STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING DIVISION

PROPERTY OWNERS/APPLICANTS:

Brian and Linda Kitchen

APPLICANTS' REPRESENTATIVE

Olson Group Architects

LEGAL DESCRIPTION:

Tax Lot 101 of Tax Map 21E11BC

LOCATION:

211 Furnace Street

COMP. PLAN DESCRIPTION:

R-0

ZONING DESIGNATION:

R-DD

FILE NO:

LU 13-0020

STAFF:

Johanna Hastay, AICP

DATE OF REPORT:

October 10, 2014

120-DAY DECISION DATE (EXTENDED):

December 2, 2014

DATE OF HEARING:

October 20, 2014

NEIGHBORHOOD ASSOCIATION:

Old Town

I. APPLICANTS' REQUEST

The applicants are requesting approval of the following:

- Modification of an approved Development Review Permit (LU 99-0012) to construct a new single family dwelling in the Old Town Neighborhood Design District; and,
- The removal of 11 trees to accommodate the proposed development.

II. RECOMMENDATION

Approval of LU 13-0020, with conditions. The complete listing of conditions is provided on pages 15 through 17 of this report.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Community Development Code (Chapter LOC 50):

LOC 50.02.001	Residential Districts
LOC 50.04.001	Dimensional Table

LOC 50.04.003	Exceptions, Projections, and Encroachments
LOC 50.05.006	Old Town Neighborhood Design
LOC 50.06.001	Building Design
LOC 50.06.002	Parking
LOC 50.06.003.2	On-Site Circulation - Driveways and Fire Access Roads
LOC 50.06.004.2	Fences
LOC 50.06.006.1	Weak Foundation Soils
LOC 50.06.006.2	Hillside Protection
LOC 50.06.006.3.a	Drainage Standards
LOC 50.06.007	Solar Access
LOC 50.06.008	Utilities
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions on Development
LOC 50.07.003.7	Appeals
LOC 50.07.003.11	Modification of Development Permits
LOC 50.07.003.14	Minor Development Decision

B. City of Lake Oswego Tree Chapter [LOC Chapter 55]:

LOC 55.02.010 - 55.02.080	Tree Removal
LOC 55.02.084	Mitigation Requirements
LOC 55.08.020	Tree Protection Plan Required
LOC 55.08.030	Tree Protection Measures Required

C. Prior Approvals:

DR 15-97/PD 7-97/SD 14-97/VAR 17-97
LU 99-0012

IV. FINDINGS

A. Background/Existing Conditions:

1. In 1997, the parent site was approved for a 5-lot lot residential planned development consisting of four lots for detached single family housing along Furnace Street and one lot (Lot 5) for a 32-unit condominium project along the Willamette River [DR 15-97/PD 7-97/VAR 17-97/SD 14-97]. The subject site is Lot 1 of the planned development. In 1999, a Development Review Permit was approved for the design of a single family dwelling on Lot 1, along with modifying the required garage setback from 18.5 feet to 15 feet (LU 99-0012). That approved dwelling was never constructed. The applicants are requesting approval of a new dwelling design for this lot.

2. On April 16, 2014, the applicants requested and received an extension of the required 120-Day deadline to December 2, 2014.

3. The site is approximately 6,889 sq. ft. in area and is located at the intersection of Leonard and Furnace Streets (both local streets) (Exhibit E1). The site is vacant (Exhibit E2 and F1).

4. There are 18 trees on the site that are five inches in diameter or greater (Exhibits E2 and F3). The site steeply slopes steeply from the west towards the east, away from the street frontage (Exhibit E2).

5. The site is zoned R-DD. The abutting properties are zoned and developed as follows:

   - North: The properties are zoned R-DD, EC/RO, and are either a part of the required open space for the original planned development or are developed with multi-family dwellings.
   - South: The properties are zoned R-DD. The property directly to the south is vacant and the other are developed with single-family dwellings.
   - West: The properties are zoned R-DD and are developed with single-family dwellings.
   - East: The property is zoned R-DD and is a part of the required open space for the planned development.

V. REVIEW AND APPROVAL PROCEDURES

A. Neighborhood Meeting

Per LOC 50.07.003.1.f, the applicants have complied with all neighborhood notification and meeting requirements. The minutes of the March 26, 2013, meeting are included in this report as Exhibit F5.

B. Public Notice to Surrounding Area:

Pursuant to LOC 50.07.003.3.e, the City has provided adequate public notice and opportunity to comment on this application. No letters were received as of the date of this report.

C. Burden of Proof:

Per LOC 50.07.003.1.b, the applicants for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicants have provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

D. Classification of Application

LOC 50.07.003.14.a(1) describes the construction of a structure within the R-DD zone as a minor development.

