

Memorandum

Date: August 31, 2009

To: West Linn Planning Commission (for September 2, 2009 hearing)

From: Tom Soppe, Associate Planner

Subject: PUD-09-01/SUB-09-01/WAP-09-02 Suncrest PUD

Attached are the testimony submittals received since the previous staff memo.

Also, staff proposes two more conditions of approval in addition to the 17 already proposed. These are highlighted below. Condition 18 ensures that the applicant's entitlements will expire three years after approval, barring a CDC change allowing for any extension. In accordance with right-of-way parking concerns discussed at the previous PC hearing for this application, Condition 19 enshrines in writing the agreement between staff and the applicant that the half-street improvements will include a parking lane instead of a bicycle lane. The Transportation System Plan does not call for a bike lane here, and including parking here will ensure there is sufficient parking for the development (although even without it the development still meets code per required parking as single-family units require one off-street parking space each per CDC 46.090[A][1]). The proposed width for the half-street improvements is already of sufficient size to fill out a collector street with parking on both sides. The two new conditions read as follows:

- 18. This approval shall expire 3 years from the effective date of this decision, unless an extension is granted pursuant to the requirements of the CDC.**
- 19. Half-street improvements shall include on-street parking on the east side of Suncrest Drive in lieu of a bike lane, without changing the proposed width of the street pavement.**

Upon the addition of the aforementioned two conditions, the currently proposed conditions of approval are as follows:

1. Tract A and the stormwater facility in Tract A shall be private, and the applicant shall enter into a maintenance agreement with the City for the facility. The stormwater line under the private street shall be private.
2. A 20-foot wide trail easement extending north-to-south through the site shall be provided on the final plat within Tract B, east of Fern Creek. The exact location of the easement shall be determined cooperatively between the applicant and the City.
3. The applicant shall mitigate for the loss of the 5 trees determined to be significant by the City Arborist that are proposed for removal. These shall be mitigated for on an inch per inch basis per 55.100(B)(2)(f), preferably on site. The City Arborist shall determine preferred on-site locations. If on site mitigation is not possible for all mitigation planting, the applicant shall work

with the Parks and Recreation Department to mitigate at an appropriate city-owned site. Street trees shall not count towards the mitigation required in this condition.

4. Applicant shall underground all new and existing utilities.
5. Houses on lots 1-3 shall have front facades oriented to Suncrest Drive.
6. Turning radii on the private street/shared driveway turnaround shall be at least 25 feet.
7. Applicant shall be responsible for funding waterline upsizing along his frontage. The upsizing requirement is a Capital Improvement Project in the 2008 Water System Master Plan and SDC eligible at 56%. It shall be the City's option whether to contract directly for the improvement or have the developer contract for the work. If the City decides to upsize a greater length of water line replacement than the site frontage, the applicant will still only be responsible for funding the portion along the site frontage.
8. The private street/shared driveway shall be built to City street structural standards.
9. The applicant shall commission a lighting study of the project's frontage, and provide this to the Engineering Department who will use it to determine the street lighting needed to meet the City's lighting standards. If needed the applicant will install street lights to meet City lighting standards.
10. The applicant shall perform fire flow tests , install hydrants, and install "No Parking" signs to the satisfaction of TVFR.
11. Prior to recording of the subdivision plat, the applicant shall remove all Himalayan Blackberry, Garlic Mustard and English Ivy on the ground within proposed Tract B.
12. The front yard setbacks of lots 1-3 shall be those of the underlying base zone R-10, which is 20 feet (15 to porch) as measured from the front property line after the 10 foot ROW dedication.
13. The applicant shall provide 5-foot utility easement along the front and rear of each lot in areas not already covered by the proposed utility easements overlaid on the proposed private street.
14. A conservation easement shall be placed on the final plat on the entirety of Tract B.
15. The street trees shall be planted between the sidewalk and the street. The City arborist shall approve the proposed tree species.
16. The applicant shall preserve the laurel hedge along the border of the subject property and 1810 Carriage Way, and shall protect the health and root systems as best as possible throughout the construction process.
17. The stormwater treatment facility's outfall and dissipation facilities shall be placed outside the water resource transition area boundary, so there will be no development disturbance within the transition area.

