

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

SUB-12-01

**IN THE MATTER OF A PROPOSED FIVE LOT SUBDIVISION
AT 23112 BLAND CIRCLE**

At their meeting of March 20, 2013, the West Linn Planning Commission held a public hearing to consider the request by the OLH 14 LLC to approve a five-lot subdivision on a 1.16 acre parcel located at 23112 Bland Circle. This proposal required Land Division: Subdivision approval. The approval criteria for the Subdivision are found in Chapter 85 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Peter Spir, Associate Planner. Michael Robinson presented for the applicant. Ed Schwarz, speaking on behalf of the Savanna Oaks Neighborhood Association (N.A.), spoke in opposition to the application. Alice Richmond spoke in favor of the application.

A motion was made by Commissioner Steel, seconded by Commissioner Martin, and passed to approve the application with the conditions of approval as they appear in the staff report. Commissioners Babbitt, King, Martin, Miller and Steel approved the application. Commissioner Axelrod opposed the application and Commissioner Griffith was absent.

The Planning Commission adopts the Staff report and applicant's findings, which are incorporated herein by this reference, as its findings. In addition, and in response to a Savanna Oaks N.A. resolution submitted into the record at the hearing, the Planning Commission finds that section 55.100(B) (2) requiring up to 20% of non-type I and II lands be set aside for the protection and preservation of significant trees in tree conservation easements is met because 20.8 percent of the site is being set aside for that purpose. In addition to these tree preservation easements, 14 out of 24 significant trees will be saved including a 58-inch Douglas fir tree which will be saved in a driveway island. An additional 38 two-inch caliper trees will be planted for mitigation for trees lost to on-site grading.

The applicant is required to prepare a traffic impact analysis in those cases where the proposed use is reasonably expected to exceed the conditions listed in CDC Section 85.170(B) (2) (c). The City Engineer found that none of those conditions exist at this location. A transportation analysis with a reduced scope of work was subsequently required by the City Engineer. The transportation analysis was submitted into the record by Lancaster Engineering (February 1, 2013). The transportation analysis found that the four additional households will generate 38 trips per day with an AM peak hour generation of three trips and a PM peak hour generation of four trips. The finding was that the impact to the existing infrastructure created by the trips

generated as a result of the proposed subdivision will be minimal and are not expected to significantly impact the neighborhood traffic. The evidence also demonstrated that the available line of sight on Bland Circle meets the American Association of State Highway and Transportation Officials standards on geometric design of highways and streets.

Section 48.030 lays out criteria for accessing residential uses. Section 48.030(B) (2) requires a driveway width of 14-20 feet for two to four single family homes. The applicant is providing a 16 foot driveway which falls within the allowable 14-20 foot width. At the point where only two lots are served, the driveway will taper to an allowable 14 feet, by condition of approval. Where the driveway serves only one lot, the driveway will be reduced to a 12 foot width, by condition of approval, which agrees with the criteria of 48.030(B). The Tualatin Fire and Rescue (TVFR) were notified of the site design and proposed access and did not find fault. TVFR's "Fire Apparatus Access Exception" provisions (OFC 503.1.1 Exception) are applicable in this case since all of the four rear homes will be equipped with automatic fire sprinkler systems. Lot 1, fronting on Bland Circle, has direct access and therefore the TVFR access standards do not apply to that lot.

Testimony submitted by the Savanna Oaks N. A. stated that the placement of garbage and recycling receptacles would pose safety, noise and aesthetic concerns for the neighborhood. It was found that the placement of garbage receptacle is not an approval criteria for a subdivision. The Savanna Oaks N. A. also stated concern regarding the impact of the street design on nearby and adjacent school bus stops. The location of school bus stops is not an approval criterion for subdivisions. Nonetheless, the "eyebrow" design on Bland Circle will provide school buses with the positive benefit of being able to use this wider street section as a refuge to stop; also, the wider street section will be better able to provide for the placement and pickup of garbage and recycling receptacles without interfering with traffic flow on Bland Circle.

Section 85.170 (F) requires that storm treatment and detention facilities shall be designed by a registered civil engineer. The applicant's registered civil engineer prepared a Preliminary Storm Water Report for the facility design which was accepted by the City Engineer and can be expected to meet, and be made consistent with, city engineering standards. Commissioner Axelrod noted certain deficiencies in the preliminary report, and the applicant acknowledged that the report did not contain certain of the data and findings being relied upon for the design.

Regarding the appropriate Right of Way width for Bland Circle, Section 85.200(A) (2) requires a right of way of 60 feet. Meanwhile, section 85.200(A) (1) defers to the adopted Transportation System Plan (TSP) on the subject of ROW and street width. It states:

All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan and any adopted updated plans.

Therefore, the City Engineer shall defer to the TSP. The TSP requires a 58 foot wide ROW. The applicant is proposing a 58 foot ROW and the approval criterion is met.

