

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
September 19, 2013

SUBJECT: Class II Variance for front yard setback

ATTENDEES: Applicants: Jeremy Barnett, Red Hills Construction
Staff: Sara Javoronok (Planning 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

The applicant requests a front yard setback variance of nearly seven feet for the property at 1361 Skye Parkway to build a single family home (the applicant also wants to change the address to 1362). The property is located on Skye Parkway north of Hillside Drive and its northern boundary abuts the City of Lake Oswego. It is located in the Skyline Ridge neighborhood and is adjacent to the Robinwood neighborhood.

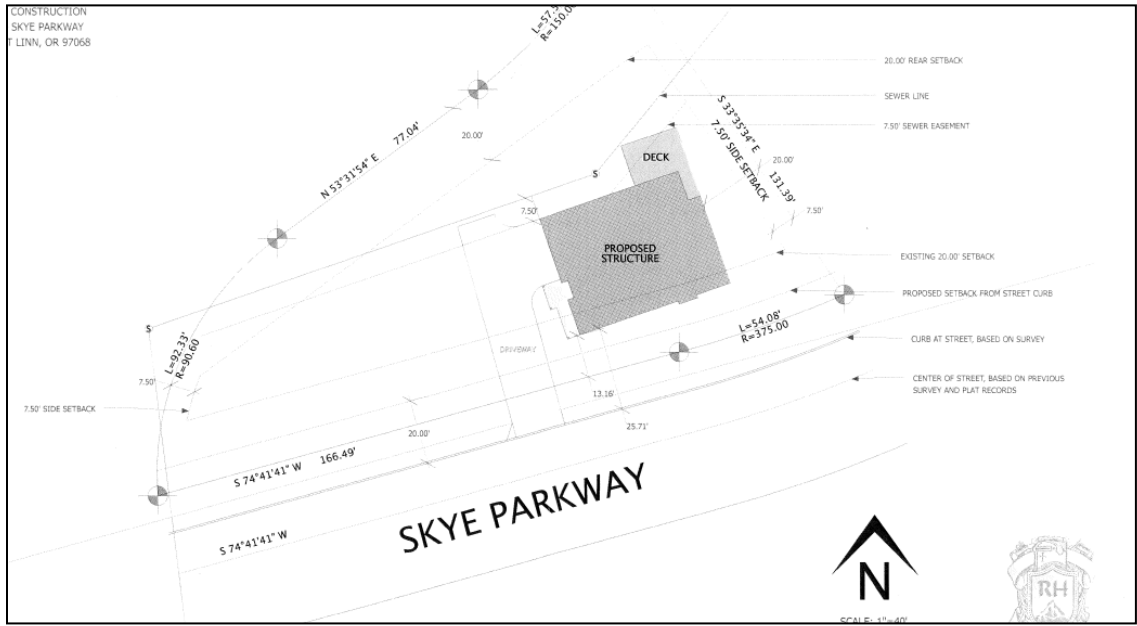
The subject parcel is approximately 12,300 square feet. There is an existing sanitary sewer line that runs through the property roughly parallel to Skye Parkway. There is a stormwater line (shown in green on page 5) under Skye Parkway and a ditch/creek (shown in blue on page 5) that becomes piped just off the property (shown in green) and runs through the southwest corner of the site.

The City’s GIS does not show this property as a separate lot, rather it is a part of 1358 Skye Parkway and there was previously a tax lot in this location. The applicant has provided a title report indicating that it is a lot.

Based on the drawing submitted, the proposed structure has a footprint of approximately 2,000 square feet, including the attached garage, and about 300 feet of it lies within the front yard setback. In addition, the sewer line is shown with a 15’ easement centered on the line, while the City has documentation of a 20’ easement centered on the line.



Subject Property



Plan submitted by the applicant

RED HILLS CONSTRUCTION, INC.
 503-970-2456
 DRAWN BY: ROSS K.
 PROJECT: JEREMY BARNETT
 SKYE PARKWAY
 NEW CONSTRUCTION
 WEST LINN, OR



Proposed residence (would face sideways)



