

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
May 20, 2010

SUBJECT: 2 year Extension of previous approval for subdivision at 22910
Weatherhill Road

ATTENDEES: Applicants: John Maslen
Staff: Tom Soppe (Planning Department), Khoi Le (Engineering
Department)

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

On August 9, 2007, the Planning Commission approved Palmer and Associates' request for a 20-lot subdivision at 22910 Weatherhill Road in the Savanna Oaks (then known as Tanner Basin) neighborhood. The subdivision request was to turn 3 existing parcels into 20 lots on a triangular shaped piece of land surrounded by Weatherhill Road on the east, Bland Circle on the west, and other residential parcels to the south, at the intersection of Weatherhill Road and Bland Circle. This was file number SUB-07-06. The decision became effective on August 28, 2007, and therefore the 3-year expiration date for the decision will be August 28, 2010.

Community Development Code (CDC) 99.325(D)(1) states "Only those applications approved between July 1, 2006 and December 31, 2009 shall be eligible for an extension." The previous application therefore qualifies the applicant to be able to apply for an extension. The two-year extension, if approved, would be measured from the original expiration date. Therefore if the Extension application is approved, the expiration date would be August 28, 2010.

CDC 85.090 at the time of the application states, "If the final plat has not been submitted to the Planning Director within three years from the date of approval of the tentative plan, the approval expires." Therefore if the applicant can make the appropriate public improvements required and fulfill the conditions of approval in time to submit the final plat by August 28, the Extension should not be needed. If the applicant applies for the Extension, all current CDC language applies, and upon approval of the application the final plat would have to be recorded (not just submitted) by August 28, 2012, due to

changes in the language of 85.090 which now states, "The final plat map shall be submitted to the Planning Director and recorded with the County within three years from the date of approval of the tentative plan, or as approved under CDC Section 99.325. If the final plat is not recorded by that time, the approval expires." Section 99.325 is the new section of the CDC regarding Extension applications.

The extension application must respond to all criteria that may have changed since the time of the original application, and comply with any necessary changes based on this.

Chapter 85 Land Division has not changed substantially since the original application. For responses to Chapter 85 criteria, the applicant needs to respond only to those that have changed due to code amendments since the original application. Some of the changed code sections may not have changed in the context of what they require from this particular subdivision application, in which case the applicant shall respond to the criteria by explaining this. For any that do necessitate changes in the site plan or other aspects of the subdivision proposal, in order for the proposal to meet current code, this should be explained in the narrative and plans should be altered accordingly for the submittal of the Extension application. The criteria of Chapter 85.200 that appear to have undergone code changes since the original application are (A)(1) Streets (General), (A)(3) Street Widths, (A)(22) off-site improvements, (B)(2) Block Sizes, and 85.200(J)(10) Annexation and Street Lights. If changes instigated by these affect the nature of the submittal as it relates to other criteria in 85.200 as well, than those criteria should be responded to in the narrative also, even if these other criteria themselves have not changed since the original application.

Chapter 85 submittal requirements that have changed since the original application was made include 85.160(D)(1) (proposed street names). This may require or suggest, in this case, a change in the proposed street names, depending on how the proposed name was chosen. CDC 85.170(B)(2), regarding transportation impact studies, has been added. If these necessitate changes in the submittal for the Extension application as compared to the original submittal, they should be reflected in the new submittal.

CDC 99.325 states that an extension may be granted if "there are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage". There is a branch of Fritchie Creek across Bland Circle from the site, outside the City limits. Per approximate measurements on City GIS, part of the site is within the Fritchie Creek transition area. Creek transition areas, per 32.050(E), are delineated based on a combination of where and how 25% slopes and tops of banks juxtapose with the minimum 50 foot setbacks from creeks. The lack of a Water Resource Area permit was an omission to the original application, depending on whether more exact surveying determines whether the approximate measurements staff has done on City GIS are accurate (and depending on how accurate City GIS's locations for 25% slope areas are). In summation, depending on the slopes next to the creek and up onto the site, as they relate to how to measure the transition area in 32.050(E), the application may need a Water Resource Area permit.

99.325(B)(3) states that Extension permits may be approved if “the applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with Subsection 2, in conformance with any applicable limits on modifications to approvals established by the CDC.” Therefore the Extension application and the Water Resource Area application can be done concurrently.