18. This approval shall expire 3 years from the effective date of this decision, unless an extension is granted pursuant to the requirements of the CDC.
19. Half-street improvements shall include on-street parking on the east side of Suncrest Drive in lieu of a bike lane, without changing the proposed width of the street pavement.

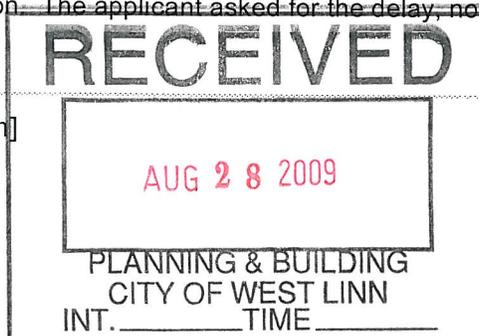
P:/generalp/memos08-09/PC Memo PUD-09-01 step 2 annexation hearing video

Soppe, Tom

From: Soppe, Tom
Sent: Monday, August 31, 2009 11:23 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: 19650 Suncrest

Tina is the right person to contact, and you can ask her about the session. ~~The applicant asked for the delay, not the city.~~

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Monday, August 31, 2009 9:01 AM
To: Soppe, Tom
Subject: Re: 19650 Suncrest



Hi Tom,

I am confused. I thought the whole purpose of delaying the PC meeting was to allow the applicant to enter into negotiations with the city.

In which City Council work session was this matter discussed?

Do the citizens contact city recorder Tina Lynch at tlynch@westlinnoregon.gov to request records regarding 19650 Suncrest Drive that are not in the application file?

Thank you for your assistance.

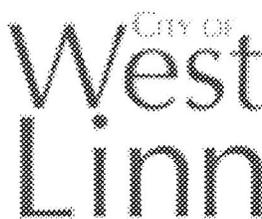
Cordially,

Lynn Fox, President
Hidden Springs NA

----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Monday, August 31, 2009 8:54 AM
Subject: RE: 19650 Suncrest

The paper record for the Suncrest application is complete and you are always welcome to come look at it; other discussion of this happened in CC exec session; you are always welcome to do a records request for any information not in the Suncrest application file.



Tom Soppe
tsoppe@westlinnoregon.gov
Associate Planner
22500 Salamo Rd
West Linn, OR, 97068
P: (503) 742-8660
F: (503) 656-4106
Web: westlinnoregon.gov

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

Soppe, Tom

From: Soppe, Tom
Sent: Monday, August 31, 2009 8:55 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: 19650 Suncrest

The paper record for the Suncrest application is complete and you are always welcome to come look at it; other discussion of this happened in CC exec session; you are always welcome to do a records request for any information not in the Suncrest application file.

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, August 28, 2009 1:13 PM
To: Soppe, Tom
Subject: 19650 Suncrest

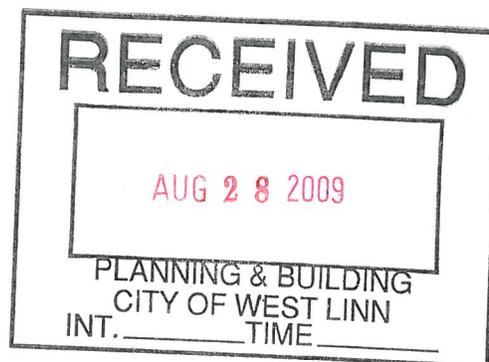
Mr. Soppe,

I have received inquiries about the decisions that were reached following the additional meetings the developer requested with the city while waiting for the upcoming PC meeting.

Please forward copies of staff notes, applicant communications and any decisions or agreements that were arrived at during these negotiations with the applicant.

Thank you.

Lynn Fox, President
Hidden Springs NA



Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Friday, August 28, 2009 8:43 AM
To: Soppe, Tom
Subject: Re: Suncrest PUD application

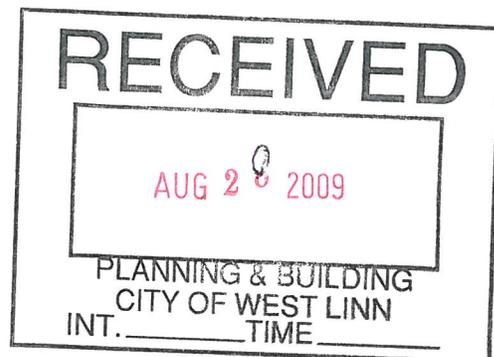
Hello Mr. Soppe,

Please forward copies of the staff notes and any maps or drawings, emails or phone messages that were used in the staff negotiations with the applicant.

