

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**August 1, 2013**

SUBJECT: 2-3-lot Minor Partition 1932 Sunburst Terrace. Possible lot line adjustment related to nearby property owned by applicant on Derby Street.

ATTENDEES: Applicants: Andrew Tull, Brian Feeney  
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 R-10 zoned parcel of approximately 1.2 acres into two or three parcels. There is an existing house facing Sunburst Terrace on what would become the front parcel, and the other one or two parcels would access from a spur of the Carriage Way right of way which is contiguous to a 15-foot-wide access easement within the developed residential lot of 1905 Carriage Way. 1905 Carriage Way is owned by a different party.

The applicant presents both Option 1 and Option 2 for their concept plans in their pre-application submittal. It should be noted that Option 1 would not need a partition application because “Lot 2” is already a lot of record combined with Lot 1 only as a taxlot. Therefore the historic lot line can be restored with the County without partitioning, as the City would then recognize Lot 2 as a buildable lot of record. Any variances discussed below however would still apply.

Option 2 would require the Minor Partition application as it proposes 2 lots in the rear lot of record. The applicant could propose 3 lots in the rear which would have the same access requirements as 2 lots. This would maximize the site’s potential, and could still be a partition application and not a subdivision application if the aforementioned historic lot line is restored first (as the rear lot of record would be being divided into 3 rather than the entire site being divided into 4). Dividing the rear lot of record into 4 lots would further maximize the site’s potential (this would be a subdivision application, not a partition application, and would require the neighborhood meeting process outlined in 99.038); this could only be done if four lots could be accessed in a way that assures all four lots meet the 10,000 square foot base size

independent of vehicle access easements. Applying for a Planned Unit Development (PUD) where 2-4 houses are clustered at the north end would allow for more preservation of the wooded area at the south of the undeveloped lot of record. This would then be preserved as an open space tract contiguous to the preserved open space tract west of the site. Like a subdivision a PUD (even if it is concurrent with a partition application and not a subdivision) requires a neighborhood meeting under the provisions of 99.038.

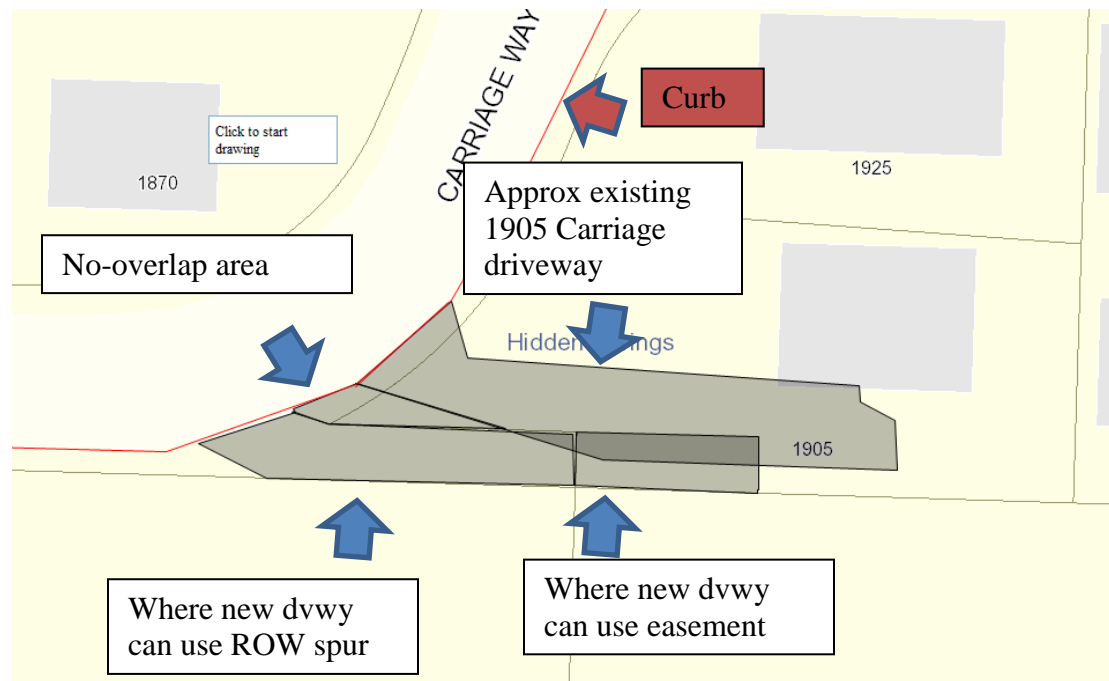
In the area before it can turn south into the site, the driveway would slightly overlap with the existing driveway for 1905 Carriage Way. A 15-foot easement is enough to access 2-4 parcels per 85.200(B)(7)(f) and 48.030(B)(2). Also 48.030(C) applies to properties where parts of a house's exterior would be at least 150 feet from the right of way. Even counting from the end of the right-of-way spur this might apply to this property when partitioned. 48.030(C)(4) requires such properties to have 20 feet of horizontal clearance in all areas for emergency vehicle access (even though only 15 are required to be within an easement).