Due to the language in Table 32-1 in 32.050(E) stating that the water resource area transition area involving slopes greater than “25% for more than 30 feet, and no distinct top of ravine for at least 150 feet” must be “200 feet, plus structural setback”, the north end of the site may be prohibited from being developed and a few lots may be “lost” from the original tentative plan. The applicant can accept this loss or apply for the subdivision as new application including a Planned Unit Development (PUD) permit (on top of Water Resource and Subdivision permits) instead. Per 99.325(A)(3) this would require a new application due to the substantial change this would involve.

If surveys show that the site is not at all within the transition area per 32.050(E) and Table 32-1, the Water Resource Area permit is not needed. If surveys show that only a small area of the site is within the transition area per 32.050(E) and Table 32-1, the Water Resource Area permit would still be needed but the basic layout of the subdivision as previously approved may not be significantly affected, and a loss of lots and/or a PUD permit may not be needed.

If surveys show the Water Resource Area permit is needed, the applicant’s submittal shall include this permit as well as include all submittal requirements required by Chapter 32 and a narrative response to the criteria of 32.050, concurrent with the requirements discussed above for extending the actual Subdivision permit. Any Chapter 85 criteria which themselves have not changed but that are affected in the context of this subdivision by changes necessitated by Chapter 32 criteria shall be responded to in the applicant’s narrative as well.

If the applicant applies instead for a new concurrent set of permits including PUD, Water Resource Area, and Subdivision, the applicant shall include all submittal requirements of Chapter 24, including a narrative response to the criteria of 24.100, 24.110, 24.130, 24.140, 24.170, and 24.180, all submittal requirements for Chapter 32 as discussed above, and all submittal requirements for Chapter 85 including a full narrative response to the criteria of 85.200.

ENGINEERING COMMENTS

STREET IMPROVEMENT

All sidewalks must have the same width of 6’ wide.

WATER IMPROVEMENT

New water line along the project frontage on Bland Circle shall be 10” DI pipe.

OTHER UTILITIES

Provide street lights.

Process

Both scenarios described above are covered below:

Extension scenario:

The Extension permit is required, and the Water Resource Area may be required depending on what surveys done by the applicant show.

A neighborhood meeting following the provisions of 99.038 is required for an Extension permit for a subdivision per 99.325(E)(2). Contact David Rittenhouse, President of the Savanna Oaks Neighborhood Association, at (503) 635-0800 or daver@europa.com, and Beth Kieres, president of the Willamette Neighborhood Association at (503) 722-1531 or willametteneighborhood@gmail.com. The site is in the Savanna Oaks neighborhood but Willamette is within 500 feet. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting. The Extension application cannot be accepted unless the neighborhood meeting provisions are fulfilled by the time the application is submitted.

Follow the instructions under Project Details above as to which selected Chapter 85 criteria should be responded to in a narrative. The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

Follow the submittal requirements for Chapter 85. 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. Per above, the applicant should respond to the following criteria in 85.200 and any other criteria the applicant discovers to be necessary:

- 85.200(A)(1)
- 85.200(A)(3)
- 85.200(A)(22)
- 85.200(B)(2)
- 85.200(J)(10)

Also see the paragraph above in the Project Details section regarding which non-narrative submittal requirements have changed since the submittal of SUB-07-06.

If the Water Resource Area permit is applied for the application should contain all submittal materials required by Chapter 32 including a narrative responding to each

criterion of 32.050, and responses to 32.070, 32.080, and 32.090 if the hardship provisions are invoked and development occurs in the transition area on site.

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 deposit for an Extension is half the deposit of the original application. The original application had a deposit of \$8,000 so the deposit for the Extension application will be \$4,000. The Water Resource Area permit, if needed, would be \$1,850.

Once the submittal is deemed complete, the staff will schedule a hearing with the Planning Commission and will send out public notice of the hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

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.

PUD scenario:

Under this scenario PUD, Subdivision, and Water Resource Area permits would be required, all as new permits and not Extensions.

A neighborhood meeting following the provisions of 99.038 is required for an Extension permit for a subdivision per 99.325(E)(2) (it is also required for any PUD permit). Contact David Rittenhouse, President of the Savanna Oaks Neighborhood Association, at (503) 635-0800 or daver@europa.com, and Beth Kieres, president of the Willamette Neighborhood Association at (503) 722-1531 or willametteneighborhood@gmail.com. The site is in the Savanna Oaks neighborhood but Willamette is within 500 feet. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting. An application of this size including PUD and Subdivision cannot be accepted unless the neighborhood meeting provisions are fulfilled by the time the application is submitted.

