

Pre-Application Conference

Subject: Memory Care facility

Location: 18000/18001 Upper Midhill Drive (Assessor's Map 21E14CA tax lot 200)

File No: PA-13-33

Date: December 19, 2013

Attendees: Jason Craik, Lance Barnett, Peter Muhlbach, Ben Williams, Tony Young

Staff: Khoi Le (Engineering), Peter Spir (Planning), Mike Perkins (City Arborist), Ty Darby (TVFR), Jason Arn (TVFR)

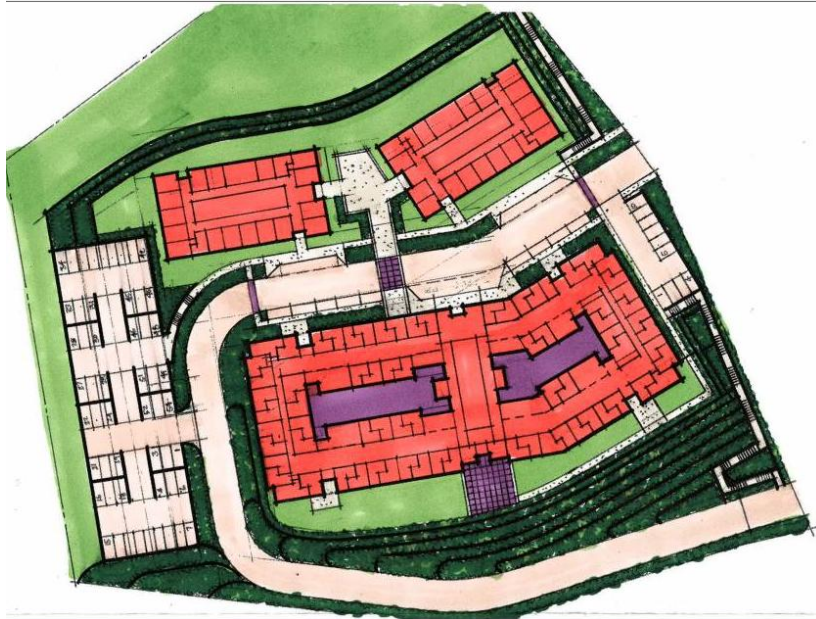
Public: Anne Beltman

Background



The applicant proposes a memory care facility on the vacant six acre parcel north of the terminus of Upper Midhill Drive. The parcel is zoned R-4.5. The R-4.5 zone allows nursing homes by CUP. CDC Chapter 2 defines “**Nursing home:** A home, place or institution, or part thereof, in which convalescent and/or chronic care is rendered to two or more patients in exchange for compensation. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; persons who are acutely ill or are surgical or maternity cases are excluded; qualified personnel and a consulting physician are available at all times; and isolation facilities are provided.” At least in a preliminary sense, the memory care facility qualifies as “Nursing Home”.¹

The applicant initially submitted documents showing a single story principal structure between 40,000 and 42,000 square feet in size with 70 units. Two single story cottages were also proposed; each comprising 9,000 to 10,000 square feet and each accommodating 14 to 20 units. Combined, the anticipated number of units would be between 98 and 110. The design was, according to the applicant, a basic template design (see drawing below) which they could subsequently modify as needed.



At the pre-application conference the applicant stated that they are considering a split level design for the main building which would work with the cross slope to result in a smaller footprint and thus preserve more trees at the site.

¹ Staff had considered that the memory care facility could be classified under the following category: “**Senior citizen/handicapped housing facilities.** Living facilities which provide living units, congregate dining, recreational facilities and other services and requiring 24-hour staffing assistance.” However, because that use is restricted to persons over 60 years of age and the memory care will be accessible to younger residents, that category was deemed inapplicable. Also senior citizen housing/ handicapped housing facilities establishes a maximum 25% of residents receiving nursing care. The memory care is expected to exceed that amount. Oregon DHS classification will also play a role in the final decision as to which land use category is applicable.

“Nursing homes” in the R-4.5 zone require a Conditional Use Permit (CUP). In addition to a CUP, Class II Design Review is also required. Both applications require a public hearing by the Planning Commission.

Memory Care facilities are overseen and regulated by Oregon Department of Health and Human Services (Seniors and People with Disabilities Division) (see OAR chapter 411, division 057).