Proposed floor plans



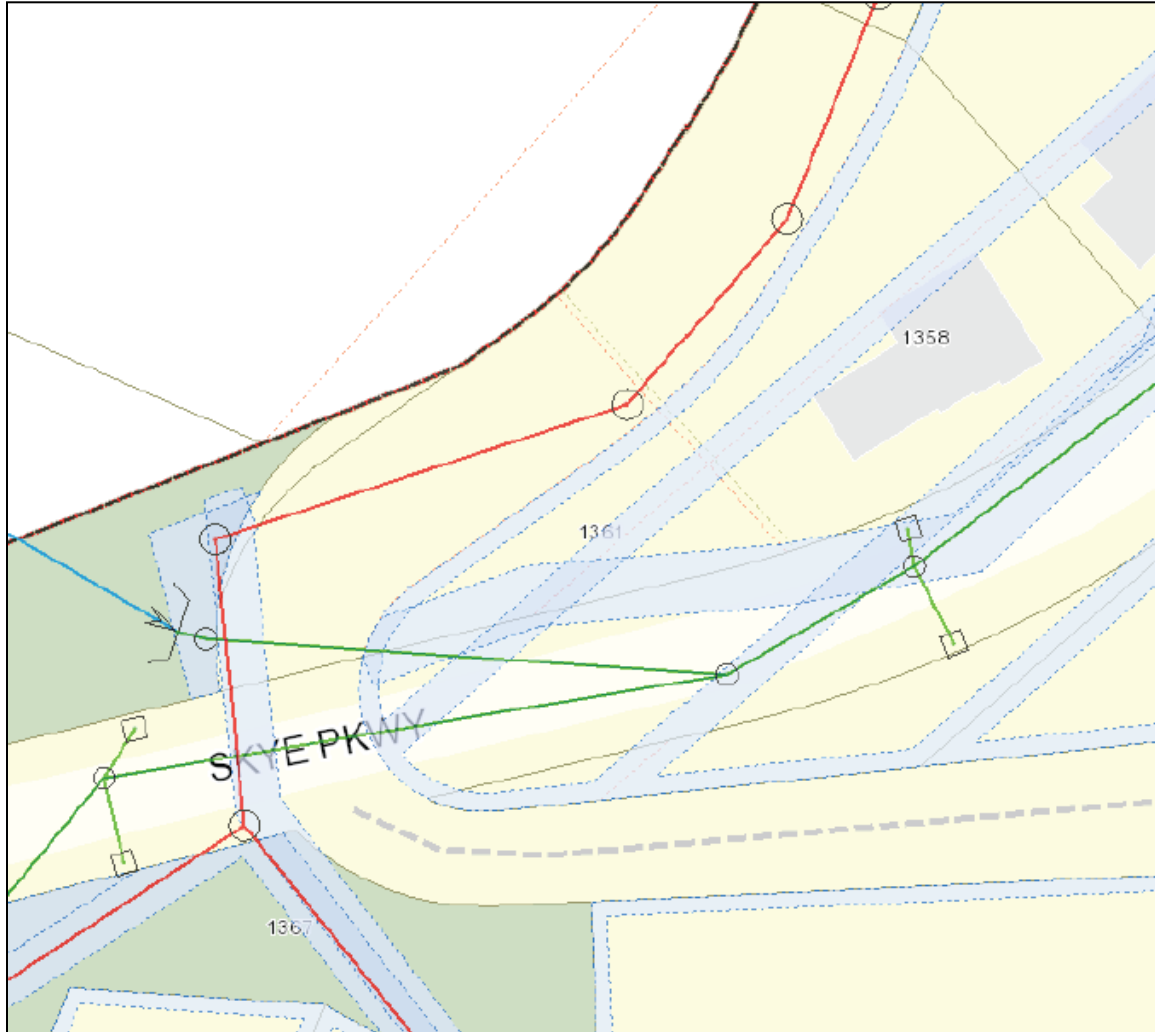
Site facing northwest



Site facing northeast, note the manhole on the hillside

There have been several land use decisions that affect this property. In 1980, the area was platted as College Hill Estates Annex #1. The subject property was part of two lots that ran roughly east-west. Each lot had 6' perimeter public utility easements on the side and rear (easements shown in light blue on page 5). These appear to be in place. In 2007, there was a street vacation (MISC-07-15) that affected this property and the adjacent property to the east. The street vacation was for an approximately 14,500 square foot portion of undeveloped right-of-way for Scenic Drive, which was dedicated as part of the c. 1930 Robinwood plat, and was located to the north of this property. The City retained a 20-foot public utility easement centered on the existing sewer line and a 20-foot public access easement that could overlap the public utility easement. These do not currently appear in the City's mapping system (image on

page 5), but have been recorded. In addition, the City would add specific terms to this easement regarding maintenance, access, etc. Following the street vacation, a lot line adjustment (LLA-07-06) moved the boundary for 1358 Skye Parkway to the northwest approximately 40'. The City is not interested in vacating the existing public access easement.



