

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
November 20, 2008

SUBJECT: Modification of approval in the form of replatting multiple lot lines at Arbor Cove subdivision, Class II Design Review needed for eventual duplex units proposed to be built on enlarged lots. Arbor Cove subdivision located along Willamette Falls Drive at Joseph Fields Street

ATTENDEES: Applicants: Jerry Offer, Michael Robinson, Dan Grimberg, Brad Hosmar, Mike Peebles
Staff: Tom Soppe (Planning Department)
Neighborhood: Steve Peake (Willamette 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 subdivision was approved in 2006 by the Planning Commission as a 71-lot single family subdivision in the R-4.5 zone. In the R-4.5 zone the base lot size for a single-family detached house is 4,500 square feet. For a duplex, 8,000 square feet is needed (i.e. 4,000 per unit) (see CDC 14.070). The applicant proposes to replat the subdivision to increase the size of 17 of the 71 residential lots, increasing the size of 14 of these lots enough that they would have 8,000 or more square feet and be allowed duplexes per the zone's lot dimensional requirements. Three of these lots are along the north side of the subdivision and the other 14 are along the east side of the subdivision. The lots would be enlarged via encompassing parts of the open space tract (Tract C) that stretches along the north and east edges of the subdivision and includes the steep slopes that border these edges of the subdivision. Three of the lots along the east side of the subdivision are already developed with single family houses but will be increased in size slightly also so there are no isolated remnants of Tract C. The enlargements of the residential lots on the east side will split Tract C in two, and the applicant proposes to either leave this as two tracts or give the smaller of the two sections to lots 34 and 35. Under the latter scenario, lots 34 and 35 would have the open space area within their respective boundaries but under an open space conservation easement. (If lots 34 and 35 are increased and include the easement, this results in a total of 19 lots being increased in size by this proposal.)

Conservation easements should be proposed for placement over the expanded area of each lot as this ensures the steep slopes will not be built on and that the Planning

Commission's original vision for the subdivision is respected even if lines are drawn differently. One possible condition of approval might be that rear yard setbacks have to be measured from the edge of the conservation easement for all expanded lots as this will ensure the consistency that was originally envisioned before the expanded lots were proposed.

Since more units and presumably more total driveway width will be added to the subdivision plan via this proposal, parking will likely be a concern with the Planning Commission. Since parking is allowed on both sides of the 32-foot-wide streets, this may be a mitigating factor in such concern.

Since the Planning Commission was the highest review body to approve the plat that is now proposed for modification, the applicant must apply for Modification of Approval (a.k.a. Amendment), and the Planning Commission will act as the hearing body for the application (per CDC 99.120[B]).

Any residential development that is not detached single-family requires a Class II Design Review permit from Planning before building permits can be applied for. This was not done for the subdivision previously as it was applied for and approved only as a single-family detached subdivision. The applicant can either a) apply for the Design Review concurrently with the Modification of Approval, to be heard concurrently by the Planning Commission, or b) wait until Planning Commission approval and replatting are completed for the Modification of Approval before initiating the Design Review application which would then go to the Planning Commission as well.

Since a total of 14 dwelling units would be added, the applicant should provide updated traffic study calculations to show total trip generation (does not need to be full new traffic study).

The applicant's plan would add the potential for 6 more units on the dead end section of Joseph Fields Street north of Epperly Way, for a total of 15 maximum units. CDC 85.200(A)(11) states that "Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 12 dwelling units, unless by variance per CDC Chapter 75." The CDC defines "cul-de-sac" as any dead-end street system, so this would include this north end of Joseph Fields Street. To enlarge 4-6 lots on this section of street to duplex capacity instead of 0-3 lots would therefore require this Class II Variance as 4-6 lots would result in more than 12 dwelling units. This application would have to be done concurrently with the Modification application.

Process

A neighborhood meeting is required for any multi-family application per 99.038 (despite language in 55.070 saying it is only required for multi-family projects of more than 10 units), and the applicant should schedule and conduct a neighborhood meeting pursuant to CDC Section 99.038 before the Design Review application, whether this is done concurrently with the Modification/Variance application or not. Follow the requirements

exactly. The Willamette Neighborhood Association meets on the second Wednesday of each month. Contact the NA president, Beth Kieres, at 503-722-1531 or kieres@comcast.net. Since the City encourages meeting with the NA even for applications for which it is not required, the City encourages the applicant to hold this meeting before either application is made so neighborhood input can be solicited for the Modification and Variance as well.

99.120(C) gives staff the authority to require only relevant submittal requirements for a Modification application. Therefore while the applicant must resubmit all site and utility plans, the applicant need only respond to certain sections of Chapter 85. The applicant must respond to Chapter 85 criteria within section 85.200(B)(3) and (B)(6) as these regard lot size, shape, lines, and appropriateness for proposed use. The applicant must also respond to 85.200(F), (G), and (H) as these address whether utilities can handle or can be improved to handle the extra number of units. The applicant must also respond to 85.210 Lot Line Adjustments- Approval Standards since this is an application that will adjust many existing lot lines in the subdivision and since code language regulating Modification submittals in Chapter 99 does not prevent staff from requiring responses to appropriate code sections that were not responded to in the original subdivision submittal.

85.200(B)(3) states “Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features,” and 85.210 contains anti-gerrymandering language for lot lines. The Planning Director indicates that he would be unwilling to recommend approval of the applicant’s proposal due to these sections of 85.200 and 85.210 because of a) the perceived inappropriateness of the lot shapes in relation to their buildable areas and in relation to each other, specifically the gerrymandering in the rear, and b) the loss of much of the open space tract, since these tracts have a history of better ensuring appropriate maintenance and lack of development compared to a conservation easements.

The applicant must also submit narrative responses to 75.060 and fulfill any other submittal requirements in Chapter 75 for the variance. As part of this application or a subsequent one, the applicant must provide full and complete response to the submittal requirements and approval criteria of CDC Chapter 55 Design Review. N/A is not an acceptable response to the approval criteria. The 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. Prepare the application and submit to the Planning Department with deposit fees.

The deposit fee for the Modification is 50% of the original fee. The subdivision fee is \$4,200 plus \$200 per lot. This means the original fee would have been \$18,400 for this 71-lot subdivision. Therefore the deposit fee for the Modification would be \$9,200. The deposit fee for Class II Design Review varies based on the scope of the project. For projects with a construction value of less than \$500,000, the deposit is 4% of the construction value (with a minimum of \$1000, and a maximum of \$8000). For projects

with a construction value above \$500,000, the deposit is \$4000 plus 4% of the construction value (\$20,000 maximum deposit). The deposit for the Class II Variance is \$1,800. Staff bills hours against the deposit fee and returns any surplus at the conclusion of the process, regardless of whether it is approved or denied.

The City has 30 days to determine if the application is complete or not. Most applications are incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. Staff will schedule the Planning Commission hearing about 4-6 weeks after completeness determination. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

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. Also note that these notes have a limited “shelf life” in that changes to the CDC standards may require a different design or submittal.

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