Site Conditions

Staff began the pre-app discussion by focusing upon the physical attributes of the site. The site comprises a vacant hillside that slopes down from west to east at a fairly constant 14 percent. The City hazards map and DOGAMI maps do not identify any on-site slope failures or similar hazards but the steeper off-site slopes about 100-200 meters west of the site have a history of recent failures. A geotechnical report will be required. Also, given the concerns regarding drainage cited in the 1998-1999 townhouse application at this site (MISC-99-18), a study of the drainage/runoff will be required.



The previous owner did extensive clearing of the understory (brush, etc.) with an ongoing maintenance program to the extent that it is almost non-existent. Groundcover comprises a low height/ low maintenance grass which was presumably planted after the understory was removed.

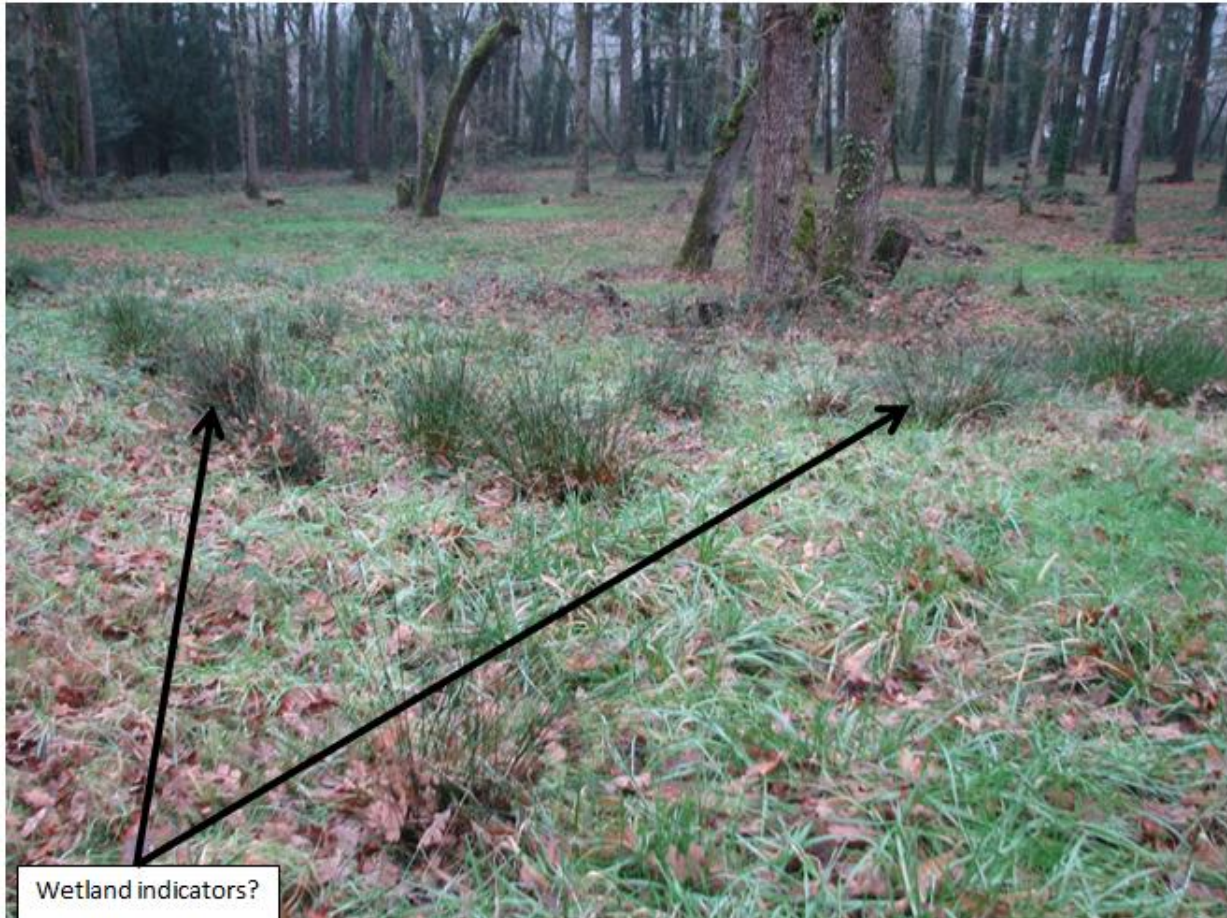
The most significant feature of the property is the extensive and well distributed collection of significant oak trees plus a smaller number of significant Douglas Fir trees. (City arborist, Mike Perkins, accompanied Planning and Engineering staff on the site visit.) As part of the submittal, the applicant will