E. Minor Development Criteria for Review of Application

Per LOC 50.07.003.14.d, for any minor development application to be approved, it shall first be established that the proposal complies with:

1. The Requirements of the Zone in Which it is Located;

R-DD ZONE DIMENSIONAL STANDARDS [LOC 50.04.001.4]

The site is located in the R-DD zone and also within the Old Town Neighborhood Design District (LOC 50.05.006). As a part of a planned development subdivision from 1997, development on Lot 1 is subject to following site development limitations:

R-DD Site Limitations for Lot 1 as approved per DR 15-97/PD 7-97/VAR 17-97/SD 14-97		
	Required	**Proposed**
Lot Coverage	35% or 2,411 sq. ft.	27.6% or 1,902 sq. ft.
Impervious Surface	60% or 4,133 sq. ft.	29.5% or 2,035 sq. ft.
Setbacks **Front Yard – Dwelling** **Front Yard – Garage** **Garage Offset** **Side Yards** **Rear Yard**	 10 feet 15 feet 5 feet 10 feet 10 feet	 10 feet 18 feet 8 feet 10 feet 36.5 feet
Height	35 feet, measured from the midpoint of each gable form to the grade below.	A maximum of 35 feet from each gable form

Per LOC 50.04.003.3.b, a front porch may project into a front yard under certain provisions. The proposed front porch projects five feet into the 10-foot front yard setback and the roof peak is less than 16 feet in height (Exhibits E3 and E5). As measured from the outside edge of the porch's support columns, the width of the porch is 10.5 feet which does not comply with the maximum 10-foot width requirement. Staff recommends a condition of approval to modify the proposed design so that the porch width is 10 feet or less. As conditioned, the proposed structure complies with the above dimensional standards. This standard is met.

OLD TOWN NEIGHBORHOOD DESIGN [LOC 50.05.006]

Structures constructed within the Old Town Neighborhood are subject to the following building design standards: LOC 50.05.006 Old Town Neighborhood Design and LOC 50.06.001 Building Design, reviewed below. The LOC 50.06.001 Building Design standards are more general. For example, the Building Design standards require that the design be complementary in appearance to adjacent structures good design while the Old Town Neighborhood Design standards require new structures be compatible with existing structures of the Old Town Styles located on the block face and across the street from the site. Compliance with the specific LOC 50.05.006 Old Town Neighborhood Design standards for the neighborhood will assist in evaluating the LOC 50.06.001 Building Design standards that the proposed development be complementary to adjacent buildings of good design.

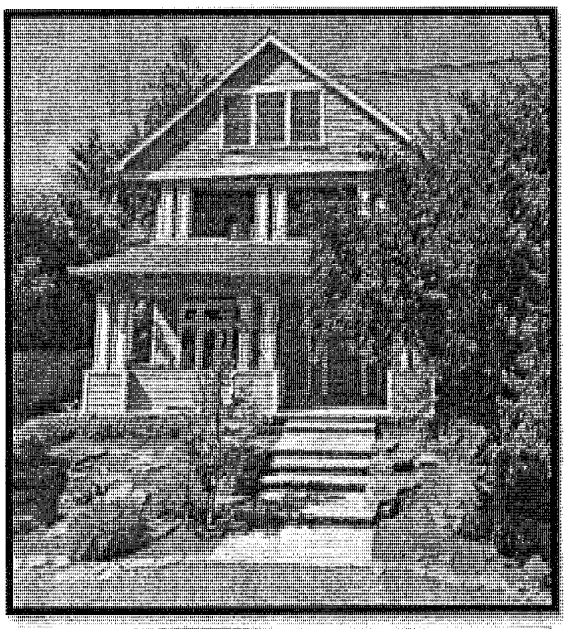
The proposed development consists of a new single-family dwelling on the site (Exhibit E3). The applicants' narrative (Exhibit F1) addresses the requirements of this standard. Building elevations, a color perspective drawing, and a Color and Materials board (Exhibits E5 and E9-E10) have also been provided by the applicants to illustrate the design and proposed building materials for the new dwelling.

Building Siting, Massing, and Roof Forms [LOC 50.5.006.4]
New buildings are required to utilize massing and composition characteristics of the Old Town Style and shall be compatible with existing structures of the Old Town Style located on the block face where the proposed structure will be located. Roof forms shall be gabled or hipped and the primary roof shall be no less than a 6:12 pitch.

Adjacent properties are developed with a mix of massing. Across Furnace Street, the properties are generally flat and are developed with 2-story dwellings. Properties along the east side of Furnace Street are steeply sloped towards their rear yards and are developed with one and 1.5 story dwellings, as viewed from the street. The proposed dwelling is 1.5 stories as viewed from Furnace Street, in keeping with the development pattern on this side of the street. The 12:12 pitch of the primary gable roof forms is greater than the 6:12 pitch required and is consistent with Old Town styles (Exhibit E5). This portion of the standard is met.

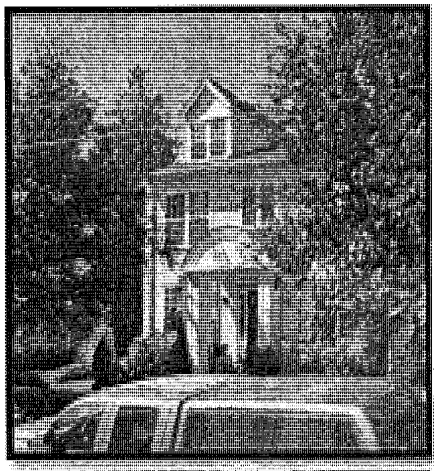
Old Town Styles Required [LOC 50.05.006.5.a]
New buildings are to be designed to blend with existing structures containing design elements that are described in LOC 50.11.003 Appendix-C "Old Town Styles", located on the same block face or across the street. The Old Town Style is described as "building appearances that borrow from the Vernacular (gable front) style, Craftsman (bungalow) style, and Cape Code (neo-colonial) style. Structures shall consist of elements from not more than two Old Town styles.

