REVISION SUMMARY BY DATE

TENTATIVE SUBDIVISION PLAT

**WEATHERVIEW
 SUBDIVISION**
 WEST LINN, OR
 BLACK DIAMOND PROPERTIES, LLC



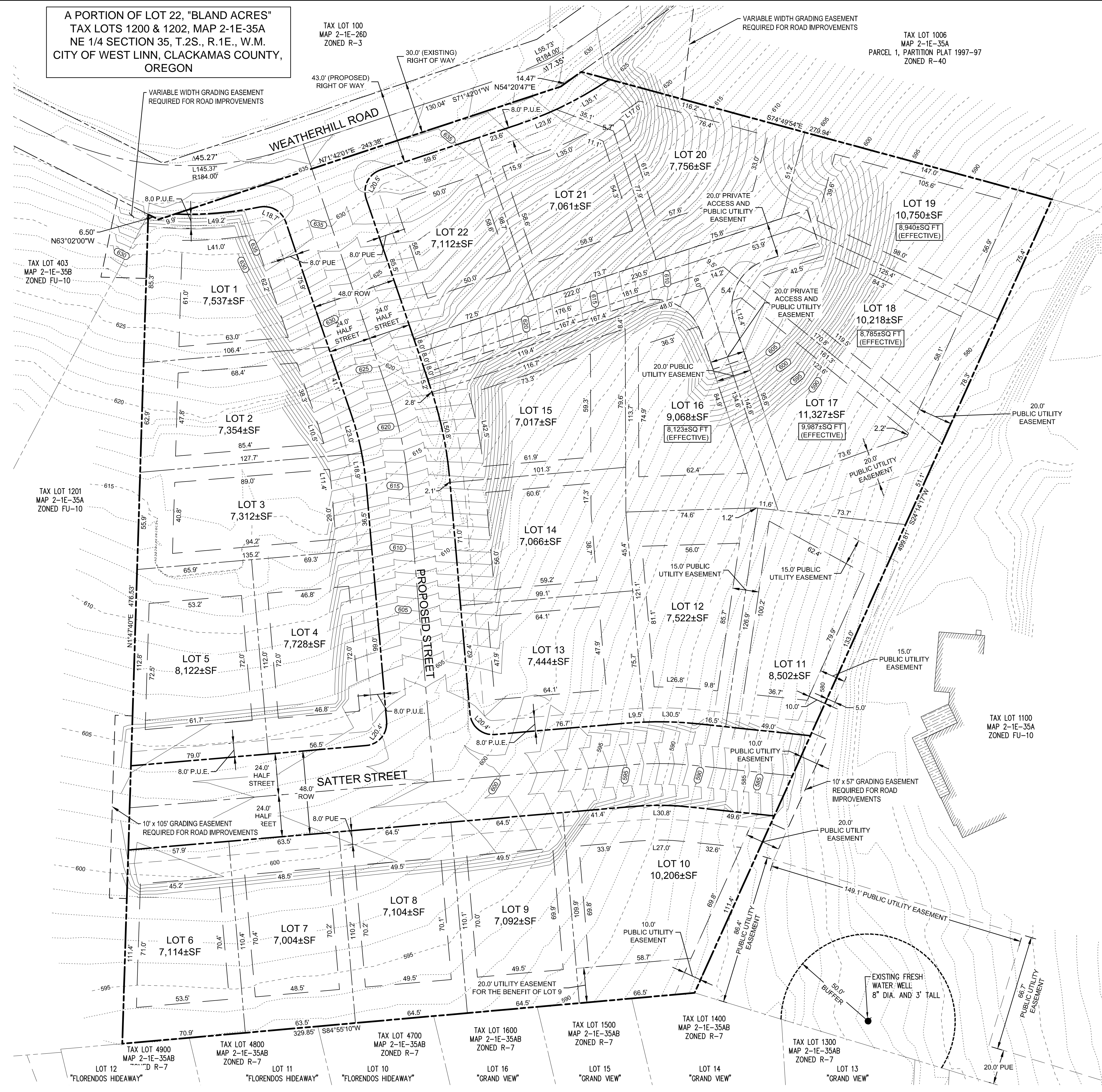
3J JOB ID # | 13171
 LAND USE # |
 TAX LOT #S |
 DESIGNED BY | CLF
 CHECKED BY | JDH

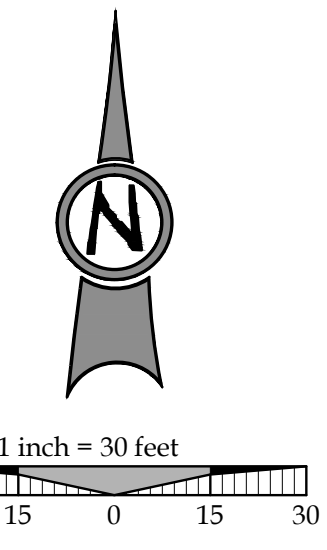
SHEET TITLE
 SUBDIVISION PLAT

SHEET NUMBER
C2.0



Know what's below.
 Call before you dig.





