

City of Lafayette

"Third Oldest City in Oregon"

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NOTICE OF LAFAYETTE CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that on **October 11, 2007** at 6:30 PM at the Lafayette City Hall (486 Third Street, Lafayette), the Lafayette City Council will hold a public hearing on the appeal of the Planning Commission's denial of the following request:

APPLICANT: Bridge Street Partners (Lafayette View Estates)
LOCATION: Northwest corner of the City with access to Bridge Street via Haylen Drive and Washington Street. The subject area is composed of three parcels identified by the County Assessor as located within Township 4 South; Range 4 West; Section 01; Tax Lots 400 and 402 and a portion of Tax Lot # 300.
ZONE: Low Density Residential (R-1).
PARCEL SIZE: 21.78 acres.
REQUEST: Hearing on the applicant's appeal of the Planning Commission's decision to deny the following: (1) creation of 72-lot single-family, Planned Unit Development; and (2) Conditional Use approval to develop land within the Resource Development Overlay Zone.
CRITERIA: Lafayette Zoning and Development Ordinance, Section 3.107 (Subdivision and Planned Unit Developments), Section 3.103 (Conditional Use Permit) and Section 2.302 (Planned Unit Development).
FILE NO.: Planning File No. 07-02-06

Any one desiring to speak for or against the proposal may do so in person or by representative at the hearing. Also, written comments may be filed prior to the public hearing with the City of Lafayette. The documents, evidence, and staff reports relied upon by the applicant are available for inspection at no cost or copies are available for a minimal cost. Any interested person with concerns about the proposal should become involved in the land use decision-making process.

Failure of an issue to be raised in the hearing, in person or by letter, of failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. A staff report relating to the proposal will be available seven days prior to the public hearing.

The location of the hearing is accessible to the disabled. If you need any special accommodations to attend or participate in the hearing, please notify City Hall 24 hours before the meeting. For further information, please contact City Hall at 503-864-2451.

STAFF REPORT

TO: Lafayette City Council
FROM: Walt Wendolowski, City Planner
SUBJECT: Planning File No. 07-02-06 (Lafayette View Estates PUD)
DATE: October 11, 2007

I. BACKGROUND

- A. **APPLICANT:** Bridge Street Partners.
- B. **PROPERTY LOCATION:** The subject property is located in the northwest corner of the City with access to Bridge Street via Haylen Drive and Washington Street. The subject area is composed of three parcels identified by the County Assessor as located within Township 4 South; Range 4 West; Section 01; Tax Lots #400 and 402 and a portion of Tax Lot 300.
- C. **PARCEL SIZE:** The combined area totals 21.78 acres.
- D. **EXISTING DEVELOPMENT:** One parcel (Tax Lot 401) contains a home. All remaining land is vacant. The site connects to Bridge Street via Haylen Drive and Washington Street. Preliminary information indicates public services may be extended to the site, although improvements are necessary. Topographically, the land includes steeply sloped area located primarily along Millican Creek.
- E. **ZONING:** All land is zoned Low Density Residential (R-1). A portion of the property along the creek is located within the Restricted Development Overlay Zone.
- F. **ADJACENT ZONING AND LAND USE:** Land to the south and east is also zoned R-1 with single family homes the dominant land use. To the north and west is land located in Yamhill County.
- G. **REQUEST:** The applicant is appealing the Planning Commission denial of the following land use requests: (1) creation of 72-lot single-family, Planned Unit Development; and, (2) Conditional Use approval to develop land within the Restricted Development Overlay Zone.
- H. **DECISION CRITERIA:** Lafayette Zoning and Development Ordinance: Section 3.107 (Subdivision and PUD), Section 2.302 (Planned Unit Development); Section 2.111 (Restricted Development Overlay) and Section 3.103 (Conditional

Use).

