



CITY OF
West Linn

22500 Salamo Road
West Linn, OR 97068

STAFF REPORT FOR THE CITY COUNCIL

FILE NO: MISC-12-05

HEARING DATE: April 9, 2012

REQUEST: One-year temporary use permit for a construction office trailer and associated parking area at Teresa's Vineyard subdivision located at 3138 Coeur D'Alene Drive

APPROVAL CRITERIA: The approval criterion for a temporary uses is contained in Community Development Code (CDC) Section 35.040(B). The site is in R-10 zone, so CDC Chapter 11 also applies.

**STAFF REPORT
PREPARED BY:** Tom Soppe, Associate Planner

EXECUTIVE SUMMARY

JT Smith Companies requests a one-year Temporary Use permit for a trailer and gravel parking area that would be used as construction management office on a lot in their 30-lot subdivision, Teresa's Vineyard. Currently construction of several houses is underway. A 60-day Temporary Use permit effective on February 10, 2012 authorized installation of the trailer and associated gravel parking area. The applicant requests a one-year temporary use permit to enable continued use of the trailer during the house construction.

Staff reviewed the applicant's proposal relative to all approval criteria and finds that there are sufficient grounds to approve the requested temporary use permit, subject to one condition of approval requiring the applicant to comply with the submitted site plan.

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GENERAL INFORMATION

OWNER/
APPLICANT: Charles Bricker
JT Smith Companies
5285 Meadows Rd., Ste. 171
Lake Oswego, OR 97035

LOCATION: 3138 Coeur D'Alene Dr.

LEGAL
DESCRIPTION: Clackamas County Assessor's Map 2-1E-35DA; Tax Lot 4416

SITE SIZE: 10,037 Sq. Ft.

ZONING: R-10, Single-Family Residential Detached

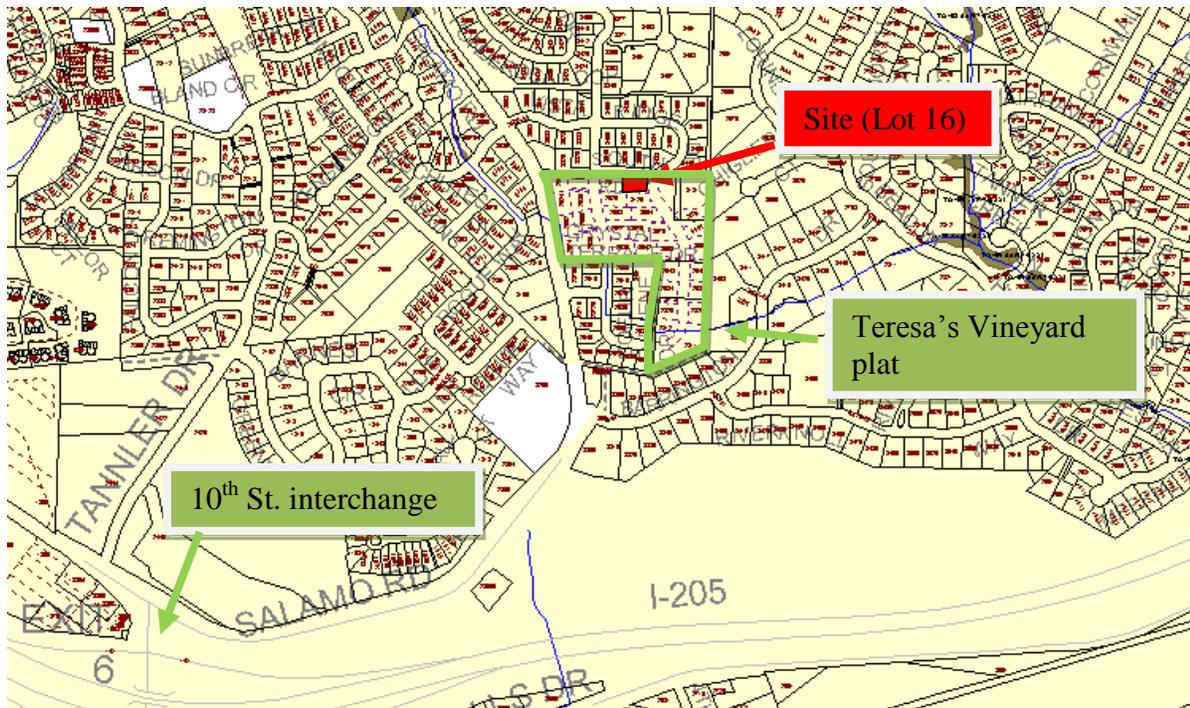
COMP PLAN
DESIGNATION: Low Density Residential

120-DAY
PERIOD: The application was complete upon the submittal of materials on March 6, 2012. The 120-day period lapses on July 4, 2012.

PUBLIC NOTICE: Public notice of the April 9, 2012 City Council hearing was mailed to the Savannah Oaks and Barrington Heights (which is within 500 feet of the site) neighborhood associations and, on March 19, 2012, to affected property owners within 500 feet. The property and the nearest through street were posted with signs on March 20, 2012. Notice appeared in the West Linn Tidings on March 29, 2012. In addition, the application has been posted on the City's website. Therefore, notice requirements have been satisfied.

