

Pre-Application Conference

Subject: Minor Partition(MIP)

Location: 3340 Arbor Drive (Assessor's Map 21E 14D tax lot 2500)

File No: PA-14-11

Date: March 6, 2014

Attendees: Sherry and Dale Fortuna, Andrew Tull

Staff: Khoi Le (Engineering), Tom Soppe (Planning)



Background:

The Fortunas own 3340 Arbor Drive. They propose to partition the 46,506 square foot lot into three parcels. The zoning is R-10 (10,000 square foot minimum lot size/ single family residential), so the lot can easily accommodate three parcels. There is a house on the property which will be retained.



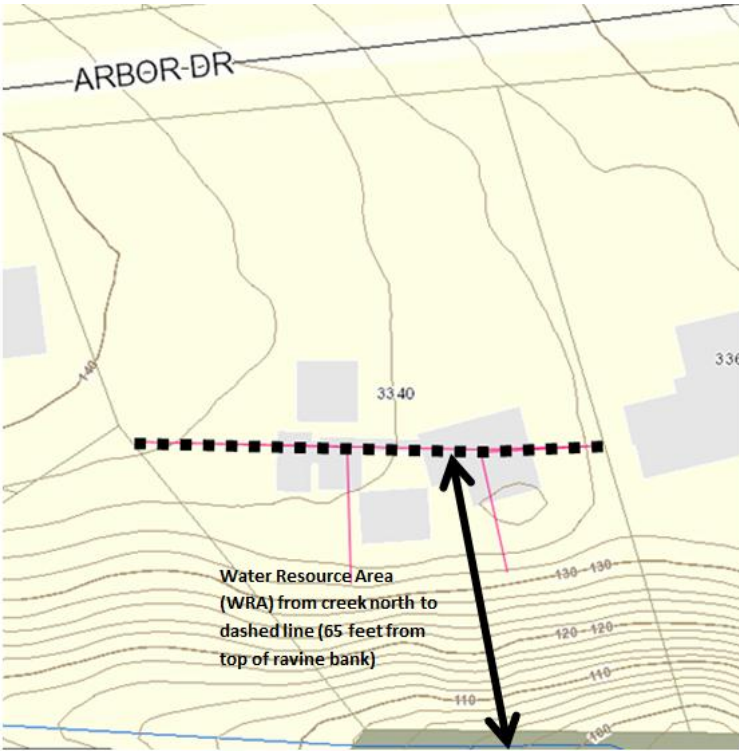
Arbor Drive is paved to a width of about 16 feet in front of the subject property. It is classified as a local street.

The property is heavily treed, many potentially significant. The rear quarter of the site is part of the Robinwood Creek drainageway with slopes transitioning to over 25%. There is a riparian corridor designation attached to Robinwood Creek meaning that no development should occur within 115 feet of that creek. Also there is a building setback of 65 feet from the top of the ravine which is generally shown in the map below with the dashed horizontal line. While the existing house is non-conforming in

that it falls within the 65 foot setback, any new homes would have to be built outside of that setback area. *(At the present time the setback from the ravine top of bank is 65 feet. Proposed code amendments to CDC Water Resource Area [WRA] Chapter 32 recommend a reduced setback of 50 feet. Those amendments have yet to be approved. City Council is expected to consider the amendments in late May 2014. Similarly, the riparian setback of 115 feet is proposed to be reduced to 100 feet.)*

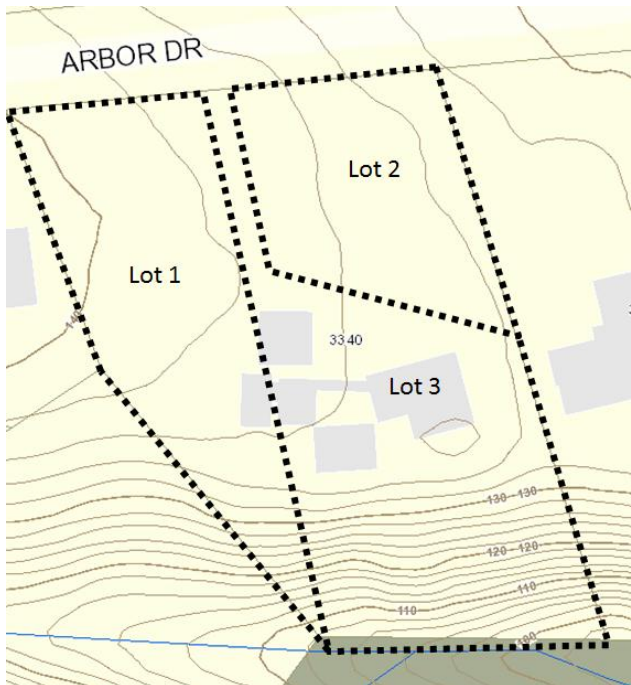


(Robinwood Creek WRA at rear of property)



Discussion:

The partition would produce three lots. A generalized plan is shown below with each lot exceeding 10,000 square feet. Other configurations are possible but the applicant wanted lot 1 to extend into and have legal access to the WRA. Also the flaglot alignment could be modified and/or replaced by an access easement.