II. APPLICATION SUMMARY

- A. The application would establish a single family, planned unit development (PUD) on the subject property. The project will feature the following:
1. The PUD will contain 72 lots. Lot sizes will range from 6,000 to 21,564 square feet, with a majority in the 6,000 to 7,000 square foot range. All are designed for single-family, detached homes. This is a reduction from the 76 lots originally submitted for the April hearing.
 2. Haylen Drive will provide access to the site. The primary street runs east-west along the north side of the property (identified as 17th Street) with a separate loop street and cul-de-sac serving land on the west side of the site.
 3. There will be a separate fire access road located to the north on that portion of Tax Lot 300 located in Yamhill County.
 4. Some 7.12 acres will be dedicated as open space. The majority of this area includes steeply sloped lands within the Restricted Development Overlay Zone. Information was also submitted on specific improvements on the upland portions of the open space.
 5. The project will be developed in three phases: Phase 1 – Lots 1 to 24; Phase 2 – Lots 25 – 49; and, Phase 3 – Lots 50 to 72. The initial phase is designed to be served by gravity sewer; the remaining two phases will require the construction of a lift station.
- B. The City Engineer provided comments and recommendations regarding this revised layout. The Engineer's report is a part of the official record, and where applicable, these comments are incorporated in the Commission Order. Prior to the revised layout, the McMinnville School District provided comments regarding the entrance to the development and the Fire Chief provided comments regarding a separate, approved fire access road. Their concerns were addressed in the revised layout. Lafayette Public Works, Yamhill County and Public Works reviewed the proposal and did not comment. No other contacted agency responded.
- C. A PUD is a permitted use in the R-1 zone (Lafayette Zoning and Development Ordinance Section 2.102.02.K) and is subject to provisions of Sections 2.302. As noted, the property includes land within the Restricted Development Overlay

Zone. Pursuant to Development Ordinance Section 2.111.04.C, a PUD which includes land within the RD zone is subject to Conditional Use approval. Both the PUD and Conditional Use request are Type II applications and subject to review by the Commission with appeal to the City Council.

III. PROCEDURAL ISSUES

- A. A public hearing before the Commission was originally scheduled for April 19, 2007. Prior to the hearing, the applicant requested the matter be continued to allow the submittal of a revised layout. The Commission voted to continue the hearing until June 7, 2007. This hearing was subsequently re-noticed for June 21, 2007 due to failure on the applicant's part to submit their new information on time.
- B. The hearing was opened on June 21, 2007. At the end of public testimony, a request was made to continue the matter until August 2, 2007 to allow for the submittal of additional testimony and evidence. The Commission agreed to the continuation. The hearing was re-opened on August 2, 2007. The Commission received additional testimony. At the conclusion of the hearing, the Commission voted to deny the application. The applicant submitted a timely appeal.
- C. The Council has chosen to conduct this hearing as a *de novo* hearing as permitted by Section 3.204.03.B of the Lafayette Zoning and Development Ordinance (LZDO) which allows for the submittal of new testimony and evidence by staff, the applicant, proponents, opponents and others in the audience.
- D. The Council has the authority to affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions. Further, the Council may also remand the matter back to the Planning Commission for additional information, subject to the applicant further extending the 120 day review period.

IV. DISCUSSION

- A. The Commission concluded the layout conforms to the technical requirements for a PUD, although significant public facility improvements – such as a sewer pump station – are required to fully develop the property. The revised plan reviewed at the July and August meetings better utilizes the property and eliminated earlier concerns regarding developed in some of the steeply sloped areas.
- B. However, the Commission found the request failed to comply with the following:

1. Layout - The central issue is whether this layout is consistent with the intent of the PUD provisions. The Commission notes the only play area is on the west side of the property, approximately ¼ mile from the Lots located at the entrance of the PUD. This is a small area and the Commission finds it entirely unsuitable or sufficient for the entire development. No other significant *recreational areas* were provided.

The Commission recognizes a PUD allows smaller lots as a means to create shared recreational space for the residents. In this particular case however, the Commission notes the vast majority of the open space is unusable - even to provide walking pathways – due to steep slopes and soil conditions. This layout and level of improvements do not meet the intent of the open space requirements.

2. Access - Access to the project is limited to a single street. This single point of access is narrower in right-of-way and improvements than the street system designed to serve the project. The Commission found this unacceptable.
3. Slopes and Drainage – There is little alternative to directing drainage from the project to the adjacent Millican Creek. The steep slopes and soil conditions suggest erosion problems and impacts on the landscape, which is contrary to the intent of the Restricted Development Overlay Zone.

- C. Based on these factors, the Commission concluded the application failed to comply with the applicable decision criteria. As the application failed to comply with all the requirements, the Commission denied the request.

V. CITY COUNCIL ACTION

The City Council Commission has the following options:

- A. Affirm the Commission decision denying the application;
- B. Rescind the decision of the Commission, approving the request and directing staff to establish supporting findings and conditions; or,
- C. Remand the matter back to the Commission for additional information, subject to the applicant further extending the 120 day review period.

SUGGESTED MOTION: AFFIRM THE PLANNING COMMISSION'S DECISION DENYING THE APPLICATION CONTAINED IN PLANNING FILE No. 07-02-06.