Thank you Tom,

Cordially,

Lynn Fox, President
Hidden Springs NA



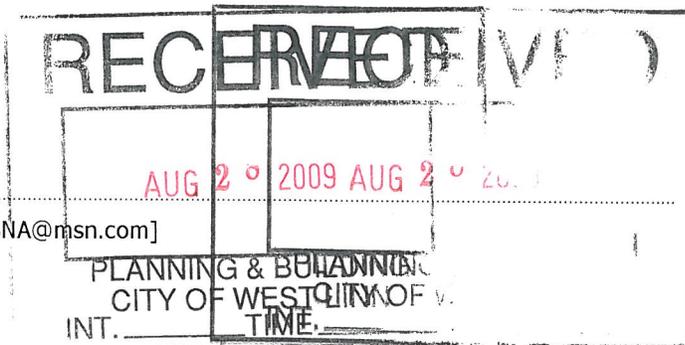
----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Monday, June 15, 2009 9:54 AM
Subject: RE: Suncrest PUD application

Staff's negotiations with the applicant over the conditions regarding potential trails concluded with the applicant agreeing to the 20 foot wide north-south trail easement, but not to an easement west through Tract A and the private street to Suncrest.

Thanks,

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068



From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Saturday, June 13, 2009 1:27 AM
To: Soppe, Tom
Subject: Suncrest PUD application

Mr. Soppe,

On February 20, 2009 Mike Perkins wrote a memo recommending that a sidewalk be installed along the private street to Suncrest from tract B to provide for connectivity. Was Mr. Perkin's recommendation incorporated into the staff's recommendations?

Cordially,

Lynn Fox, President
Hidden Springs NA

Public Records Law Disclosure

This e-mail is a public record of the City of West Linn and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Soppe, Tom

From: Soppe, Tom
Sent: Monday, August 31, 2009 8:34 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Proposed easement re Suncrest Drive PUD

Lynn,

There isn't a map showing the trail easement in COA 2, as the exact location has not been determined other than it will be east of the creek. The Parks master plan calls for a north-south trail along the creek but doesn't specifically require an east-west connection, so we didn't wind up requiring the other trail, which also eliminates the need for a bridge crossing and further trail clearing in the protected area.

Tom

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, August 28, 2009 8:58 AM
To: Soppe, Tom
Subject: Fw: Proposed easement re Suncrest Drive PUD

Mr. Soppe,

Please forgive my confusion but in your previous email dated June 16, 2009 sent at 8:33 AM you stated in point 2. "and there will also be a 20 foot wide trail easement (per COA 2). In your email dated June 16, 2009 sent at 12:13PM you state that "currently there is not a trail easement proposed in the conditions connecting this trail easement directly to Suncrest via Tract A and the shared driveway.

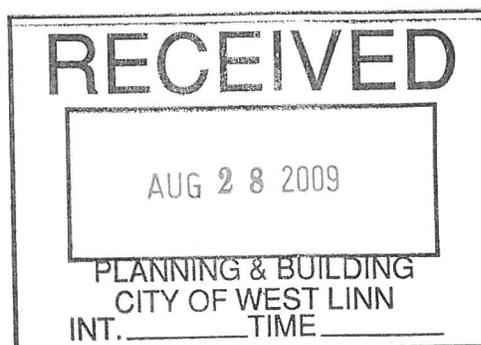
I am unable to locate the map showing the placement and length of the proposed trail easements. Please tell me the page in the application on which this information is located. In addition, please tell me why the connectivity via tract A and the shared driveway that was originally proposed by Mr. Spir was eliminated.

Thank you again for your assistance.

Cordially,

Lynn Fox, President
Hidden Springs NA
----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Tuesday, June 16, 2009 12:13 PM
Subject: RE: Proposed easement re Suncrest Drive PUD



The conservation easement will be on the plat and part of this land use decision and cannot be removed by the developer or anyone else controlling a majority of the HOA. The public will be able to use the trail easement for connectivity once the trail is there. Currently there is not a trail easement proposed in the conditions connecting this trail easement directly to Suncrest via Tract A and the shared driveway, but citizens or NAs are welcome to advocate this to the PC if they see it as necessary for proper connectivity.

