



CITY OF
West Linn
PLANNING AND DEVELOPMENT

STAFF REPORT
PLANNING MANAGER DECISION

DATE: March 16, 2015
FILE NO.: MIP-14-09
REQUEST: Request for a 3-lot Partition at 19345 Suncrest Dr.
PLANNER: Peter Spir, Associate Planner

Planning Manager
Development Review Engineer

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION.....	2
EXECUTIVE SUMMARY	2-3
PUBLIC COMMENTS.....	3
DECISION AND CONDITIONS OF APPROVAL.....	3-4
ADDENDUM	
STAFF FINDINGS	5-18
EXHIBITS	
PD-1 AFFADAVIT OF NOTICE.....	19
PD-2 NOTICE.....	21
PD-3 COMPLETENESS LETTER.....	23
PD-4 APPLICANT'S SUBMITTAL.....	25-69
PD-5 CITY ARBORIST'S SIGNIFICANT TREE MAP.....	71

GENERAL INFORMATION

OWNER/ APPLICANT:	Phil Gentemann, Centurion Homes, 7128 SW Gonzaga St., Ste. 200, Portland, OR 97223
CONSULTANT:	Bruce D. Goldson, PE, Theta, LLC, PO Box 1345, Lake Oswego, OR 97035
SITE LOCATION:	19345 Suncrest Drive
SITE SIZE:	49,300 square feet
LEGAL DESCRIPTION:	Assessor's Map 2-1E-23B Tax Lot 900
COMP PLAN DESIGNATION:	Low-Density Residential
ZONING:	R-10, Single-Family Residential Detached
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 85, Land Division, General Provisions; Chapter 11, Single-Family Residential Detached, R-10
120-DAY RULE:	The application became complete on January 20, 2015. The 120-day period therefore ends on May 2, 2015.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and the Marylhurst and Hidden Springs neighborhood associations on January 29, 2015. A sign was placed on the property on February 6, 2015. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a three-lot partition in the Marylhurst neighborhood on a 49,300 square foot parcel on the west side of Suncrest Drive backing up to Marylhurst Park. Parcel 1, nearest Suncrest Drive, will comprise 10,620 square feet; parcel 2, behind it, will comprise 10,620 square feet while parcel 3, at the rear of the site, will comprise 24,664 square feet. Parcel 3 will retain the existing house.

All parcels will be accessed via an access easement overlaying a flag lot stem next to the south lot line. This access easement will follow the alignment of the existing driveway.

The site is heavily treed, particularly in the southeast corner.

The property is in the R-10 zone. Therefore the applicable approval criteria include:

- Chapter 11, Single-Family Residential Detached R-10 zoning district.
- Chapter 85, Land Division General Provisions, criteria in Section 85.200.

Public comments:

Staff received an email from Greg Schnatterly, which is part of the record.

DECISION

The Planning Manager (designee) approves this application (MIP-14-09) based on 1) the findings submitted by the applicant, which are incorporated by reference; 2) supplementary staff findings included in the addendum; and, 3) the conditions of approval below. With these findings the applicable approval criteria are met. The conditions are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Three-Lot Partition Tentative Plan, Sheet 1/5, and date stamped January 12, 2015.
2. Engineering Standards. All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval or bonded.
 - a. Public Works is coordinating with the applicant to complete voluntary off-site improvements (sidewalk, curb, drainage, street widening on the adjacent right of way to the north and sewer main extension to the south). The applicant will construct those improvements and the city will reimburse the offsite costs. While this is a voluntary agreement, the completion is required to provide infrastructure to the subject property and to connect pedestrian accessways.
3. Access and Utility Easement. The applicant shall provide and show on the face of the final plat a 16 foot wide utility easement and unrestricted access easement for the mutual benefit of lots 1, 2 and 3.
 - a. A 14-foot wide all weather driveway is required to access the lots via the access easement.

- b. The access and utility easement language for parcels 1, 2 and 3 shall convey the right of use of the access and utility easements to the owners of any future lots created by the partition of parcel 3.
4. Street Improvements. The applicant shall provide half street improvements including curb, planter strip and sidewalks, and street trees within the Suncrest Drive ROW abutting the subject property. Planter strip, sidewalks, and street tree installation shall be completed prior to platting.
5. Water. The applicant shall pay the City a percentage of the construction cost of the water main upsized improvement along their project frontage on Suncrest Drive in accordance with the Water System Master Plan.
6. Tree Conservation Easement. The applicant shall provide a tree conservation easement for trees 495 and 13. The easement shall extend outwards to the tree drip lines plus 10 feet. The easement shall include a legal description and a map of the area.
 - a. The easement document shall be reviewed by the City prior to being present to the City Council for consideration.
 - b. If approved by City Council, the easement shall be recorded with the County and a copy of the recorded easement shall be provided to the City.

