

City of West Linn Pre-Application Conference Summary

Upper Midhill Subdivision (34 lots) (PA-14-21)

Location: 21E 14CA tax lot 200 (1800 Upper Midhill Drive)

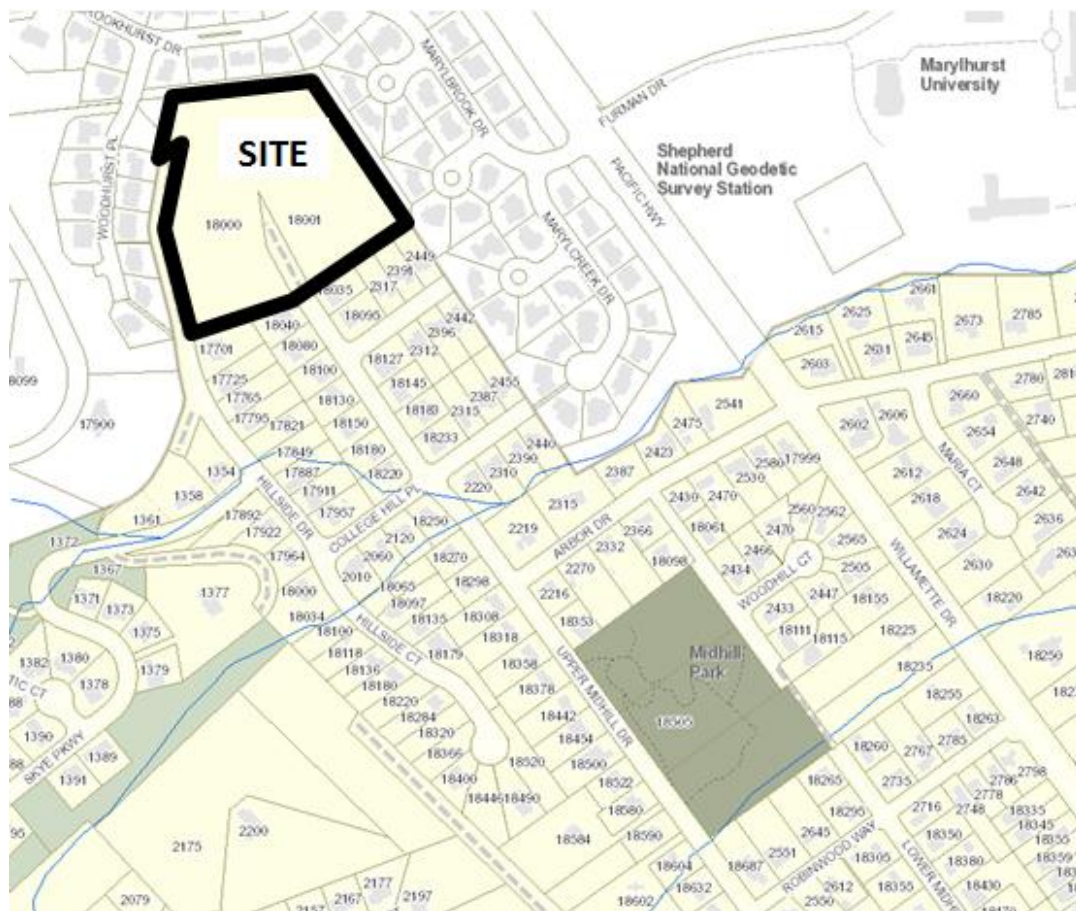
April 17, 2014

Proposal: 34 lot subdivision with possible Water Resource Area permit and Street Vacation
Applicant's representatives: Michael Anders (Lennar Homes) Andrew Tull, John Howarth (3-J Consulting)

Staff: Khoi Le (Engineer), Peter Spir (Associate Planner), John Boyd (Planning Manager) Ty Darby (TVF&R)

Public Attendees: David Goldenburg, Peter Lang, Dorianne Palmer, Paul Kaufman, Jerry Marlow, Larry Mylnechul, Bob Nichols, Gail Holmes, Teresa Carney, Christine Steel (not acting as representative of the Planning Commission)

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 planner listed above with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.



