

Pre-Application Conference

Subject: Minor Partition(MIP)/Lot Line Adjustment(LLA)

Location: 1722 Eighth Avenue (Assessor's Map 31E 2BB tax lot 700)

File No: PA-14-01

Date: January 16, 2014

Attendees: Matt Sprague, Brent Fitch, Rodney Grinberg, Gretchen Keys

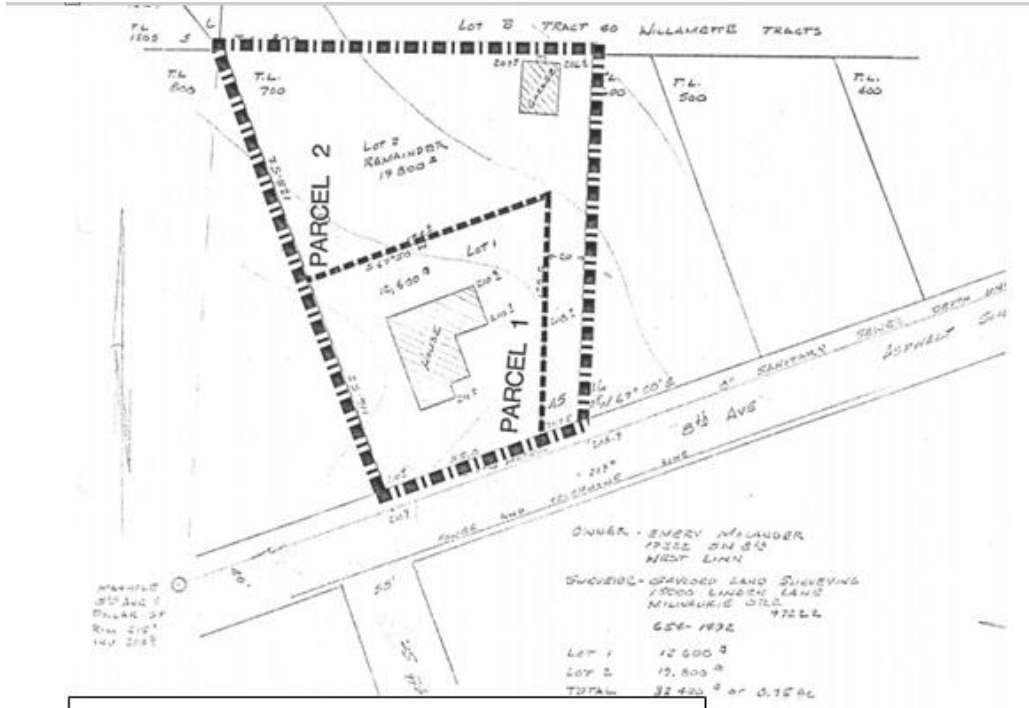
Staff: Khoi Le (Engineering), Peter Spir (Planning)