The adjacent dwellings consist of a mix of architectural styles with each typically a blend of design elements from the Old Town Styles. There is no single architectural style that dominates in the area. The three dwellings across Furnace Street are a blend of Vernacular and Craftsman:



190 Furnace Street

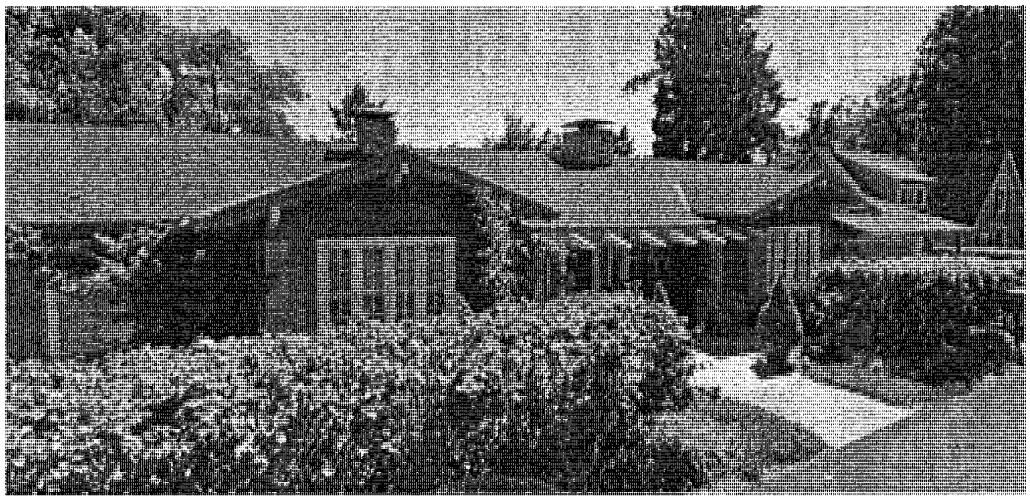
120 Furnace Street



140 Furnace Street

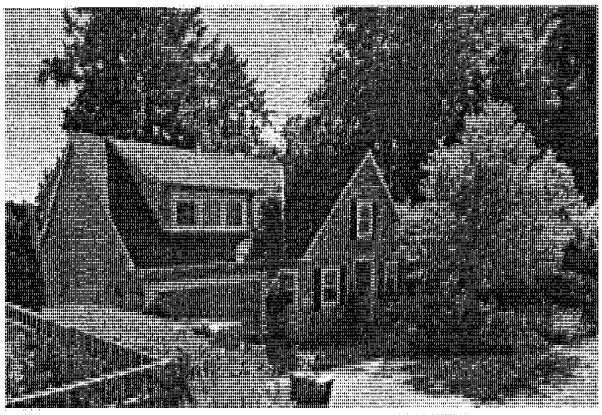
All three dwellings express the Vernacular Style 2-story massing, double-hung windows emphasized by window trim, and wood horizontal siding. Secondary design elements are pulled from the Craftsman Style, with wider overhanging eaves, decorative beams and fascia boards, and strong entries incorporated into full or partial porches supported by square columns or pedestals.

The two dwellings on the same side of Furnace Street as the subject site are different in style and massing than those on the opposite side of the street:



235 Furnace Street

The dwelling at 235 Furnace Street (see photo, above) is primarily Craftsman in style with a low pitched gabled roof with exposed roof rafters and overhanging eaves, decorative braces added under gables, a partial front porch, horizontal siding, multiple stone chimneys with decorative metal caps, and large multi-paned windows framed by deep and wide trim.



267 Furnace Street

The dwelling at 267 Furnace Street (see photo, right) is primarily Vernacular with the simple massing in an L-shape layout, a prominent front gable, double-hung sash windows, and horizontal siding. The design incorporates a shed roof in the primary roof form and a recessed entry which are typical Cape Code design elements.

The applicants state that the proposed design incorporates design elements from both the Vernacular and Cape Cod Styles (Exhibits E5 and F1). Staff finds that there are no strong elements of the Cape Cod Style in the proposed design as the massing lacks the symmetry, large windows, and a simple roof form with any shed or gable dormers typical of that style. Additionally, the primary siding is cedar shingle which is not listed as a common Cape Cod siding material per LOC 50.11.003 Appendix-C. Instead, staff finds that the proposed design is primarily Vernacular with secondary Craftsman Style elements.

