CITY HALL 22500 Salamo Rd, West Linn, OR 97068



Fax: (503) 742-8655

Memorandum

Date:	October 9, 2019
То:	West Linn Planning Commission
From:	Jennifer Arnold, Associate Planner
Subject:	Planning Commission Request for Information for SUB-18-04 (12-lot Subdivision at 22870 Weatherhill Road)

On September 18, 2019 the West Linn Planning Commission re-opened the public hearing, received new information from the applicant and continued the public hearing to October 16, 2019. The record was left open for members of the public and the Public Works Department to review the new information and to submit any comments subject to the following deadlines:

- ✓ Public comments and/or Public Works comments by September 25, 2019
- ✓ Public comments and/or Public Works comments by October 2, 2019
- ✓ Applicant rebuttal and final comments by **October 9, 2019**

On October 9, 2019 Staff received the final rebuttal and comments from the applicant (see attachment).

Attachments:

• Applicant's Final Comments

EMERIO Design

CIVIL ENGINEERS & PLANNERS

DATE: 10-9-2019

PROPERTY OWNER/ DEVLOPER: 22

22870 Weatherhill, LLC %Partnership Administrator: Rod Friesen 12810 SW Morningstar Dr. Tigard, OR 97223 Ph.: (971) 235-3314 E-mail: rod.friesen@frontier.com

CIVIL ENGINEER, PLANNING & SURVEYOR:

Emerio Design, LLC Attn: Steve Miller 6445 SW Fallbrook Pl., Suite 100 Beaverton, OR 97008 (541) 318-7487 E-mail: <u>stevem@emeriodesign.com</u>

REQUEST: Approval of 12-Lot Subdivision in the R-7 zone.

SITE

LOCATION: 22870 Weatherhill Rd.

ZONING: Single-Family Residential Detached (R-7), City of West Linn, Oregon

SITE SIZE: 2.56 Acres

LEGAL DESCRIPTION: Tax Map 2S1E35B, Tax Lot 405

Re: Application for 12-Lot Residential Subdivision City File No. SUB-18-04 – Applicant's Rebuttal to written comments

Dear Chair, Walvatne and Members of the West Linn Planning Commission:

During the September 18, 2019 continued West Linn Planning Commission hearing, the Planning commission re-opened the public hearing, received written and oral testimony from the applicant and then continued the public hearing to October 16, 2019. Aside from the applicant's testimony at the continued hearing, no members of the public provided written or oral testimony on the application. As part of the continued hearing process, the Planning Commission left the

written record open for members of the public and the City's Public Works Department to review the new information and to submit any comments subject to the following deadlines:

- > Public comments and/or City Public Works comments by September 25, 2019
- > Public comments and/or City Public Works comments by October 2, 2019
- > Applicant rebuttal and final comments by October 9, 2019

By the close of the fist comment period (September 25, 2019), City Staff received five (5) written comments from members of the public. Of the five (5) letters received by City Staff, only one (1) couple (i.e. Rob and Kristy Musalo) attended the first Planning Commission hearing, but they did not provide oral testimony at the hearing. City Staff received one (1) additional letter during the second public comment period ending on October 2nd. None of the six (6) commenters attended the continued hearing held on September 18, 2019. This is significant because all of their concerns expressed in their written testimony were addressed in detail during these important public meetings.

Before addressing the issues raised in the six (6) letters received by Staff, the applicant would like to first denounce the letter provided by Victoria Steele Keller. First, Mrs. Keller notes that she moved to West Linn 14 years ago to avoid living in subdivisions similar to the one being proposed by the applicant, yet that is exactly what she did. Mrs. Keller lives in the Weatherhill Subdivision (i.e. 2101 Satter St.), which was final platted July 9, 2015, on a 7,056 square foot lot (See Exhibits A – Weatherhill Plat and B – Assessor Map). If lot sizes less than 10,000 square feet have a negative effect on property values as noted by Mrs. Keller in her written testimony, then one must ask themselves why would Mrs. Keller move into a brand-new subdivision with an average lot size of 7,674 square feet. The reason is because there is no information to substantiate her claim or else she would have referenced it in her letter.

Second, Mrs. Keller states that she is a "Real Estate Appraiser"; however, when performing a background check on Mrs. Keller, it was discovered that she is actually the owner of a home staging business – Furnish Home Staging (See Exhibit C – Mrs. Keller's Linkedin page).