Public: Gail Holmes

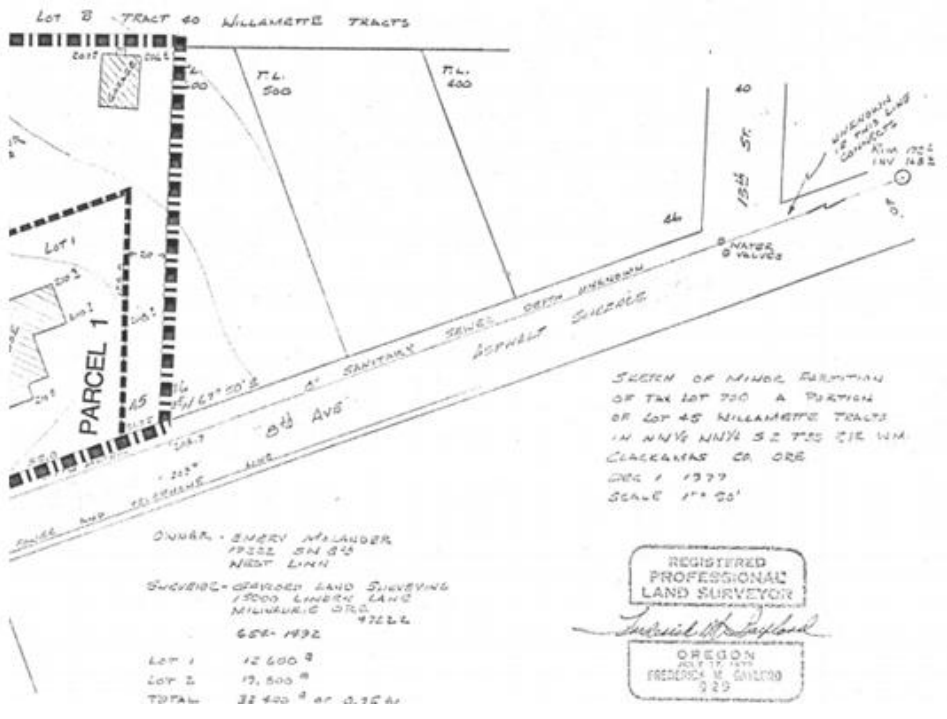


Background:

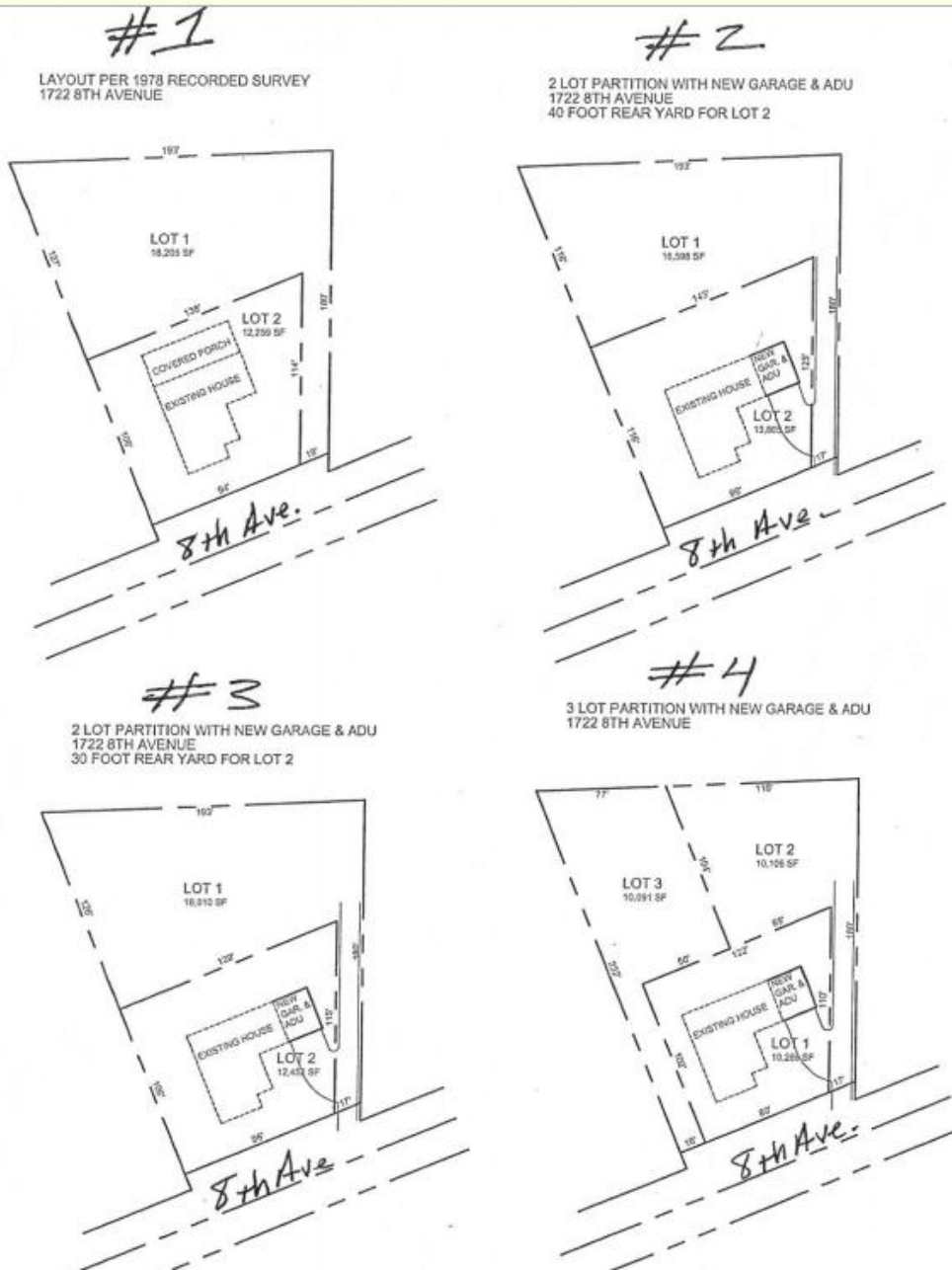
In 1977, a two lot minor partition (MIP-77-05) was applied for on this property. The application was approved by the Planning Commission with conditions including the dedication of 10 feet of ROW to the City along the site frontage. The property owner subsequently dedicated the ROW. Although the County Assessor Maps show the minor partition boundary there is no final plat document in the City's files to verify that the plat was ever recorded with the appropriate City official's signature(s). This pre-application seeks to determine if the final plat was properly recorded and to explore options as to how the property could be reconfigured by lot line adjustment or by minor partition. The zoning is R-10 (10,000 square foot minimum lot size/single family residential).



