

## Shroyer, Shauna

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**From:** Rapp, Reagan S. (Perkins Coie) <RRapp@perkinscoie.com> on behalf of Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Wednesday, September 02, 2015 3:44 PM  
**To:** Shroyer, Shauna  
**Cc:** Robinson, Michael C. (Perkins Coie); Kerr, Chris; Boyd, John; Thornton, Megan; gary.alfson@otak.com; ron.dean@otak.com; pete.miller@otak.com; bahrend@mcknze.com; jtjones@mcknze.com; Morgan E. Holen (morgan.holen@comcast.net); mmahoney@conam.com; rmorgan@conam.com; jeff@parkerdev.com; King, Seth J. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie)  
**Subject:** (Email 1 of 6) Applicant's Rebuttal Regarding City File Nos. DR-15-11 and LLA-15-01  
**Attachments:** Applications for Tannler Drive\_Part1.pdf

Dear Shauna,

This office represents the applicant in the above-referenced files. Please place this letter and its attachments before Chair Schwark and in the official Planning Department file for this application prior to tonight's Planning Commission hearing.

There will be a total of 6 emails with attachments because of the size limitation when sending emails to West Linn.

Thank you.

**Michael C. Robinson | Perkins Coie LLP**

PARTNER

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

D. +1.503.727.2264

C. +1.503.407.2578

F. +1.503.346.2264

E. [MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)



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September 2, 2015

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

**VIA EMAIL TO SSHROYER@WESTLINNOREGON.GOV**

Ryerson Schwark, Chair  
West Linn Planning Commission  
c/o West Linn Planning Department  
22500 Salamo Road  
West Linn, OR 97068

**Re: Applications for Tannler Drive Mixed-Use Development  
City File Nos. DR-15-11 and LLA-15-01  
Applicant's Rebuttal**

Dear Chair Schwark and Members of the West Linn Planning Commission:

This office represents Con Am Properties, LLC ("Applicant"), the applicant requesting approval of the Design Review II and Lot Line Adjustment applications to allow development of multi-family residential, commercial, and open space uses ("Project") identified in City File Nos. DR-15-11 and LLA-15-01 ("Applications") on the property located at 2410, 2422, and 2444 Tannler Drive ("Property"). This letter constitutes the Applicant's rebuttal to issues raised by opponents of the Applications. I have asked City staff to place a copy of this letter in the official record for this matter and to place a copy before you. Please review this letter and its enclosures before making a final decision on the Applications.

**I. Executive Summary.**

For the following reasons, the Planning Commission should deny each of the opponents' arguments and should approve the Applications:

- Applicant will mitigate the traffic impacts associated with the Project consistent with the requirements of the West Linn Community Development Code ("CDC")
- The proposed mix of residential and commercial uses is allowed in the OBC zone based upon the plain language of the CDC, the legislative history of CDC Chapter 21, and applicable case law.

- Applicant's tree preservation plan is consistent with the CDC.
- Neighborhood Plans are not mandatory approval criteria applicable to the Applications.
- The City may only apply "clear and objective" standards, conditions, and procedures to the Design Review II application because it proposes "needed housing" on "buildable land."
- Approval of the Applications will not adversely impact area schools, and impacts to schools are not grounds for denial of the Applications.
- It is feasible for the Project to satisfy all applicable requirements of the Tualatin Valley Fire & Rescue ("TVF&R") Department.
- Neighborhood association resolutions do not constitute substantial evidence to deny the Applications.
- Project buildings meet the CDC standard for contiguity with adjacent right-of-way.

## **II. Responses to Opponents' Arguments.**

### **A. Applicant will mitigate the traffic impacts associated with the Project consistent with the requirements of the CDC.**

Opponents expressed a series of concerns about traffic, but the Planning Commission should find that all of these concerns are unfounded.