In Oregon, the <u>Appraiser Certification and Licensure Board</u> (ACLB) supervises appraiser licensing and enforcement. In Oregon the three levels of real estate appraiser are:

- The Licensed Residential Appraiser which has restrictions on the value and complexity of homes that can be appraised. Consequently, it can be difficult to find work at this level.
- The Certified Residential Appraiser which should be the goal for all home appraisers. This certification allows appraisals of all complex and noncomplex residential real estate up to four units (e.g. single family, duplex, triplex, and four-plex), and up to any value.
- The Certified General Appraiser which allows appraisal of all types of real estate (e.g. commercial, retail, office, industrial, apartments, farms, etc.). An appraiser with this certification level usually specializes in one or two areas of real estate.

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To become a Certified Residential Appraiser in Oregon one must have a Bachelor's Degree, must pass 200 hours of qualifying appraiser-specific education with exams, accumulate 2,500 hours of experience over a minimum of two years as a Registered Appraiser Assistant, and pass a four-hour comprehensive exam. Given the substantial amount of time, energy, and commitment it takes to become a Certified Residential Appraiser in Oregon, it's reasonable to believe that a person would acknowledge this achievement on their Linkedin page since its sole purpose is to "link" up professionals in their respective fields. However, the only professional experience, licenses, and/or certifications Mrs. Keller notes on her Linkedin page is home staging – Furnish Home Staging (2011 – present/8 years) and Home Staging Certification.

Providing false and/or misleading information to support her testimony is not only disrespectful of the Planning Commission, but it undermines the entire public process, which relies on truths and facts. For these reasons, the applicant respectfully requests that the Planning Commission disregard the written testimony provided by Mrs. Keller and that it be stricken from the public record.

The remaining five (5) letters all make similar references regarding the condition of Weatherhill Rd., the width of Satter St./De Vries St. in the Weatherhill and Weatherhill Estates Subdivisions, street connections to Weatherhill Rd., and general assumptions regarding future developments in the surrounding area that are not relevant to the applicable approval criteria for the applicant's proposal.

In response to the written comments referencing the condition of Weatherhill Rd., the applicant has already provided extensive professional testimony to the Planning Commission, both written and oral, addressing the proposed subdivisions impacts to Weatherhill Road. As discussed in detail at the public hearings, the applicant will be making a 13-foot right-of-way dedication along the sites Weatherhill Rd. frontage, which will include widening of the roadway to allow for additional paving and sidewalks along the site's frontage. In addition, at the last Planning Commission hearing (9/18/2019), the applicant submitted a letter into the record from Timothy J. Hazen, VP of Operations for the Tanner Springs Assisted Living Facility, noting that the applicant has been in contact with him regarding improvements to Weatherhill Road along their property frontage. Mr. Hazen notes the following: "We are willing to participate in working together on a solution for the Weatherhill Road section that abuts Tanner Spring and the future subdivision being done by Weatherhill Subdivision, LLC (i.e. the applicant). This is significant because it will allow the applicant to make an off-site improvement to Weatherhill Rd. at a "pinch-point" in order to improve sight distance and add pavement to widen the useable roadway surface to a minimum of 18-feet. In addition to these improvements, the City has planned a final lift of asphalt along Weatherhill Road for later this construction season.

In addition to the professional oral and written testimony already provided by the applicant, the Planning Commission requested that the City's transportation engineer, DKS Associates, review the applicant's traffic study for the 12-lot subdivision. As a result of this request DKS submitted a memorandum dated October 2, 2019 into the record addressing the Planning Commission's request. The DKS memorandum states the following: Based on our review of these materials, the analysis provided, and improvements proposed by the applicant are appropriate for this site and proposed use. The proposed development and improvements would improve the current safety on Weatherhill Road and traffic operations (roadway capacity) would not be significantly degraded and would continue to meet West Linn Standards. The applicant concurs with the DKS memorandum.

For the following reasons, the Planning Commission should reject each of the opponents' arguments and should approve the Application:

- Applicant will mitigate the traffic impacts associated with the Project consistent with the requirements of the West Linn Community Development Code ("CDC").
- The City may only apply "clear and objective" standards, conditions, and procedures to the Subdivision application because it proposes "needed housing" on "buildable land."
- The R-7 zoning has already been approved by the City Council with the annexation of the property into the City limits by Ordinance No. 1681.
- Potential future development in the surrounding area has no bearing on the applicant's proposal and is not an applicable review criterion.
- A street connection to Weatherhill Rd. through the proposed subdivision is not warranted by code, nor is it viable due topography.

Conclusion:

For all of the foregoing reasons, the Planning Commission should deny the contentions raised by the opponents. Instead, based upon the evidence and arguments presented by Applicant, and the recommendation of City staff, the Planning Commission should approve the Application, subject to the conditions proposed by City staff.