OVERVIEW

The proposal is to develop a 34 lot subdivision on the vacant six acre (266,726 square foot) parcel north of the terminus of Upper Midhill Drive. The zoning is R-4.5 which allows both single family detached and attached housing. Single family detached homes require lots at least 4,500 square feet in size. Single family attached homes (townhomes) must be on lots at least 4,000 square feet in size. Therefore, a common wall single family attached structure or two unit townhome would require an 8,000 square foot lot at minimum.

The applicant's preliminary plan for the site shows Upper Midhill Drive extending through the site and exiting the property via the Hillside Drive right of way. The lots are all over 4,500 square feet. The lot size would indicate that single family detached housing is proposed although the applicant has stated that they are considering all options.

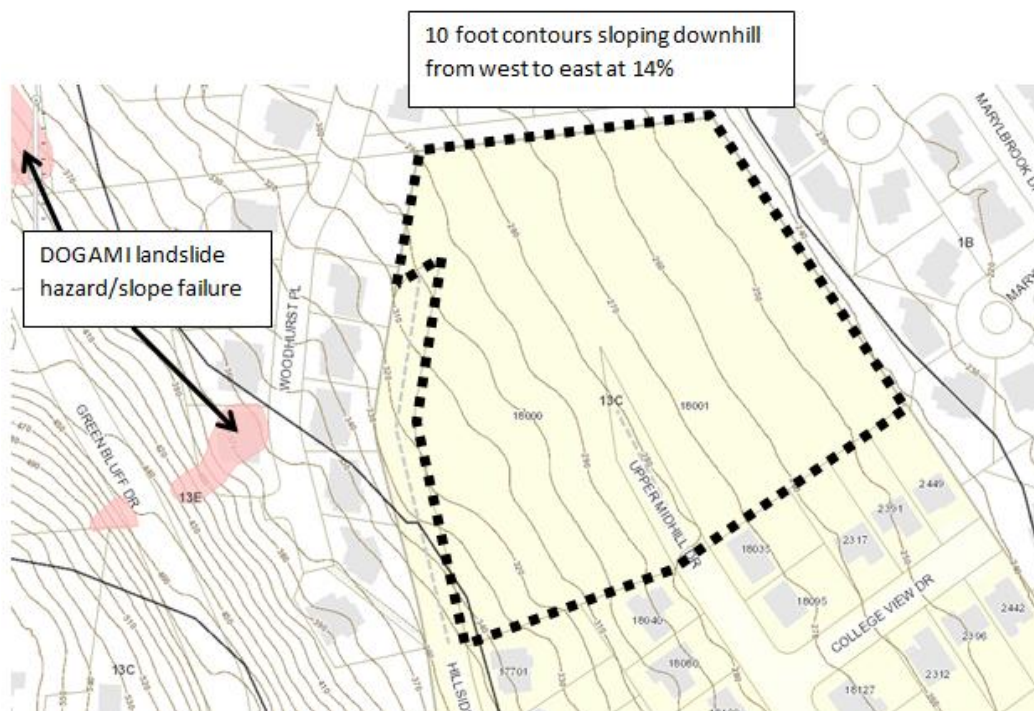


Reeseaman Property
Conceptual Subdivision Plan

The property had been approved for a subdivision with 52 townhomes in 1999 (MISC-99-18), but the property was subsequently sold and that subdivision approval has lapsed.

SITE CONDITIONS

The site comprises a vacant hillside that slopes down from west to east at a fairly constant 14 percent. The City hazards map and DOGAMI maps do not identify any on-site slope failures or similar hazards but steeper off-site slopes about 200 meters west of the site have a history of recent failures. A geotechnical report will be required. That report should also address drainage since that issue was the focus of concern in the 1999 subdivision application.



The previous owner did extensive clearing of the understory (brush, etc.) with an ongoing maintenance program to the extent that the understory is almost non-existent. Groundcover comprises a low height/ low maintenance grass which was presumably planted after the understory was removed.