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 Water Resource Area permit has a deposit of \$1,850. The PUD permit has a deposit of \$3,000 plus \$400 per acre. A Subdivision permit has a deposit of \$4,200 plus \$200 per proposed lot.

Any cost overruns to any deposit will result in additional billings.

The application should contain all submittal materials required by Chapter 32 including a narrative responding to each criterion of 32.050. If the PUD permit is applied for the

application should contain all submittal requirements of Chapter 24 including a narrative response to the criteria of 24.100, 24.110, 24.130, 24.140, 24.170, and 24.180. For the Subdivision permit, the application should contain all submittal materials required by Chapter 85 including a narrative responding to each criterion of 85.100.

Once the submittal is deemed complete, the staff will schedule a hearing with the Planning Commission and will send out public notice of the hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

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.

| NAME | ADDRESS | E-MAIL | AFFILIATION |
|-------------------|--|---------------------------|-------------|
| Bobby Lynn Maslen | 4325 Saw 34 th Ave PTLP. 97239 | jrmastlen@ comcast.net | applicant |
| JOHN MASLEN | " | " | " |
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PLANNING JS

ENGINEERING KL

PARKS _____

PRE-APPLICATION CONFERENCE STAFF CHECKLIST

File # PA-10-20 Date: 6-17-10

SUBJECT/PROPOSAL:

Proposal: Extension of Subdiv application - 20 lot Sub. on Weatherhill Rd.

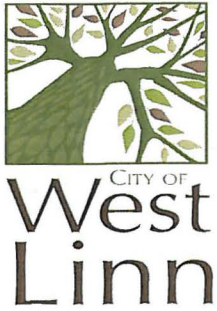
Attendees:

STAFF CHECKLIST: Site Analysis

- Staff Site Visit? Y
- In 100 year or 1996 flood boundary? N
- In HCA area along Willamette or Tualatin River? N
- Wetlands or in Wetland Transition Area? N
- In WRA/Drainageway Transition Area? Y, depend on verification per slope & survey?
- Check Storm Water Master Plan (setback from piped storm) NA
- Significant Riparian Corridor (100' setback)? N
- Steep slopes over 25%? 25% slopes there, only a small percentage of site
- Heavily forested or clearly significant trees (20% rule)? Y-20% rule met in orig. approval

STAFF CHECKLIST: Zoning and Plan Conformance

- Zone of site? R-7
- Use allowed outright? Y by prescribed conditions? Y by CUP? Y
- Permits required Extension, maybe WRA
- Is parcel a legal lot of record (burden of proof on applicant)? Y - the 3 together at least
- Previous land use decisions/COAs that limit use of the site? File# SUB-07-06, 20-98-05
- In Historic Residential District? N
- In Historic District Commercial Overlay? N
- Historic Landmark Structure? N
- Agreement with Neighborhood Plan? Y if WRA corridor preserved
- Non-Conforming? (setbacks, parking, landscaping, use)? N
- TPR addressed? Y
- Parks Master Plan checked? (re: trails and pathways) Secondary path proposed along Weatherhill Rd.



