# CITY OF WEST LINN PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES June 15, 2022

SUBJECT:	Proposed 11 lot subdivision at 2175 & 2200 Mountain View Court
FILE:	PA-23-09
APPLICANTS PRESENT:	Philip Gentemann, Bruce Goldson, Robert Kao, Alan Brickley
STAFF PRESENT:	John Floyd (Planning), Lynn Schroder (Planning), Maryna Ascuncion (Engineering), Clark Ide (Engineering)
PUBLIC PRESENT:	Karie Oakes (Marylhurst Neighborhood Association)

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees\*. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.

SITE INFORMATION:	
Site Address:	2200 Mountain View Court
Tax Lot No.:	21E14CD00101 & 21E14CD00102
Site Area:	5.9 Acres +/- per Clackamas County Assessor
Neighborhood:	Marylhurst Neighborhood Association
Comp. Plan:	Low Density Residential
Zoning:	R-10
Zoning Overlays:	Significant Riparian Corridor (Arbor Creek); High & Moderate Habitat Conservation
	Areas

### **PROJECT DESCRIPTION:**

The site consists of two lots containing an existing home, extensive tree cover, steep slopes, and a riparian corridor associated with Arbor Creek. The applicant proposes to divide the site into 11 residential lots with an associated open space tract along Arbor Creek and steep slopes within the western portion of the project area, and a stormwater facility tract at the eastern corner of the project site. Proposed lot sizes range from 10,909 to 17,053 square feet. Access to be provided through an extension of Mountain View Court, with vacation of the existing cul-de-sac and a replacement constructed within the project site.

### APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:

Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- Chapter 11: Residential, R-10
- Chapter 28: Willamette and Tualatin River Protection (Habitat Conservation Area Standards)
- Chapter 32: Water Resource Area Protection (If work is proposed within Water Resource Area)
- Chapter 41: Building Height, Structures on Steep Slopes, Exceptions
- Chapter 48: Access, Egress, and Circulation
- Chapter 85: General Provisions (land division)
- <u>Chapter 92: Required Improvements</u>
- <u>Chapter 99: Procedures for Decision Making: Quasi-Judicial</u>

#### **KEY ISSUES & CONSIDERATIONS**

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

- The number of proposed lots must meet or exceed 70% of maximum density. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).
- The 25-foot private accessway must include a turnaround to TVF&R standards and must not exceed 15% grade as measured along the centerline of the driveway.
- The site has potential to be designated as a Planned Unit Development (PUD) as permitted in CDC Chapter 24, which would allow for the transfer of density from the protected slopes and water resource area.
- Most of 2175 Mountain View Court is covered by a Habitat Conservation Area (HCA) overlay. Chapter 28 Willamette and Tualatin River Protection (28.110) addresses the criteria for HCAs and permitting within HCAs.
- A Water Resource Area (WRA) extends 100 feet from the ordinary high-water mark of Arbor Creek per the City's adopted WRA Map and CDC Table 32-2. Any work in this area must comply with CDC Chapter 32, including construction of a water quality facility.
- Building heights may be an issue with the steep slopes. Applicant should review Community Development Code Chapter 41 (41.005) to determine how to measure the height of a building on steep slopes.
- The City will not accept the open space tract in dedication, and it will need to be managed by the future property owners.

## **RESPONSE TO APPLICANT QUESTIONS:**

- A traffic study will not be required as none of the traffic study thresholds detailed in CDC 85.170.B.2 appear to be met.
- A geotechnical report will be required per 85.170.C.3.
- Existing trees and contours are required per CDC 85.160.E. The tree survey shall include tree protection measures recommended by a certified arborist.
- Widening of Mountain View Court to a 28-foot pavement width is likely to be required per the following:
  - 85.200.A.3 requires streets adjacent to the subdivision to have a 28-foot pavement width, unless reduced per subsection A.4.
  - 85.200.A.11.b limits cul-de-sacs to no more than 200 feet in length unless the design complies with TVF&R access standards and adequately provides for anticipated traffic per TSP.
  - Any required widening would be subject to rough proportionality limits, which would likely take into consideration the relatively low amount of new frontage within the bounds of the subdivision, relative to the number of lots proposed.
- Vacation of the outer wings of the existing cul-de-sac bulb would be reasonable, and would need to proceed under a separate application, following completion of the road extension.
- A neighborhood meeting will be required with the Marylhurst Neighborhood Association per CDC 99.038. As the project site is within 500 feet of the Skyline Ridge and Robinwood Neighborhood Associations, those associations must also be notified and invited to the meeting with the Marylhurst Neighborhood Association per CDC 99.038.C. However, a separate meeting with all three neighborhood associations is not required to meet neighborhood contact requirements in the CDC.