This is the approved preliminary plat for MIP-77-05



The applicant submitted four drawings, shown below, which describe different lot layout options and the possibility of a new minor partition to yield three lots.



Discussion:

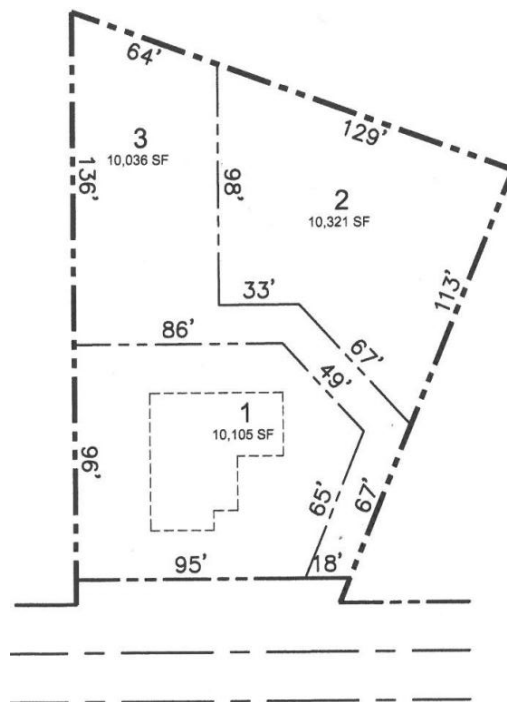
The issue of whether the partition was final platted and recorded remains unresolved. The applicant will undertake a search for those documents and proof. Assuming the final plat was properly recorded, the City will recognize the two lots (drawing #1). The two lot line adjustments proposed in drawings #2 and #3 are reasonable as is the plan to add a garage/accessory dwelling unit (ADU) on the east side of the house. (See CDC Chapter 34 for ADU design.) Lot line adjustments are very simple administrative

procedures that are approved by the Planning Director and require no notice or hearing. They can be processed within a month.

The proposal (drawing #4) would create a third lot at the rear by minor partition, with access via the west side of the existing house. This design would add a second driveway onto Eighth Avenue which is not permitted. Eighth Avenue is a local street per the Transportation System Plan (TSP) with a driveway separation requirement of 50 feet. The proximity of the west driveway to an existing driveway on the lot next door to the west would violate the TSP standard. Staff explained that there is internal conflict between the CDC 48.025(B) (6) and TSP (Table 8-3) on this subject and that there are practical reasons and a considerable amount of precedence that would lead staff to support a variance for the additional driveway. A Class II Variance would, however, be needed to allow that driveway.

A single flaglot stem must be 15 feet wide with appropriate setbacks to adjacent structures (e.g. 7.5 foot side yard setback). (85.200(B)(7)) The preferred option to a flag lot stem is an access easement. Shared access easements would have to be at least 16 feet wide. The square footage of the easement or the flaglot stem must be deducted from the square footage of the lot it is a part of or the lot that it traverses or crosses. The minimum driveway width for one lot would be 12 feet. For two lots it would be 14-16 feet.

The applicant offered another alternative that would access the third rear lot via the existing driveway. The challenge is maintaining enough square footage (10,000 square feet) for all lots exclusive of the stems or access easements. The County Surveyors office does not want to see side by side flag lot stems so a shared access easement is the way to go.



The applicant asked if a variance from the minimum lot size would be supported. Staff stated that it would probably not be supported unless the discussion to justify the variance showed that the dedicated ROW had made the difference between achieving or not achieving the required lot size. If the lot is shy of the required square footage by 5% or less, it would be a Class I variance which is a Planning Director's decision. Still it would be unlikely to be approved unless very compelling findings per approval criteria 75.060 could be made.

