

IN THE PLANNING COMMISSION OF WOODBURN, OREGON

SUB 2010-01)
VAR 2010-02) FINAL ORDER
EXCP 2010-02)

WHEREAS, a request was made by Troy Plum, PE, representing Lazar Kalugin, Quality Plus Interiors, property owner, for a 9-lot subdivision, a variance for lot width and area for Lot 1, a variance for lot depth and area for Lot 6, and a street exception for improvements to Hardcastle Avenue, and;

WHEREAS, the Planning Commission reviewed the matter at the meeting of May 13, 2010 and;

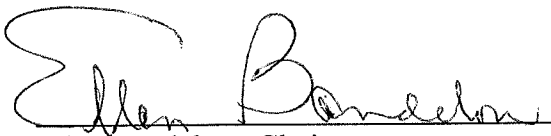
WHEREAS, the Planning Commission considered the written and oral testimony presented by staff and the applicant, and;

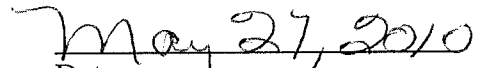
WHEREAS, the Planning Commission closed the hearing, and;

WHEREAS, the Planning Commission moved to approve case numbers SUB 2010-0, VAR 2010-02 and EXCP 2010-02 and instructed staff to prepare findings and conclusions,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSION:

The Planning Commission approves case numbers SUB 2010-0, VAR 2010-02 and EXCP 2010-02 based on the findings and conclusions contained in Exhibit "A", and subject to the conditions of approval contained in Exhibit "B", which are attached hereto and by reference incorporated herein and which the Planning Commission finds reasonable.

Approved: 
Ellen Bandelow, Chairperson


Date

SUB 2010-01, VAR 2010-02, EXCP 2010-02
Final Order
Exhibit A

General Provisions

Findings: Preliminary subdivision cases and variances are Type III decisions. The Planning Commission is the City's decision-maker. The applications are processed concurrently as required by Section 4.101.02.

WDO 2.102 Residential Single Family (RS) District Standards

Findings: Section 2.102.06.A requires a minimum of 5.2 dwelling units per net acre in subdivisions. The proposed density is 9 dwelling units on 1.4 net acres, or 6.5 dwelling units per net acre.

Conclusion: The proposed subdivision complies with Section 2.102.06.A.

Findings: Table 2.1.1 gives the lot standards for residential uses in the RS zone. For interior lots, it requires a minimum lot area of 6,000 square feet, a minimum lot width of 50 feet, an average lot depth of 90 feet, and a minimum street frontage of 40 feet. For corner lots, it requires a minimum lot area of 8,000 square feet, a minimum lot width of 80 feet, an average lot depth of 90 feet, and a minimum street frontage of 50 feet. The interior lots (Lots 2-5, and 7-9) have areas between 6,000 and 8,942 square feet, widths of between 50 and 82 feet, average lot depths of between 95 and 120 feet, and street frontage of between 50 and 148 feet. Lot 1, a corner lot, has an area of 7,364 square feet, a width of 123 feet, an average depth of 60 feet, and street frontage of 123 feet. Lot 6, a corner lot per the definition in Section 1.102, has an area of 6,645 square feet, a width of approximately 97 feet, an average depth of approximately 86 feet, and street frontage of 148 feet.

Conclusion: The interior lots of the proposed subdivision comply with Section 2.102.06.A. The corner lots are the subject of a variance application for lot area and lot depth and will be addressed separately.

Findings: Section 2.102.07.F.1 provides that the street frontage property be improved with sidewalks and street trees, to the standards of Section 3.101 and 3.106." This requirement is addressed below, in the discussion of Section 3.106.

Conclusion: The interior lots of the proposed subdivision comply with Section 2.102.06.A. The corner lots are the subject of a variance application for lot area and lot depth.

WDO 3.101 Street Standards

Findings: Hardcastle Avenue is the Boundary Street and also the Connecting Street for the property, as defined in Section 1.102 and shown in Figure 6.12 of the Transportation System Plan.