Parts of the shared driveway further from the street would be surrounded by only the applicant's property, but areas closer to the street will have to be adjacent to areas where an extra eight or more feet of paved driveway are next to the applicant's easement, due to the existing 1905 Carriage Way driveway. In grading for the driveway, the applicant is encouraged to avoid proposing tall retaining walls as much as this is possible.

As discussed the easement and the existing driveway overlap in some areas; these are not directly adjacent to the street. 48.030(C)(4) is satisfied even in front as no trees or walls exist between the existing driveway and the right of way spur/easement. The fact that the existing driveway does not overlap at the front of the site may cause problems in meeting the access separation and curb cut separation requirements of Chapter 48. This is unless the owner of 1905 Carriage Way is cooperative with sharing an access via paving the area where the existing driveway and the proposed shared driveway would not overlap. Carriage Way is a collector street, so the minimum allowed distance between curb cuts is 75 feet per 48.060(D)(2). Also 48.025(B)(6) requires all new driveway access points meet the separation requirements in Transportation System Plan Table 8-3, which for collector streets is 150 feet between driveways. Unless it is possible to share an access for the curb cut and/or the area where the driveways do not overlap outside the easement, the applicant will likely need a Class II Variance to at least one of these requirements. To be clear the driveway separation and curb cut separation variances are two different variances from two different code sections even though they are related.

If the owner of 1905 Carriage Way is cooperative regarding the "no-overlap area" outside the easement and existing driveway shown below, combining the entrance to the driveways could avoid the above issues. However this might cause the collective curb cut for two adjacent and overlapping driveways, on the other hand, to not comply with maximum curb cut width requirements. Specifically 48.060(B) requires curb cuts to not be wider than 36 feet. So under this scenario the required Class II Variance would be from 48.060(B) instead. This scenario is preferred by Engineering to the scenario with two curb cuts, but as discussed it requires the

cooperation of the owner of 1905 Carriage, and either scenario is ultimately acceptable if it can meet 75.060 criteria.



If any neighbors adjacent to the Derby Street tract owned by the applicant are interested in taking ownership of the tract, this can be allowed by the City through a Lot Line Adjustment. This may require a replatting of this tract and whatever adjacent lot or lots it becomes a part of, since it appears to not be a part of either adjacent plat. This would be up to the Clackamas County surveyor as he acts as the City's surveyor. If the County determines that a replat is needed to sell Tract A rather than accepting the simple lot line adjustment, the applicant would have to go through the final plat process with both the City and County for this as well. The applicant could also sell Tract A to one neighbor without a lot line adjustment being needed, if the neighbor was fine with this remaining its own separate tract. The applicant discussed the possibility of adjusting the restorable lot line between the large existing lot of record and the 1932 Sunburst Terrace existing house lot also, to conform to the current extent of backyard development for 1932 Sunburst Terrace. As this is all one lot (albeit non-contiguous) with Tract A the same lot Lot Line Adjustment application could cover this proposal.

A Class II Variance may also be needed for driveway grade, as 48.030(B)(3) requires driveway grade to have a maximum slope of 15%. Also, the houses will need to have fire sprinklers installed due to their topography and access width issues. However the installation of these would help make the case that it is safe and appropriate to be granted the access-related variances.

The parcel west of the subject parcel is an open space tract owned by Sunburst II Homeowners Association. This has a blanket utility easement on it and contains some sanitary sewer lines, but does not have an access easement on it. If the Homeowners Association is willing to grant an access easement, this would avoid the more difficult and narrow development of access through 1905 Carriage Way and may help avoid some of the access-related variances discussed above. In order to not lose any protected open space, perhaps the land used for the access easement could be made up for by preservation of an equal amount of land on the subject property. Or a lot line adjustment could trade this amount of land, preserving some of what is now the subject property in the open space tract, while allowing the subject property to own its own access driveway area along Carriage. Even with the same amount of land kept in preservation, it is likely that conditions of approval or other documents from Sunburst II subdivision would keep such development from occurring within the present boundaries of the open space tract however, so this research should be done before this possibility is pursued.

The City Arborist studied this property several years ago and found the trees to not be significant. He anticipates this will likely still be the case but will soon visit the property again to determine for sure.

### **Engineering Notes**

**Property Address: 1932 Sunburst Terrace– West Linn, OR 97068**

### **STREET AND ACCESS**

There is access and utility easement and public right of way available to the proposed development for access onto Carriage Way.