be required to map/inventory all trees on the site. Trees shall be identified in the field by tree markers (numbers) which will be also tied to a map. An arborist shall prepare a report which determines the health, size, type and significance of the trees on an individual basis. The City Arborist will then use this inventory to make his own findings. If there are differences in findings, the City Arborists findings prevail.



Staff would like to maximize retention of the trees but recognizes that the CDC only requires 20% retention per CDC section 55.100(B)(2). Further complicating retention is the grading plan required to reconcile the 14% cross slope, accessibility requirements, maximum street and driveway grades and the functional needs of the care facility.

During site inspection, staff identified some grasses in the northwest portion of the site which may be wetland indicator species along with some ponded areas/spongy soils. This will require a wetland study and a subsequent delineation if it qualifies as a wetland.



Allowed Density

The R-4.5 zone allows a maximum density for housing projects of 10.89 units per acre based on a single family attached/townhouse configuration (4,000 square feet per unit). Multiplying the 10.89 figure by 6.1 gross acres yields 66 homes. This amount would have to be adjusted down to account for the square footage of any on-site dedicated ROW. (A townhouse development was approved by City Council at this site in 1999 (see file MIS-99-18). That project was approved for 52 units but was never built.)

While there are limitations on the number of lots in a subdivision or number of units in a townhouse project, there are no limitations on the number of patients allowed at a “nursing home” per the City of West Linn’s CDC or per the R-4.5 zone. There are, however, the functional limitations which include available parking and unloading areas, circulation, outdoor recreation space.

Also, DHS presumably has limitations based on the required number of attending staff per patient and/or minimum square footage of space per patient.

The applicant stated that the project will comprise 120 beds in 100 rooms. Staffing will probably comprise 30 people during the day and eight at night.



Setbacks and Dimensional Standards

The applicant should note that the provisions of the R-4.5 chapter 14.080 “Dimensional Requirements, Conditional Uses” and the provisions of the Conditional Use Permit chapter 60.070(C) pre-empt the dimensional standards of the underlying R-4.5 zone (14.070). The authority to establish appropriate dimensional standards, including setbacks, lot coverage, building height etc., is conveyed to the Planning

Commission. Although this suggests that considerable latitude can be exercised, staff would still recommend that the applicant use the dimensional standards of the underlying R-4.5 zone as a starting point.

Design

Staff stated that the low design of the buildings will be compatible, in terms of scale, with surrounding residential uses which are limited to a maximum 35 foot height. On the subject of privacy for adjacent homeowners, the proposed one level or split level approach contrasts favorably with taller single family residential homes which could have been constructed on this site instead. The use of earth tones in the paint scheme would be consistent with the area. Although a flat roof is proposed, staff would like to see roof modulation (e.g. peaks etc.) to provide variety and to defer to the roofscapes of surrounding homes. Human scale design, as opposed to “monolithic”, would be the goal. A minimum three foot variation every 60 feet on the vertical faces of the buildings would also help the project integrate with surrounding architecture. (see sidewall modulations in CDC Chapter 43.) All HVAC shall be screened.

Public versus Private Streets/ Street Vacation

There are two public right of ways (Hillside Drive and Upper Mihill Drive) that are on, or adjacent to, the property. Typically these would have to be developed to full City street standards. An alternative to public streets is private streets but that would require the vacation of the existing public ROWs. That process requires all abutting property owners adjacent to the ROW to support the vacation and the support of owners of 66.6% of property in the affected area.

If the applicant cannot get the requisite signatures, then building the streets to full city standards would be required (at least those portions in the ROW). There is the alternative of having the City Council vacate the ROW but that option is usually only considered when there is a clear and broader public interest being served.