LEGEND

	BOUNDARY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING CENTERLINE
	EXISTING LOT LINE
	PROPOSED RIGHT-OF-WAY
	PROPOSED CENTERLINE
	PROPOSED LOT LINE
	PROPOSED CURB
	PROPOSED SIDEWALK
	PROPOSED SETBACK LINE
	SANITARY SEWER LINE AND MANHOLE
	STORM DRAIN LINE AND MANHOLE
	DOMESTIC WATER SERVICE & METER
	STORM SEWER LATERAL AS NOTED
	SANITARY SEWER LATERAL AS NOTED
	STORM SEWER CURB INLET
	PROPOSED STREET LIGHT
	UTILITY/ACCESS EASEMENT

STORM SEWER CONSTRUCTION NOTES

- 1 PROVIDE 4" PRIVATE STORM DRAIN LATERAL CONNECTION FOR INDIVIDUAL LOT SERVICE. EXTEND SERVICE LATERAL 3' BEYOND PUE.
- 2 CONSTRUCT STANDARD 48" STORM SEWER MANHOLE.
- 3 CONSTRUCT CURB INLET WITH 10" STORM LINE.
- 4 INSTALL 6" CLEAN OUT AS REQUIRED.
- 5 CONSTRUCT FLOW-THRU CURB INLET WITH STORM LINE SIZED AS NOTED.
- 6 CAP PROPOSED 12" STORM MAIN.

SANITARY SEWER CONSTRUCTION NOTES

- 1 PROVIDE NEW 4" SANITARY SEWER LATERAL FOR INDIVIDUAL LOT SERVICE. EXTEND SERVICE LATERAL 3' BEYOND PUE.
- 2 CONSTRUCT STANDARD 48" SANITARY SEWER MANHOLE.
- 3 CONSTRUCT STANDARD 48" SANITARY SEWER MANHOLE.
- 3 INSTALL 6" CLEAN OUT AS REQUIRED.

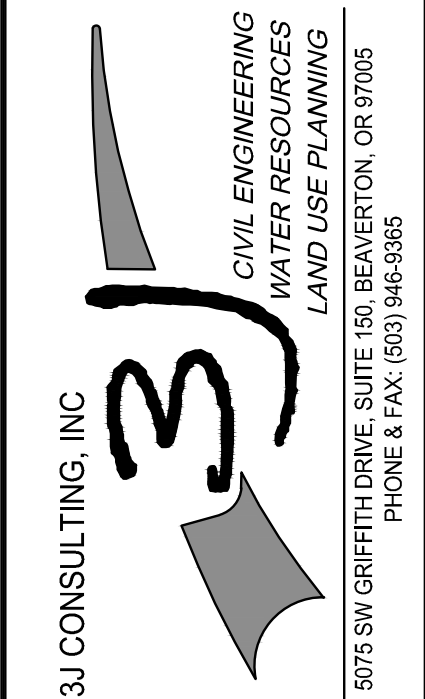
WATER CONSTRUCTION NOTES

- 1 INSTALL SINGLE WATER METER FOR INDIVIDUAL LOT SERVICE. EXTEND 1" SERVICE LATERAL 3' BEYOND PUE.
- 2 INSTALL STANDARD BLOW-OFF.

A PORTION OF LOT 22, "BLAND ACRES"
 TAX LOTS 1200 & 1202, MAP 2-1E-35A
 NE 1/4 SECTION 35, T.2S., R.1E., W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

LAND USE APPROVAL 06/23/2015
 REVISION SUMMARY BY DATE

COMPOSITE UTILITY PLAN
WEATHERVIEW
 SUBDIVISION
 WEST LINN, OR
 BLACK DIAMOND PROPERTIES, LLC



3J JOB ID # | 13171
 LAND USE # |
 TAX LOT #S |
 DESIGNED BY | CLF
 CHECKED BY | JDH
 SHEET TITLE
UTILITY PLAN
 SHEET NUMBER
C3.0