The provisions of the Community Development Code Chapter 99 have been met.

Peter Spir

PETER SPIR, Associate Planner

March 16, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 17th day of MARCH, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on

MARCH 31st '15.

Notes to Builder/Developer:

- Protection for trees 13 and 495 will be facilitated throughout the site grading and development process by the installation of cyclone fences, per the West Linn Tree Technical Manual, around the tree drip lines.
- The utility laterals located within the common utility easement should consider the utilities needed for a future partition of lot 3.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-14-09**

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

Chapter 11

SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. *Single-family detached residential unit.*

11.070 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:

1. *The minimum lot size shall be 10,000 square feet for a single family detached unit.*
2. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
3. *The average minimum lot width shall be 50 feet.*
4. *The lot depth comprising non-Type I and II lands shall be less than two and one-half times the width, and more than an average depth of 90 feet.*

Staff Response 1: The lots are proposed for detached single-family residential development. Each proposed lot has over 10,000 square feet. Each front lot line exceeds 50 feet in length. Each proposed lot has an average width of over 50 feet. Each lot is more than 90 feet deep. The minimum width of the accessway or flaglot stem at the point of intersection with the ROW is 15 feet. The proposed accessway (easement) width is 20 feet which exceeds the standard. The existing house meets all setbacks, lot coverage and floor area ratio of the underlying zone. Staff determines the criteria are met.

CHAPTER 85

LAND DIVISION GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets.

1. General.

(...)

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 (TSP) and any adopted updated plans.

(...)

2. *Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:*

Street Classification Right of Way

Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

Staff Response 2: Suncrest Drive, which is classified as a collector, has an existing ROW width of 60 feet in front of this property which meets the standard. No additional ROW is required.

The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 vehicular trips per day and one trip per evening peak hour. With a total of two new households on the street, the estimated additional number of vehicle trips per day is 19.14 (also referred to as Average Daily Traffic count (ADT)) with a peak evening or PM peak hour trip generation of two trips.

The two new homes are expected to generate about ten additional pedestrian trips per day.

Frontage improvements on Suncrest Drive, as proposed by the applicant, shall include sidewalk, curb, gutter, street swale, street widening (consistent with collector design standards), and associated storm drainage. These improvements, offered by applicant, are a means of redressing the projected impact of the proposed development because the required half street improvements are directly related to the development of the two single family residences, which will result in additional vehicular and pedestrian traffic. In addition, the required improvements are proportional to the development because the improvements are only required directly adjacent to the site and the improvements are the minimum necessary to improve vehicular and pedestrian passage along the frontage of the development. Staff finds the criterion is met.

Suncrest Drive has a posted speed limit of 25 mph plus speed bumps. There is straight and unobstructed line of sight along Suncrest Drive in excess of 400 feet in each direction which exceeds the recommended minimum 250 foot line of sight (10 feet per every posted mile per hour). According to West Linn Police Department records, between January 2009 and March 2014 there have been no bicycle, pedestrian or vehicular crashes on Suncrest Drive north of Carriage Way. The addition of two households, which will generate two additional peak hour p.m. trip per day, is not expected to have any adverse impact on traffic safety. There is a street light across the street from this property which provides illumination of this street section.

Public Works is coordinating with the applicant to complete voluntary off-site improvements to connect sidewalk, curb, drainage on the adjacent right of way to the north and widen the street. The applicant will construct those improvements and the city will reimburse the offsite costs.

(...)

19. All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

Staff Response 3: All three lots will access Suncrest Drive via the existing driveway alignment on the south side of the property within an access easement. The use of the existing driveway alignment is compelled by the fact that the Transportation System Plan (TSP) Table 8-3 requires all new private access driveways on collectors, such as Suncrest Drive, to be at least 150 feet from all other private driveways. The driveway for the abutting lot to the south is 55 feet from the existing driveway for this property. The driveway for the lot to the north is 136 feet from the existing driveway for this property. This means that any additional new driveway, other than the existing one, would be prohibited since it could not meet the 150 foot separation standard. The use of existing driveways is exempt from the TSP and Chapter 48 standards.