Respectfully,

Steve Miller - Senior Planner/Project Manager Emerio Design, LLC 6445 SW Fallbrook Place, Suite 100 Beaverton, OR 97008

Attachments:

Exhibit A – Weatherhill Subdivision Plat Exhibit B – Clackamas County Assessor Map Exhibit C – Victoria Steele Keller's Linkedin Page

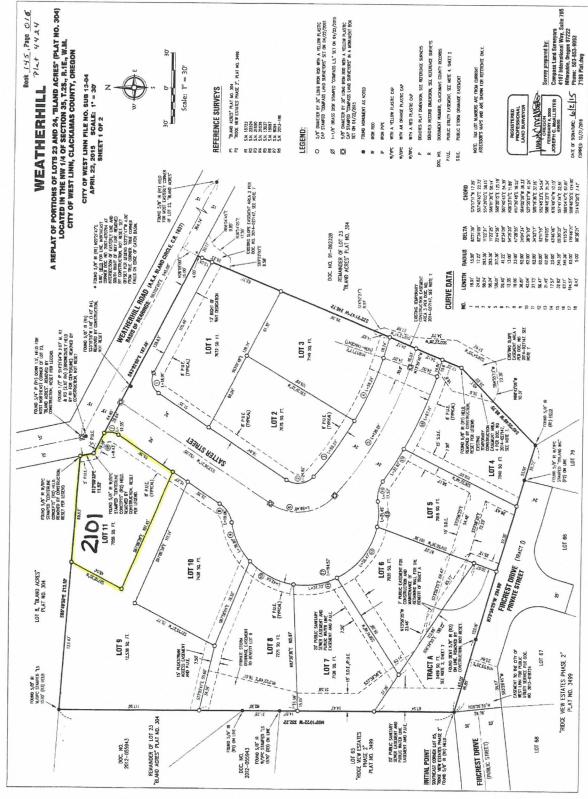
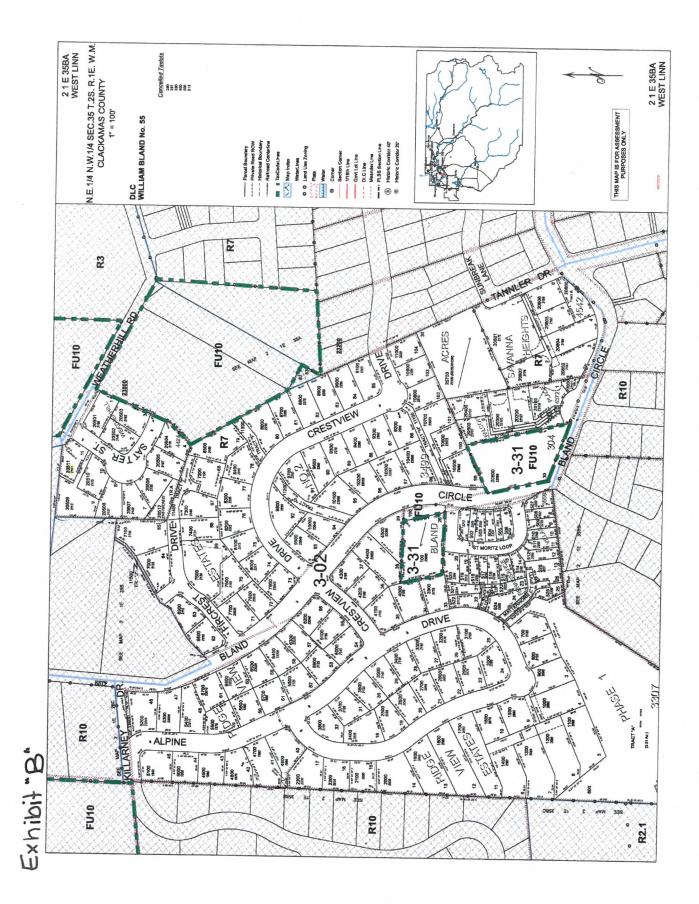