The most significant feature of the property is the extensive and well distributed collection of significant oak trees plus a smaller number of significant Douglas Fir trees. (City arborist, Mike Perkins, accompanied Planning and Engineering staff on the site visit.) As part of the submittal, the applicant will be required to map/inventory all trees on the site. Trees shall be identified in the field by tree markers (numbers) which will be also tied to a map. An arborist shall prepare a report which determines the health, size, type and significance of the trees on an individual

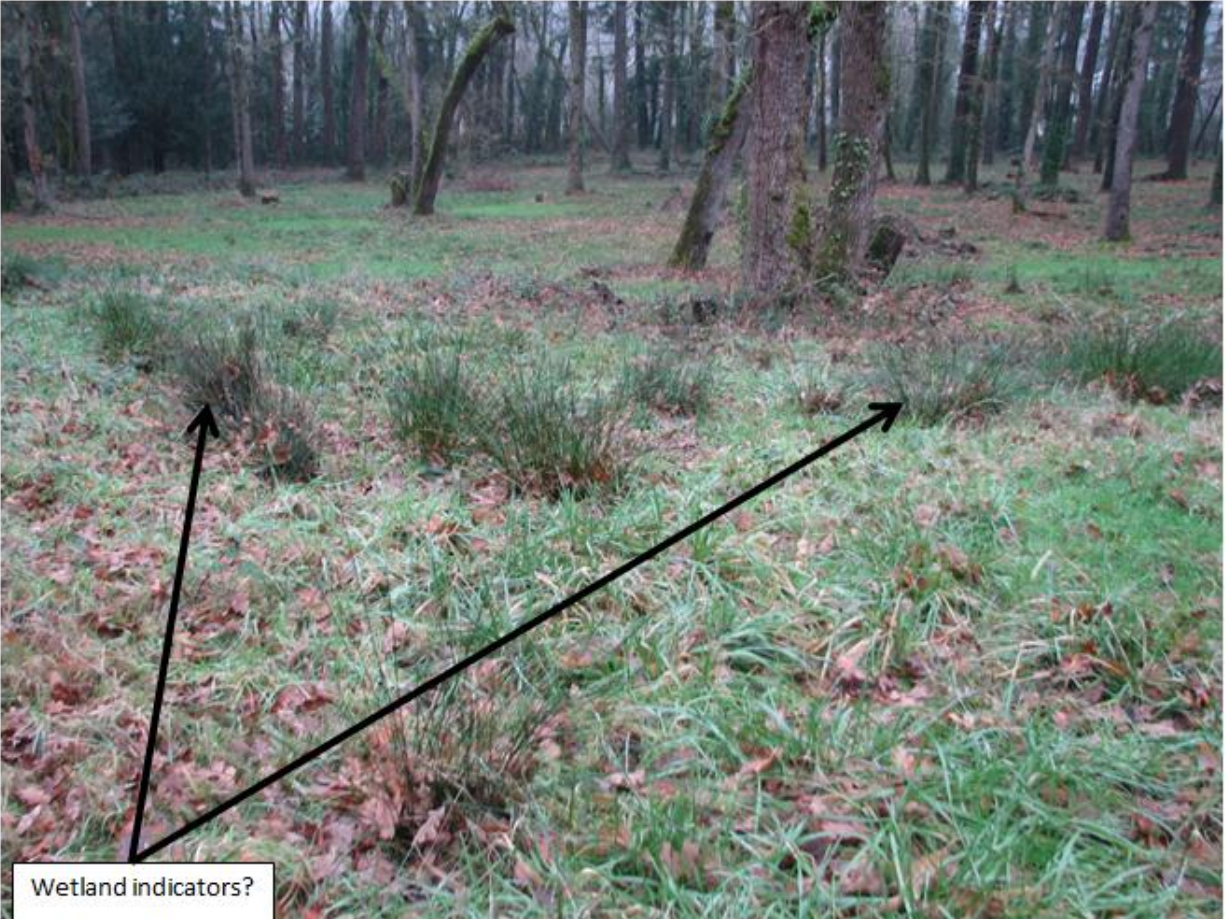
basis. The City Arborist will then use this inventory to make his own findings. If there are differences in findings regarding a tree's significance, the City Arborist's findings prevail.

Staff would like to maximize retention of the trees but recognizes that the CDC only requires 20% retention per CDC section 55.100(B)(2).



During site inspection, staff identified some grasses in the northwest portion of the site which may be wetland indicator species along with some ponded areas/spongy soils. This will require a wetland study and a subsequent delineation if it qualifies as a wetland.