First, although opponents contend that City streets and intersections are already congested, this contention does not provide a basis to require that Applicant complete more mitigation as a condition of developing the Project. The City only requires that an applicant mitigate the traffic impacts of its development, not to eliminate all existing traffic deficiencies. See CDC 55.125, 85.170.B.2.e. Applicant's transportation engineer has conducted a Transportation Impact Analysis and has determined that, under post-development conditions, all affected intersections will meet City standards, with the exception of the Blankenship Drive/Tannler Road intersection and the 10<sup>th</sup> Street/8<sup>th</sup>

Avenue/8<sup>th</sup> Court intersection. Applicant will be conditioned to mitigate Project impacts at each of these intersections. On the basis of this testimony, the Planning Commission should find that Applicant has adequately mitigated the traffic impacts of the Project.

Second, although opponents object to the proposed restriction on left turns from Tannler Drive to Blankenship Road, the Planning Commission should find that the restriction is necessary to ensure that this intersection, which is already failing under pre-development conditions, will meet City's performance standards. The restriction will be triggered by nearly any development of the Property. Applicant explored the possibility of installing a signal at this location to mitigate traffic impacts, but the Oregon Department of Transportation ("ODOT") rejected this proposal due to proximity to the Interstate 5 on-ramps and related signals. Although opponents are not enthused by the left turn restriction, they have not identified any City standard that is violated by installing the signal. For these reasons, the Planning Commission should find that the left-turn restriction is required in this case to ensure compliance with City and ODOT standards.

Third, although opponents contend that the left-turn restriction will increase cut-through traffic on other routes, the Planning Commission should find that this testimony does not provide a basis to deny or further condition the Applications. In fact, Applicant's traffic engineer, Brent Ahrend at Mackenzie, evaluated the impacts of cut-through traffic and concluded that, even if all such traffic traveled via Greene Street, the intersections of Tannler Drive/Greene Street and Salamo Road/Greene Street are still expected to operate at LOS B during both the AM and PM peak hours, well within City standards. See Mackenzie memorandum in Exhibit 1. Further, as explained in Mackenzie's memo, it is unlikely that drivers will cut-through on Riverknoll Way to access Interstate 5 because it is three times farther away and requires four times the number of turns. In short, under most circumstances, it will not be faster or more convenient to travel via Riverknoll Way. In the event that area residents are concerned about the level or speed of traffic on their streets, they may file a Traffic Control Request with the City for further action.

Fourth, although opponents contend that development of the Project will adversely affect safety on Tannler Drive, the Planning Commission should deny this contention because the new access on Tannler Drive will have adequate sight distance, and there



are no existing crash patterns that indicate a safety concern along this street. The only testimony to the contrary is purely speculative at this stage.

Fifth, although opponents contend that Applicant has not adequately considered the traffic impacts of in-process development, the Planning Commission should deny this contention for the reasons explained in Mackenzie's memo in Exhibit 1.

For these reasons and based upon the additional explanation in Exhibit 1, the Planning Commission should deny opponents' contentions pertaining to traffic.

**B. The proposed mix of residential and commercial uses is allowed in the OBC zone based upon the plain language of the CDC, the legislative history of CDC Chapter 21, and applicable case law.**

Opponents contend that the proposed mix of uses for the Project is not allowed in the OBC zone. The Planning Commission should deny opponents' contention for three reasons.

**1. The plain language of the CDC does not require a minimum amount of commercial space or a maximum amount of residential uses in the OBC zone.**

First, opponents' contention is inconsistent with the plain language of the CDC, which allows the proposed mix of uses either by right or subject to prescribed conditions. The Property is zoned Office Business Center ("OBC"). The OBC zone allows various commercial uses by right. *See generally* CDC 21.030. Further, the OBC zone allows multi-family residential uses in a mixed-use development above the first floor of the structure:

**"21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

**"The following uses are allowed in this zone under prescribed conditions:**

**"\* \* \* \***

“2. Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure.”

CDC 21.050.2.

Applicant’s proposed development consists of seven primary buildings, with ground-floor commercial uses in each building and a total of 180 apartments on Floors 2, 3, and 4 of the buildings. These commercial uses are located on the ground floor of the buildings, labeled Level 1 and illustrated in Exhibit 2. As Figure 1 of this exhibit illustrates, Level 1 meets the definition of “story” in CDC 2.030 for two alternative reasons. First, it is a “story” because it is the portion of the building included between the upper surface of Level 1 and the upper surface of Level 2. Second, and in the alternative, even if Level 1 were a basement or unused floor area, it would be a “story” for purposes of CDC 2.030 because the finished floor of the second floor is more than six feet above the grade for more than 50% of the building’s perimeter, again as illustrated in Figure 1.