The proposed steeply pitched roof form blends front and rear facing gables with a main north-south ridge line which is typical of the Vernacular Style. As viewed from the street, the massing is two stories with the second story built into the roof, shown through front-facing gable ends. The use of minimal but symmetrically placed double-hung sash windows on the front facade, the use of horizontal siding on two of the elevations, and overall simple detailing are also

primarily borrowed from the Vernacular Style. The partial front entry porch framed by square columns, the cedar shingle siding on the two most prominent elevations, the trellis over the garage door, and the decorative bracing under the eaves of the front-facing gables and garage trellis are all secondary elements reminiscent of the Craftsman Style.

Staff finds that elements of the Vernacular and Craftsman Old Town Styles have been utilized to blend successfully with adjacent structures and with the structures on the same block face. The design is consistent with the Old Town Styles without being repetitive with existing dwellings. This portion of the standard is met.

Materials [LOC 50.06.009.5.b]
The following design elements and materials shall be consistent with Old Town Styles:

Moldings

Moldings, window casings and other trim elements utilized on buildings shall be similar to those represented in the Old Town styles. Where possible, they shall match or complement the detailing of structures on the same block face as the proposed development and on the block face across the street, which are designed in the Old Town styles.

The proposed simple trim around all windows, at the building corners, and other façade trim elements is 6-inch painted cedar (Exhibits E10 and F1). This design element is similar to the trim incorporated on several of the dwellings on Furnace Street.

Siding

The predominant exterior siding materials in the Old Town styles are: horizontal wood siding (three to eight in. wide shiplap or clapboard); board and batten siding; stone, brick or stucco of a type used in the Old Town styles; and plain or patterned wood shingles as described in the Old Town styles. These materials may be used alone or in combination and can be simulations.

The applicants are proposing painted plain sawn cedar shingles on the west and south facades and horizontal lap siding with less than an 8-inch exposure on the north and east facades (Exhibits E10 and F1). No prohibited siding materials are proposed.

Roofing Materials

Composition shingles, wood shingles or ceramic tiles, or materials which have the appearance of composition or wood shingles, or ceramic tiles, shall be used.

The applicants are proposing composition shingles (Exhibits E10 and F1).

Chimneys

Chimneys shall be brick or stone, or boxed-in with the predominant siding material of the building. No chimneys are proposed (Exhibit F1).

Windows

The general window shape and typical window placement and trim of the Old Town styles shall be followed. Sash materials shall be wood, or vinyl, or other material with the appearance of wood.

The three proposed windows on the front (west) elevation are vertically oriented, double-hung, vinyl clad windows, a design typical of the Vernacular Style (Exhibits E5 and F1). On the other elevations, the applicants are proposing casement and picture windows but they will not be visible from the street or neighboring properties (Exhibit E5).

Entrances and Stairs

New buildings should have a minimum of one principal entry clearly visible from the street. This entry should be accentuated by characteristic elements of the Old Town styles to make it a visual focal point. Front entry stairs shall contain no more than seven risers between each landing.

The applicants are proposing a principal entry recessed in the front façade but framed by a gabled porch with square columns and a decorative hanging lamp, blending Vernacular and Craftsman Styles (Exhibits E5, E8, and F1). No entry stairs are proposed. This portion of the standard is met.

Fencing and Landscaping [LOC 50.05.006.6]
Fencing is not required, but when proposed shall not exceed four feet if located in the front yard. Fencing in the rear yard may be up to six feet tall, but any fence that is over five feet high shall incorporate an open design so that the solid surface area is no more than 83% of the total fence area in any 5-foot section.

The applicants are not proposing any fencing with this application (Exhibit F1)). Two street trees for every 50 feet of street frontage are required. The proposed site plan shows three Umineko cherry trees along Furnace Street (Exhibit E3). This portion of the standard is met.

Garages [LOC 50.05.006.7]
The visual impact of garages and parking shall be minimized by stepping back the garage door from the front façade and, in front-facing garages, incorporating a trellis over the garage door. In addition, garages shall have the same roof pitch as the primary structure.

The proposed 2-car attached garage is accessed from Furnace Street but is set back from the primary front façade by eight feet (Exhibits E3 and F1). The design also incorporates a trellis over the garage door and the roof form over the garage gable is the same pitch as the primary structure. This portion of the standard is met.

Conclusion
In summary, staff finds that the proposed design will be compatible with the Old Town Style with regard to overall massing, design and building materials, landscaping, and garage standards. This standard is met.

2. The Development Standards Applicable to Minor Developments;

BUILDING DESIGN STANDARDS IN THE R-DD ZONE [LOC 50.06.001.5]

This standard is applicable to residential development in the R-DD zone. As prescribed by this standard, buildings are to be designed and located to complement and preserve existing buildings, streets and paths and other elements of the built environment, and to assure accessibility for all transportation modes. Buildings are to be designed to be complementary in appearance to adjacent structures of good design with regard to materials, roof lines, height and overall proportions. Buildings are to be designed and located to complement and preserve natural environment.

