



CITY OF
**West
Linn**

PRE-APPLICATION CONFERENCE

Thursday, February 16, 2023

Webex*

10:00 am: **Proposed Class 2 Variance for a Driveway Access**
Applicant: **Tracy Peterson**
Property Address: **2622 Marylhurst Drive**
Neighborhood Assn: **Robinwood Neighborhood Association**
Planner: **Chris Myers**

Project #: PA-23-02



*The pre-application conference will be conducted on Webex.



Pre-Application Conference Request

For Staff to Complete:

PA 23-02

Conference Date: 2/16/23

Time: 10:00am

Staff Contact: Chris Myers

Fee: \$350

Pre-application conferences are held on the first and third Thursdays of the month between 9:00 am and 1:00 pm. Appointments must be made by 5:00 pm, 15 days before the meeting date. The applicant has a choice of an in-person or virtual meeting. To schedule a conference, submit this form, a site plan, and accompanying materials through the [Submit a Land Use Application](#) web page. The City will contact you to collect payment. Pre-application notes are valid for 18 months.

Property Owner Information

Name:

Email:

Phone #:

Address:

Applicant Information

Name:

Email:

Phone #:

Address:

Address of Subject Property (or tax lot):

REQUIRED ATTACHMENTS:

- A project narrative with a detailed description of the proposed project. Briefly describe the physical context of the site.
- A list of questions or issues the applicant would like the City to address.
- A dimensional site plan that shows:
 - North arrow and scale
 - Location of existing trees (a tree survey is highly recommended)
 - Streets Abutting the property and width of right of way
 - Location of creeks and/or wetlands (a wetland delineation is highly recommended)
 - Property Dimensions, existing buildings, and building setbacks
 - Slope map (if slope is 25% or more)
 - Location of existing utilities (water, sewer, etc.)
 - Conceptual layout, design, proposed buildings, building elevations, and setbacks
 - Location of all easements (access, utility, etc.)
 - Vehicle and bicycle parking layout (including calculation of required number of spaces, based on use and square footage of building), if applicable
 - Location of existing and proposed access and driveways. Include the proposed circulation system for vehicles, pedestrians, and bicycles, if applicable.
 - Proposed stormwater detention system with topographic contours

I certify that I am the owner or authorized agent of the owner:

APPLICANT:

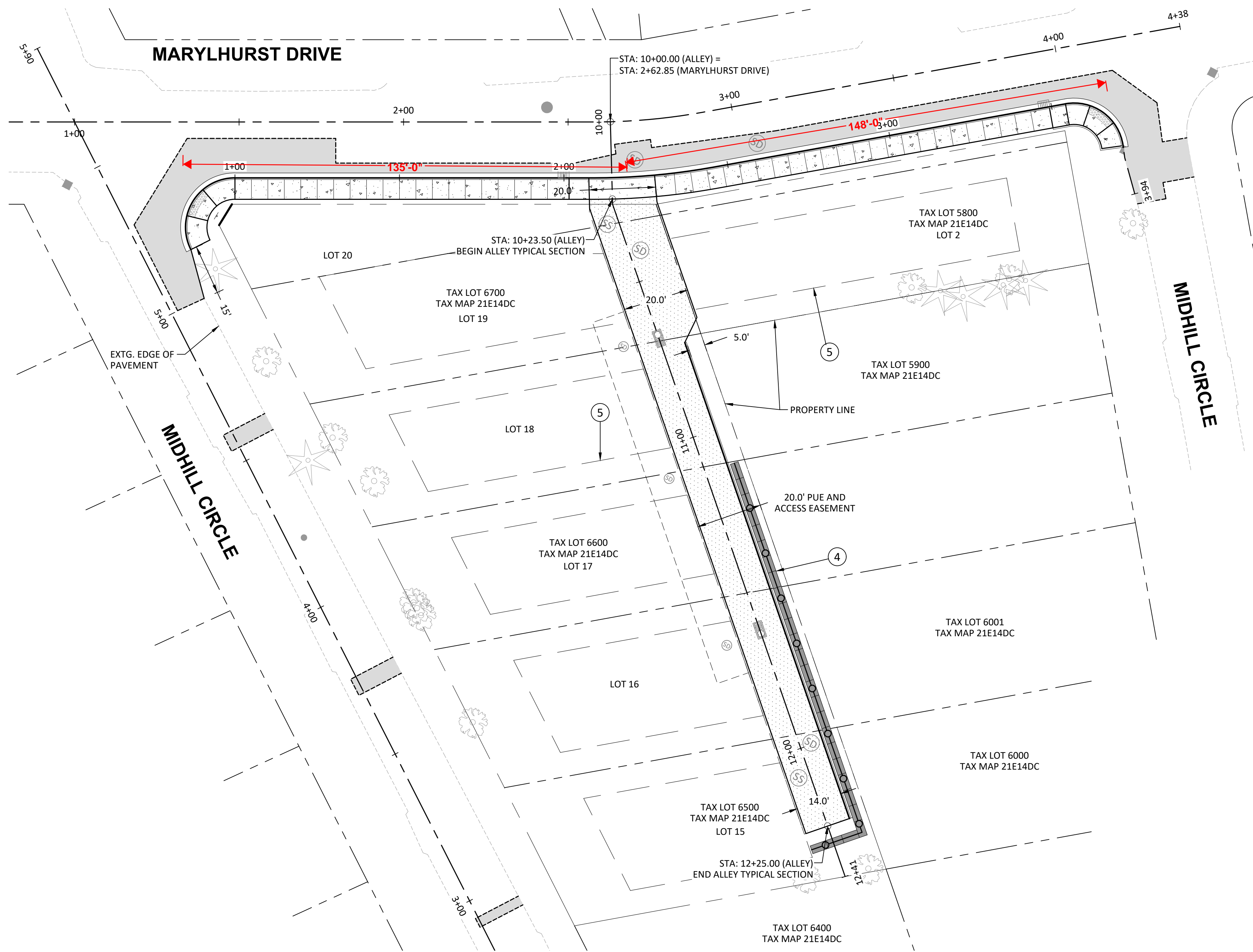
DATE:

The undersigned property owner authorizes the requested conference and grants city staff the **right of entry** onto the property to review the application.

PROPERTY OWNER:

DATE:

P:\01-Portland\TPH (Tracy Peterson)\TPH02 (Marylhurst)\TPH02-DWG\GISheets\C3.0 - PLAN AND PROFILE.dwg

