



CITY OF West Linn

Memorandum

Date: December 4, 2019
To: West Linn Planning Commission
From: Jennifer Arnold, Associate Planner
Subject: SUB-19-03 Proposed Lot 15-Lot Subdivision

On December 3, 2019 Staff received written testimony from Rob and Kristy Musalo expressing concerns regarding a private access easement, tree protection, TVFR access to proposed lot 15 and improvements on Bland Circle.

On December 4, 2019 Staff received written testimony from John Nilsen, one of the property owners of the subject site. Mr. Nilsen gave a brief history of the development pattern and expressed support for the project.

Arnold, Jennifer

From: Robert Musalo <rmusalo@msn.com>
Sent: Tuesday, December 3, 2019 3:20 PM
To: Arnold, Jennifer
Subject: Subdivision 19-03, 23000/23010 Bland Circle

Hello Jennifer,
Below are our comments for the Planning Commission hearing on 12/4. Thanks.
Rob Musalo

RE: Subdivision 19-03, 23000/23010 Bland Circle

Dear Planning Commission:

This subdivision, as proposed, cannot be completed as it violates the easement rights of four property owners. There is a six property ingress/egress easement on the properties being developed. The easement is properly recorded and deeded to four properties on the north side of Fircrest Drive. We own two of the properties. The applicant proposes to place a shared driveway in the easement area, per the submitted plat, which violates our easement rights. While the easement is in place, there can be no development within it. There has been no agreement to terminate the easement. It will not simply go away. All easement holders must agree to terminate it. The proposed driveway and utilities must be moved outside the easement area so not to violate any property owners easement rights. We were told the Staff Report would contain a finding regarding the easement but it does not. Staff told us specifically, "in our findings we do have to consider how the proposed development impacts easements, and if conditions of approval are required to address an issue we will recommend them." The applicant's narrative also does not address the easement. Therefore, please require the applicant to submit a new plat showing the easement without the proposed driveway or any development in its boundaries and/or to resolve the easement issue with all easement holders prior to approval. The burden of proof that this development is feasible resides with the applicant and the proposed plan does not prove that the portion in the easement area can be completed.

Shared driveway to lot 12 and 15 – The proposed private shared driveway to lot 12 and 15, in addition to violating our and others easement rights, will cause significant vehicle head light glare, noise, and vibration for the rear of our two properties due to the angle and 16 percent grade. The impact to our properties does not appear to comply with a purpose of the Community Development Code which is to reduce glare and noise as stated in section 55.1.D.2. and section 85.010.B.6. To comply with these sections and protect our easement rights, please require the moving of the proposed shared driveway.

It is unclear how TVFR will gain access to lot 15 if there is only a 12 foot easement across lot 12 and the driveway length is more than 190 feet to Bland Circle. There is no turn around at lot 15. Delivery vehicles such as UPS cannot turn around, they must back down the current driveway. TVFR approved the turn around on Eleanor not the very limited access to lot 12 and 15. Please consider the difficulty TVFR will face should they need to access the house on lot 15.

Tree Preservation – Staff finding 17 states 13 significant trees are to be retained. The arborist report, page 3 paragraph 2, states, "only 7 of the 13 significant trees to be retained are on the property, with the remaining 6 on neighboring properties. Only the 7 on the property are eligible to meet the requirement in section 55.100.B.2 of the West Linn Development Code." Therefore, only 13.5% of significant trees are being retained. We reviewed previous arborists

reports for other subdivisions, including this same arborist, and none include off-site trees in the retention by count calculations. Please require the preservation of additional significant trees.

The tree map does not document a significant 28 inch DBH white oak tree in our yard near the property line despite the fact the map shows all our other trees. We expect the project to take required precautions for tree preservation to protect our property. If the tree is not on the map how will city staff insure it is protected? Please require the applicant to submit a tree map that accurately documents this tree.

Bland Circle – Issues with upper Bland Circle include width, blind corners, and power poles and trees in the right of way on the west side. The proposal dedicates 7 feet to include a curb tight sidewalk but it appears there will be very little pavement added. The current road is insufficient for two lanes of traffic. The pavement is only 16 feet wide. If there is any possibility of improving the width of this non-conforming road then that should be considered. Although upper Bland is a designated Local Street, it clearly acts as a Neighborhood Route. Many people in our neighborhood and neighborhoods adjacent to ours use the road daily. It's the route most people take to go north to shopping, schools, and Highway 43. At a minimum, please consider placing parking restrictions on the use of Bland during development and construction as well as a part of the final subdivision.

Thank you for your consideration.

Rob and Kristy Musalo
2115 Fircrest Dr.
West Linn, Oregon

Arnold, Jennifer

From: Steve Miller <stevem@emeriodesign.com>
Sent: Wednesday, December 4, 2019 9:30 AM
To: Arnold, Jennifer
Subject: FW: Steve and Ben's email addresses

Hi Jennifer,

Below is a letter from John Nilsen. Can you please add this to the written record and I will be reading it into the oral record for John tonight since he can't attend.

Thanks,

Steve



Steve Miller | Director of Planning Services/Project Manager

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From: john nilsen <johnnilsen2@gmail.com>
Sent: Tuesday, December 3, 2019 7:17 PM
To: Steve Miller <stevem@emeriodesign.com>; Ben Looney <ben@growthcc.com>
Subject: Re: Steve and Ben's email addresses

[External Sender]

To All,

I've been fortunate to call Oregon home all my life, with the last 30 years being in West Linn. My wife and I have lived at our Bland Circle residence for 25 years and have fully enjoyed it. Our years on Bland Circle have been family and career years. Our daughter was born the week we bought our Bland Circle home. She's now a college graduate, employed and out of the nest. It's not surprising that the time has come for us to downsize and move on as expected.

When we moved onto Bland Circle we were one of very few homes all around us. We sat next to many unoccupied acres. The building you're in right now didn't exist. No Safeway, Starbucks, Rosemont Middle School. Life in West Linn functioned well then as it does today. We watched the infrastructure of several neighborhoods being developed during our years here. Schools and churches were built. Stores, restaurants and banks were added. I'm guessing many of you weren't in West Linn then, some of you weren't living in Oregon. But here we are today, some 25 years later in our community because it's still a nice, clean and safe place to live and raise a family. I have traveled the country more than most and know how lucky we are to call West Linn home. My wife and I have always done our best to be good neighbors and good stewards of our home, property and community.

We adapted to the changes of in-fill around us with the knowledge that we, like our child, would make friends and have relationships with many neighbors. That happened. Life has gone on as one would have projected. The sky never fell with the addition of hundreds of new homes, streets, businesses, and new families. Due to the City's credit, the evolution of our neighborhood has felt like a fairly organic process over time. Now it's our time to make a change as

those before us, and as many of you will down the road a few years from now. We must downsize and make way for our retirement.

Thank you, John Nilsen

On Tue, Dec 3, 2019 at 2:51 PM Steve Miller <stevem@emeriodesign.com> wrote:

Ben - ben@growthcc.com



Steve Miller | Director of Planning Services/Project Manager

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