For two reasons, Level 1 also constitutes the “first story” as illustrated in Figure 2 of Exhibit 2. First, because Level 1 is the lowest “story” in the building and the building has multiple stories, Level 1 meets the definition of “first story” in CDC 2.030. Alternatively, to the extent the last clause of that definition is applicable, Level 1 still qualifies as a “first story” because it is not more than four feet below grade for more than 50% of the total perimeter nor is the finished floor area more than eight feet below grade at any point. Because there are no levels below Level 1, which is the “first story,” Level 1 does not meet the definition of “basement” in CDC 2.030. Therefore, the commercial uses are located on the “first story” of the buildings on the Property. The Planning Commission can find that “first story” is synonymous with “first floor” referenced in CDC 21.050.2.

Locating residential uses above commercial uses will enhance the viability of these commercial uses by providing a ready market for their goods and services. Further, Applicant has testified that it believes that these commercial spaces are viable and may be utilized by accountants, real estate agents, attorneys, or others who currently work from home. See letter from Applicant in Exhibit 3. Therefore, the proposed residential uses will be developed “in conjunction with commercial development” and “above the first floor.”

As a result, the proposed development meets the plain language of the use standards for the OBC zone. Opponents' contention to the contrary inserts language that is not otherwise present into the CDC in contravention of ORS 174.010. See Exhibit 4, which includes a marked version of CDC 21.050 showing the language that must be added to the CDC to support opponents' proposed reading of the CDC. See also Exhibit 5, which is an excerpt from the Portland City Code that expressly establishes a cap on the size of a use in a certain zoning district. The City could have chosen to adopt similar language in the CDC, but it did not.

**2. The legislative history of the OBC zone demonstrates that the City considered, but later rejected, specific maximum limits for multi-family development in the OBC zone.**

Second, opponents' contention is inconsistent with the legislative history of CDC Chapter 21, which demonstrates that the City considered but rejected placing a cap on the amount of multi-family development in the OBC zone. Specifically, the 1982 draft CDC includes the following provision:

**"21.040 Uses and Development Permitted Under Prescribed Conditions**

1. Residential uses as provided in chapter 16, High Density Residential provided--
  - a. The residential use is located above the first story of the structure;  
or
  - b. The residential use is part of an overall Business-office center Planned Unit Development and occupies no more than 25% of the site area; and
  - c. All standards applicable to residential development are met."

See Exhibit 6 (underline added above to emphasize relevant subsection). Moreover, draft CDC section 21.040.1.a contains the same condition as does CDC 21.050.2: that is, multi-family dwellings must be located above the first floor of the structure.

The City did not adopt this proposal. Instead, the City adopted a version of the code that did not include any maximum area for residential uses in the OBC zone: “Multiple family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure.” See Exhibit 7. As a result, the height and bulk standards of the OBC zone serve as the sole limitations on the number of multi-family dwellings that can be constructed above the first floor of the structure. The fact that the City Council considered, but ultimately rejected, a cap on the amount of residential uses in the OBC zone, underscores the City’s intent that there be no such no limitation implied by the CDC.

**3. The OBC Zone purpose statement in CDC 21.010 is not an applicable approval criterion.**

Finally, contrary to opponents’ contention, the purpose statement for the OBC zone, set forth in CDC 21.010, does not restrict development of residential uses on the Property. The Planning Commission can reach this conclusion for three reasons.

First, CDC 21.010 is not directly applicable to the Applications. Most land use regulation purpose statements are phrased as a general expression of the goals and objectives the local government hopes to achieve by enacting the regulation(s). In these circumstances, the purpose statement does not play a direct role in reviewing permit applications and does not operate as a mandatory approval criterion. *Renaissance Development v. City of Lake Oswego*, 45 Or LUBA 312, 323 (2003).