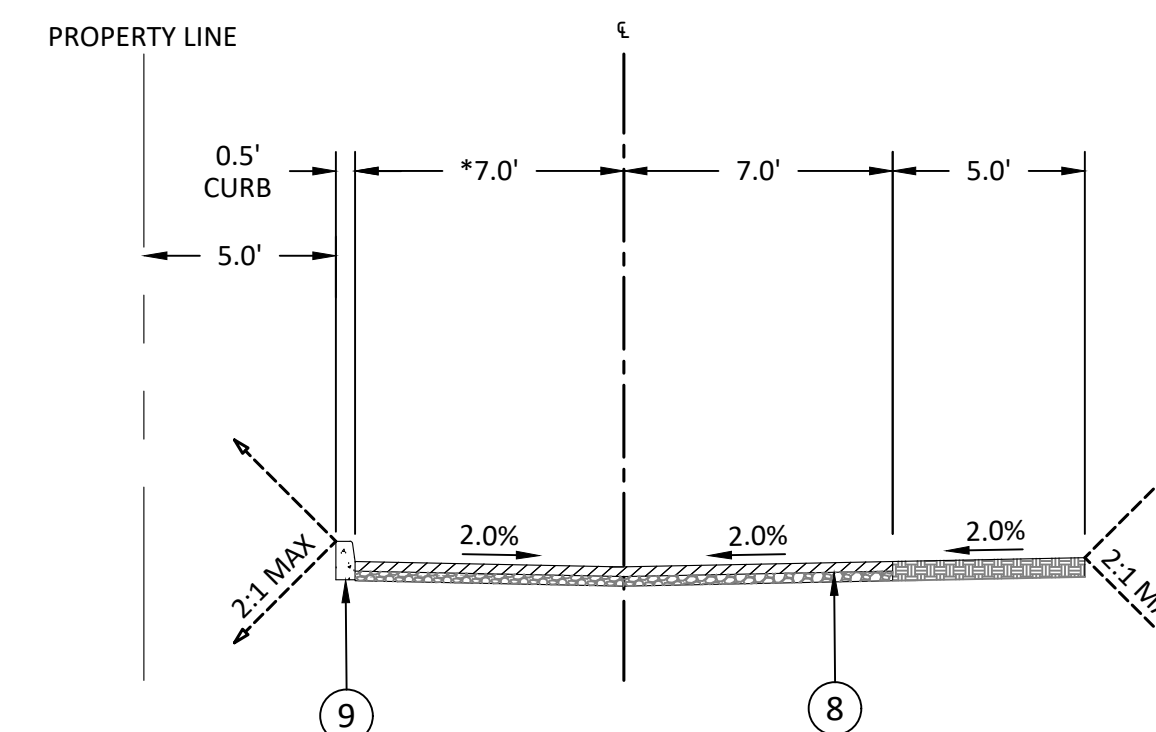


CONSTRUCTION NOTES:

- 4 CONSTRUCT ULTRABLOCK RETAINING WALL (OR EQUIVALENT) WITH CHAINLINK FALL-PROTECTION FENCING MOUNTED TO TOP OF WALL. WALL TO BE DESIGN-BUILD. CONTRACTOR TO SUBMIT ENGINEERED (STAMPED & SIGNED) SHOP-DRAWINGS TO ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION. COORDINATE WITH GEOTECHNICAL ENGINEER FOR SUBGRADE PREPARATION AND REVIEW PRIOR TO CONSTRUCTION.
- 5 SETBACK LINE/FUTURE BUILDING ZONE FOOTPRINT (TYP.).
- 8 CONSTRUCT ASPHALT PAVEMENT SECTION PER DETAIL ON SHEET C6.4.
- 9 CONSTRUCT PRIVATE CURB PER STANDARD DETAIL ON SHEET C6.4.