Design Standards [LOC 50.06.001.5.b]
The proposal shall:

i. *Design buildings to be complementary in appearance to adjacent structures of good design with regard to materials, setbacks, rooflines, height and overall proportions.*

The proposed massing, overall height, front-loading garage, and setbacks all respond to the existing site topography in a similar manner to the existing dwellings on east side of Furnace Street (Exhibits E3, E5, and F1). The proposing siding, window locations and orientation, and roofing materials are all reminiscent of the Old Town Styles, similar to dwellings in close proximity. Staff finds that the proposed dwelling design is complementary in overall proportion to other structures of good design on this block face without being repetitive. This portion of the standard is met.

ii. *Where existing buildings are to remain on site, new development shall be designed to integrate the remaining buildings into the overall design or provide separate landscaping, remodeling or other treatment which establishes a distinct character and function for the remaining buildings.*

This site has never been developed. This criterion is not applicable.

iii. *Design bus shelters, drinking fountains, benches, mailboxes, etc., to be complementary in appearance to buildings.*

No transit or public pedestrian features are required by the City Engineer with this application. This criterion is not applicable.

iv. *Design those elements listed below to be complementary in appearance to those buildings or structures upon which they are associated and limit the variety of styles of building elements:*

• *Awnings*	• *Signs*
• *Chimneys*	• *Stairs*
• *Decks and railings* • *Doors*	• *Vents* • *Utility connections and meters*
• *Downspouts*	• *Windows*
• *Foundations* • *Lights*	• *Weather vanes, aerials, and other appendages attached to the roof or projecting above the roofline*
• *Mailboxes*	
• *Mechanical equipment*	

The proposed design incorporates the following elements from the above list: doors, rear decks, lights, and windows (Exhibit E5). The proposed decks on the rear elevation incorporate a wood railing system, compatible with the Craftsman Style. As discussed under the Old Town Design standards, above, all of the other the design elements are complementary to the overall architecture which is a blend of Vernacular and Craftsman Styles. This portion of the standard is met.

v. *Design awnings, signs, and lights to define the first floor or retail cornice height.*

This is not a commercial use. This criterion is not applicable.

vi. *Use trees and other natural elements to help define building proportion relationships and to provide scale to the structure as a whole.*

The site borders an open space tract to the north and east which is densely wooded. That tract provides scale and privacy for abutting development to the north and east. The applicants did not provide a landscape plan. Staff recommends that, as a condition of approval, the applicants should provide a detailed landscape plan that incorporates trees, shrubs, and other natural elements that connect and define the dwelling's relationship to the pedestrian environment along the street frontage and the abutting dwelling to the south. The plan should include species, size, location, and density for all materials. As conditioned, this portion of the standard is met.

vii. *Limit the variety of styles of building elements.*

As allowed by the Old Town Design standards, the applicants' proposed design incorporates elements from two distinct but complementary architectural styles: Vernacular and Craftsman. This portion of the standard is met.

viii. *Screen mechanical equipment from view, or place in locations where they will generally not be visible.*

While no mechanical equipment is proposed with this application, the proposal is for a residential use which incorporates minimal equipment (Exhibit E3). Compliance with this standard can be ensured at the time of building permit review.

Preservation of Natural Forms [LOC 50.06.001.5.c]
Buildings shall be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation.

Due to the steep slope of the site, the proposed development is located towards the front of the site (Exhibit E3). The applicants are retaining the natural slope of the site and also taking advantage of it through the use of a daylight basement and multiple decks on the rear elevation (Exhibit E5). The only trees requested for removal are those within in the building envelop (Exhibits E3 and F2). This portion of the standard is met.

Minimization of Noise Impacts [LOC 50.06.001.5.c]
Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.

The proposal is for a detached single family dwelling, similar to existing development along Furnace Street. The use will generate minimal noise impacts and is separated from the nearby multi-family residential development by large open space tracts (Exhibit E3). This portion of the standard is met.

Stormwater Management [LOC 50.06.001.5.e]
Buildings shall be designed and constructed with roof angles, overhangs, flashings, and gutters to direct water away from the structure.

As discussed in the applicants' narrative, all stormwater generated by impervious surfaces on the site will be managed and directed to an existing storm lateral at the southeast corner of the site (Exhibit F1). For additional staff analysis, see Drainage Standard for Minor Development, below. This portion of the standard is met.

Pedestrian Protection [LOC 50.06.001.5.f]
Buildings shall incorporate features such as arcades, roofs, alcoves, porticos and awnings to protect pedestrians from the elements. These projections shall maintain a minimum vertical clearance of 13 ft. six in. where over fire lanes.

This criterion is not technically applicable to single family detached residential dwellings but staff notes a private covered entry way is provided for protection from the elements (Exhibits E3 and E5).

Building Orientation [LOC 50.06.001.5.g]
Building orientation shall be designed to encourage pedestrian access from public streets and make the street pedestrian friendly. Buildings shall be located within 30 feet of a public street with a public entrance directly from the street.

As shown on the proposed site plan (Exhibit E??), the proposed dwelling is located 10 feet from the front property line with the front porch projecting five feet closer. The principal entry is located within 30 feet of the front property line and is directly accessible from the street. This portion of the standard is met.

Rooftop Decks [LOC 50.06.001.5.h]
Rooftop decks are prohibited on the pitched portion of any roof exceeding 2% slope. Decks on flat roofs shall not extend above the coping of the roof. No roof top decks are proposed and the pitch of the proposed roof is 12:12 (Exhibit E5).

