

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**December 15, 2011**

SUBJECT: 2-lot Minor Partition with possible variances at 1785 Ostman Road

ATTENDEES: Applicant: Danut Haj, Hardy Li  
Staff: Tom Soppe (Planning), Khoi Le (Engineering)

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***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 partition an existing parcel of approximately 21,000 square feet into two parcels. There is an existing house (used as a care facility) on what would become the front parcel, and the area that would become the rear parcel contains a garage and a shed that are planned for removal to make way for a potential new house on the potential parcel. The rear parcel would have to be accessed by a flaglot stem, or an access and utility easement. The applicant shows the latter on a conceptual plan.



**Existing care home on what would be front parcel**



**Area left of existing house proposed to be access/utility easement. Existing garage is in background.**

Ostman Road is classified as a collector street. Five foot street dedication is shown on the conceptual plan, and would likely be requested by Engineering anyway as collector streets should have 60+ foot right of ways per 85.200(A)(2). This dedication would also make the front property line align with other properties to the north and south, making the east edge of the

right of way consistent. This does reduce the potential for splitting the lot however, especially in conjunction with Section 85.200(B)(7) which requires that access stems or easements be 15 feet wide and that they not count towards the minimum square footage of the lot.

In this case the circumstances appear to prevent the applicant from splitting the existing parcel into two separate parcels of 10,000 square feet or more each, unless the line between the two proposed parcels can be designed to minimize the area within the access easement or stem, by being moved west at the northern end of the site and further east (to keep both parcels appropriate size) further south. R-10 setbacks for the existing house would have to be respected in terms of where this line would go as well (20 rear, 7.5 side).

However the applicant can apply for a Class I Variance to have one or more of the parcels be smaller than 10,000 square feet by 5% or less, per 75.020(A)(2)(d). Staff calculations approximate that the parcels could have 1-2% less square footage than 10,000 if they are split.

1781 Ostman Road is a flaglot just south of the subject property, with a flaglot stem along the south side of the subject property. Alternately the applicant could avoid the issue of the access easement making the parcels too small, if the applicant were to obtain permission from the owner of 1781 Ostman Road to use the flaglot stem for this property to access the proposed rear parcel. This existing driveway comes off of the 1781 stem and traverses through the 1783 Ostman Road driveway on the 1783 property; it does this in order to avoid the electric box located in the front of the stem area for 1781. If this could be moved and the driveway straightened, the issue of permission from the owner of 1783 would be moot. If the applicant were to use this driveway in its current alignment, permission for an access easement along the driveway would be needed from the owners of both 1783 and 1781. If this were to be obtained, an access easement for the applicant's proposed rear parcel could be placed on the existing driveway and flaglot stem that already provides vehicle access to 1781.



**Existing flaglot stem driveway to 1781 Ostman Road. Accesses through part of 1783 Ostman Road property on the right. These two lots were split from each other via a lot size variance that could also be applied for by the applicant for his parcel.**

No parcels can be partitioned if the partitioning itself results in any provisions of the code being unmet on either parcel, or unmet for existing buildings on either parcel. If the parcel is split into two parcels that both have individually just under or over 10,000 square feet, the existing house on the front parcel might then be over the lot coverage limit in the R-10 zone per staff measurements on aerial photos. The applicant expressed relative confidence at the conference that this was not the case, and would have to show that it is not on his plans in order to avoid a possible variance for lot coverage in the front parcel. The R-10 zone requires lot coverage of 35% or less. See the photo below which outlines the existing house and the approximate proposed Parcel 1 buildable area in purple.



There is precedent in the immediate area for having a variance for lot size for a two-lot partition, as file MIP-99-01/VAR-00-03 split the parcels that now comprise 1783 and 1781 Ostman Road, using this variance. The subject property is a similarly sized and configured lot where theoretically the same variance might be found to be justified for the same reasons, i.e. being able to split a 20,000+ square foot lot and still have the appropriate right of way dedication (note that with MIP-99-01/VAR-00-03 only the right of way dedication and not the access strip kept the lots from both being 10,000+ square feet, which may not be the case in this situation).

If of the existing house on the proposed front parcel would have greater than allowable lot coverage after the split as proposed, the variance for lot coverage would be required as discussed above. This would be a Class II Variance and would make the application a Planning Commission review instead of a Planning Director review, requiring a public hearing. This may be less likely to be approved or to meet the variance criteria of 75.060 compared to the lot size variance. This is in part because the potential need to apply for this variance is triggered by the existing level of lot coverage which has resulted from additions made by the applicant. Alternately the applicant could make the front parcel large enough so that the existing house's footprint would still be less than 35%. This would make the rear parcel smaller yet, but would only require one variance, a Class II Variance for rear parcel size (as staff's estimation shows the rear lot would have to decrease in size by more than 5%). This may be the most pragmatic way to deal with the issue of the possible variance(s), although it does also result in a Planning Commission hearing instead of a Planning Director decision.