B. Blocks and lots.

1. General. *The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.*
2. Sizes. *The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.*
3. Lot size and shape. *Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).*

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Staff Response 4: This project creates no new blocks. Regarding lot size and shape, the lots all meet the minimum 10,000 square foot lot size of the R-10 zone. All lots within this partition exceed the R-10 zone's dimensional standards. Both new lots provide sufficient space for home construction. The criteria are met.

4. Access. *Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.*

(The appropriate sections of Chapter 48 are excerpted below)

48.025 ACCESS CONTROL

(...)

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)

(...)

2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

Staff Response 5: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. Specifically, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The additional two homes should only generate an ADT of 19.14 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables (9.57 trips per household). The use of a single driveway by three households will help minimize curb cuts/access to Suncrest Drive. Because the applicant is making use of the existing driveway, the driveway separation standards of Chapter 48 and the TSP do not apply (see Staff Response 3). (Even the potential addition of another future lot on parcel 3 would not trigger a TIA based on the criteria listed above and the expected new trip generation of 28.71 trips per day.) The criteria are met.

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are "options" to the developer/subdivider.

b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

(...)

Staff Response 6: The applicant will utilize Option 2: “Shared Driveway”. Specifically, access to the two new lots is provided by an existing private driveway which will be widened to a 14 foot width and overlain by a mutual unrestricted access easement for the benefit of lots 1, 2 and 3. (To facilitate the possible future partition of parcel 3, the access easement should convey the right of use of that easement to the owners of lots created by the partition of parcel 3. The potential addition of another lot on parcel 3 would not require any change in the proposed shared driveway width or location.)

The shared use of that driveway will serve the interests of Chapter 48 by minimizing access points/curb cuts onto Suncrest Drive. Since this driveway curb cut is an existing one, it is also exempt from the 150 foot private driveway access separation standards of Chapter 48 and the TSP (see Staff Response 3).

6. *Access spacing.* The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

(....)

8. *Shared driveways.* The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

a. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*

Staff Response 7: All three lots will access Suncrest Drive via the existing driveway on the south side of the property within an access easement. The use of the existing driveway is compelled by the fact that the Transportation System Plan (TSP) Table 8-3 requires all new private access driveways on collectors, such as Suncrest Drive, to be at least 150 feet from all other private driveways. The driveway for the abutting lot to the south measures 55 feet from the existing driveway for this property. The driveway for the lot to the north measures 136 feet from the existing driveway for this property. This means that any additional new driveway, other than the existing one, would be prohibited since it could not meet the 150 foot separation standard. The use of existing driveways is exempt from the TSP and Chapter 48 standards.

Return to 85.200(B):

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements.

(...)

- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access.
- e. As per CDC [48.030](#), the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

Staff Response 8: Given this parcel's depth and limited frontage, there is no alternative to a flag lot development. All lot square footages are exclusive of the area within the stem and access easement. Since the existing house on the rear lot is already served by a 250 foot long private driveway along the south property line, it is reasonable to use that same driveway alignment to access the lots in front: parcels 1 and 2. Condition of approval 3 calls for a 20 foot wide unrestricted access easement on the final plat for the mutual benefit of lots 1, 2 and 3 as well as any future lot created by the partition of parcel 3. Utility easements would be similarly conveyed.

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:
- a. Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or
- b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

Staff Response 9: The rear most lot (parcel 3) comprises 26,664 square feet and could be partitioned in the future if the house was removed. Parcels created by such a partition would be similar in size and dimension to proposed parcels 1 and 2.

Staff finds that the partition of parcel 3 would mean that four lots would be using the access easement and driveway. (Per CDC Chapter 48: Access, a public street is required only when five or more lots are being served.) The proposed driveway's 14 foot width meets the required width for four lots. To facilitate the possible additional parcel, the access and utility easement language for parcels 1, 2 and 3 should convey the right of use of those easements to the owners of lots created by further partition of parcel 3.

C. Pedestrian and bicycle trails.

1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.

(...)

Staff Response 10: There are no trails proposed in this application. There are no designated bicycle routes or trails on Suncrest Drive according to the Transportation System Plan, the Parks Master Plan or the West Linn Trails Plan.

D. Transit facilities.

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.

(....)

Staff Response 11: There is no transit service on Suncrest Drive, therefore the criterion does not apply.

E. Grading.

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code and the following:

(....)