Tualatin Valley Fire and Rescue(TVFR)

Ty Darby and Jason Arn of TVFR were in attendance. The minimum fire access for TVFR is 26 feet if fire hydrants are located on the street but they will defer to City minimums (20 feet) if the street is public. TVFR’s maximum grade is 15%. Units are to be sprinklered. Hydrants will be spaced through the site per TVFR standards (hydrants must be within 600 feet of all structures). Shaun Condon, the State Fire Marshall, is in charge of fire, life and safety inspections.

Traffic

City Engineer Khoi Le stated that per the ITE Trip Generation Tables a memory care facility has a trip generation of .2 trips per day per bed. The applicant noted that trip generation by residents at memory care facilities is extremely low. Most trips are by staff, deliveries and visitors. Staff expressed concern about food deliveries (e.g. Sysco trucks); but the applicant stated that these facilities typically receive only 2-3 trips per week.

Staff noted that the earlier townhouse application, with over 400 trips per day expected, was not found to warrant off-site street improvements such as at the corner of Willamette Drive and Arbor Drive or on any of the other streets that may be used to access the site.

Nonetheless, a traffic study will be required.

Noise

Staff expressed concerns about potential noise from heating, ventilation and air conditioning units (HVAC) and truck deliveries (including loading and unloading activity). The applicant stated that they will be within the noise limits of the Municipal Code. A noise study will be required.

Signs

Off-site signs are not permitted per CDC Chapter 52.

ENGINEERING COMMENTS

I. TRANSPORTATION

UPPER MIDHILL DRIVE

	EXISTING CONDITIONS	POTENTIAL POST DEVELOPMENT CONDITIONS
Classification	Local	Local
Zone	R4.5	R4.5
Right of Way Width	Approximate 50'	72'
Full Pavement Width	Approximate 36'	24'-32'
Bike Lane	None	None
Curb and Gutter	Curb	Curb and Gutter
Planter Strip	None	None or 5.5' Planter
Sidewalk	6'	6' Residential
Street Light	Yes	Yes – LED Fixtures
Utility Pole	None	New services to be placed underground
Street Tree	None	Yes and no
ADA Ramps	None	Yes where needed
Post Speed	Assumed 25 MPH	25 MPH
Stripe	None	Provide proper stripe as part of street improvement and in accordance with recommendations from traffic report and TSP.

A. MINIMUM REQUIRED IMPROVEMENT

If interior roadway designed to be a private road, the geometrical dimension and structural section shall be subject to Planning codes, Fire codes and recommendations from both Geotechnical Engineer and Transportation Engineer.

If interior roadway designed to be a public road, it must be designed and constructed in accordance with City of West Linn Public Works Standards. Followings are basic requirements:

1. Dedication: 50'-56' right of way if internal street going to be public street
2. Provide a minimum 24'-38' minimum pavement improvement with the following sections:
 - 10" of 1-1/2"-0 Crush Rock
 - 2" of 3/4" -0 Leveling Course
 - 4" of AC Pavement consisting of 2" Class "C" over 2" Class "B"
 - See Public Works Standards Section 5.0030 Pavement Design for design requirements.
3. Provide striping in accordance with recommendations from traffic report and as required by TSP.
4. Provide illumination analysis of the existing conditions. Install street lights as recommended in accordance to the followings:
 - Average Maintained Illumination: 0.5 foot-candles (Residential)
 - Uniformity Average to Minimum: 4 to 1
 - Street Light should match with existing surrounding lights – with LED Beta Fixtures.
5. Street Light should match with existing surrounding lights – with LED Beta Fixtures.
6. Provide Street Trees in accordance with Community Development Codes.
7. All new and existing overhead utilities along the development must be placed underground.
8. Reference: Approved Land Use Application Project SUB-98

HILLSIDE DRIVE

	EXISTING CONDITIONS	POTENTIAL POST DEVELOPMENT CONDITIONS
Classification	Local	Local
Zone	R4.5	R4.5
Right of Way Width	Approximate 50'	72'
Full Pavement Width	Approximate 36'	24'-32'
Bike Lane	None	None
Curb and Gutter	Curb	Curb and Gutter
Planter Strip	None	None or 5.5' Planter
Sidewalk	6'	6' Residential
Street Light	Yes	Yes – LED Fixtures
Utility Pole	None	New services to be placed underground

Street Tree	None	Yes and no
ADA Ramps	None	Yes where needed
Post Speed	Assumed 25 MPH	25 MPH
Stripe	None	Provide proper stripe as part of street improvement and in accordance with recommendations from traffic report and TSP.