Hardcastle Avenue is designated as a Service Collector in the Plan. The required cross-section for a Service Collector is a 72 foot of right-of-way, 36 foot improved driving surface (two 12 foot traffic lanes and a 12 foot center turn lane), 6 foot bike lanes (optional), 6 foot landscape strips and 6 foot sidewalks on both sides. The existing cross-section of Hardcastle Avenue is a 60-foot of right-of-way, improved with (south to north) a 6' sidewalk, 1.5' planter strip, 2' curb and gutter, 4' bike lane, 11' travel lane, 12' center turn lane, 11' travel lane, 4' bike lane, 2' curb and gutter, and 5' sidewalk.

The preliminary subdivision plan shows 6 feet of right-of-way dedication on Hardcastle Avenue, for a total dedication of 36 feet from centerline. The applicant has requested an Exception to Street Right-of-Way and Improvement Requirements for Hardcastle Avenue, which is discussed in detail below.

Conclusions: The proposed subdivision complies with the right-of-way dedication requirements for a Service Collector. The applicant must provide the full street improvements required by the Transportation System Plan for Hardcastle Avenue, or obtain an Exception to Street Right-of-Way and Improvement Requirements, in accordance with Section 3.101.02.D.

WDO 3.102 Utilities and Easements

Finding: Section 3.102.04.A requires dedication of easements for municipal infrastructure, if required by the Public Works Department. The Public Works Department has not requested dedication of easements, other than those required by Section 3.102.04.B .

Conclusion: The proposed subdivision complies with Section 3.102.04.A.

Findings: Section 3.102.04.B requires dedication of a 5 foot public utility easement along each lot line abutting a street. The preliminary subdivision plan shows a public utility easement along either side of the street.

Conclusion: The proposed subdivision complies with Section 3.102.04.B.

WDO 3.103 Setback, Open Space and Lot Standards, Generally

Section 3.103.01 provides that setbacks define the areas within a lot that are to be retained and maintained unobstructed by buildings and structures. The preliminary subdivision plan shows the setbacks required in the RS zone (the correct setbacks for Lot 6 are shown in Exhibit C.)

Findings: Section 3.103.01 Setbacks and required open space define the areas within a lot or a planned unit development that are to be retained and maintained unobstructed by buildings and structures, EXCEPT for projections, accessory uses and structures and for common facilities required as a condition of a land use decision.

Conclusion: Compliance with setbacks will be verified during the building permit process.

WDO 3.104 Access

Findings: Section 3.104.01.A.1 requires that parcels have access to a public street. The site plan shows all lots with direct access to a public right-of-way.

Conclusion: The property complies with Section 3.104.01.A.

Findings: Section 3.104.03.A.2.b provides that the lot and street layout in a subdivision or PUD should be configured so that lots abutting a major street have access to a local street. Hardcastle Avenue is a major street as defined in Section 1.102.

Conclusion: Lot 1 should access Centennial Drive, not Hardcastle Avenue, in accordance with Section 3.104.03.A.2.b.

Findings: The preliminary subdivision plan shows a fire access easement and fire turnaround between Lots 7 and 8. The easement would be vacated when Centennial Drive is extended to eliminate the dead-end. The Woodburn Fire District reviewed this configuration and did not request modifications to the preliminary subdivision plan.

Conclusion: The proposal complies with Section 3.104.05.E.5.

WDO 3.106 Landscaping Standards

Findings: Section 3.106.A.1 requires that street trees be planted prior to final occupancy. Section 6.103 lists acceptable and unacceptable trees species, classified by size. Four small trees, three medium trees, or two large trees are required per 100 feet of street frontage. The subdivision has a total street frontage of approximately 1,020 feet. The preliminary plan shows 19 large street trees. At least 20 large street trees are required prior to final occupancy.

Conclusions: The proposed subdivision does not comply with Section 3.106.A.1 with respect to the number of street trees proposed. The property owner should identify the location of at least one additional large street tree, and specify the species to be planted.

WDO 5.103.09 Subdivision Preliminary Approval

Findings: Section 5.103.09.C.1 requires that a subdivision not impede the future best use of the remainder of the property or development of adjoining land. The current application includes all contiguous land owned by the applicant. The subdivision design does not restrict access to or development of abutting properties.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.1.