Conclusion
Staff finds that, as conditioned, the applicants have adequately demonstrated compliance with all the Building Design Standards applicable to single family residential dwellings in the R-DD zone. This standard is met.

PARKING [LOC 50.06.002]

This standard applies to all development that generates a parking need, construction of new structures that increase on-site parking requirements. One off-street parking space per dwelling unit is required.

The proposal includes a 2-car garage (Exhibit E3). This standard is met.

ON-SITE CIRCULATION – DRIVEWAYS AND FIRE ACCESS ROADS [LOC 50.06.003.2]

This standard is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of, or the increased use of private streets, driveways, or parking lot aisles. This standard regulates driveways, including width, slope, and other aspects of geometric design, particularly those related to emergency vehicle access. In addition, sight distance standards for the driveway approach are prescribed by the American Association of State Highway and Transportation Officials (AASHTO).

The driveway access from the street is generally flat and will be well below the maximum 20% grade permitted (Exhibit E3). The applicants' narrative states that the proposed driveway location is as far as possible from the intersection of Leonard and Furnace Streets (Exhibit F1). As a condition of approval, documentation of compliance with AASHTO standards will be required at the time of building permit review. As conditioned, this standard is met.

WEAK FOUNDATION SOILS [LOC 50.06.006.1]

The site may contain a combination of weak foundation soils and a potential slide area as identified on the City's Soils Maps. Compliance with this standard was addressed in the original application by providing a geotechnical evaluation based on the soil profiles observed throughout the parent site (DR 15-97/PD 7-97/VAR 17-97/SD 14-97). The initial report concluded that the parent site was buildable, provided that general recommendations in the report were observed. As a part of this application, the applicants provided a final geotechnical report specific to development on this site (Exhibit F6). Staff recommends a condition of approval requiring the applicants to submit a copy of the report at the time of building permit application and that all recommendations in the report should be incorporated into the final building design. As conditioned, this standard is met.

HILLSIDE PROTECTION [LOC 50.06.006.2]

This standard ensures that impacts to hillsides and areas with erosion potential are minimized. The site is identified as being in a potential slide area due to a combination of soil conditions and degree of slope. A detailed slope analysis of the parent site was provided as a part of the original application (DR 15-97/PD 7-97/VAR 17-97/SD 14-97). The DRC found at that time that the required grading and disturbance on Lot 1 would be well within the thresholds allowed. With this application, the applicants provided a final geotechnical report specific to the development of this site (Exhibit F6) as well as an updated slope analysis (Exhibit E7). The slope analysis demonstrates that impacts to the hillside are minimized with the proposed grading. As conditioned, above, the final design should incorporate all recommendations in the geotechnical report regarding grading and erosion control. This standard is met.

DRAINAGE STANDARD FOR MINOR DEVELOPMENT OTHER THAN PARTITIONS, SUBDIVISIONS AND CERTAIN STRUCTURES [LOC 50.06.006.3.a]

This standard requires that drainage improvements be provided to ensure that the development will not adversely affect surrounding properties. The determination of whether or not the application meets the drainage requirements of LOC 50.06.006.3 is under the review authority of the City Engineer.

The applicants' narrative states that a storm sewer is already in place (Exhibit F1). The City Engineer has made the following findings and conclusions:

> This site slopes steeply towards the east. There is an existing storm lateral located at the southeast corner of the lot. Runoff from this lot was accounted for in the drainage facilities that were constructed with the Riverbend Condominium development to the east (Lot 5 of the original development permit). At the time of building permit application, the applicants will be required to show the existing lateral at the southeast corner of the site and the proposed drainage system in the rear yard for the new dwelling connecting to this system.

As conditioned, this standard is met.

SOLAR ACCESS [LOC 50.06.007]

All single-family structures are required to meet the Maximum Shade Point Height Standard [LOC 50.06.007.2.c], which protects structures located to the north of the site from shading. Staff calculated the maximum shade point height and found that the proposed dwelling complies with the basic requirement because the proposed height is less than the maximum allowed shade point height. This standard is met.

UTILITIES [LOC 50.06.008]

This standard is applicable to all development requiring connection to utilities and requires them to be constructed in accordance with City Engineering Division's policies, design standards, technical specifications and standard details. The site plan (Exhibit E12) indicates the proposed dwelling will be served by utilities in compliance with regulations enforced by the City Engineer. Compliance with this standard will be ensured at the time of building permit review.

Sanitary Sewer: There is a 6-inch public sewer main that terminates with a clean-out at the southeast corner of the site. A 6-inch sanitary sewer lateral was stubbed into this property at that location.

Water and Hydrants: There is an existing 8-inch City water main located in Furnace Street along the site frontage. The nearest fire hydrant is located approximately 90 feet west of the site along the north side of Leonard Street.

Streets: Furnace Street is a 2-way uncurbed road and is designated as a local street in the City's street classification system.

Sidewalks: There are no existing sidewalks located along Furnace Street. The nearest sidewalk is located along Leonard Street across the street from the site.