There are two exceptions to this general rule. First, the text of the purpose statement itself may elevate the purpose statement beyond simply being descriptive or aspirational in nature. See *Freeland v. City of Bend*, 45 Or LUBA 125 (2003) (where purpose statement expressly required that decision-makers “consider” certain impacts, the decision must address issues the parties raise as to those impacts). Second, the approval criteria for the particular application may require compliance with the purpose statement or may incorporate the purpose statement as a mandatory approval criterion. See *Crowley v. City of Bandon*, 43 Or LUBA 79 (2002) (zoning district purpose statement is a separate mandatory approval criterion when the listed approval criteria require that development must promote “the purpose of the zone”). See also *Rowan v. Clackamas County*, 19 Or LUBA 163 (1990) (where zoning code expressly required that

conditional uses not conflict with the purpose statement of the applicable zoning district, the county was required to make a finding regarding this issue).

CDC 21.010 establishes the purpose of the OBC zone and reads as follows:

“The purpose of this zone is to provide for groups of businesses and offices in centers, to accommodate the location of intermediate uses between residential districts and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities, to expand the City’s economic potential, to provide a range of compatible and supportive uses, and to locate office employment where it can support other commercial uses. The trade area will vary and may extend outside the community. This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan.”

Although opponents contend that CDC 21.010 is a mandatory approval criterion applicable to the subject applications, opponents are mistaken. As the quoted text provides, CDC 21.010 is a generally-worded purpose statement that identifies the goals and objectives the City intends for the OBC district to achieve. Unlike the purpose statement in *Freeland*, CDC 21.010 itself does not require that the City take a specific action or even consider the objectives the provision sets forth. Further, unlike the purpose statements at issue in *Crowley* and *Rowan*, no mandatory approval criterion in the CDC requires compliance with CDC 21.010 in order to approve the applications. In fact, opponents’ contention improperly inserts language that is not otherwise present into the CDC in contravention of ORS 174.010. See Exhibit 4, which includes a marked version of CDC 21.010 showing the language that must be added to support opponents’ proposed reading of the CDC. See also Exhibit 8, which is an excerpt from the Bandon Municipal Code that expressly requires compliance with the zoning district purpose statement in order to develop. The City could have chosen to adopt similar language in the CDC, but it did not.

Further, although opponents contend that CDC 21.010 is made applicable to the Applications by CDC 99.110.A.1, opponents are mistaken. CDC 99.110.A.1 provides that the City’s decision to approve or deny a land use application must be based upon

whether or not the application complies with “applicable standards of any provision of this code.” CDC 99.110.A.1. Opponents apparently read this provision to make every provision of the CDC applicable to the Applications, but that is not what the plain language of the provision says. Instead, it simply states a truism: All “applicable” standards must be met in order to approve an application; it does not make otherwise inapplicable provisions applicable.

Third, even if the City applies CDC 21.010 in this case, there is no basis to grant opponents’ contention that the applications are inconsistent with the purpose and intent of the OBC zone because they propose residential uses. As stated above, the City Council has legislatively determined that multi-family residential uses are allowed in the OBC zone, subject to prescribed conditions. CDC 21.050.2. Opponents’ proposed interpretation of CDC 21.010 ignores this provision and collaterally attacks the City Council’s previous legislative action to allow multi-family residential uses. Further, it is consistent with Goal 2, Section 3, Policy 1 of the City’s acknowledged comprehensive plan, which promotes development of mixed uses in the City:

“Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial areas to: enhance the community’s identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.”

Therefore, the City Council should deny the opponents’ contention on this issue.

Thus, based upon the plain language, legislative history, and applicable case law, the Planning Commission should find that the proposed mix of uses on the Property is allowed.

**C. Applicant’s tree preservation plan is consistent with the CDC.**

The applicable tree preservation standards depend upon whether the Property is characterized as Type I or II or non-Type I or II. Because the Property is not characterized by severe constraints that either preclude the use of standard



development techniques and technical criteria or most standard types of development, the Property consists of non-Type I or II lands. See definitions of “Type I lands” and “Type II lands” in CDC 2.030. As a result, Applicant is not required to protect all significant trees. CDC 55.100.B.2.b. Instead, Applicant is required to preserve a portion of the Property to protect identified significant trees and tree clusters. CDC 55.100.B.2.b. As explained in the staff report, Applicant satisfies this standard. In fact, Applicant is proposing to protect 26 of the 37 significant trees located on the Property, including the applicable “dripline plus 10 feet” around each. See July 9, 2015 Arborist Report and Tree Preservation Plan prepared by Morgan Holen & Associates LLC set forth in the record. These trees are all located on Unit 1, the northernmost portion of the Property, which will be preserved as open space. The preservation of this entire unit of land as open space will offer more protection to these significant trees than could occur if they were located within the developed portion of the Property.