BACKGROUND

Project Description. The Teresa's Vineyard subdivision was approved in 2007 by Planning Commission (SUB-07-02/NDW-07-02/VAR-07-01). Subsequently, public improvements were completed (except for sidewalks, which are being built with each house) and the plat was recorded earlier this year. Per CDC Subsection 32.030(A)(2), the Planning Director can approve temporary uses for up to 60 days. The Planning Director granted a Temporary Use Permit, effective on February 10, 2012, for a trailer and associated gravel parking area on Lot 16, at the southwest corner of South Road and Coeur D'Alene Drive (see the vicinity map below). The temporary use approval expires on April 10, 2012. (The applicant can request an extension from the Planning Director to June 9, 2012.)



Vicinity Map

The applicant seeks a one-year Temporary Use Permit from the City Council to enable continued use of the trailer and gravel parking area while the subdivision is being built-out. (An approval for a Temporary Use lasting between 6 months and one year must be approved by City Council per Section 35.030(C)).

Site Conditions. The lot accommodating the trailer and associated parking area is graded to accommodate a single-family house. It includes a gently sloping area and a portion that slopes steeply from South Road. There are no trees on site. The trailer and parking area are situated in the flatter portion of the lot as shown below.



Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Single-family residential detached	R-7, R-20, R-10 and R-15
East	Single-family residential detached	R-10
South	Mostly undeveloped single-family residential lots in Teresa’s Vineyard, single-family residential detached beyond this	R-10, R-7
West	Single-family residential detached and Douglas Park	R-10, R-7

Public Comments: No public comments have been received as of the publishing of this staff report.

FINDINGS

The construction trailer is eligible as a temporary use per CDC Subsection 35.040(A)(3) below, and the provisions of Chapter 11, Single-family residential R-10.

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

...

- 3. Temporary uses, subject to the provisions of Chapter 35 CDC.

FINDING 1

Chapter 11 allows for temporary uses in this zone, subject to the provisions of Chapter 35. The provisions of Chapter 35 are met as demonstrated in the findings below.

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 3. The average minimum lot width shall be 50 feet.*
- 4. The lot depth comprising non-Type I and II lands shall be less than two and one-half times the width, and more than an average depth of 90 feet. (See diagram below.)*
- 5. The minimum yard dimensions or minimum building setback area from the lot line shall be:*
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply; and as specified in CDC 26.040(D) for the Willamette Historic District.*
 - b. For an interior side yard, seven and one-half feet; except as specified in CDC 26.040(D) for the Willamette Historic District.*
 - c. For a side yard abutting a street, 15 feet.*
 - d. For a rear yard, 20 feet.*
- 6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.*
- 7. The maximum lot coverage shall be 35 percent.*
- 8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.*
- 9. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing*

residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

10. *The sidewalk provisions of Chapter 43 CDC shall apply.*

FINDING 2

The temporary trailer meets all above dimensional requirements of the zone, as shown on the applicant's site plan on Page 17 of Exhibit CC-3.

35.040 TEMPORARY USES

- A. *Temporary uses include:*
- ...
 - 3. *Uses associated with construction...*

FINDING 3

This is a use associated with the construction of the houses in the subdivision and is therefore permitted as a temporary use.

- B. *Temporary uses described in Section 35.040(A) may be approved if they:*
- 1. *Are located on property that is appropriate for the proposed use as determined by the Planning Director;*

FINDING 4

The lot accommodating the construction management trailer and associated parking is in the subdivision where the construction is taking place. Access to the gravel parking area comes from a section of Coeur D'Alene Drive within the subdivision. The site is appropriate for the proposed use.

- 2. *Have a paved or graveled surface to minimize dust generation or mud tracking;*
- 3. *Have adequate parking and circulation space;*

FINDING 5

The site has a gravel parking area. Per the applicant, there will not be more than a few people at the trailer at any given time, so the parking area provided is adequate.

- 4. *Are in an area that will allow safe ingress and egress including adequate line of sight;*

FINDING 6

The trailer is set back 26 feet from the front property line, which is 6 feet more than the required setback. It is not so close to the street that it will interfere with lines of sight. The driveway is more than 20 feet wide and meets the requires the clear vision triangle delineated in CDC Section 42.040. The north edge of the gravel driveway is approximately 27 feet from the rights-of-way of the Coeur D'Alene/South Road intersection. Staff finds that the location of the driveway allows for safe ingress and egress.

- 5. *Have the property owner's signed permission.*

FINDING 7

The applicant has the property owner's permission as shown by the application form.

Section 35.030(D) states: The applicable approval authority may attach reasonable conditions to any temporary use permit approval which will protect the health, safety, and welfare of the City's residents.

FINDING 8

The Municipal Code sets limits on hours of construction. Construction is allowed from Monday to Friday 7am to 7pm and on the weekends from 9am to 5pm. Staff does not find a need for further conditions, except for a condition that requires the applicant to continue to follow the submitted site plan for the duration of the temporary use. See Proposed Condition of Approval 1 below.

RECOMMENDATION

Staff has reviewed the applicant's proposal relative to all approval criteria and finds that there are sufficient grounds for approval of the requested temporary use permit with the following condition:

1. Site Plan. The applicant shall adhere to the site plan dated January 13, 2012 on Page 17 of Exhibit CC-3.