Findings: Section 5.103.09.C.2 requires that a subdivision be served with city streets, water, sewer and storm drainage facilities with adequate capacity. The Public Works Department reports that the development can be served by the existing systems.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.2.

Findings: Section 5.103.09.C.3 requires that the plan for the development takes into account topography, vegetation and other natural features of the site.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.3.

Findings: Section 5.103.09.C.4 requires that adequate measures be taken to alleviate identified hazards and limitations to development from wetlands and geologically unstable soil. There are no wetlands or unstable soil identified on the property.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.4.

Findings: Section 5.103.09.C.5 requires that the development be phased to balance with the need for urbanization within the Woodburn Urban Growth Boundary.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.5.

Findings: Section 5.103.09.C.6 requires that the development with all applicable provisions of the WDO, EXCEPT as may be waived by variance granted as provided in WDO. Compliance with the relevant standards and the need for variance is detailed in this report.

Conclusion: The proposed subdivision complies with Section 5.103.09.C.6.

WDO 5.103.11 Variance

Section 5.103.11.A provides that a variance from dimensional requirements may be granted when strict adherence to the WDO standards is not possible or imposes an excessive burden on the property owner, and when variance to the standards will not unreasonably impact adjacent existing or potential uses or development. Section 5.103.11.C lists five factors to be used as a guide in deliberations on the application:

Section 5.103.11.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of the WDO.

Findings: The subject property has approximately 110 feet of frontage on Hardcastle Avenue. The minimum right-of-way for a local residential street, as shown in Figure 7-2 of the Transportation System Plan, is 50 feet. Regardless of the setback orientation, Lot 1 should access Centennial Drive, not Hardcastle Avenue, in accordance with Section 3.104.03.A.2.b.

Section 5.103.11.C.2: Development consistent with the request will not be materially injurious to adjacent properties.

Findings: The proposed density is 6.5 dwelling units per acre (DUA). Section 2.102.06.A requires a minimum density of 5.2 DUA in the RS zone.

Section 5.103.11.C.3: Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Findings: The development allowed by the requested variances is not anticipated to affect drainage or other physical or natural systems. There are no dramatic land forms nearby. Nelson Park, the nearest public park, is approximately 1,100 feet away by road.

Section 5.103.11.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Findings: The Planning Commission must weigh the reasonableness of the use of the property.

Section 5.103.11.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Findings: The property is zoned Residential Single-Family (RS) and is designated Low Density Residential on the Comprehensive Plan Map. The proposed use of the property is single-family residential. Abutting properties are zoned Residential Single-Family (RS) and Medium Density Residential (RM), and are designated Low Density Residential and Medium Density Residential on the Comprehensive Plan Map.

Conclusions: The property is not “unbuildable by application of the WDO.” The requested variances would not alter existing patterns of traffic or drainage, or other physical or natural systems, or be materially injurious to adjacent properties. The requested variances do not conflict with the Woodburn Comprehensive Plan.

The setback lines shown are not a part of this land use decision. Approval of this land use decision does not constitute a variance of Section 2.102.06.D.1.a.1 or approval of the setbacks shown.

WDO 5.103.12 Exception to Street Right of Way and Improvement Requirements

The applicant is requesting an Exception for Hardcastle Avenue. Section 5.103.12 requires the applicant to analyze the effect of a proposed development on streets near the development (the boundary streets and connecting streets), and on the larger transportation system.

Subsection C.1 requires an estimate of the extent to which the rights-of-way and improvements will be used by persons served by the building or development.

Findings: The Institute of Traffic Engineer’s trip generation manual (7th edition) estimates 9.57 average daily trips per dwelling unit. The proposed subdivision will entail a net increase of 8 dwelling units and can be expected to generate an additional 77 average daily trips on Hardcastle avenue. Neither conventional traffic counts, nor the ITE Trip Generation Manual, account for non-vehicular traffic. The sidewalks are required by the Transportation System Plan for safety. The

landscape strip is required by the Transportation System Plan as a standard of aesthetics. The specified improvements are needed to provide vehicle and non-motorized transportation facilities throughout the street corridor. Traffic counts from August, 2008 show 1,177 average daily trips on Hardcastle Avenue, approximately 1 block east of the property.