Lot 1 would be west of the house with direct frontage on Arbor Drive. (Lot 1 is shown on the map below as extending from Arbor Drive to Robinwood Creek. This configuration may be in violation of the CDC 11.070(4) which stipulates that the lot depth , exclusive of Type I and II land (drainageway), cannot exceed 2.5 times the width. That provision may be eliminated by City Council as part of an April code amendment. If it is not eliminated, Lot 1 may have to be reconfigured. A site visit on 2-26-14 indicated that the slope may extend far enough northwards on lot 1 to the extent that the 2.5 times rule will not be violated but that will only be definitively determined by staff after survey and slope analysis by the applicant's consultant.)



Lot 2 would be in front of/north of the house. That site is shown in the photograph below. This lot would have frontage on Arbor Drive.



Lot 3, with the existing house, would be a flag lot with a 15 foot wide flag stem. (*The square footage of the stem cannot count to any lot's square footage.*) The applicant proposes to retain this house.



Lot 3's northern property line would have to be at least 20 feet from the existing house to meet the minimum front yard setback. The common lot line between lots 1 and 3 would have to be at least 7.5 feet from the side of the existing house. The shape of the lots should be generally proportionate and meet the dimensional standards of the R-10 zone. Extensively gerrymandered/irregular lot lines to achieve the minimum lot size are not permitted. In the event that the existing house was demolished, the replacement house would have to meet the WRA setbacks. That could result in a long narrow Ranch-style house design on an east-west axis.



The applicant advised staff that they plan to keep the house on lot 3 and it was explained by staff that the garage on the west side of the house (shown above) would have to be removed for the new lot line prior to final platting of this partition. Indeed no structures could be within 7.5 feet of the new lot line.

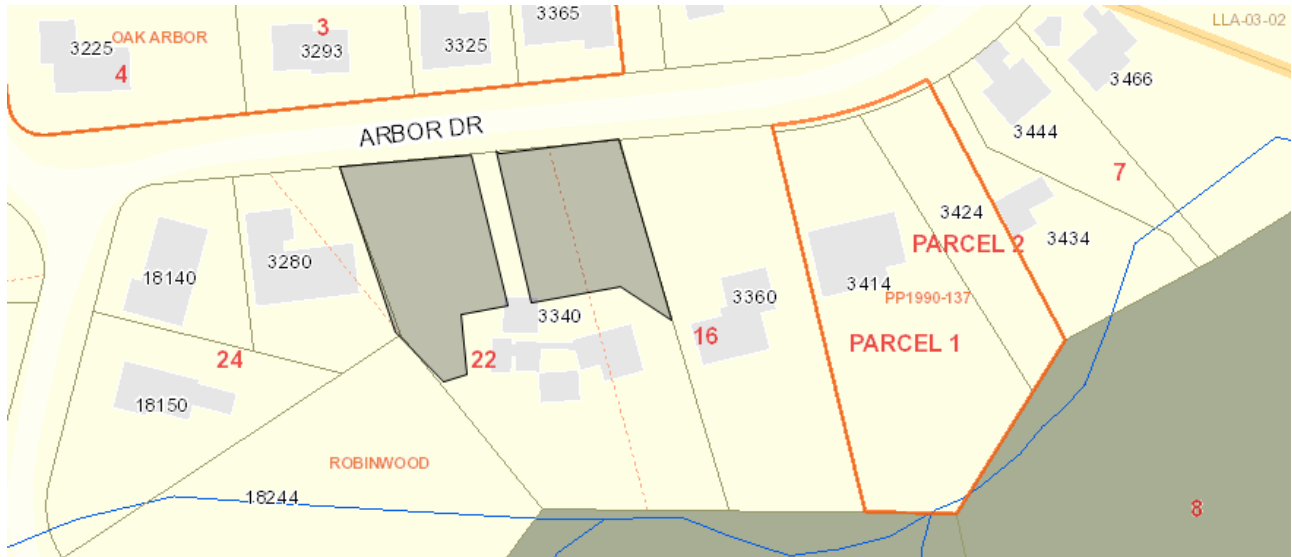
Another consideration is the requirement that up to 20% of the site (excluding WRA area) can be required to be set aside for the protection of significant trees. There are a number of maple trees, especially on the west side of the property. City Arborist, Mike Perkins (503-723-2554) is available to come to the site for a brief review of which trees may or may not be significant.