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.

b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G) (5) of this section).

c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.

d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.

e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:

a. At least 70 percent of the site will remain free of structures or impervious surfaces.

b. Emergency access can be provided.

c. Design and construction of the project will not cause erosion or land slippage.

d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section

Staff Response 12: The site averages a fairly constant and gradual 8% grade rising from the front to the rear of the site. There are no type I and II lands on the property. Grading is expected to facilitate the construction of private driveways from the shared driveway to the homes on lots 1

and 2. Grading of the home foundation areas will also be required for lots 1 and 2. This grading will result in the removal of the majority of the trees within the significant tree cluster/grove area. Removal of significant trees and tree clusters is allowed per 55.100(B)(2)(c) which states that, *“ where stub outs of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.”*(emphasis added)

The City Arborist identified trees 495 and 13 as being individually significant. Per 55.100(B) (2) (b), the applicant shall record a separate tree conservation easements for these trees. The easements shall extend outwards to the tree drip lines plus 10 feet. Also, trees 13 and 495 shall be protected throughout the site grading and development process, to the degree possible, by the installation of cyclone fences around the tree drip lines. (See “Notes to Builder/Developer”)

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.

2. Adequate location and sizing of the water lines.

(...)

5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development’s domestic, commercial, industrial, and fire flows.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.

(...)

5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.

(...)

7. *Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.*

8. *The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.*

9. *A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.*

Staff Response 13: The existing house is currently served by well water and septic tank/drainfield. Once this plat is approved, the existing house will convert from septic tank to sanitary sewer by a new lateral. The house will continue to be served by well water. This is permissible by City Engineering standards. The two new lots will have individual water and sanitary sewer service extended to them. Pursuant to the Water System Plan, the applicant shall pay the City a percentage of the construction cost of the water main upsized improvement along their project frontage on Suncrest Drive. (See Condition of Approval 5) Public Works is coordinating with the Applicant to complete voluntary off-site improvements to connect a sanitary sewer main extension from the existing manhole on Suncrest Drive north to the subject property. The applicant will construct those improvements and the city will reimburse those off site costs.

I. Utility easements.

Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Staff Response 14: The applicant will be providing a utility easement within the access easement/driveway corridor. Condition of approval 3 requires that access and utility easements be conveyed not only to parcels 1, 2 and 3 but also to the owner of any lot created by the future partition of parcel 3. The applicant should install the utility laterals with sufficient vertical and horizontal separation to accommodate future laterals in the event that parcel 3 is partitioned. The criterion is met.

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.
2. Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.

Staff Response 15: There are no wetlands or natural drainageways on this property and it is not within the Willamette River Greenway boundaries so these criterion do not apply.

4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional.

Staff Response 16: There is an existing street light across Suncrest Drive from this property. No additional lighting is required.

6. Underground utilities. 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 development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre.

Staff Response 17: The applicant states that all utilities will be placed underground.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

(...)

Staff Response 18: This application is a three lot minor partition and is exempt from the density requirements.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City

Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.
(...)

Staff Response 19: The site is heavily treed, particularly in the southeast corner. The City Arborist visited the site on a number of occasions and identified two significant trees (#13 and 495) on the map below and a significant tree cluster. There are no heritage trees on site. (Per the City Arborist, the use of the terms “grove” and “cluster” shall be used interchangeably).

Whereas the creation of a new driveway on the north side of the property would allow access to parcels 1 and 2 and minimize tree loss, a new driveway would violate the provisions of CDC Chapter 48 and the TSP’s 150 foot private driveway separation and would not be allowed. Consequently, the existing driveway on the south side must be used to get to building sites on lots 1 and 2.

Grading is expected on the south portions of lots 1 and 2 to construct driveways from the existing south driveway to the homes on those lots. Grading of the home foundation areas will also be required for lots 1 and 2. This grading will result in the removal of the majority of the trees within the significant tree cluster/grove area. The City Arborist found that the trees are significant as a cluster only, not individually, and that with the removal of any of the trees in the cluster, the significance is lost.

Removal of the trees is consistent with 55.100(B)(2)(c) which states that, “ *where stub outs of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.*”(emphasis added)

Per 55.100(B) (2) (b), the applicant shall record a separate tree conservation easements for trees 495 and 13. The easements shall extend outwards to the tree drip lines plus 10 feet. Also, trees 13 and 495 shall be protected throughout the site grading and development process, to the degree possible, by the installation of cyclone fences around the tree drip lines. (See “Notes to Builder/Developer”)