The right of way is approximate 15' wide. Since the right of way width is not set up to any public street standard dimension, developer can construct a local driveway stem with a right of way use permit. Driveway stem shall be built with 4" asphalt concrete over 10" of rock for structural stability. Driveway and any supported structure such as retaining wall constructed inside the right of way shall be maintained by the property owners.

### **EASEMENTS**

15' x 50' utility and access easement to the lot can be found on Sunburst Plat under West Linn record document Sunburst\_2215.

Blanket utility easement can be found on Sunburst II Plat under West Linn record document Sunburst2\_2263.

### **UTILITIES**

Public water main is available on Carriage Way for connection. Meters shall be placed at back of the curb on Carriage Way and outside of driveway approach.

Pubic sewer main is available on adjacent Tract A for connection.

Storm run-off overflow discharge through the mean of curb weep hole can be permitted.

Run-off from new impervious areas must be collected, detained and treated prior to discharge to public storm system.

Treatment facility is required to capture run-off from impervious area greater than 500 square foot.

Detention facility is required to capture run-off from impervious area greater than 5,000 square foot.

## SYSTEM DEVELOPMENT CHARGE

### A. STREET SDC AND BIKE/PEDESTRIAN EFFECTIVE JULY 1<sup>ST</sup> 2013

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$2,201	\$4,717	\$179	\$7,079
Single Family	Per House	1.01	\$2,223	\$4,764	\$181	\$7,168

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	1.01	\$0	\$1,557	\$40	\$1,597

### B. SURFACE WATER SDC EFFECTIVE JULY 1<sup>ST</sup> 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

### C. SANITARY SEWER SDC EFFECTIVE JULY 1<sup>ST</sup> 2012

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$612	\$2,385	\$111	\$3,108
Single Family	Per House	1.00	\$612	\$2,385	\$111	\$3,108

### A. WATER SDC EFFECTIVE JULY 1<sup>ST</sup> 2012

Unit	Meter	Factor	Reimbursement	Improvement	Administrative	Total
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	<b>Size</b>					
Per Factor of 1	1.00	\$585	\$6,969	\$196	\$7,750	
5/8” Meter	1	\$585	\$6,969	\$196	\$7,750	

## **Process**

Minor Partition application is required, except under Option 1. If the owner sells Tract A to more than one neighbor or sells to one neighbor who wants the tract to become part of their own lot, a Lot Line Adjustment is needed. Since at least one Class II Variance is required depending on the exact access situation proposed, the concurrent partition and variance application (or an application with only variance[s] under Option 1) will be a Planning Commission, decision because Class II Variance requires a Planning Commission hearing.

The Lot Line Adjustment should be a separate rather than concurrent application if it is done, as that is really a different property owned by the same applicant. It is a Planning Director decision.

No neighborhood meeting is required for a partition (or a Lot Line Adjustment, or a Variance). However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant’s plans. Also if the applicant does apply for subdivision or PUD, this IS required. Contact Alex Kachirisky, Hidden Springs NA president at 503-343-4752 at [hiddenspringsna@westlinnoregon.gov](mailto:hiddenspringsna@westlinnoregon.gov). If the applicant does a neighborhood meeting, conceptual plans of the development should be submitted to the neighborhood association at least 10 days before the meeting.

The Minor Partition (or subdivision) 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 site plans should show the access easement proposed for the shared driveway on the applicant’s property (if two additional parcels are proposed and share a driveway) as well as the location of the adjacent 1905 Carriage access easement and Carriage Way right of way to be used. The appropriate criteria are in Section 85.200.

The Variance(s) will require a full and complete response to the submittal requirements of 75.050 including a narrative responding to the criteria of 75.060.

If a PUD is applied for the applicant shall follow the application submittal requirements of 24.080 and respond in narrative form to the criteria of 24.100, 24.110, 24.170 (assuming open space is proposed and not just varied lot sizes and dimensions), and 24.180.

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. **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.** The fee for a Class II Variance is \$2,900. The fee for any additional Class II Variances is \$1,450 each. If PUD and/or Subdivision are applied for, Subdivision has a deposit of \$4,200 plus \$200 per lot and a \$500 inspection fee, and PUD has a \$4,200 deposit plus a \$400 AC deposit and a \$500 inspection fee.

Once the submittal is deemed complete, staff will send out public notice of the pending Planning Commission hearing, which can be expected to be 4-5 weeks after completeness in most cases. The decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

The fee for a Lot Line Adjustment is \$800. Submit a plan as to where the lot line is to be moved or what lot line is to be eliminated and respond to the criteria of 85.210. This is a Planning Director decision that requires no notice and may only take a matter of days.

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.