There are two large trees in the right of way in front of the existing house, where street improvements will be required. The City prefers the trees to stay if at all possible. If the City is ever willing to accept the removal of the trees, it would be with appropriate mitigation paid for by the applicant, in which case conventional street improvements and sidewalk alignment would be constructed. As discussed in the Engineering Notes below the applicant can work around the trees with reduced and meandering sidewalks and street improvements that do not widen the street, allowing these significant trees to remain.

## **Engineering Notes**

### **I. TRANSPORTATION**

#### **OSTMAN ROAD**

	EXISTING CONDITIONS	POTENTIAL POST DEVELOPMENT CONDITIONS
Classification	Collector	Collector
Zone	R-10	R-10
Right of Way Width	39'	58'
Full Pavement Width	23.5'	16' on development side or request for a variance for smaller improvement due to tree.
Curb and Gutter	Yes	Yes
Planter Strip	None due to trees	May not be any due to trees.
Sidewalk	None	Yes – 6'. 4' may allow due to significant trees.
Street Light	None	Yes – If does not meet illumination required.
Street Tree	None	Coordinate with Parks
ADA Ramps	None	None

#### **MINIMUM REQUIRED IMPROVEMENTS**

1. Provide 5.0' of dedication.
2. Provide 16' pavement improvement with the following sections:
  - 10" of 1-1/2" -0 Crush Rock
  - 2" of ¾" -0 Leveling Course
  - 4" Class "C" AC Pavement
  - See WL-502 Detail for technical and construction specifications.

**Note: Applicant can request for narrower width of pavement improvement due to significant trees.**

3. Provide curb and gutter. See WL-501 Detail for technical and construction specifications.
4. Provide 6' wide concrete sidewalk. Connect new sidewalk to existing sidewalk on both sides of the property. See WL-508 for sidewalk technical and construction specifications. See WL-507A and WL-507B for ADA technical and construction specifications.

**Note: Applicant can request for narrower width of sidewalk (4.0' wide) due to significant trees or propose offsite mitigation.**

5. Provide illumination analysis of the existing conditions. Install street lights as recommended in accordance to the followings:
  - Average Maintained Illumination: 0.4 foot-candles (Residential)
  - Uniformity Average to Minimum: 4 to 1
  - Street Light should match with existing surrounding lights.
  - Bulb: 150 watts maximum
6. Provide Street Tree. Coordinate with Parks Department for requirements.
7. Driveway Approach: 36' maximum width including wings. See WL-504A, 504B, and 505 for technical and construction specifications. Provide necessary striping.
8. All new and existing overhead utilities along the development must be placed underground.

#### **A. CURRENT TRANSPORTATION CONDITIONS**

Ostman Road currently a through roadway between Willamette Falls Drive, Dollar Street, and Blankenship Road. Osman Road ends at McHae Drive on the Northern end and at Rachel Lobo Lane on Southern end.

Most properties located along Ostman Road are fully developed with exception of a few can be subdivided to smaller subdivision of 6 lots or less.

Even though Ostman Road currently is classified as a Collector, the current posted speed limit along this road is 25 MPH.

#### **B. CITY TRANSPORTATION MASTER PLAN**

##### **CURRENT TRAFFIC CONDITIONS**

Un-signalized Intersection	LOS	Average Delay (Sec)	Volume/Capacity (V/C)	Measure of Effectiveness		MOE Met?
				Agency	Maximum Allowed	
Willamette Falls Drive/Ostman Road	A/C	0.8	0.03/0.07	City	LOS D	Yes

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##### **FUTURE TRAFFIC CONDITIONS IN 2030**

Un-signalized Intersection	LOS	Average Delay (Sec)	Volume/Capacity (V/C)	Measure of Effectiveness		MOE Met?
				Agency	Maximum Allowed	
<b>Willamette Falls Drive/Ostman Road</b>	<b>B/F</b>	<b>&gt;50.0</b>	<b>0.01&gt;0.23</b>	<b>City</b>	<b>LOS D</b>	<b>No</b>

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#### ACTION PLAN

Project Number	Project Location	Description	Plan	Cost
<b>5</b>	<b>Willamette Falls Drive/Ostman Road</b>	<b>Widen to 5-lane section with center lane and 2 travel lanes each direction</b>	<b>Action</b>	<b>\$1,685,000</b>

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#### PEDESTRIAN MASTER PLAN PROJECTS

#	Priority	Location	Sidewalk In Fill Extent	From	To	Cost
<b>31</b>	<b>Med</b>	<b>Ostman Road</b>	<b>Both sides of street</b>	<b>Blankenship Rd</b>	<b>Willamette Falls Drive</b>	<b>\$560,000</b>

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#### C. IMPROVEMENT AND MITIGATION

Half Street Improvement along the project frontage is required.