Notwithstanding this testimony, opponents object that Applicant is not preserving every significant tree on the Property. The Planning Commission should deny this contention because Applicant is not required to preserve all significant trees on the Property. In fact, the requirement to protect all significant trees in CDC 55.100.B.2.a only applies to Type I or II lands, not to non-Type I or II lands such as the Property.

Although opponents contend that the City Arborist sought to protect a greater number of significant trees and the Applicant should comply with this request, the Planning Commission should find that the City Arborist’s comments provided suggestions, not requirements (“I would encourage...”). Further, the City Arborist’s stated concern—that removal of six significant white oaks would adversely affect white oaks retained on the Property—is misplaced because the six oaks designated for removal are located in two distinct groups that will be removed as entire groups. See rebuttal memo from Morgan Holen, Applicant’s certified arborist in Exhibit 9. As a result, these oaks do not provide windbreak to significant trees that will be retained on the Property. *Id.* Additionally, the City Arborist’s concern that Applicant is removing the “nicer and larger trees in the grove” is also misplaced. In fact, as Ms. Holen explained, “there is no substantial distinction between those [trees] planned for removal and those [trees] planned for preservation.” *Id.* Therefore, there is no basis for the Planning Commission to rely upon the City Arborist’s testimony in this case.

For these reasons, the Planning Commission should find that Applicant's tree preservation plan satisfies applicable standards.

**D. Neighborhood Plans are not mandatory approval criteria applicable to the Applications.**

For three reasons, the Planning Commission should find that the Willamette Neighborhood Plan ("WNP") and the Tanner Basin Neighborhood Plan ("TBNP") are not applicable to the Design Review II application.

First, the City has not identified the WNP or the TBNP as approval criteria applicable to Design Review II applications. The Design Review II application is a limited land use application. ORS 197.015(12)(a)(B). A decision on a limited land use application must be consistent with applicable provisions of the local government's comprehensive plan. ORS 197.195(1). However, if a local government does not incorporate its plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision on the limited land use application. *Id.* A local government must "incorporate specific plan provisions into its enactments" in order to make them applicable to a limited land use application. *Paterson v. City of Bend*, 201 Or App 344, 351, 118 P3d 842 (2005). In this case, the City has not incorporated specific plan provisions into the Design Review approval criteria set forth in CDC 55.100 or 99.110. Therefore, neither the WNP nor the TBNP are applicable to the Design Review II application.

Second, the City has expressly limited the role of neighborhood plans in the context of mixed-use development applications by providing that these provisions must be implemented by code provisions in order to be effective. Comprehensive Plan Goal 2, Section 3, Policy 7 provides that "[u]ntil the City adopts new code provisions consistent with adopted neighborhood plans, the City shall apply appropriate development standards consistent with the existing Community Development Code." Opponents have not established that the City has adopted new CDC provisions to be consistent with neighborhood plans. Therefore, there is no basis for the City to apply the neighborhood plans directly to the Design Review II application.

In the alternative, even if the WNP were generally applicable, none of the goals or policies of the WNP are directly applicable to individual quasi-judicial land use

applications such as the Design Review II application for three reasons. First, none of the WNP goals or policies state that they are applicable to individual land use applications. Second, and on a related point, none of the goals or policies direct the City to take particular actions relative to individual land use applications. Third, the plain language of these goals and policies is aspirational in nature, indicating the City's intent that these provisions not bind the City. Finally, the Planning Commission should find that even if the TBNP could serve as an approval criterion, it is not applicable because the Property is not located in the geographic area subject to the TBNP. For these reasons, there is no basis for the City to apply the WNP or TBNP as approval criteria in this case.