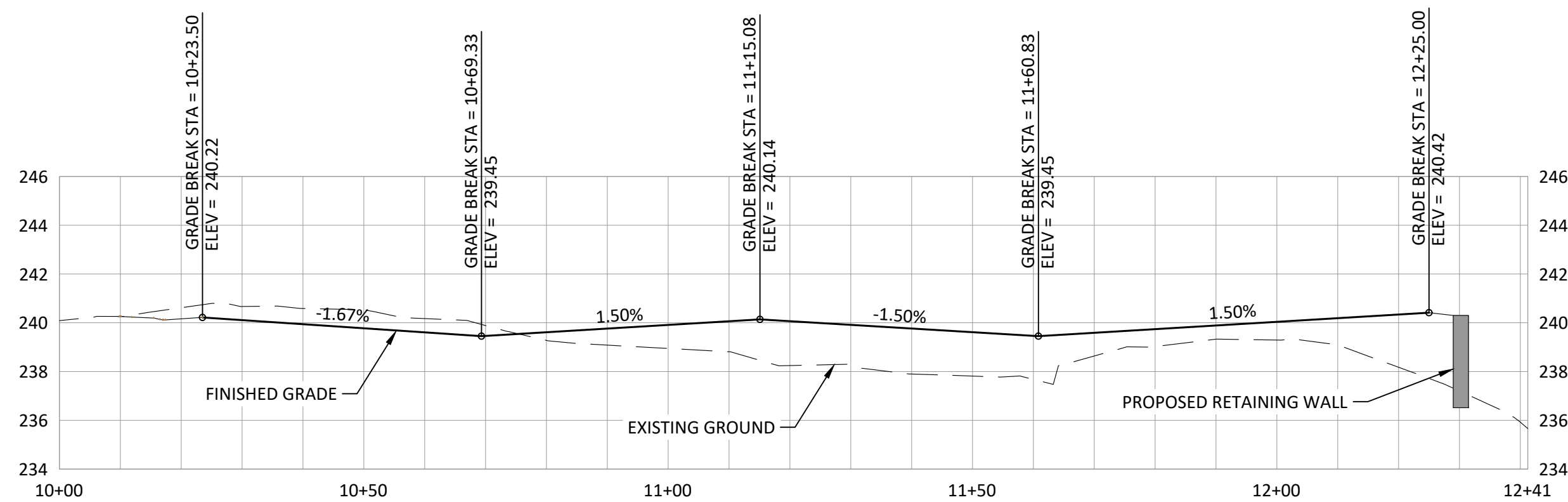
LEGEND

- ASPHALT CONCRETE (AC)
- ASPHALT PAVEMENT
- CONCRETE
- PROPOSED RETAINING WALL
- SAWCUT LINE
- EXISTING ROW LINE
- PROPOSED ROW LINE
- EXISTING PROPERTY LINE
- CENTERLINE
- FALL-PROTECTION FENCE
- PUBLIC UTILITY EASEMENT (PUE)
- SETBACK LINE/FUTURE BUILDING ZONE FOOTPRINT

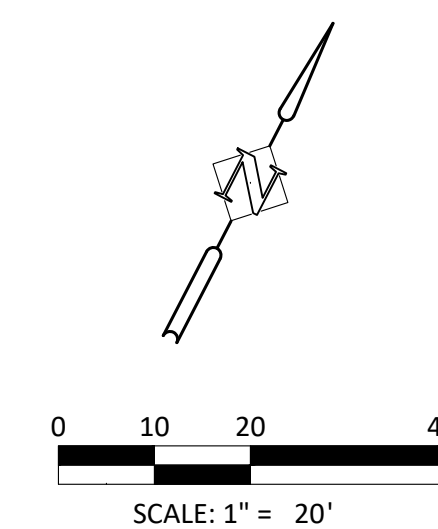


ALLEY TYPICAL SECTION

STA. 10+23.50 - STA. 12+25.00
 *STA 10+23.50 - 10+66.16, 13.0' WIDTH
 *STA 10+23.50 - 10+71.96, NO CURB

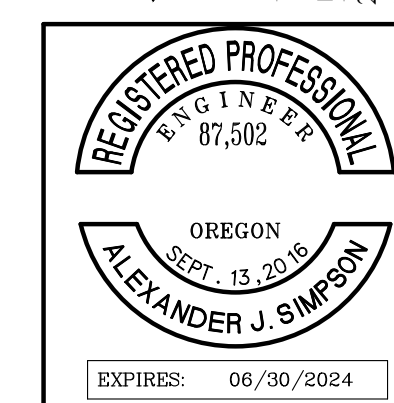


PRIVATE ALLEY
 SCALE: 1" = 20' (HORIZ.)
 1" = 5' (VERT.)



PRIVATE ALLEY PLAN AND PROFILE
MARYLHURST SUBDIVISION
 WEST LINN, OR

Harper Houf Peterson Righellis Inc.
 ENGINEERS * PLANNERS
 LANDSCAPE ARCHITECTS * SURVEYORS
 206 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171



DESIGNED:	HHPR
DRAWN:	HHPR
CHECKED:	HHPR
DATE:	02/02/2023

DATE	NO.	DESCRIPTION

SHEET NO.
C3.2
 JOB NO.
 TPH-02

Marylhurst Drive Pre-Application Findings Document

Owner/Applicant: Tracy & Derek Peterson
24350 SW Nodaway Lane
Wilsonville, OR 97070

Site Location: 2622 Marylhurst Drive & 18600-18690 Midhill Circle

Tax Map: 2S1E14DC

Tax Lots: 5800, 6700, 6701, 6601, 6600, 6500

Parcel Size: 0.7 acres

Zoning Designation: R-10

Summary of Request: The applicant is requesting a variance to allow for more than four homes to be served from one private drive. Due to safety reasons for pedestrians, one access drive off Marylhurst as opposed to three access drives will allow for pedestrians to safely travel on the sidewalk down Marylhurst Drive.

Date: January 20, 2023

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I. PROJECT OVERVIEW

EXISTING CONDITIONS & PROPOSAL

The project site includes six properties located off Marylhurst Drive and Midhill Circle (Tax Lots 2S1E14DC5800, 2S1E14DC6500, 2S1E14DC6600, 2S1E14DC6601, 2S1E14DC6700, and 2S1E14DC6701). The site is approximately 0.7 acres in size and zoned R-10 in the West Linn Zoning Map. The site has been subdivided and approved for the construction of single-family homes.