ISSUES

Trees

Trees are a significant feature of the site. There are Community Development Code (CDC) provisions (55.100(B) (2)) which will require a full inventory of trees and setting aside up to 20 percent of the site for significant tree protection. Given that the site is equally covered by significant trees, it seems appropriate to focus on saving the trees around the perimeter of the site to (a) satisfy the 20% rule; and, (b) provide a treed buffer between this subdivision and some of the neighboring homes.



Allowed Density

CDC section 85.200(J)(7) requires density to occur at 70% or more of the maximum density allowed in the underlying (R-4.5) zoning. The CDC has no other definition or method of determining the net allowable density other than that found in CDC section 24.110 and 24.120. Allowable density is gross site area less any ROW, open space areas dedicated to the City and

any public and private facilities such as a storm detention and treatment facility and access thereto. (Additional reductions are allowed in the context of a Planned Unit Development.) Staff applied only the ROW deduction to the following calculations to determine net developable area:

Beginning with a gross area of 266,726 square feet we subtract about 30,000 square feet of net additional ROW proposed on the conceptual subdivision plan (after some ROW has been vacated and new ROW added) to yield a net developable square footage of 236,726 square feet. Seventy percent of 236,726 is 165,708 square feet which is then divided by the underlying R-4.5 zone's minimum lot size of 4,500 square feet to produce 36 lots. Therefore, the proposed density of 34 lots is two lots below the required density. The applicant could address that discrepancy by subtracting any open space areas dedicated to the City and/or the storm detention and treatment facility or by increasing the number of lots.

The R-4.5 zone also allows a single family attached/townhouse configuration (4,000 square feet per unit). Meeting the density requirements for those kinds of units would require using methods similar to those described above.

Street Vacation

Currently, the undeveloped Upper Midhill Drive right of way extends 285 feet northwards into the property. This ROW length does not agree with the applicant's proposed ROW length which would extend only about 150 feet onto the property. The applicant asked if the subdivision process is an appropriate and legal vehicle to eliminate existing ROWs. Staff has reviewed this and whereas lot lines may be eliminated in the course of a new subdivision plat, dedicated ROW is not vacated by any means other than per ORS 271. (That process requires all abutting property owners adjacent to the ROW to support the vacation and the support of owners of 66.6% of property in the affected area.)

Support for staff's position is traced to ORS 92.185 which states:

(5) A replat shall not serve to vacate any public street or road.

Staff also finds that the replat process would apply to the entire Robinwood subdivision plat which is, except for this parcel, completely built out. Staff would not consider or support that scale of replat and the attendant challenges.

ORS 92.234 addresses undeveloped subdivisions, but ultimately directs us back to ORS 271:

Revision, vacation of undeveloped subdivisions; vacation proceedings; effect of initiation by affected landowner. (1) Following a hearing conducted as required under ORS 92.225 (4), the agency or body conducting the hearing may:

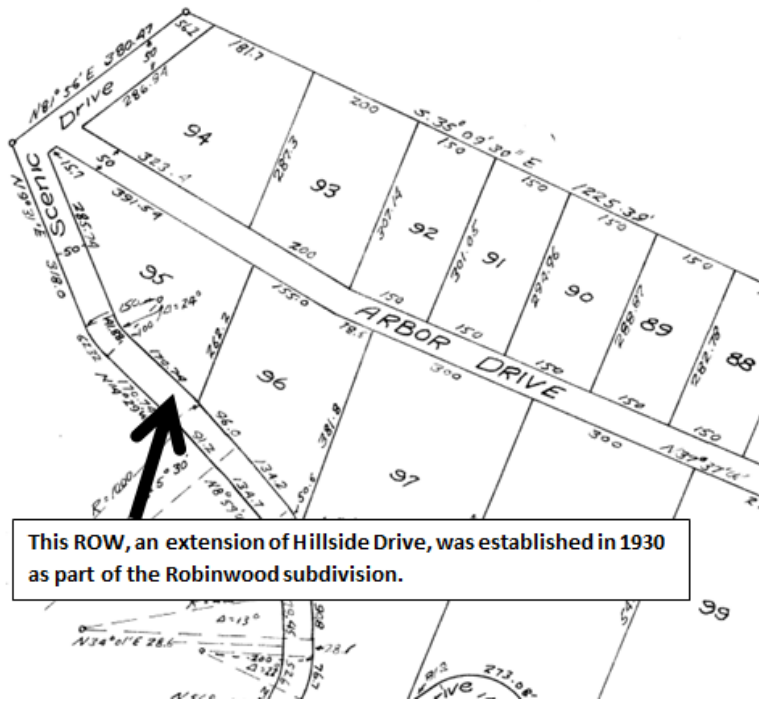
(a) Require the revision of a subdivision and a replat of the subdivision as it considers necessary, if it finds that the subdivision may be revised to comply with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved; or