Thanks,

8/31/2009

Soppe, Tom

From: Soppe, Tom
Sent: Friday, August 28, 2009 2:46 PM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Date of discussion on open space

Since he wasn't the one speaking at the two annexation hearings for this property, I don't know when he would have ever spoke about this at City Council. There are archives of CC minutes here at City Hall if anyone wants to research them.

Tom

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, August 28, 2009 9:35 AM
To: Soppe, Tom
Subject: Re: Date of discussion on open space

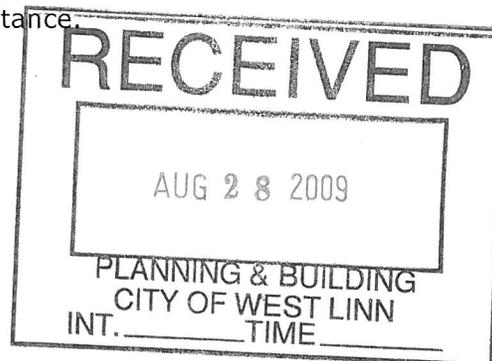
Hello Tom,

Several citizens have advised me that the owner Mr. Handris appeared before the City Council and promised to dedicate the treed area to the city following annexation. Please tell me the first date that Mr. Handris appeared before the city council regarding the property at 19650 Suncrest.

Thank you again for you patient and professional assistance.

Cordially,

Lynn Fox, President
Hidden Springs NA



----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Thursday, August 27, 2009 1:56 PM
Subject: Date of discussion on open space

Lynn,

Are you asking which CC annexation hearing the applicant's representative of the time discussed how he thought the open space would be dedicated to the city?

That was the Step 1 hearing of Nov 26, 2007. The paragraph is an excerpt from my previous memo about this:

However, staff also has watched the video of the City Council meeting of November 26, 2007, which was the Step 1 Annexation hearing for the project property. At this hearing Ben Altman of SFA Design Group, representing the annexation applicant, stated in his testimony regarding the drainageway transition area, "we would anticipate that through your new ordinance Chapter 32, that would be dedicated to the city as open space at the time any development occurs on the site." Later in his rebuttal Mr. Altman stated, "Under Chapter 32 (the drainageway and transition area) would wind up being dedicated to the city as

Soppe, Tom

From: Soppe, Tom
Sent: Friday, August 28, 2009 10:59 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: COA 14

This is the definition from Chapter 2 Definitions:

Conservation easement. An easement established by the property owner that limits, but does not prohibit, use of the area within the conservation easement. For example, limitations may include tree protection, or protection of a wetland or creek. The property owner owns the land within easement boundaries. (ORD. 1463)

Page 80 in the staff report linked from the project webpage shows the tracts; Page 86 has a map that shows the entire site including the further away eastern parts of Tract B.

If there is a violation of an easement property owners can contact Planning or Code Enforcement who can place stop work orders and remedy the problem.

Tom

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, August 28, 2009 9:10 AM
To: Soppe, Tom
Subject: Re: COA 14

Good Morning Tom,

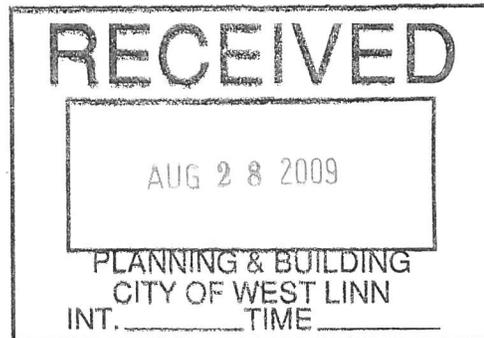
I am unable to locate a definition of "conservation easement" easement on the city website. Please forward the city's definition of Conservation Easement along with the city policy for enforcing a conservation easement.

It would be very helpful if you would forward a map showing the location of Tract B and Tract A or provide the page number on which they are located in the application.

What city process would property owners who may be impacted by a violations of the Conservation Easement use to address their concerns?

Thank you for your assistance.