Existing utilities and easements

Staff recommends vacating any existing easements that the City or private utilities do not utilize or anticipate utilizing. Engineering has provided information on this process.

In addition, due to the easements and utilities on the site the buildable area becomes very long and narrow. Staff recommends considering a floor plan that takes better advantage of the site's buildable area – potentially by locating the garage further to the west and narrowing the width of the house. The applicant is essentially proposing to rotate the house by 90 degrees and, while it is not a requirement, it may be more aesthetically appealing to place the front door or other elements traditionally on the front of the house along Skye Parkway.

TRANSPORTATION

A. STREET IMPROVEMENT CONSTRUCTION (CDC CHAPTER 96)

Builder will need to address Chapter 96.010 “Construction Required” at the Building Permit Process.

CDC 96.010.A.2 - If the building permit did not require a prior land use decision, the applicant shall construct street improvements which shall include curbs, sidewalks, drainage facilities, and pavement widening to meet new curbs, along all City streets which abut the property described in the building permits.

CDC 96.010.A.3 - An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if the City Manager or the Manager’s designee determines the transportation system plan does not include the street improvement for which the waiver is requested.

CDC 96.010.A.4 - When an applicant applies for and is granted a waiver of street improvements under subsection (A)(3) of this section, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.

B. 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

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$0	\$1,542	\$40	\$1,582

STORM DRAINAGE

A. 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. Overflow from these above facility can discharge either through curb weep holes or tapping existing public storm drainage facility along Skye Parkway.
4. Tapping public storm drainage facility or cutting curb to install weep hole shall require a PW Permit.

B. 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

SANITARY SEWER

A. EXISTING CONDITIONS

1. Public sanitary sewer main inside a 20-foot wide easement along the back of the property for connectivity.

B. OTHERS

1. Pursuit of realigning sewer main or sewer easement shall require review and approval from Public Works Director/City Engineer. Permits and approval from other Departments may be required.

C. REQUIRED IMPROVEMENT

1. Tapping public sanitary sewer shall require a PW Permit.

D. 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 Family	Per House	1.00	\$612	\$2,385	\$111	\$3,108

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

WATER

A. EXISTING CONDITIONS

1. The closest water main to the property is located on Hillside Dr.

B. REQUIRED IMPROVEMENT

The applicant and the City have entered an agreement that the applicant shall pay the City \$10,300 to install a water main up Skype Parkway to provide water service for the proposed house. City is currently working on the 2014 Water Improvement project. Completion of construction is anticipated in April 2014.

C. WATER SDC EFFECTIVE JULY 1ST 2012

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

Process

A Class II Variance application is required for changes in front yard setbacks that are more than two feet. This is a Planning Commission decision and has a \$2,900 application fee. A vacation is a City Engineer decision and has a \$1,500 fee.

A neighborhood meeting is not required for a Class II Variance, but neighborhood meetings are always encouraged by staff nonetheless. Contact Tracy Gilday via the method in CDC 99.038. She can also be contacted at skylineridgena@westlinnoregon.gov. Follow the provisions of 99.038 precisely. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting, if they choose to have the meeting.

The CDC addresses variances in Chapter 75. CDC 75.050 contains the application information and the applicant shall submit a narrative responding to the criteria of 75.060. Each criterion must be met for the variance to be approved. The criteria are as follows:

75.060 APPROVAL CRITERIA

The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.
- D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

Staff believes that it will be difficult to meet the variance criteria, particularly the extraordinary circumstances and that the variance requested is the minimum necessary to meet these circumstances. The lot is not a traditional shape and there are various utilities and easements across it; however, these were in existence prior to the purchase of the property and while this code was in effect. Some of the easements may be able to be vacated. The applicant could change the size and shape of the proposed structure to better fit the existing conditions on the lot.

Staff notes that there is currently a City-initiated project to change the variance criteria and standards, which has the potential to benefit this property. More information about this project is here: <http://westlinnoregon.gov/planning/economic-development-code-amendments>. The Planning Commission has held a public hearing on these amendments, but has not made a recommendation to the City Council on them.

Submittal requirements may be waived. The applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director, identifying the specific grounds. The waiver may or may not be granted by the Planning Director.

Once the submittal is deemed complete, the staff will schedule a public hearing before the Planning Commission and send out a notice to the applicant, neighbors, and other stakeholders at least 20 days in advance. The Planning Commission's 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.