#### D. POTENTIAL TRANSPORTATION SDC FEE

Vehicular Street SDC Fee Effective January 26<sup>th</sup> 2012: \$6,751 per single trip  
Number of Vehicular Trip Generated by A Single Family Detach Unit: 1.01 trips

Potential Vehicular Street SDC Fee = 1.01 x \$6,751 = \$6818.51

Bike/Pedestrian SDC Fee Effective January 26<sup>th</sup> 2012: \$1,505 per single trip  
Bike/Pedestrian Trip Generated by A Single Family Detach Unit: 1.0 trip

Potential Vehicular Street SDC Fee = 1.0 x \$1,505 = \$1,505

**TOTAL POTENTIAL TRANSPORTATION FEE = \$6,818.51 + \$1,505 = \$8,323.51**

**Final SDC fee shall be calculated exactly at Building Permit Phase.**

## II. STORM DRAINAGE

### A. CURRENT CONDITIONS

Currently, there is no public storm drainage system on Ostman Road along the development frontage. The current house down spouse at this property probably drains to the curb via weep hole.

### B. CITY STORM DRAINAGE MASTER PLAN

No issue is listed in City Storm Drainage Master Plan.

### C. IMPROVEMENT AND MITIGATION

Provide a public storm system on Ostman Road to convey the storm water to the next appropriate disposal point.

When creates more than 500 square foot of new impervious, stormwater treatment shall be required. When creates more than 5000 square feet of new impervious area, stormwater detention shall be required.

Onsite storm facility shall require the owner of the property to sign a Stormwater Maintenance Agreement with the City.

### D. POTENTIAL STORM WATER SURFACE SDC FEE

Base upon the fee Effective July 2011, following is the potential storm water surface SDC fee.

1 ESU = 2,914 square feet of impervious area  
Fee for 1 ESU = \$1,303

**Total Storm Water Surface SDC Fee =  $1.0 \times \$1,303 = \$1,303$  assumed total impervious area is equal to 1 ESU.**

**Final SDC fee shall be calculated exactly at Building Permit Phase.**

## III. SANITARY SEWER

### A. CURRENT CONDITIONS

Existing public sanitary sewer system is in place on Ostman Road for connection. Public sanitary sewer system on Ostman Road is approximately 4 to 6 foot deep.

### B. POTENTIAL SANITARY SEWER SDC FEE

Base upon the fee Effective July 2011, following is the potential sanitary sewer SDC fee.

Fee for Single Family = \$2,957  
 Tri-City Service District Sewer SDC Fee = \$2,020

**Total Sewer SDC Fee = \$2,957 - \$2,020 = \$4,977**

**Final SDC fee shall be calculated exactly at Building Permit Phase.**  
**A public work permit for sanitary sewer connection shall be required.**

#### IV. WATER

##### A. CURRENT CONDITIONS

The property is currently located in the Willamette Water Zone. Existing 6" AC water main is in place on Ostman Road for connection.

##### B. WATER MASTER PLAN

###### Pressure Zone Performance Requirement Summary

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)
<b>Current</b>	<b>2.2</b>	<b>0.5</b>	<b>2.7</b>	<b>2.6</b>	<b>1.6</b>	<b>0.1</b>	<b>1.0</b>
2015	2.3	0.5	2.8	2.6	1.6	0.2	1.2
2030	2.6	0.5	3.1	2.6	1.6	0.5	1.5
Saturation Development	2.7	0.5	3.2	2.6	1.6	0.6	1.6

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###### Pressure Zone Supply and Storage Deficit Summary

Year	Normal Conditions			Emergency Conditions		
	Supply Deficit (mg)	Storage Volume (mg)	Overall Deficit (mgd)	Supply Deficit (mgd)	Storage Volume (mg)	Overall Deficit (mgd)
<b>Current</b>	<b>0.1</b>	<b>0.8</b>	<b>0</b>	<b>1.1</b>	<b>0.8</b>	<b>0.3</b>
2015	0.2	0.8	0	1.2	0.8	0.4
2030	0.5	0.8	0	1.5	0.8	0.7
Saturation Development	0.6	0.8	0	1.6	0.8	0.8

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###### Pressure Zone Service Pressure Analysis Summary