Lynn Fox, President
Hidden Springs NA



----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Tuesday, June 16, 2009 12:19 PM
Subject: COA 14

14. A conservation easement shall be placed on the final plat on the entirety of Tract B.

Soppe, Tom

From: Soppe, Tom
Sent: Friday, August 28, 2009 8:55 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02
Attachments: SPWKonica09082807520.pdf

Attached is the resolution that contains the ballot language. I will put it in the record.

Tom

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, August 28, 2009 8:39 AM
To: Soppe, Tom
Subject: Re: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

Hello Tom,

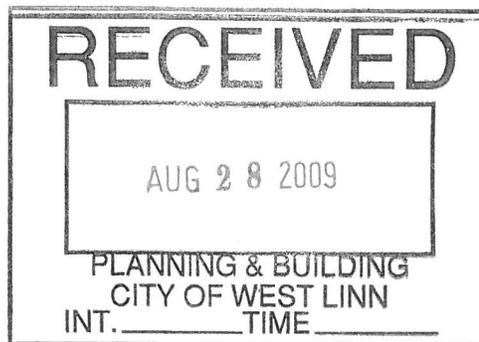
Please forward a copy of the annexation language submitted by the city for placement on the ballot.

Did you place a copy of the annexation language submitted by the city in the record? If not, would you please do so?

Thank you,

Cordially,

Lynn Fox, President
Hidden Springs NA



----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Monday, June 15, 2009 9:42 AM
Subject: RE: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

On the phone on Friday when I was quoting the email, I was referring to Kirsten Van Loo, not Kirsten Wyatt. No agreement has been negotiated at this time other than agreement on the proposed conditions of approval between staff and applicant.

I will work on getting a copy of what we send to the County (we send to them to record) from the annexation going on the ballot. Did you just want a copy of this or are you requesting it go in the record or both?

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, June 12, 2009 7:13 PM
To: Soppe, Tom

RESOLUTION NO. ____
WEST LINN, OREGON

A RESOLUTION OF THE WEST LINN CITY COUNCIL SUBMITTING A PROPOSED ANNEXATION REQUIRING VOTER APPROVAL TO THE REGISTERED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE MAY 20, 2008 ELECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON THAT:

Section 1: An election is hereby called in and for the City of West Linn, Clackamas County, Oregon for the purpose of submitting to the legal voters of the City the Measure attached to this resolution as Exhibit "A" which by this reference is made a part of this resolution.

Section 2: Tuesday, May 20, 2008 is hereby designated the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

Section 3: The election will be conducted by the Clackamas County Elections Department, which department shall establish polling places, precincts, and election boards for such election.

Section 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of West Linn.

Section 5: The ballot title to appear on the ballots shall be:

CAPTION

ANNEXATION OF PROPERTY AT 19650 SUNCREST DRIVE REQUIRING VOTER APPROVAL

QUESTION

Shall the City annex a 3.8-acre property located at 19650 Suncrest Drive and apply R-10 city zoning?

SUMMARY

West Linn Charter Section 3 requires that annexation of any territory be approved by the voters of the City. This measure, if approved, would annex a 3.8-acre parcel of real property located at 19650 Suncrest Drive. The site is on the east side of Suncrest Drive, north of Carriage Way. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations.

Section 6. This resolution shall be effective upon signature.

Ballot language

Soppe, Tom

From: Soppe, Tom
Sent: Friday, August 28, 2009 8:37 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: 19650 Suncrest Drive PUD application
Attachments: notice-PUD-09-01 Sep 2.doc

Attached is the notice. You can still submit anytime but they won't see it until the hearing. Chapters 32 and 24 are really the only chapters in the actual CDC that address how this open space will be created and anything else about it.

The first time the property itself was discussed at a public meeting, to my knowledge, was the 11-26-07 step 1 hearing, but that of course was not for this application. The first time this application was discussed was the June 17, 2009 hearing.

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Thursday, August 27, 2009 2:13 PM
To: Soppe, Tom
Subject: 19650 Suncrest Drive PUD application

Tom,

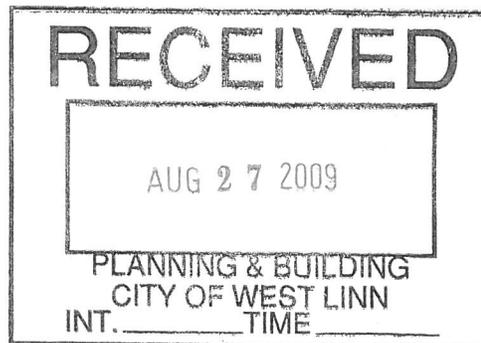
I have checked my records and apparently have not received a notice of the new planning commission hearing for the Suncrest application. When is the last date available for submitting public input on this application?