Conclusion: Users of the proposed subdivision will use Hardcastle Avenue for both their vehicular and non-motorized traffic needs, for safety as well as convenience. The proposed subdivision will generate approximately a 6.5 percent increase in vehicular trips per day on Hardcastle Avenue.

Subsection C.2 requires an estimate of the improvements needed to meet the estimated use of the building or development.

Findings: The proposed subdivision will generate approximately a 6.5 percent increase in vehicular trips per day on Hardcastle Avenue. The existing cross-section of Hardcastle Avenue is a 60-foot of right-of-way, improved with (south to north) a 6' sidewalk, 1.5' planter strip, 2' curb and gutter, 4' bike lane, 11' travel lane, 12' center turn lane, 11' travel lane, 4' bike lane, 2' curb and gutter, and 5' sidewalk.

Conclusion: No improvements to Hardcastle Avenue are needed to accommodate the increase in traffic attributable to the proposed subdivision. It is reasonable to require the property owner to participate in the cost of providing all improvements required by the Transportation System Plan for Hardcastle Avenue. The property owner should enter into a nonremonstrance agreement to participate in the cost of reconstructing Hardcastle Avenue to the standards of the Transportation System Plan when such reconstruction becomes timely.

Subsection C.3 requires an estimate of the impact the building or development will have on the larger public infrastructure system.

Findings: The proposed subdivision will generate approximately a 6.5 percent increase in vehicular trips per day on Hardcastle Avenue. The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Hardcastle Avenue.

Conclusions: No immediate improvements to the larger public infrastructure system are needed to accommodate the increase in traffic attributable to the proposed subdivision. System Development Charges (SDCs) will be collected to fund improvements to the larger public infrastructure system.

Subsection C.4 requires an estimate of the improvements needed to mitigate the impact of the building or development on the larger public infrastructure system.

Findings: The proposed subdivision will generate approximately a 6.5 percent increase in vehicular trips per day on Hardcastle Avenue. The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Hardcastle Avenue.

Conclusions: No immediate improvements to the larger public infrastructure system are needed to accommodate the increase in traffic attributable to the proposed subdivision. System Development Charges (SDCs) will be collected to fund improvements to the larger public infrastructure system.

Findings: Section 5.103.12.D prohibits exceptions from construction specifications. The applicant has not requested an exception from construction specifications, but rather an exception to the street cross section requirement.

Conclusion: An exception to reduce a street right of way or cross section requirement is not precluded by Section 5.103.12.D.

Findings: Section 5.103.12.E requires that rights-of-way meet minimum standards of safety (specified in Section 3.101.02.D) to be eligible for a street exception.

Conclusion: Hardcastle Avenue meets the specified minimum standards of safety. A street exception is not precluded by Section 5.103.12.E.

Findings: Section 3.101.02.D.1.a requires full right-of-way dedication unless a street exception is granted. The preliminary subdivision plan shows 6 feet of right-of-way dedication on the south side of Hardcastle Avenue, for a total dedication of 36 feet from centerline.

Conclusion: The proposed subdivision complies with Section 5.103.12.D.1.a.

Summary of conclusions: Requiring the applicant to build the boundary and connecting streets to the cross-section specified in the Transportation System Plan would exceed the applicant's proportional share of the public improvements. It is, however, reasonable to require the property owner to bear a portion of the improvement costs for Hardcastle Avenue. A non-remonstrance agreement for public improvements could be required as a condition of approval for the street exception.

SUB 2010-01, VAR 2010-02, EXCP 2010-02
Final Order
Exhibit B

The Planning Commission approves cases SUB 2010-02, VAR 2010-02, and EXCP 2010-02 subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions on a form provided by the City.
2. The property owner shall develop and maintain the subject property in accordance with all provisions of the WDO, whether or not addressed in the staff review, conditions of approval, or public hearing.
3. The property shall be developed in substantial conformity to the plan attached to the staff report as Exhibit "A."
4. The property owner shall identify the location of at least one additional large street tree, and specify the species to be planted.
5. The property owner shall enter into a non-remonstrance agreement with the City to participate in future street improvements to Hardcastle Avenue.