At such time that the applicant wants to put together an application, they will be expected to map all trees on the flat portion of the site and identify each tree by tree type and size of tree (DBH) tied to an identifying number. That number would then be placed on a tag which would be attached to the tree to facilitate field review by the City Arborist. Once that is done the applicant should contact Mike Perkins to set up a time when he can visit the site and verify which trees are significant.

To minimize access points onto Arbor Drive, the applicant proposes to serve all lots off the existing driveway. *(The driveway width should be at least 14 feet to serve three homes.)* There is a minimum 50

foot separation requirement between driveways on local streets but because of the considerable width of this property and the distance to neighboring driveways, this standard can be met.

While it does “gerrymander” the lot lines, as discouraged by the CDC, below is an example of how the house could be kept while still achieving three lots of the right size without violating the “2.5 times” rule, plus a stem for the existing house:



Because over 25% of the site comprises constrained type I and II lands (WRA), a Planned Unit Development (PUD) would be required. But, if the applicant establishes a conservation easement for the type I and II lands then a PUD is not required; this easement will be required anyway as these lands on site are in the water resource area, which is required to be in a conservation easement per 32.050(D). Staff would encourage the applicant to establish an easement and thus avoid the PUD. However the applicant can apply for a PUD if they wish to dedicate these areas to the city in a separate unbuildable tract, using density transfer to create 2-3 buildable lots in front that can be less than the required 10,000 square feet (see the “density transfer” sections of Chapter 24 PUD).

Engineering Comments:

I. TRANSPORTATION

ARBOR DRIVE

	EXISTING CONDITIONS	POTENTIAL POST DEVELOPMENT CONDITIONS
Classification	Local	Local
Zone	R-10	R-10
Right of Way Width	Approximate 45	50'
Full Pavement Width	Approximate 16'	24'
Bike Lane	None	No
Curb and Gutter	None	Curb and Gutter
Planter Strip	None	5.5' Planter
Sidewalk	None	6' Sidewalk
Street Light	Yes	Yes – LED Fixtures
Utility Pole	Yes	Existing overhead utilities and new services to be placed underground.
Street Tree	None	Yes
ADA Ramps	None	None
Post Speed	None – Assume 10 MPH	10 MPH
Stripe	None	Provide proper stripe as part of street improvement

A. MINIMUM REQUIRED IMPROVEMENT

1. Dedication: 5'
2. Provide a minimum 12' half street 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.
 - 10' travel lane on opposite direction may be required.
3. Provide illumination analysis of the existing conditions. Install street lights as recommended in accordance to the followings:
 - Average Maintained Illumination: 0.6 foot-candles (Residential)
 - Uniformity Average to Minimum: 4 to 1

- Street Light should match with existing surrounding lights – with LED Beta Fixtures.
4. All new and existing overhead utilities along the development must be placed underground.
 5. Reference: Partition Plat-1990-137

B. TRANSPORTATION SYSTEM PLAN

PEDESTRIAN MASTER PLAN

No project listed on Arbor Dr. per TSP.

BICYCLE MASTER PLAN

No project listed on Arbor Dr. per TSP.

MOTOR VEHICLE MASTER PLAN

Intersection between Arbor Dr. and Willamette Dr. was one of the intersections analyzed in the TSP.

Existing Operations Conditions

Intersection	LOS	Average Delay (sec)	Volume/ Capacity (v/c)	Measure of Effectiveness Administrative		MOE Met?
				Agency	Maximum	
Willamette Dr/Arbor Dr	B/F	1.5	0.03/0.037	ODOT	0.99/0.90	YES

Intersection will still continue to operate at this level until 2030. No improvement needed at this point.

C. 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
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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 limited public storm mains along Arbor Dr.

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. Collect, treat, detain, and provide proper conveying system for new impervious area created Arbor Dr.
- 5.

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 is available along Arbor Dr. for connectivity.

B. MINIMUM REQUIRED IMPROVEMENT

1. If the existing house is on septic, decommission the septic tank and drain field in accordance to DEQ requirements and submit the City with proper paper works.