Pressure Zone	Highest Ground	Reservoir Overflow	Static Service
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	<b>Elevation (ft)</b>	<b>Elevation (ft)</b>	<b>Pressure (psi)</b>
Willamette	257	351	40

No	Location	Pressure Zone	Existing Diameter (inch)	Proposed Diameter (inch)	Pri ority	Length (feet)	SDC Allocation	Unit Cost (\$/lf)	Estimated Project Cost
<b>14</b>	<b>Ostman Rd – Dollar St to Rancho Ln</b>	<b>Willamette</b>	<b>6</b>	<b>8</b>	<b>3</b>	<b>2,565</b>	<b>100%</b>	<b>125</b>	<b>\$320,625</b>

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### C. RECOMMENDATIONS FOR WATER IMPROVEMENT

A hydraulic model run and report prepared from City Consultant, Murray, Smith & Associates shall be required to determine whether or not fire flow for new development adequate. Report will include recommendations for necessary improvements to meet required flow.

Currently, the minimum requirement for water improvement is to upsize approximately 105 lineal feet of existing 6” AC along the project frontage on Ostman Road to an 8” DI pipe. Greater improvement may be required once Murray, Smith & Associates run the hydraulic model.

At \$125/lf, the total cost of this improvement = 105 lf x \$125/lf = \$13,125

Since the project is listed to be 100% SDC Allocation, the development is eligible to receive 100% the cost of this improvement back from Water SDC fund.

**Since this is a 100% SDC eligible project, developer is not required to provide this improvement at this point. The City will do the project when fund is available.**

### D. POTENTIAL WATER SDC FEE

Water SDC Fee Effective January 26<sup>th</sup> 2012: \$6,751 per single trip

Water SDC

5/8”	Meter	\$7,374/single family dwelling Unit =	\$7,374
5/8”	South Fork	\$1449/single family dwelling Unit =	\$1,449

**Total Water SDC Fee = \$7,374 + \$1,449 = \$8,823**

**Final SDC fee shall be calculated exactly at Building Permit Phase.**

## **V. PUBLIC IMPROVEMENT DESIGN REVIEW DEPOSIT AND FEE**

Engineering Design Review and Inspection Fee are based on time and material. The initial deposit required is equal to 6% of the total PUBLIC IMPROVEMENT CONSTRUCTION COST.

Money deposited exceeding amount of fee will be refunded back to the development.

## **VI. CONSTRUCTION BONDS**

Performance Bond in an amount of 125% PUBLIC IMPROVEMENT CONSTRUCTION COST shall be required for the duration of the development construction. Bond shall be released after the City accepts the project.

Maintenance Bond in an amount of 20% PUBLIC IMPROVEMENT CONSTRUCTION COST shall be required for 18 months (all general improvements) and for 24 months (water quality/detention facilities) after the City accepts the projects.

### **Process**

Minor Partition application is required. A Class I Variance for parcel size may be required depending on whether the applicant can avoid this via the alignment of the line dividing the proposed parcels in relation to the length of the necessary 15-foot wide stem or easement. A Class II Variance may be required for lot coverage and/or parcel size (the latter instead of the Class I discussed above) depending on the size of the existing house and how the lot lines can be drawn to accommodate it.

Minor Partition and Class I Variance are Planning Director decisions.

If a Class II Variance for lot coverage is required, or a Class II Variance for rear parcel size that would allow for a larger parcel in front with more coverage, this would be a Planning Commission decision. Under a Planning Commission scenario, all applications would be heard concurrently at the Planning Commission hearing, including any that would be Planning Director decisions if applied for on their own.

No neighborhood meeting is required for any of these applications. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. Contact Beth Smolens, Willamette NA President, at [willametteneighborhood@gmail.com](mailto:willametteneighborhood@gmail.com) or 503-722-1531.

The Minor Partition application will require a full and complete response to the submittal requirements of CDC 85.150-170, which include a site plan, utilities, a city-wide map showing the site, the Development Review Application Form, the aforementioned fee, and a narrative responding to the appropriate criteria. The appropriate criteria are in Section 85.200.

Any 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, for each variance requested. (Staff recognizes that the applicant may still be able to work out a partition application that does not require variances, but wanted to provide the correct information about them in case they are necessary in the end.)

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 deposit for Minor Partition is \$2,800 dollars. The deposit for Class I Variance is \$825. The deposit for Class II Variance is \$1,800. **PLEASE NOTE that this is an initial deposit, 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.**

Once the submittal is deemed complete, staff will send out public notice of the pending decision, then the Planning Director will render a decision in two to three weeks. If the application does include a Class II Variance, staff will send out public notice of a scheduled Planning Commission hearing. Under either scenario 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.