The applicant asked if a vacation of all or part of the 10 foot ROW that was conveyed in 1977 was possible. (This additional area could then be added to the site square footage to facilitate partitioning and meeting the minimum lot size requirements.) The City wants to retain at least six feet to achieve an adequate ROW width so that would leave the door open to vacating four feet of ROW. The City would not initiate this so it would be the responsibility of the applicant to apply for a street vacation. Street vacations are described in "process" below. (The vacated ROW could be used to accommodate part of the planter strip with an easement for the sidewalk.)

Another option would be to create three lots fronting on 8th Ave. It would require removing the existing house. The lots would be long and narrow but would present an attractive streetscape with a row of homes. The 2.5 times rule of CDC 11.070(4) is proposed to be eliminated under code amendments being presented to City Council in late February/early March.

The trees that crowd the west and rear/north property line would need to be factored into the 20 percent retention rule for significant trees (55.100(B)(2)). An inventory of the trees by an arborist with an assessment of their significance/health would be required.

Comments from Gail Holmes: Stated preference for consolidation of driveways and the construction of craftsman/neotraditional homes.



Engineering Comments:

STREET AND ACCESS

Existing driveway is approximately 24' wide. Driveway requires an access easement for shared access.

Street improvement including planter strip, sidewalk, curb and pavement must be provided. Fee in lieu for street improvement can be requested by Developer. Fee in lieu is subject to review and approval of City Manager or City Manager Designee.

EASEMENTS

6' utility access easements exist along all property lines including property lines shown in 1977 survey. Public utility documents: 78-3417, 78-3718.

UTILITIES

Water -

Public water main is available on 8th Ave for connection. Meters shall be placed outside of driveway approach.

Sewer

Pubic sewer main is available on 8th Ave for connection.

Stormwater

Run-off from new impervious areas must be collected, detained and treated prior to discharge to public storm system. Treatment facility is required to capture run-off from impervious area greater than 500 square foot. Detention facility is required to capture run-off from impervious area greater than 5,000 square foot. Utility easements exist to run discharge to Christy Ct along property line between 1765 and 1769 Christy Ct. Alternative option is to test soil for infiltration. Minimum infiltration is 2 inches/hour.

Overhead Power

Existing overhead services shall be place underground. New services must also be placed underground.

SYSTEM DEVELOPMENT CHARGE

A. STREET SDC AND BIKE/PEDESTRIAN EFFECTIVE JULY 1ST 2013

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$2,201	\$4,717	\$179	\$7,079
Single Family	Per House	1.01	\$2,223	\$4,764	\$181	\$7,168

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$0	\$1,542	\$40	\$1,582
Single Family	Per House	1.01	\$0	\$1,557	\$40	\$1,597

B. SURFACE WATER SDC EFFECTIVE JULY 1ST 2013

Unit	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1	1.00	\$793	\$238	\$52	\$1,083
Single Family Per House	1.00	\$793	\$238	\$52	\$1,083

C. SANITARY SEWER SDC EFFECTIVE JULY 1ST 2013

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$612	\$2,385	\$111	\$3,108
Single Family	Per House	1.00	\$612	\$2,385	\$111	\$3,108

A. WATER SDC EFFECTIVE JULY 1ST 2012

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$585	\$6,969	\$196	\$7,750
5/8" Meter		1	\$585	\$6,969	\$196	\$7,750

Process:

The applicant shall assemble the material required in submittal requirements and prepare complete responses to the approval criteria of CDC chapter 85 for the minor partition. If the applicant wishes to seek waivers of submittal requirements they should do so as soon as possible. Waivers are discussed in 85.190. Submit a completed application form and a minor partition deposit fee of \$2,800 plus a final plat fee of \$1,500. A LLA requires a fee of \$800 and final plat fee of \$200. If additional new driveways are proposed, a Class II Variance would be required in order to be excused from the TSP driveway separation standards. CDC Chapter 75: Variances offers the applicable submittal and approval criteria. The fee is \$2,900 for a Class II Variance and \$825 for a Class I Variance. If a Class II Variance is required, then it requires a Planning Commission hearing. A Class I Variance is a Planning Director decision. If no variance is required and it is just a minor partition, then it is a Planning Director's decision. Typical minor partitions take 6-10 months from beginning to end; longer, if off-site infrastructure is required, like street improvements.