LAND USE PRE-APPLICATION CONFERENCE

Thursday, June 17, 2010

City Hall
22500 Salamo Road

Willamette Conference Room

11:00 am Extension of 20 lot subdivision

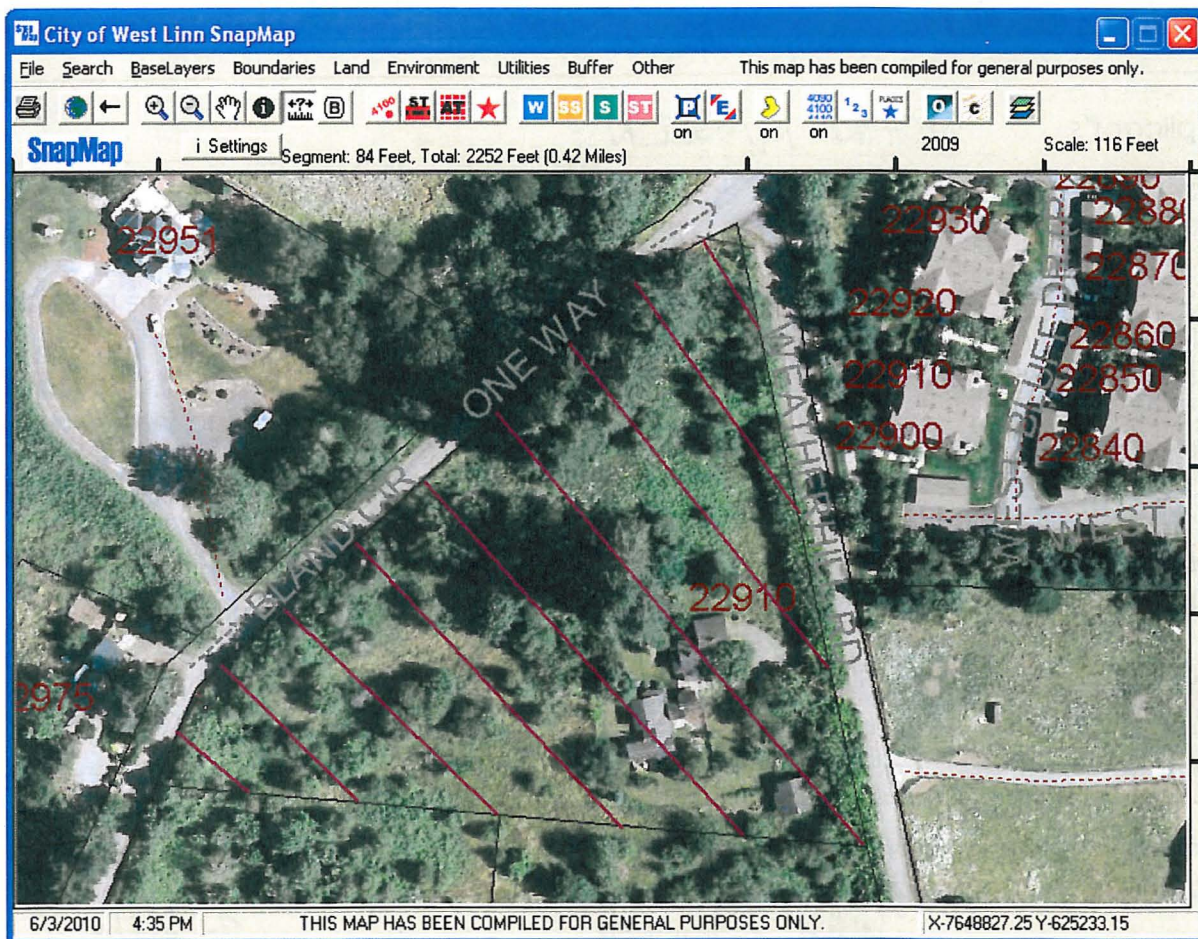
Applicant: John Maslen

Subject Property Address: 22910 Weatherhill Rd

Neighborhood Assn: *Savanna Oaks and Willamette*

Planner: Tom Soppe

Project #: PA-10-20



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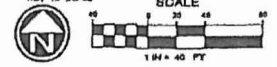
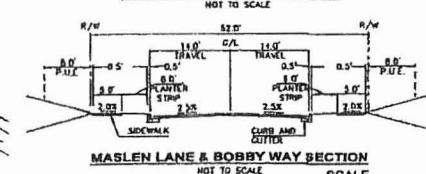
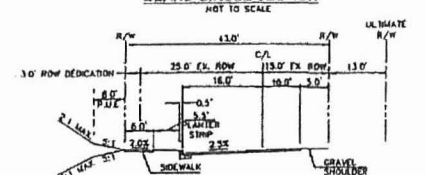
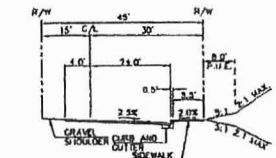
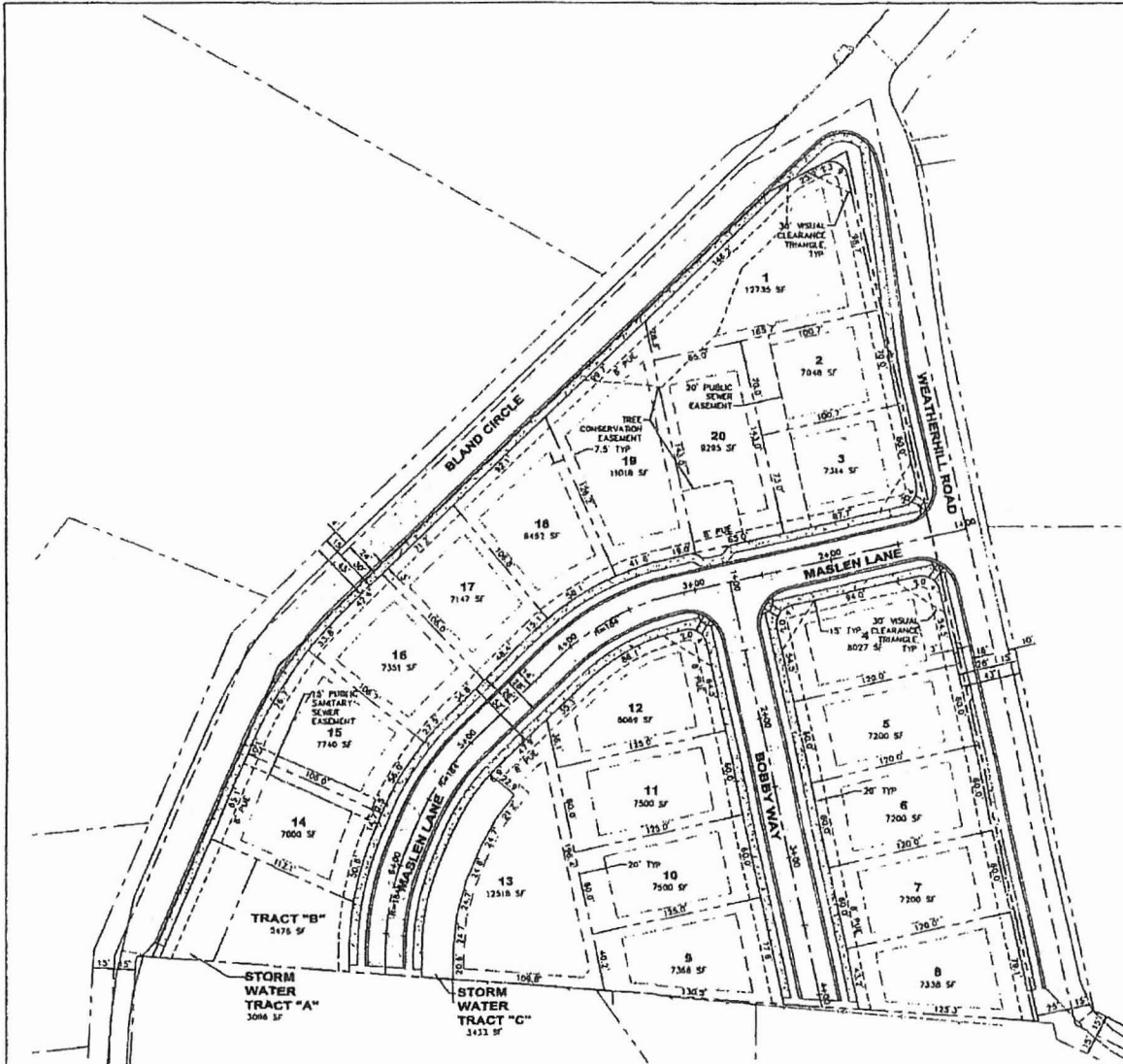
DATE: _____
REVISIONS
NO. DATE DESCRIPTION

LEGEND

- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED BUILDING SETBACK
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- PROPOSED BOUNDARY LINE
- EXISTING BOUNDARY LINE
- PROPOSED A.C. PAVING
- PROPOSED SIDEWALK

SETBACK TABLE

- 20' FRONT SETBACK
- 20' REAR SETBACK
- 7.5' INTERIOR SIDE SETBACK
- 15' STREET SIDE SETBACK



**WEATHERHILL
HEIGHTS
SUBDIVISION**

**TENTATIVE
PRELIMINARY
SITE
PLAN**

alpha
COMMUNITY DEVELOPMENT

PROJECT NO.: 338-436
TYPE: PLANNING
REVIEWED BY: _____

TENTATIVE

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ENTERING
ONE WAY ZONE
YIELD TO
EMERGENCY
AND
POSTAL
VEHICLES