Due to the limited space of the project site, the steep topography, and the City prioritizing the area for future walkability, the properties can only be accessed from a single private driveway off Marylhurst Drive. Most importantly, one access drive as opposed to three access drives will be in alignment with the City’s plan for walkability and safety within the community. The city has requested the property owner to redesign the improvements from Midhill Circle over to Marylhurst Drive to support the redevelopment plan. This ultimately extends the improvements and walkability for pedestrians all along Marylhurst heading toward Highway 43. Three access drives within this improvement is counterproductive to creating a safe walking environment. The West Linn Community Development Code allows for up to four properties to take access from a shared private drive, and there are a total of six properties on the project site. Therefore, the applicant is requesting a Class II Variance to allow for all six properties on the project site to be accessed from the shared private drive.

VICINITY MAP



II. RESPONSE TO APPLICABLE APPROVAL CRITERIA FOR A CLASS II VARIANCE

CHAPTER 75: VARIANCES AND SPECIAL WAIVERS

SECTION 75.020: CLASSIFICATION OF VARIANCES

B. Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or special waiver.

- 1. Class II Variance Approval Criteria. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared.*
 - a) The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:*
 - 1) Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.*
 - 2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.*
 - 3) The potential for economic development of the subject property.*

Applicant’s Response: The requested variance is the minimum necessary to make reasonable use of the property while also prioritizing pedestrian safety and walkability of the area for the following reasons:

1. The physical characteristics of the lots, including size and shape, make two or three separate access drives from Marylhurst Drive impractical and unsafe. This would require multiple curb cuts on the street and additional space on the lots themselves, limiting the buildable area of the residential properties.
2. Due to the topography of the project site and the extremely steep slopes that require retaining walls, minimizing the number of driveways onto Marylhurst Drive will limit pedestrian-vehicle and vehicle-vehicle conflicts and prioritize pedestrian safety for individuals walking on Marylhurst Drive
3. It should be noted that the City requested the property owner abandon the original development plans for the project site that had each lot taking individual direct access from Midhill Circle in lieu of making all public improvements and access off Marylhurst Drive. The property owner revised the development plan in accordance with the City’s request to support the potential future redevelopment vision of pedestrian safety and walkability down to Highway 43.

b) The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.

Applicant’s Response: The requested variance will not result in a violation of any other known code standards. Furthermore, the variance will meet the purposes of the regulation being modified, because of the purposes of CDC Chapter 48 (Access, Egress and Circulation) and CDC Section 48.030 (D) (minimum vehicle requirements for residential uses) in partial, is to seek to balance mobility, the need “to provide efficient, safe and timely travel with the ability to allow access to individual properties.” That balance has been struck in a clear and objective, but somewhat arbitrary way through the provisions in CDC Section 48.030 (D), which limits access to private

streets that are not built to full public street standards. We intend for this street to remain private and our responsibility to maintain. In this case, allowing six lots to access the private street creates a more practical, reasonable, and arguably safer driveway for access, egress, and circulation pattern. Additionally, the requested variance produces more well-designed homes relative to the site size, shape and lots as they relate to Marylhurst Drive, having one point of access lends itself to creating a safer environment for the walkability of Marylhurst Drive. Finally, the code states that 150' of hose mandate to avoid a turnaround is required. Due to the same limitations of access, the new fire code is 200' hose requirement. Our intent is to provide an automatic fire sprinkler suppression system for the homes that exceeds the requirement to avoid a hammerhead turnaround at the end, which is infeasible.

c) The need for the variance was not created by the applicant and/or owner requesting the variance.

Applicant's Response: The two primary reasons the property owner is requesting a variance to allow for all six lots to take access from a single shared private drive is the steep topography of Marylhurst Drive and the project site, and the City's request to not take access from Midhill Circle. Neither the steepness of the area nor the City's request was created by the property owner.

d) If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.

Applicant's Response: Only one variance is requested, and that variance would apply to all six lots and the private street would remain private and our responsibility.

III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Class II Variance in the City of West Linn. Therefore, the applicant respectfully requests that the City approve the application.