The conditions of approval are as follows:

1. Approved plans. With the exception of modifications required by these conditions, the project shall conform to the Falcon Place Subdivision Plans C1.1, C1.2, C2.0, C2.1, C2.2, C2.3, C2.4, C2.5, and L1.0 dated 1/18/2013.
2. Driveway width. The access driveway shared by lots 4 and 5 shall be increased to a minimum width of 14 feet to the east edge of the driveway that leads towards lot 5's garage. From that point eastwards towards and including lot 4, the driveway width shall be 12 feet (see Figure 9).
3. No Parking. The applicant shall install "No Parking" signs within those areas of the "eyebrow" right-of-way contiguous to the subdivision that fall within the "intersection site distance" area shown on sheet C 2.1.
4. Arborist. The applicant shall ensure that any site clearing, grading and development (including any foundation work) within the dripline area plus ten feet of all significant trees identified as "significant tree canopy to remain" on sheet C 1.2 shall be completed under the supervision of a licensed arborist to ensure the trees' survival and health.
5. Fire Sprinklers. All houses will contain sprinkler systems to satisfy TVFR requirements. Since lot 1 fronts on the public ROW, a waiver for the house on that lot may be granted contingent upon approval from the Building Official and TVFR.
6. Right-of-way dedication. The applicant shall dedicate right-of-way as necessary to achieve the required width of 58 feet for a collector per the TSP along the property frontage and right-of-way as needed to accommodate the eyebrow depicted on Sheet 2.0.
7. Fence. To shield the property to the west (23906 Bland Circle tax lot 501) from the headlights of vehicles using the driveway, the applicant shall install a solid wood fence, as high as Chapter 44 allows, on top of the retaining wall or graded slope along the west edge of the driveway (see illustration below). The fence shall either have the "good side" facing west with the construction side facing east or be identical on both sides. The fence shall extend ten feet beyond each end of the retaining wall shown on sheet C 2.1 (see Figure 10 below).

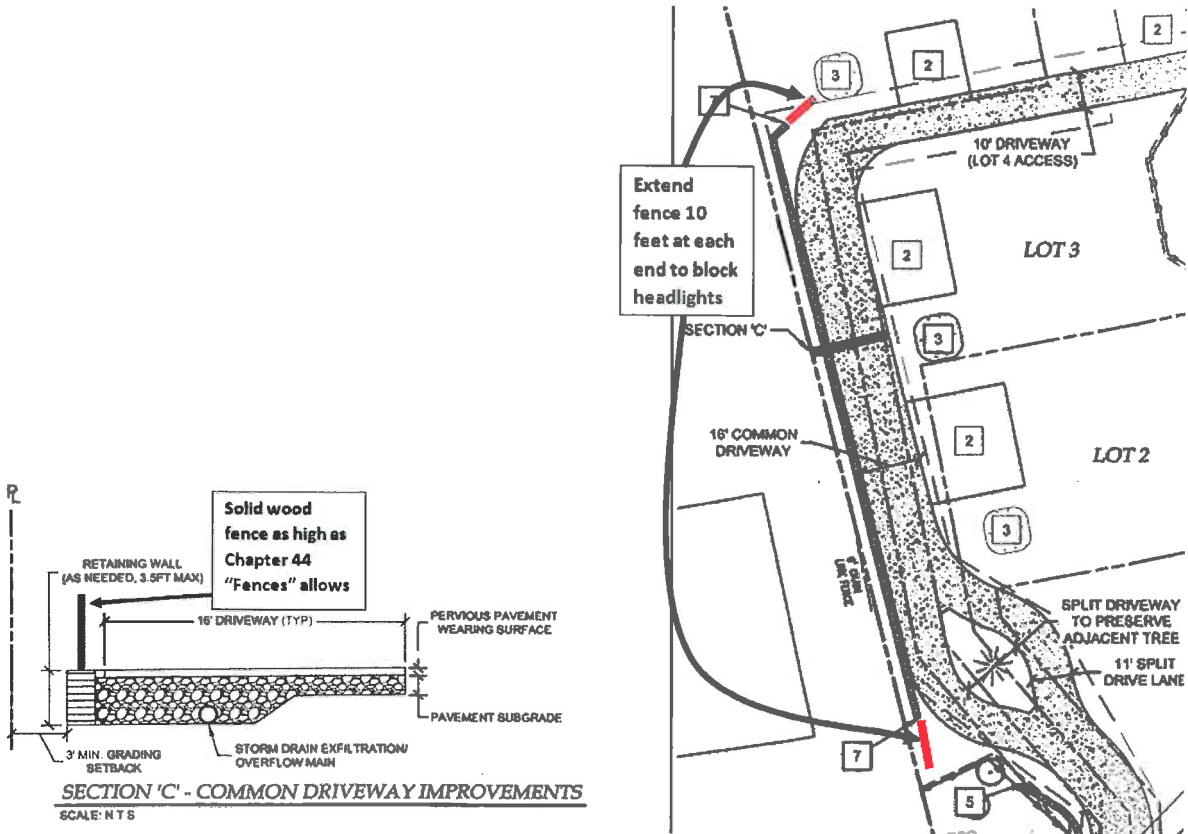


Figure 10: Fence along West Side of Driveway

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Michael Babbitt
 MICHAEL BABBITT CHAIR
 WEST LINN PLANNING COMMISSION

4-3-13
 DATE

Mailed this 5th day of April, 2013.

Therefore, this decision becomes effective at 5 p.m., April 19, 2013.

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