Other utilities: It is the applicants' responsibility to ascertain the availability of electric, gas, telecommunications and cable TV. All overhead utilities shall be installed underground.

3. Any additional statutory, or Lake Oswego Code provisions which may be applicable to the specific minor development application; and,

CITY OF LAKE OSWEGO TREE CODE [LOC Chapter 55]

Tree Removal

As illustrated on Exhibit E3, there are 18 trees on the site that are five inches in diameter or greater. As detailed in the addendum narrative (Exhibit F2) and in the certified arborist report (Exhibit F3), the applicants are requesting removal of 11 trees to construct the proposed development. As shown on the tree removal plan (Exhibit E4), the requested trees are all Bigleaf maples ranging from six to 24 inches in diameter.

Trees proposed for removal in conjunction with a minor development can be granted tree removal permits [LOC 55.02.035; 55.02.080], if the following criteria are met:

1. *The removal is for development purposes allowed pursuant to the City Code;*

The removal of the 11 trees is necessary for development of the proposed dwelling and site improvements (Exhibits E3 and F2).

2. *The removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks;*

The removal will not have a significant negative impact on erosion, soil stability, or flow of surface waters because the proposed drainage improvements are designed to handle stormwater runoff from all new impervious surfaces (Exhibits F1, F8, and F9).

The removal will also not have a significant negative impact on protection of adjacent trees or existing windbreaks because the trees proposed for removal are either smaller than the other nearby trees, are in clusters that are proposed for removal, or are separated far enough from other trees that they do not provide a wind break.

3. *The removal will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood, except when alternatives to tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone; and,*

The trees are in poor condition due to years of neglect and damage from storms (Exhibit F3); they do not contribute to the treed character of the neighborhood. In addition, the site is surrounded by the private open space Tract B to the north and east (Exhibit E2), which further helps define the neighborhood character at the north end of Furnace Street.

4. *The removal is not for the sole purpose of providing or enhancing views.*

While the proposed dwelling will have a view once built, the trees are within the building footprint.

For the reasons outlined above, staff concludes that the removal request for the 11 trees complies with the applicable criteria and may be approved. The applicants will be required to apply for a verification tree removal permit for the 11 trees prior to approval of the building permit.

Mitigation

Any tree approved for removal under the Type II analysis must be mitigated at a minimum 1:1 ratio. Mitigation trees should have a minimum 2-inch caliper diameter for deciduous trees and a minimum 6-8 foot height (excluding leader) for evergreen trees. There are 11 trees to be removed; therefore, 11 mitigation trees meeting the standard mitigation specifications of LOC 55.02.084 will be required.

The applicants will be required to submit a tree mitigation plan with the verification tree removal application showing the size, species and location of 11 trees in compliance with the minimum mitigation requirements.

Tree Protection

Tree protection fencing is required when a tree protection zone or drip line of a tree that is five inches in diameter or greater is within the construction zone, whether on or off-site. As authorized by LOC 55.08.020, a tree protection application and plan should be submitted for staff review and approval prior to conducting any development activities on the site, including, but not limited to clearing, grading, landscaping, or excavation.

A tree protection plan shall be submitted for staff review and inspection prior to commencing any construction activities. Tree protection fencing shall be placed at the tree protection zone, which is the zone required to protect the critical root area necessary for the continued health of the tree. The applicants shall propose the tree protection zone for each tree, for review and approval by City staff, on site. As required by LOC 55.08.030(7), no construction, excavation, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site as approved by the City and supported by the arborist report (Exhibit F4).

Tree protection plans will be required for the construction of the utilities and for the construction of the dwellings on each parcel. All tree protection plans submitted shall clearly illustrate all areas impacted by construction activities on the site (including driveway and utility construction and landscaping), the location of temporary fencing around the tree protection zone of all trees five inches in diameter or greater where the construction zone is within the drip line of a tree, or other tree protection measures as recommended by a certified arborist.

In addition, a note should be placed on the fencing and on the construction documents that informs the site contractors about the necessity of preventing damage to the trees, including bark and root zone, and that no materials should be stored nor compaction occur within the root zones of the adjacent trees [LOC 55.08.030]. This standard can be met at the time of building permit review.

4. Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

The applicants shall continue to apply to all conditions of approval per DR 15-97/PD 7-97/VAR 17-97/SD 14-97 and LU 99-0012 not specifically modified with this application.

VI. CONCLUSION

Based upon the information provided by the applicants and the findings presented within this report, staff concludes that LU 13-0020 complies with the applicable criteria and standards, as conditioned.

VII. RECOMMENDATION

Staff recommends **Approval** of LU 13-0020, subject to the following conditions of approval:

A. Prior to Issuance of any Building Permit, the Applicants/Owners Shall:

1. Submit final site and building plans for review and approval of staff that are the same or substantially similar to the site plans, floor plans, and building elevations illustrated on Exhibits E3-E10, to the satisfaction of staff, with the following revisions:

    a. The projecting front porch shall be a maximum of ten feet in width as measured from the outer edge of the supporting columns.

2. Submit a copy of the geotechnical report (Exhibit F6) and incorporate all recommendations into the final design, to the satisfaction of the Building Official.