#### **PUBLIC QUESTIONS:**

Questions pertained to the size of the water resource area and neighborhood meeting requirements, which are addressed above in response to applicant questions.

#### ENGINEERING:

The Engineering department comments are attached. For further details, contact Maryna Asuncion at 503-722-3436 or <u>Masuncion@westlinnoregon.gov</u>.

#### **BUILDING**:

For building code and ADA questions, contact Adam Bernert at <u>abernert@westlinnoregon.gov</u> or 503-742-6054 or Alisha Bloomfield at <u>abloomfield@westlinnoregon.gov</u> or 503-742-6053.

#### **TUALATIN VALLEY FIRE & RESCUE:**

A Service Provider Permit must be provided with this application - <u>https://www.tvfr.com/399/Service-Provider-Permit</u>. Contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

#### TREES:

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at rjones@westlinnoregon.gov or 503-722-4728.

#### PROCESS:

A subdivision is a quasi-judicial decision by the Planning Commission. A public hearing is required. The applicant must present their proposal to the Planning Commission at the hearing. Once the application is complete, staff will review the application, schedule a public hearing date, send a 20-day public comment notice, and post a notice sign on the property. Staff will prepare a report with a recommendation available 10 days before the public hearing. A final decision can take 6-10 months.

After the Planning Commission decides, there is a 14-day appeal period. If the decision is not appealed, the applicant may proceed with the development.

#### **NEIGHBORHOOD MEETING:**

Before applying for a subdivision, the applicant must conduct a neighborhood meeting to discuss the proposed development with the Marylhurst Neighborhood Association, per <u>CDC 99.038</u>. The meeting should be scheduled at the association's regularly scheduled monthly meeting or at another time at the association's discretion. The purpose of the neighborhood meeting is to identify potential issues or conflicts regarding a proposed application to address them before the application is submitted. Please contact Christine Blanche at <u>MarylhurstNA@westlinnoregon.gov</u> to schedule a meeting.

### HOW TO SUBMIT AN APPLICATION AND WHAT TO INCLUDE:

Submit a complete application in a single PDF document through the <u>Submit a Land Use Application</u> web portal. A complete application should include:

- 1. A development application;
- 2. A project summary outlining the scope of the project;
- 3. A compliance narrative containing full written responses to approval criteria in the identified CDC chapters;
- 4. Water Resource Application Materials required in CDC 32.050;
- 5. Subdivision Application Materials required in CDC 85.150-170;
- 6. Geologic report prepared by a certified engineering geologist or geotechnical engineer per 85.170.C.3
- 7. A Service Provider Letter from Tualatin Valley Fire and Rescue; and
- 8. Demonstration of compliance with Neighborhood Association meeting requirements per CDC 99.038(E1-5).

#### **COMPLIANCE NARRATIVE:**

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

### **APPLICATION FEES & DEPOSITS:**

The Planning Division Fee Schedule can be found on our website: <u>https://westlinnoregon.gov/finance/current-fee-schedule</u>

- <u>Deposit</u> for a Subdivision = \$4,500
- <u>Fee</u> for a Water Resource Area Permit (if required) = \$2,850

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

### Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

\* **DISCLAIMER:** These pre-application notes have been prepared per <u>CDC Section 99.030.B.7.</u> The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.



# **Pre-app Comments**

Project Number: PA-23-09 Propposed 11-lot subdivision at 2200 Mountain View Court

### Engineering Contact:

Maryna Asuncion masuncion@westlinnoregon.gov Telephone: (503) 722-3436

## **Project Description:**

The project is located at the terminus of Mountain View Court. There is an undeveloped right-of-way on the northeast side of the property. The Applicant is proposing to develop an 11-lot subdivision on approximately 8.29 acres of land meeting the R-10 Low Density Residential standards. The topography on the site varies from rolling terrain in the central portion of the site to steep hillsides along the north, east and west sides of the property. Elevation ranges from approximately 380 to 570 feet above sea level.