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	Per	1.00	\$612	\$2,385	\$111	\$3,108

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

IV. WATER

A. PRESSURE ZONE

1. Zone: Robinwood Zone
2. Overflow Elevation: 328 Upper Elevation: 218 Lower Elevation: to river

B. RESERVOIR AND PUMP STATION

1. Reservoir: View Drive Reservoir is located on View Dr. The reservoir usable capacity is 0.4 million gallon. The reservoir is filled by South Fork and also has an emergency intertie with Lake Oswego.
2. Pump Station: View Drive Pump Station has total of 3 pumps at 600 gpm each with nominal firm capacity at 1,200 gpm.

C. EXISTING POPULATION AND PROJECTED POPULATION AT SATURATION

1. Existing Population: 1,915
2. Projected Population at Saturation: 2,476

D. WATER DEMAND AT SATURATION

Average Day Demand (mgd)	Maximum Day Demand (mgd)	Peak Hour Demand (mgd)
0.3	0.8	1.2

E. RESERVOIR AND PUMP STATION CURRENT OPERATING CONDITIONS

1. In accordance with Water System Plan, both the reservoir and pump station are listed appearing to be in good conditions.

F. ROBINWOOD PRESSURE ZONE PERFORMANCE

Year	MDD (mg)	Fire Flow (mg)	Total Supply Need (mg)	Normal Supply Capacity (mg)	Emergency Supply Capacity (mg)	Normal Supply Deficit (mg)	Emergency Supply Deficit (mg)
Current	1.6 (0.6)	0.5	2.1 (1.1)	3.1	0.5	(1.0)	0.6
2015	1.7 (0.7)	0.5	2.2 (1.2)	3.1	0.5	(0.9)	0.8
2030	1.9 (0.8)	0.5	2.4 (1.3)	3.1	0.5	(0.7)	0.8
Saturation	2.0 (0.8)	0.5	2.5 (1.3)	3.1	0.5	(0.6)	0.8

1. The table above indicates that there is NO deficiency in supply capacity during a normal condition. There is no improvement project adjacent to development listed in the Water System Master Plan.

G. ROBINWOOD PRESSURE ZONE SUPPLY AND STORAGE DEFICIT

Year	Normal Conditions			Emergency Conditions		
	Supply Deficit (mgd)	Storage Volume (mg)	Overall Deficit (mgd)	Supply Deficit (mgd)	Storage Deficit (mgd)	Overall Deficit (mgd)
Current	0	0.4	0	0.6	0.4	0.2
2015	0	0.4	0	0.7	0.4	0.3
2030	0	0.4	0	0.8	0.4	0.4
Saturation	0	0.4	0	0.8	0.4	0.4

1. The table above indicates that there is no overall storage volume deficit during a normal condition but deficient during emergency condition.

H. ROBINWOOD PRESSURE ZONE MASTER PROJECT LIST

1. There are 8 water improvement projects listed in the City Water System Plan under the Willamette Pressure zone. Existing water main along Arbor Dr. is AC pipe.

I. MINIMUM REQUIRED IMPROVEMENTS

1. Existing public water system is available on Arbor Dr. for connection.
2. New water meter shall be set behind curb and out of driveway approaches. No water meters or water main shall allow to be placed in private drive way.

J. 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



(Arbor Drive in front of property)

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 applicants wish 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. Typical minor partitions take 6-10 months from beginning to end; longer, if off-site infrastructure is required, like street improvements.

A WRA permit is required. Approval standards of CDC Chapter 32 shall apply. Currently, amendments to Chapter 32 are being considered by the City. The Planning Commission has already recommended their approval and City Council is expected to consider the amendments in May 2014. Depending on when the application is made, either the existing or the proposed Chapter 32 language will apply. Please contact staff to discuss which version will work best for you, especially if you are on a tight schedule. This application would be concurrent with the partition application and carries an initial deposit of \$1850.

PLEASE NOTE that these deposits are initial deposits, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may be likely to occur.

To submit these applications follow the submittal requirements of 85.150-170 and 32.040. Respond to the criteria of 85.200 and of 32.050 in a narrative.

