

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
March 6, 2014

SUBJECT: Class II Variance for a 5th guaranteed individual lot driveway access to a shared accessway that is not a public street

ATTENDEES: Applicants: Mike Loomis, Garrett Stephenson
Staff: Tom Soppe (Planning), Khoi Le (Engineering)
Neighborhood: Roberta Schwarz (Savanna Oaks NA)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The applicant plans to request a Class II Variance to allow a 5th individual driveway on a shared driveway. While the shared driveway is in a publicly owned tract also used as a pedestrian access between two parallel sections of Coeur D'Alene Drive, it is not improved as a street up to public street standards and is not in a public right of way. Therefore it falls under the rules for shared driveways and private streets from Chapter 48 in terms of how many properties can use it as a vehicular access to their own driveways. This is required by 48.030(D).

The approval of SUB-07-02 et al. allowed this tract to be used for vehicular access to individual lots, with no variance requested then to allow more than four lots. It was specifically laid out in that approval that it be for up to two lots in Teresa's Vineyard and two potential future new lots on the dividable 3401 Haskins Lane property south of the middle area of this access tract.

Therefore the subject lot is a fifth lot that would be allowed to access it under the proposed variance, due to the applicant's implied guarantee of access to the Haskins property that the SUB-13-02 approval took into consideration. Therefore a Class II Variance is needed to overcome the limitation of four lots as set out by 48.030(D). This is a Planning Commission decision.

The applicable criteria are those of 75.060:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

All six criteria must be met.

This is an unusual circumstance as it is an access that is not a city street but is also NOT a dead end, and that would seemingly make it less unattractive or dangerous as an access for more than four houses. However the unusual circumstance does not force the applicant to access from the tract as they could still access directly from the street abutting the lot, as other nearby lots do. It is not a property right that is needed for the aspect of development in question, vehicular access, so it at first appears that (B) would be a hard criterion to meet. However the applicant discussed issues of grading, usable yard space, and grading and retaining wall expense not faced by other lots in the subdivision that would be faced by this lot if this variance is not granted. Staff emphasized how these aspects of the situation should be convincingly laid out in the application narrative to achieve a possible recommendation of approval due to the language of (B).

Process

Class II Variance is required for this proposal.

A neighborhood meeting is not required regarding this proposal per 99.038 but these are always encouraged. The property is in the Savanna Oaks neighborhood but is within 500 feet of the BHT neighborhood. Contact Ed Schwarz, Savanna Oaks NA president at savannaosksna@westlinnoregon.gov. Contact Steve Garner, BHT NA President, at 503-657-5810 or bhtna@westlinnoregon.gov. Conceptual plans of the development should be submitted to the neighborhood association at least 10 days before the meeting if the applicant has a meeting.

A Variance application will require a complete response to the submittal requirements of 75.050. It will also require a narrative response to the criteria of 75.060.

Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

The fee for a Class II Variance is \$2,900.

When the combined application is submitted concurrently and deemed complete, staff will schedule a Planning Commission hearing regarding the concurrent approval requests and send out notice at least 20 days before the hearing. The decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

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.