## Pre-application meeting date: June 15, 2023 @ 9:00am

The comments provided below are based upon material provided as part of the pre-application packet and are intended to identify potential design challenges associated with the development. Comments are not intended to be exhaustive and do not preclude the engineering department from making additional comments as part of the formal land use application process.

## TRANSPORTATION

## Minimum Required Improvement:

- Mountain View Court:
  - Mountain View Court is listed as a local street on the West Linn Roadway Functional Classifications List – 52' of ROW. Please see WL-RD012 for additional information.
  - Existing right-of-way on Mountain View Court is approximately 50 feet wide. There is an existing sidewalk on the west side of Mountain View Court, south of the proposed development.
  - o See Planning notes for required improvements to Mountain View Ct.
- Street trees: coordinate with the Park Department to install appropriate number and type of tree, as applicable:
  - Parks Contact: Ron Jones

rjones@westlinnoregon.gov 503-722-4728

- All existing and new distribution and communication franchise utilities and their services must be placed underground
- Development shall pay all applicable Transportation System Development Charges (SDC) fees (Street and Bike/Ped).

## SANITARY SEWER

## Minimum Required Improvement:

• There is an existing main and structure located near 2079 Moutain View Court. There is also an



# **Pre-app Comments**

Project Number: PA-23-09 Propposed 11-lot subdivision at 2200 Mountain View Court **Engineering Contact:** 

Maryna Asuncion masuncion@westlinnoregon.gov Telephone: (503) 722-3436

existing main and structure located NE of the proposed development, in the View Drive unimproved ROW.

• Development shall pay all applicable Sanitary Sewer SDC fees.

# DOMESTIC WATER

# Minimum Required Improvement:

- There is an existing 8" DI water main in Mountain View Court that has adequate capacity to serve the proposed development.
- Fire hydrants in the vicinity of the project exceed the desired 400 foot spacing standard for residential zones. As such, the applicant will be required to install a new hydrant along Mountain View Court.
- Development shall pay all applicable Water SDC fees.

# SURFACE WATER (STORM SEWER)

# Minimum Required Improvement:

- Onsite run-off generated from new impervious areas of greater than 1,000 square feet must be captured, treated, detained and conveyed to the nearest public stormwater system in accordance with the *Portland Stormwater Management Manual*, the Uniform Plumbing Code, and *City of West Linn Public Works Standards*.
- Stormwater facilities installed to capture, treat, detain and convey stormwater from the private improvements shall be privately owned and maintained.
- Per the City of Portland Stormwater Management Manual (SWMM) Section 2.2.4, all storm water infiltration facilities shall be setback a minimum distance of 100 feet from the top of slopes greater than or equal to 20%. For slopes greater than or equal to 50%, the setback requirement is 200 feet. See Table 2-1 in the SWMM for more detail. For encroachment into standard slope setbacks, an analysis from a geotechnical engineer is required certifying the design is protective of slope stability.
- Development shall pay all applicable Surface Water SDC fees.

## OTHER

- If the proposed development will disturb more than 5 acres, an Oregon Department of Environmental Quality, 1200-C permit will need to be obtained and the permit will need to be provided to West Linn Engineering prior to the start of any construction activity. Please see section 2.0067 of the *City of West Linn Public Works Standards*, for additional details not listed. If more than 1 acre but less than 5 acres is disturbed, a 1200-CN permit issued by the City will be sufficient for erosion control.
- An 8' public utility easement will need to be provided at the front of each property.



# **Pre-app Comments**

Project Number: PA-23-09 Propposed 11-lot subdivision at 2200 Mountain View Court Engineering Contact:

Maryna Asuncion masuncion@westlinnoregon.gov Telephone: (503) 722-3436

 All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new developments frontage exceeding 200 feet. The development is exempt if its frontage is less than 200 feet and the site is less than 1 acre. High voltage transmission lines as classified by PGE or other electrical service provider would also be exempt.