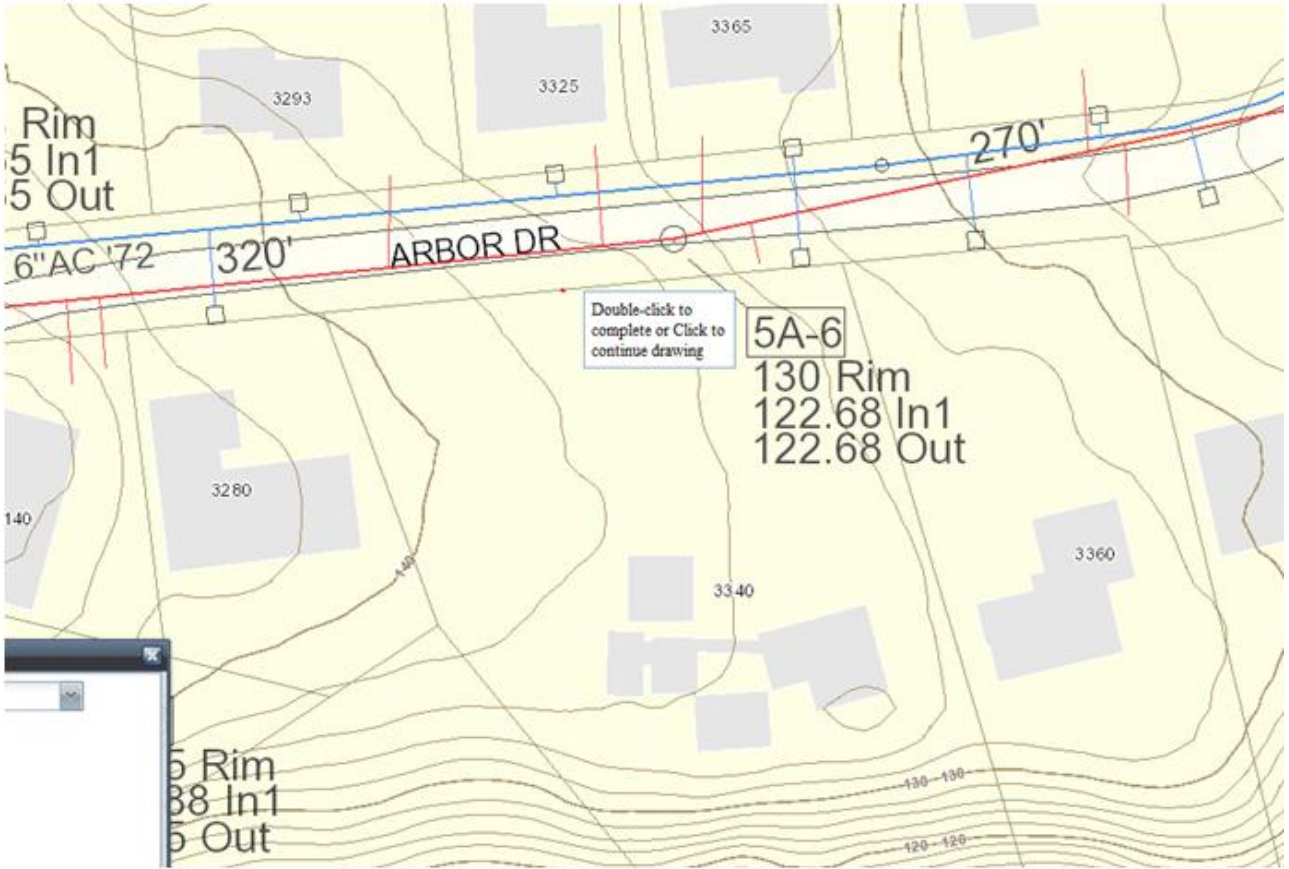
Minor Partitions and WRA permits are both Planning Director decisions so there is no public hearing. At least 20 days prior to the Planning Director's decision, notice will be mailed to all property owners within 500 feet of the site perimeter.

Because over 25% of the site comprises constrained type I and II lands (WRA), a Planned Unit Development (PUD) is required. But, if the applicant establishes a conservation easement for the type I and II lands then a PUD is not required. This easement is required by 32.050(D) anyway. The PUD process requires a Planning Commission hearing, a PUD deposit fee of \$4,600 and additional submittal requirements of CDC Chapter 24.

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. Planning Director decisions 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.

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.



Utilities. Red is sewer. The sewer line is 7.5 feet below the manhole elevation so that looks good. The blue/water line is a 6".

Comparison of existing and proposed WRA width

(as measured from edge of wetland, edge of bankfull flow, or other)

WRA by type	Existing	Proposed
0-25% slope	50'+7.5-15'	65'
Over 25% to distinct top of slope (ravine)	50'+7.5-15' from distinct top of bank	50' from distinct top of bank (may be reduced to 25 feet after geotechnical study demonstrates slope stability and no increased threat of erosion)
Over 25% with no distinct top of bank for 150 feet	200'+7.5-15'	200'
Riparian Corridor	100'+ 7.5-15'	100'