The City has 30 days to determine the completeness of the application. Usually, applications are found to be incomplete. Once the application is finally declared complete by City staff, public notice will be mailed to property owners within a 500 foot radius of the site perimeter at least 20 days prior to the Planning Director's decision being rendered. Both the Planning Director's and Planning Commission's decisions (whichever is applicable) may be appealed by persons with standing to the City Council who will convene a public hearing. The City has 120 days from the date of determination of completeness to exhaust all local reviews, including any City Council appeal hearings. Appeals of City Council decisions are heard by the Land Use Board of Appeals.

Street vacations are to be in compliance with the terms of ORS 271.080. The fee for a street vacation is \$1,500 and requires two meetings/ hearings with City Council. It should be initiated PRIOR to the minor partition since its outcome will determine the feasibility of the partition and the number of lots allowed.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no “shelf life” for pre-apps.

Pre-app 1-16-14 Summary MIP 1722 8th Ave.

WILSEY & HAM

Earl P. Wilsey (1892-1957)

222 SOUTHWEST HARRISON, SUITE 4 • PORTLAND, OREGON 97201 • Telephone (503) 227-0455 • Cable "WHINT"

December 27, 1977

Mr. Robert O. Bissell
2550 DeBok Road
West Linn, Oregon 97068

Re: Minor Partition, Tax Lot 700, Map 2-1E-2BB

Dear Mr. Bissell:

At their meeting on December 19, 1977, the West Linn Planning Commission approved your request for a minor partition on Tax Lot 700, Map 2-1E-2BB. The Planning Commission's decision was based on the findings and recommendations contained in the enclosed staff report with the following additions.

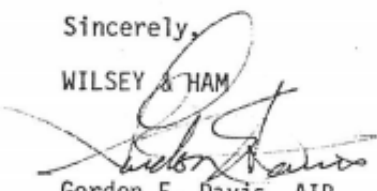
- #7. That the applicant provide valid easement documents to the City for all existing and required easements.

In accordance with Section 41, Ordinance 893, the decision of the Planning Commission becomes effective within 10 days from the date of the Planning Commission action, unless an appeal is filed with the City Council.

If you have any questions regarding the Planning Commission's action or procedures, please do not hesitate to call Mr. Ken Hubbard, City Engineer, telephone 656-4261.

Sincerely,

WILSEY & HAM



Gordon E. Davis, AIP
Consultant to the City of West Linn

GED/kmh

Enclosure

WEST LINN PLANNING COMMISSION
STAFF REPORT
December 19, 1977

Agenda Item No. 6

PROPERTY DESCRIPTION: Tax Lot 700, Map 2-1E-2BB
LOCATION: 1722 8th Avenue
APPLICANT: Robert O. Bissell (Emery and Alice Molander, owners)
REQUEST MINOR PARTITION

SUMMARY OF PROPOSAL:

1. The request involves the minor partitioning of a parcel of land into two parcels (see Exhibit 1).
2. The proposal would create one additional development parcel by dividing off the rear portion of Tax Lot 700 creating a parcel of 12,600 square feet which would contain the existing house at 1722 8th Avenue (parcel #1) and a remaining parcel (parcel #2) of 19,800 square feet.

STAFF FINDINGS:

1. The comprehensive plan designates the site as multi-family residential; the proposed draft comprehensive plan designates the site as medium density residential; the parcel is zoned R-10, single family residential.
2. Water and sewer are available to the site in 8th Avenue.
3. 8th Avenue is presently a 40-foot right-of-way.
4. The proposed 20-foot access to 8th Avenue is in the present location of the existing gravel driveway serving the house at 1722 8th Avenue. This access is adequate to provide service to parcel #2 but a new driveway access would be required to serve parcel #1.

RECOMMENDATION:

Staff recommends approval of the minor partition request with the following conditions:

1. That a new driveway access be provided to Lot #1 and the existing house at 1722 8th Avenue.
2. That an additional ten feet of right-of-way be dedicated along the frontage of both parcel #1 and 2 on 8th Avenue.
3. That six foot utility easements be provided along all interior and rear lot lines.

4. That the existing garage located on parcel #2 be either removed or remodeled to meet city standards at such time as a building permit is applied for on that parcel.
5. That the applicant submit four copies of the required map of survey by a registered surveyor or engineer with said map and survey designating all easements and other required data as specified in Section 23, Ordinance 893.
6. That by approval of this minor partition, the City of West Linn does not guarantee the availability of sewer hook-ups.

Pre-app Jan 16 2014 8th Ave. MIP summary