# **PRE-APPLICATION CONFERENCE**

Thursday, June 15, 2023

Willamette Room City Hall 22500 Salamo Rd

10:00 am:	Proposed 11-Lot Subdivsion
Applicant:	Phil Gentemann
Property Address:	2200 Mountain ViewCourt
Neighborhood Assn:	Marylhurst Neighborhood Association
Planner:	John Floyd

Project #: PA-23-09





West Linn, Oregon 97068 Telephone 503.742.6060 • westlinnoregon.gov

# **Pre-Application Conference Request**

For Staff to Complete:					
ΡΑ	PA-22-09	Conference Date:	6/15/23	Time:	9:00am
Staff Contact:				Fee:	\$1,000

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		Applicant Information		
Name:	Robert Kao	Name: philip Gentemann, Centurion Homes Inc		
Email:	robkao2.718@gmail.com	Email: Phil@centurionhomes.net		
Phone #:	503-421-6213	Phone #: <b>503-778-0518</b>		
Address:	2200 mountain View Ct,west linn, oregon	Address: 2137 marylwood Court, west linn, oregon		

Address of Subject Property (or tax lot): 2200 mountain View Court, west linn, oregon

## **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: Phil Gentemann, centurion homes Inc

# M

DATE: 4/31/2023

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:** 

douttoo

DATE: May 31, 2023

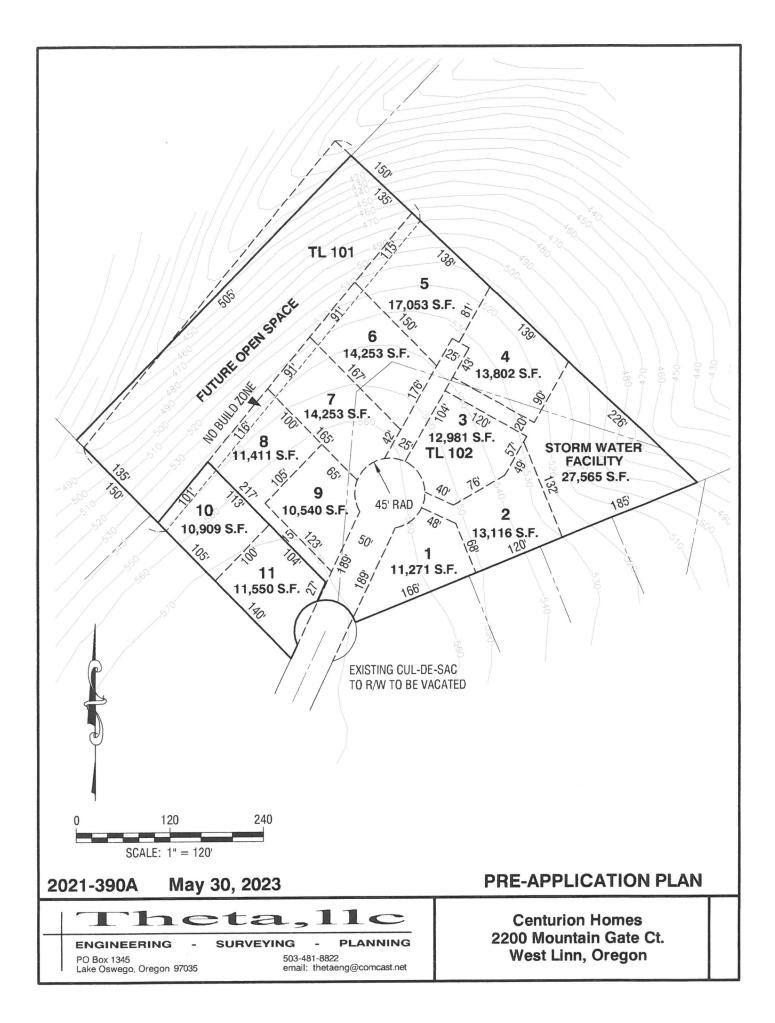
## PRE-APPLLICATION CONFERENCE

## NARRATIVE

Develop Tax Lots 101 and 102 into an 11 Lot subdivision zone R-10 protecting the drainage way to the west.

## Questions

- 1. Will a traffic study be required
- 2. Is a Geo Tech report be required for the planning commission Submittal.
- 3. Will a tree survey be required for the planning commission submittal In the proposed open space .
- 4. Will this proposal be required to map existing trees and contours in the In the future open space .
- 5. Will this development be responsible to upgrade the existing Mountain View Court Street.
- 6. Does this proposed subdivision need to address water quantity
- 7. Can the existing mountain View Court turn around be vacated.