(b) Initiate proceedings, as provided in subsection (3) of this section, for vacation of the subdivision, if it finds that the subdivision cannot be revised in accordance with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved.

(2) If an agency or body requires the revision and replat of a subdivision under subsection (1)(a) of this section, it shall approve the subdivision only upon the completion of the revisions as required by it and the replat of the subdivision as provided in ORS 92.180 to 92.190.

(3) If the agency or body determines that it is necessary to vacate a subdivision, the agency or body shall adopt an ordinance vacating the subdivision and providing for the vacation of lands within the subdivision that have been dedicated for public use. Title to lands within a vacated subdivision shall vest as provided in ORS 271.140 and 368.366. Any owner of lands described in the plat of the vacated subdivision who is aggrieved by the action of the agency or body in vacating the subdivision may appeal such action in the manner provided in ORS 34.010 to 34.100. The ordinance adopted by the agency or body for the vacation of the subdivision and the lands therein dedicated to public use shall be filed with the county recording officer as provided in ORS 271.150.

Staff welcomes any comments on this subject from the applicant's legal counsel and the County Surveyor's Office.



Traffic

A traffic study is required. Staff notes that the earlier townhouse application, with over 400 trips per day expected, was not found to warrant off-site street improvements such as at the corner of Willamette Drive and Arbor Drive or on any of the other streets that may be used to access the site. Staff anticipates that this proposal will yield similar findings since there will be fewer homes than in the earlier application.





Connectivity

Ideally, this subdivision would connect to Lake Oswego at the northwest corner of the site via Woodhurst Place. However, there are two intervening properties, owned by Marylhurst Place Homeowners Association, which would have to be acquired to make that connection. It is not anticipated that the association would support or offer their property for that purpose. Still, it is possible that the existing dirt footpath from Woodhurst Place to the subject site could be used to provide pedestrian and bicycle connectivity. Access near lot 15 would facilitate that.





Water Resource Area

As stated in the site conditions discussion, a small area towards the north end of the property exhibited spongy soil conditions and some wetland indicator plants during a site visit in December 2013. An inspection of that area by a wetland specialist is required to make a determination if it qualifies as a wetland; and, if it does, to delineate and map the wetland boundary. Wetland conditions would trigger a Water Resource Area (WRA) permit.

Geotechnical Study

As stated in the site conditions discussion, a geotechnical study of the site is needed with particular emphasis on runoff management.

Engineering Comments

INSERT HERE

TVFR Comments

Hydrants shall be a maximum of 600 feet to any home. Need 1,000 gpm for the largest home (about 3,200 square feet) Spacing between roads cannot be less than one half of the longest diagonal dimension of the plat. Street grades of 10% are the standard maximum grade and up to 15% with sprinklers. A default to any of these standards, excluding hydrant location, is sprinklers in the homes.

Public Comments

Scot Chandler

Nearby property owner Scot Chandler of 17632 Woodhurst Place, Lake Oswego, contacted staff by email on April 16, 2014, expressing concern that the development of Hillside Drive ROW would turn his property on Woodhurst Place into a double frontage lot with the attendant traffic generated impacts (noise, glare, etc.). The proposed fix is to redirect Hillside Drive further east so there would be lots backing onto Mr. Chandler's property instead of a street. Other concerns include smaller lot sizes than lots on surrounding properties in Lake Oswego and glare from westbound traffic using internal streets.