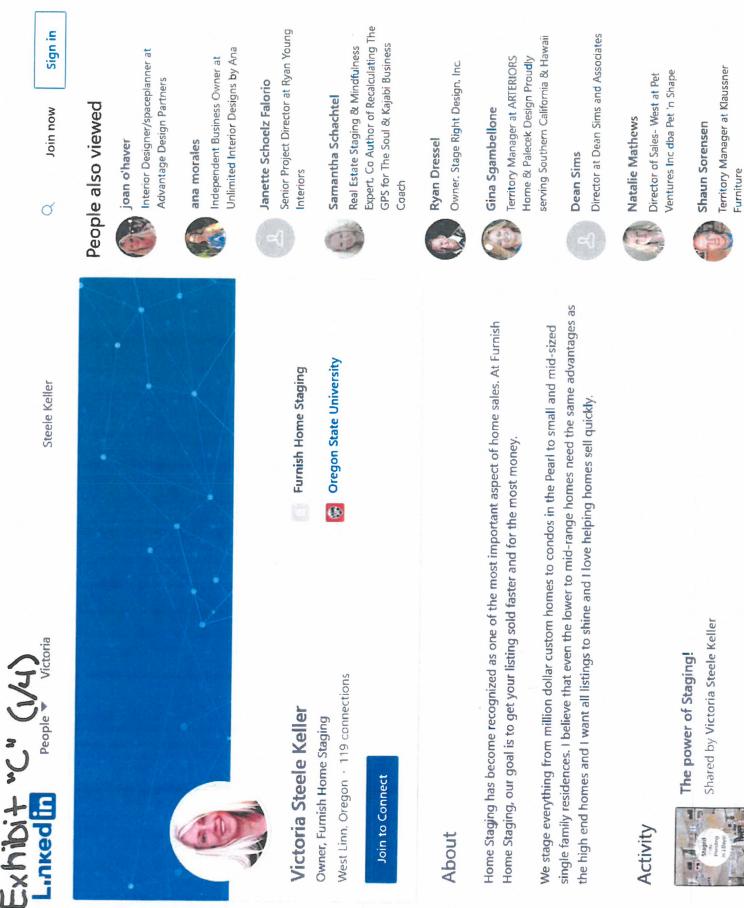
Exhibit "A"

Exhibit "A" (Cont.)

Book 145, Page 016	WEATHERMILL Plat 4434	A REPLAT OF PORTIONS OF LOTS 23 AND 24, "BLAND ACRES" (PLAT NO. 304) LOCATED IN THE NW 1/4 OF SECTION 35, T.2S., R.1E., W.M. CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON	CITY OF WEST LINN FILE NO. SUB 13-04	APRIL 22, 2015 SHEET 2 OF 2		APPROVALS	1 OF CITY OF WEST LINN AFPROVALS:	APPROVED THIS AT DAY OF JUNE . 2015	- Olda	STC OF MEST LINN PLANNED DIRECTOR	AFRONED THE 3-0 DAY OF JUNE . 2015	the state	OT: OF MEST LINN OTT INVANTIR	GLACKAMAS COUNTY APPROVALS:	APPROVED THIS SHIT TAY OF JULY OF JULY	RIPLE R 21/ DUARTY FOR CURL CLUMEN		DELEGATE PER COUNTY CODE CHAPTER 11.02	ALL TAKES, FELS, ASSESSMENTS OF OTHER CHARGES AS FROMMED			DEPUTY THE	STUP RECOVUES \$ 35 COUNTY OF CLOCOLUCE \$ 35	I DO HEREAY CERTERY PIAT THE ATTIVOLED PLAT WIS RECOVENT ITS RECORD ON THE 9^{++} DAY OF $T = T = \sqrt{y}$	AT <u><u><u><u></u></u><u></u><u><u></u><u></u><u></u><u>A</u><u></u><u></u><u></u><u></u><u>A</u><u></u><u></u><u></u><u></u><u>A</u><u></u><u></u><u></u><u></u><u></u><u>A</u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u></u></u></u>	SCh ALAT NO THE POINT AN THE POINT ALAT ALAT ALAT ALAT ALAT ALAT ALAT AL		IN James M. Keller]`	A Set	FEBRUARY & 2000 JOSEPH C. MAALLISTER 40695
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EXMON C' 24) Nobel Prize in Chemistry Goes to a Woman for the Fifth Time in History Liked by Victoria Steele Keller	as raised to t janitor with respect as CEO."	Join now to see all activity	Experience	Home Staging Furnish Home Staging	2011 – Present · 8 years Portland, Oregon and Surrounding Areas Vacant Home Staging, Apartment and Condominium Model Staging.	Education Oregon State University Bachelor's degree · Political Science and Government 1986 - 1991	Activities and Societies: Gamma Phi Beta

Political Science

Exhibit "C" (3/4)



People Victoria

Steele Keller

View profile badges



Oregon State University

Bachelor of Science (BS) · Political Science and Government

1986 – 1991

Activities and Societies: Gamma Phi Beta, Social Chairman

Licenses & Certifications



Home Staging Certification Nationally Recognized Staging Certification Program

Projects

Home Staging Jan 2012 - Present

See project L

Languages

English

Some Spanish

Exhibit "C" (4/4)

Organizations

Real Estate Staging Association

Member

May 2013 - Present

Interior Design Society

Member

Groups

aness Real Estate Staging Association-National

STAGING & DESIGN NETWORK

View Victoria Steele Keller's full profile to

- V See who you know in common
- Get introduced
- Contact Victoria Steele Keller directly

Join to view full profile