3. Submit a storm drainage plan for review and approval of the City Engineer.

4. Provide an engineered driveway approach design demonstrating compliance with the AASHTO sight distance standards. Prior to constructing the driveway, the applicants shall obtain a driveway permit for the connection to the public street. In addition, the driveway approach design shall comply with the vision clearance standards of LOC 42.03.130. No vegetation, fence, or signage higher than 30 inches shall be located within a "vision clearance triangle." The vision clearance triangle on both sides of the driveway approach is formed by 10-foot legs extending from the intersection of the edge of driveway and the street travel lane.

5. Submit a final landscape plan that incorporates trees, shrubs, and other natural elements that connect and define the dwelling's relationship to the pedestrian environment along the street frontage and the abutting dwelling to the south, for review and approval of staff. The plan shall include species, size, location, and density for all landscaping materials. Within the vision clearance triangle, no planting shall be greater than 30 inches in height as measured from the grade.

6. Apply for and obtain a verification tree removal permit for the 11 trees approved by this application. The verification tree removal application submittal shall include an 8½" x 11" copy of the tree removal plan and a mitigation plan showing replacement trees on a 1:1 basis. The 11 replacement trees shall not be dwarf or ornamental varieties and shall be at least two inches in caliper if deciduous or at least 6-8 feet tall (excluding the leader) if evergreens.

7. Submit a final erosion control plan and obtain an erosion control permit. The erosion control plan shall be designed by a civil engineer.

8. Install all tree protection fencing as required by the Code Requirement No. 2, below. All protection fencing shall be inspected and approved by staff prior to the issuance of any grading or building permits.

9. Pay all applicable System Development Charges pertaining to the proposed development.

B. <u>Prior to Final Building Inspection or Occupancy of the Structure, the Applicants/Owners Shall</u>:

1. Install all landscaping and mitigation trees as required by Conditions A(5) and A(6), above.

<u>Code Requirements</u>:

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the Development Review Permit approved by this decision shall expire three years following the effective date of the development permit, and may be extended by the City Manager pursuant to the provisions of this section.

2. Submit a tree protection plan and application as required by LOC 55.08.020 and 55.08.030 for review and approval by staff, including off-site trees that are within the construction zone on each parcel. The plan shall include:

   a. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts around the tree protection zone, or as recommended by the project arborist and approved by the City.

   b. A note stating that no fill or compaction shall occur within the critical root zones of any of the trees, or that if fill or compaction is unavoidable, measures will be taken as recommended by a certified arborist to reduce or mitigate the impact of the fill or compaction. The note shall also inform contractors that the project arborist shall be on site and oversee all construction activities within the tree protection zone.

c. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including bark and root zone. The applicant and contractor(s) shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.

d. A sign shall be attached to the tree protection fencing which states that inside the fencing is a tree protection zone, not to be disturbed unless prior written approval has been obtained from the City Manager and project arborist.

Notes

1. The applicants are advised to take part in a Post Land Use Approval meeting. City staff would like to offer an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure that all the conditions are understood and to identify other permits necessary to complete the project. To take advantage of this meeting, please contact the staff coordinator at (503) 635-0290.

2. The land use approval for this project does not imply approval of a particular design, product, material, size, method of work, or layout of public infrastructure except where a condition of approval has been devised to control a particular design element or material.

3. Development plans review, permit approval, and inspections by the City of Lake Oswego Planning and Building Services Department are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, e.g., Americans with Disabilities Act, Endangered Species Act, etc. City staff may advise the applicants of issues regarding state and federal laws that the City staff member believes would be helpful to the applicants, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

EXHIBITS

A. [No current exhibits; reserved for hearing use]
B. [No current exhibits; reserved for hearing use]
C. [No current exhibits; reserved for hearing use]
D. [No current exhibits; reserved for hearing use]

E. GRAPHICS/PLANS

E1 Tax Map
E2 Survey of Existing Conditions
E3 Proposed Site Plan
E4 Proposed Tree Removal and Mitigation Plan
E5 Proposed Building Elevations (2 pages)
E6 Proposed Floor Plans (3 pages)
E7 Slope Analysis Plan
E8 Window and Light Cutsheets (3 pages)
E9 Color Perspective Drawing
E10 Color and Materials Board

F. WRITTEN MATERIALS

F1 Applicants' Narrative
F2 Applicants' Addendum Tree Removal Narrative, dated March 26, 2014
F3 Certified Arborist Report, prepared by Northwest Tree Specialists, dated March 22, 2014
F4 Certified Arborist Report for Tree Preservation, prepared by Northwest Tree Specialists, dated March 26, 2014
F5 Neighborhood Meeting Documentation (3 pages)
F6 Geotechnical Report, prepared by GeoPacific Engineering, Inc, dated September 28, 2012
F7 Fire Marshal Memo

G. LETTERS

Neither for nor Against (G1-99):
None

Support (G100-199):
None

Opposition (G200-):
None

Date of Application Submittal: March 29, 2013
Date Application Determined to be Complete: April 1, 2014
State Mandated 120-Day Rule (Extended): December 2, 2014