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C. CITY TRANSPORTATION MASTER PLAN

PEDESTRIAN MASTER PLAN

There is no sidewalk project on either Upper Midhill Dr. or Hillside Dr. indicated on TSP.

BICYCLE MASTER PLAN

There is no bicycle lane required on either Upper Midhill Dr. or Hillside Dr. indicated on TSP.

MOTOR VEHICLE MASTER PLAN

The near intersection analyzed in the TSP is Arbor Dr. and Hwy 43. This intersection currently operates at level service F at Arbor Dr.

Existing Operations Conditions

Intersection	LOS	Average Delay (sec)	Volume/Capacity (v/c)	Measure of Effectiveness Administrative		MOE Met?
				Agency	Maximum	
Hwy 43/Arbor Dr.	B/F	1.5	0.03/0.37	ODOT	0.99/0.90	YES

The above intersection will operate at accepted level in 2030. Traffic Impact Analysis Report shall be required. Mitigation shall be done in accordance with recommendations from the traffic impact analysis report.

D. 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	\$7,097
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	1.00	\$0	\$1,557	\$40	\$1,597

II. STORM DRAINAGE

A. EXISTING CONDITIONS

1. There are existing public storm drainage located on Upper Midhill Dr. and Hillside Drive. Both of these systems must be analyzed to see whether or not additional drainage can be handled. If not, these systems must be improved before the development system making connection.

B. MINIMUM REQUIRED IMPROVEMENT

1. Provide treatment for new impervious of 500 square feet or more.
2. Provide detention for new impervious of 5000 square feet or more.
3. Storm Drainage Analysis Report is required.
4. Private storm drainage system may need to be designed and constructed in accordance with PW Standards. Underground detention and storm filters are only permitted when facilities are located in private property. Public storm water facilities shall be above ground facilities.

C. 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

III. SANITARY SEWER

A. EXISTING CONDITIONS

1. Public sanitary sewer main are available on Upper Hill Dr. and Hillside Dr. for connectivity.

B. MINIMUM REQUIRED IMPROVEMENT

1. Private sanitary sewer system serving proposed residential development may need to be designed and constructed in accordance with PW Standards.

A. 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

Tri-City Service District Sewer SDC 1 EDU = \$2,020

IV. WATER

The proposed project site is Rosemont water pressure zone. There are existing public water main on Upper Hill Dr. and Hillside Dr. available for connectivity. However there is a maintenance issue that must be addressed prior to connection.

A. WATER SDC EFFECTIVE JULY 1ST 2013

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$585	\$6,969	\$196	\$7,750
1" Meter		2.5	\$1,463	\$17,423	\$490	\$19,376
1.5" Meter		5	\$2,925	\$34,845	\$980	\$38,750
2" Meter		8	\$4680	\$55,752	\$1,568	\$62,000

Process

The applicant's first order of business should be to satisfy the neighborhood meeting requirement explained in CDC section 99.038. Follow the requirements exactly.

The applicant shall assemble the material required in submittal requirements and prepare complete responses to the approval criteria of CDC chapter 60 and 55. Submit a completed application form and a CUP deposit fee of \$4,500 and a design review (DR) deposit fee of \$4,000 plus 4% of the construction value with a maximum deposit of \$20,000. There are inspection fees for CUP and DR of \$200 and \$300 respectively.

If a street vacation is proposed, the provisions of Oregon Revised Statute 271.010 shall apply. The process requires two meetings including a public hearing with City Council, the final one being a public hearing. This process would be separate from the other applications and takes about 8-10 weeks from the date the application is deemed complete. The cost of a street vacation is a \$6,000 fee.

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 a public hearing will be scheduled with the Planning Commission, usually within 4-5 weeks of determination of completeness. Public notice will include mailed notice to property owners within a 500 foot radius of the site perimeter at least 20 days prior to the public hearing. The Planning Commission decision 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.

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.

Typical land use applications can take 6-10 months from beginning to end.

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 12-19-2013 Summary Memory Care Upper Midhill