Comments from the Pre-application meeting:

Why not lower density? Metro, State and City of West Linn requirements mandate that we achieve a minimum density of 70% of the maximum allowed by the underlying zoning. The applicant is already at the minimum.

Home value? The value of homes is not part of the approval criteria for subdivisions. However, Mr. Anders stated that homes would be in the midrange of \$500,000 plus.

Need to be sensitive to neighbors. Mr. Tull of 3J Consulting welcomed the opportunity to meet with neighbors.

Concern about springs and drainage. Mr. Howarth and Mr. Le explained how these issues would be addressed by engineering measures during site preparation and grading. Also, the geotechnical study will be expected to include analysis of drainage and appropriate remedies. The introduction of an engineered storm system which will intercept much of the rain and spring water that currently works its way downhill will also reduce this problem.

Timeline? Expected to start construction in Summer 2015. There should be no conflict between construction trucks and vehicles associated with the L.O. water treatment (LOWT) plant since the LOWT work will be at nighttime.

Concerns about home height. The maximum height allowed is 35 feet to peak of roof. Given the 20-30 difference in grades between homes on Woodhurst Place and the closest homes built in this proposed subdivision, views should not be obstructed. Also, the maximum lot coverage of 40% means that in order to achieve even a modest home square footage, two stories are needed.

Will there be a monument sign or landscaped entryway? It is not required by our code.

PROCESS

A neighborhood meeting is required per CDC 99.038. Please follow those requirements very carefully. Contact Aaron Buffington, President of the Robinwood Neighborhood Association, at RobinwoodNA@westlinnoregon.gov and Tracy Gilday, President of the Skyline Ridge Neighborhood Association, at SkylineNA@westlinnoregon.gov.

Land use applications include subdivision (Chapter 85) and possibly a WRA permit (Chapter 32). (As stated earlier, a WRA permit may not be required based on findings by a wetland biologist).

Street vacations are processed separately through City Council. The criterion for street vacations is contained in ORS 271. (Please confirm with the staff the boundaries of the “affected” area.)

Follow the submittal requirements of those chapters strictly and completely. Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in writing, 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. Waivers may also be subsequently overruled by the decision making body.

Required specialized studies include a complete tree inventory, a wetland, and geotechnical and traffic study.

The approval criteria of 85.200 shall be fully responded to in a narrative. The WRA permit approval criteria are found in section 32.050.

The date of the application will determine what CDC language will apply to the application. Code amendments relating to residential infill and related subjects are expected to be considered by City Council in May or June. If the application is submitted prior to the adoption of these amendments, the existing CDC standards will apply. Code amendments relating to Water Resource Areas (CDC Chapter 32) are expected to be adopted in May with an effective date in June 2104. The draft version is available at the City of West Linn Planning Department’s website.

Submit the application to the Planning Department with an application form signed by the property owner. The deposit for a subdivision is \$4,200 plus \$200 per lot. The final plat fee is \$2,000. There is also a \$500 fee for final site inspection. The deposit for a WRA is \$2,600 if applicable.

A street vacation has a fee of \$6,000, exclusive of County recording fees. The street vacation process is separate from the subdivision application and requires public hearing before the City Council. The provisions of ORS 271 must be complied with. This process takes approximately four months.

PLEASE NOTE that the deposits are initial deposits, 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 occur.

Once the submittal is deemed complete, the staff will schedule the hearing with the Planning Commission. Staff will send out public notice of the Planning Commission hearing at least 20 days before the decision. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing. Subsequent appeals are to LUBA.

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. 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.

14.070 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:

A. The minimum lot size shall be:

1. For a single-family detached unit, 4,500 square feet.
2. For each attached single-family unit, 4,000 square feet.
3. For a duplex, 8,000 square feet or 4,000 square feet for each unit.

B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

C. The average minimum lot width shall be 50 feet.

D. The minimum average lot depth shall be 90 feet.

E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
2. For an interior side yard, five feet.

3. For a side yard abutting a street, 15 feet.

4. For a rear yard, 20 feet.

F. The maximum building height shall be 35 feet except for steeply sloped lots in which case the provisions of Chapter [41](#) CDC shall apply.

G. The maximum lot coverage shall be 40 percent.

H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

I. 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.

J. The sidewall provisions of Chapter [43](#) CDC shall apply.