**Clackamas County Official Records** Sherry Hall, Cunty Clerk

2015-035986

06/11/2015 11:00:33 AM

\$58.00

After Recording Return to: John J. Christianson Gevurtz Menashe 115 NW First Avenue, Suite 400 Portland, OR 97209

Cnt=1 Stn=52 CONNIE D-D \$10.00 \$10.00 \$16.00 \$22.00

Until Further Notice, Send Tax Statements to: No change

#### BARGAIN & SALE DEED

KAO

ROBERT KAO ROBERT KAO, Grantor, conveys to Robert R. Kao, Trustee, or his successor in trust, under the ROBERT REVOCABLE TRUST dated June 8, 2015, and any amendments thereto, Grantee, the following described real property, in the County of Clackamas and State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

The true and actual consideration paid for this conveyance is: \$0.00. This transfer is for estate planning purposes.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

EXECUTED this 8th day of June, 2015.

GRANTOR:

STATE OF OREGON/County of Multnomah) ss.

This instrument was acknowledged before me, a notary public in and for said County and State, this 8th day of June, 2015, by the within named Robert Kao as his free and voluntary act and deed.



PUBLIC FOR OREGON NOTAR

Page 1 - Bargain & Sale Deed

**EXHIBIT "A"** 

#### PARCEL I 2175 Mountain View Court Account Number 00303424; Tax Lot 21E14CD00101

A tract of land in the Southwest Quarter of Section 14, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the most Southerly corner of Lot 99, Robinwood; thence South 38° 21' West 50 feet to an iron pipe; thence South 46° 37' 38" East along the Southwesterly line of View Drive 405.4 feet to an iron pipe at the most Northerly corner of that tract described in deed to Walter J. Pappas recorded April 27, 1965 in Book 656, Page 282, Deed Records; thence South 67° 53' 51" West along the Northwesterly line of said Pappas tract 139.15 feet to an iron rod; thence North 46° 36' 12" West 63.93 feet to the true point of beginning of the tract to be described; thence North 74° 00' West 377.91 feet; thence South 50° 02' 15" West 60 feet; thence South 4° 57' 39" West 269.58 feet to a point on a 40-foot radius circle; thence continuing South 4° 57' 39" West 40.04 feet to an iron pipe at the center of said circle; thence South 24° 57' 21" West 60 feet to a point on the center line of a 50-foot roadway; thence North 44° 14' West 26.63 feet to an iron pipe at the most Easterly corner of that tract described in deed to Merle E. Wilson, et ux, recorded January 7, 1970 as Recorder's Fee No. 70-321, Film Records; thence continuing North 44° 14' West along the Northeasterly line of said Wilson tract 395.24 feet to an iron pipe in the bottom of a draw at the most Southerly corner of that tract described in deed to John M. Bates recorded December 13, 1962 in Book 615, page 47, Deed Records; thence Northeasterly along the Southeasterly line of said Bates Tract 505 feet, more or less, to a point which bears North 46° 36' 12" West from the true point of beginning; thence South 46° 36' 12" East 50 feet, more or less, to an iron rod; thence continuing South 46° 36' 12" East 546.32 feet to the true point of beginning; EXCEPT that part thereof lying within said 40-foot radius circle.

#### PARCEL II 2200 Mountain View Court Account Number 00303433; Tax Lot 21E14CD00102

A tract of land in the Southwest Quarter of Section 14, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the most Southerly corner of Lot 99, Robinwood; thence South 38° 21' West 50 feet to an iron pipe; thence South 46° 37' 38" East along the Southwesterly line of View Drive 405.4 feet to an iron pipe at the most Northerly corner of that tract described in deed to Walter J. Pappas recorded April 27, 1965 in Book 656, Page 282, Deed Records; thence South 67° 53' 51" West along the Northwesterly line of said Pappas tract 139.15 feet to an iron rod at the true point of beginning of the tract to be described; thence South 67° 53' 51" West along the Northwesterly line of said Pappas tract 481.93 feet to an iron pipe on a 40-foot radius circle; thence South 63° 57' 50" West 40.04 feet to an iron pipe at the center of said circle; thence North 4° 57' 39" East 40.04 feet to a point on the perimeter of said circle; thence continuing North 4° 57' 39" East 269.58 feet; thence North 50° 02' 15" East 60 feet; thence South 74° 00' East 377.91 feet; thence South 46° 36' 12" East 63.93 feet to the true point of beginning; EXCEPT that part thereof lying within said 40-foot radius circle.

Page 2 - Bargain & Sale Deed