When was the first date that this property was discussed at a public meeting?

What chapter of the CDC currently determines the how the open space will be created and maintained?

Cordially,

Lynn Fox, President
Hidden Springs NA



**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. PUD-09-01/SUB-09-01/WAP-09-01**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday September 2, 2009, **starting at 7:00 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR,) to consider the request of Icon Construction to subdivide the property at 19650 Suncrest Drive as a planned unit development (PUD), requiring Subdivision, PUD, and Water Resource Area permits. **This is a continuation of the public hearing originally held on June 17, 2009, which was continued to a July 29, 2009 special meeting that was then cancelled. This is a re-advertisement for a public hearing to be held on September 2, 2009.** The Water Resource Area permit is needed due to the presence of Fern Creek and its ravine on site. The creek and ravine will be set aside in an open space tract. The base zone on site is R-10. Subdivision criteria are found in Chapter 85 of the Community Development Code (CDC), PUD criteria are found in Chapter 24 of the CDC, and Water Resource Area permit criteria are found in Chapter 32 of the CDC. Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the proposed site located at tax lot 6700 of Clackamas County Assessor's Map 2-1E-23BD, because you have already established standing on the project and/or as required by Chapter 99 of the West Linn Community Development Code.

The complete application in the above noted file is available for inspection at no cost at City hall or via the web site <http://westlinnoregon.gov/planning/19650-suncrest-drive-6-lot-pud>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, tsoppe@westlinnoregon.gov, or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the Community Development Code, adopted December 14, 1987, Ordinance 1129. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner; and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application. If a person submits evidence in support of the application, any party is entitled to request a continuance of the hearing. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

TERESA ZAK

Planning Administrative Assistant

p:\devrvw\notices 2009\pc notices\notice-PUD-09-01 Sep 2

Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Thursday, August 27, 2009 1:34 PM
To: Soppe, Tom
Subject: Fw: 19650 Suncrest land dedication on youtube
Importance: High

Hello Tom,

Please add the youtube information below to the record and provide it to the Planning Commission members.

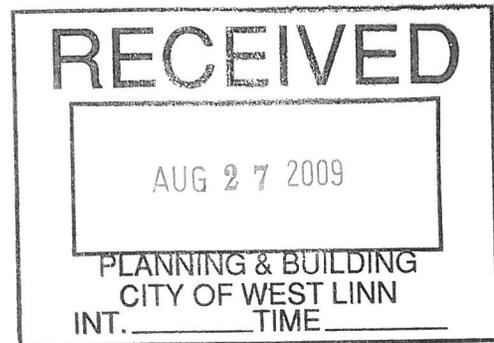
Thank you.

Cordially,

Lynn Fox, President
Hidden Springs NA

----- Original Message -----

From: Hidden Springs Neighborhood Assoc.
To: Test Test
Sent: Tuesday, July 28, 2009 11:17 PM
Subject: 19650 Suncrest land dedication on youtube



Hi Neighbors,

In the interest of providing factual information to promote informed public participation in the development process within their community, below is a link to video recordings of four public meetings when the dedication of the treed area at 19650 Suncrest, West Linn, Oregon was discussed.

I would like to thank the HSNA resident who spent many hours placing this information on youtube and look forward to seeing you at the Planning Commission meeting on Wednesday evening July 29th beginning at 6:30PM at West Linn City Hall.

Cordially,

Lynn Fox, President
Hidden Springs NA

<http://www.youtube.com/user/TheHiddensprings>

here is the decoder key:

Icon HSNA 9 18 07 = Hidden Springs Neighborhood Association meeting, 9/18/07

WLCC 2 11 08 1 = West Linn City Council, 2/11/08

Icon at HSNA 8 19 08 2 = Hidden Springs Neighborhood
Association meeting, 8/19/08

WL Planning comm 6 09 2 = West Linn Planning Commission
Meeting, 6/19/09

Please share with your list of concerned citizens.