**E. The City may only apply "clear and objective" standards, conditions, and procedures to the Design Review II application because it proposes "needed housing" on "buildable land."**

**1. Local governments must provide for "needed housing."**

The State Legislature has declared it a priority to make housing available to persons of lower, middle, and fixed incomes. ORS 197.307(1). To address this issue, the State enacted the "needed housing" laws at ORS 197.303 *et seq.* The "needed housing" laws impose two primary requirements on local governments. First, local governments must permit "needed housing" in one or more zoning districts. ORS 197.307(3). "Needed housing" means all types of housing that meet a need at particular price ranges and rent levels. ORS 197.303. "Needed housing" includes multi-family housing for renter occupancy. ORS 197.303(1)(a).

Second, subject to limited exceptions not applicable in this case, a local government must apply only "clear and objective standards, conditions and procedures" to a proposal to develop "needed housing" on "buildable land." ORS 197.307(4). The local government standards must be clear and objective on the face of the ordinance. ORS 227.173(2). Furthermore, in any appeal to LUBA or an appellate court that involves an ordinance required to contain clear and objective approval standards, conditions, and procedures for needed housing, the local government bears the burden of demonstrating that the standards, conditions, and procedures are capable of being imposed only in a clear and objective manner. ORS 197.831. Finally, those "clear and

objective” standards, conditions, and procedures must not have the effect of “discouraging needed housing through unreasonable cost or delay.” ORS 197.307(4).

The State’s objective in enacting the “needed housing” laws “was to prevent local governments from using their land use regulations to exclude certain housing types \* \* \* which the legislature believed was needed to satisfy low and moderate-income housing demand.” *Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 156 (1998), *aff’d* 158 Or App 1, 970 P2d 685, *rev den* 328 Or 594 (1999).

**2. Subjective criteria cannot be applied to “needed housing” applications.**

In general, approval criteria are “clear and objective” if they do not involve “subjective, value-laden analyses that are designed to balance or mitigate impacts[.]” *Rogue Valley*, 35 Or LUBA at 158. If a local government applies subjective, discretionary criteria as a basis to deny an application for needed housing, the local government acts outside the range of discretion allowed under the local government’s comprehensive plans and land use regulations, and LUBA will reverse the decision with an order to approve the application. *Parkview Terrace Development LLC v. City of Grants Pass*, \_\_\_ Or LUBA \_\_\_ (LUBA No. 2014-024, July 23, 2014). If LUBA reverses on these grounds, LUBA must award attorney fees in favor of the applicant and against the local government. ORS 197.835(10)(b).

**3. The Design Review II application requests approval of “needed housing” on “buildable land.”**

Applicant’s Design Review II application requests approval of 180 multi-family residential units. “Needed housing” includes multi-family housing for renter occupancy. ORS 197.303(1)(a). The City has determined that it must provide an opportunity for development of apartments and multiplex units. West Linn Comprehensive Plan (“Plan”), Goal 10 (“Housing”), Policy 2. The Plan also requires the City to “[a]dhere to clear and objective standards to promote timely and predictable plan review.” Plan, Goal 10, Policy 8. Therefore, the Design Review II application requests approval of “needed housing.”

Further, the Property constitutes “buildable land,” as that term is utilized in ORS 197.307(4). “Buildable land,” for purposes of assessing whether housing need exceeds housing capacity, consists of, among other things, “[l]ands that may be used for a mix of residential and employment uses under the existing planning or zoning.” ORS 197.296(4)(a)(C). As explained in Section II.A.2 of this letter, the OBC zone applies to the Property and allows a mix of residential and employment uses. Further, on the basis of this existing zoning, Metro has classified the Property as “Mixed Use-Residential” for purposes of evaluating the capacity of “buildable land” in the region. See map in Exhibit 10. Therefore, the Property constitutes “buildable land.”

Because this is a proposal for “needed housing” on “buildable land,” the City must only apply “clear and objective” standards, conditions, and procedures to this application. Further, these standards, conditions, and procedures cannot have the effect of discouraging needed housing through unreasonable cost or delay. In its application narrative, Applicant has identified subjective standards that cannot be applied to the application. The Planning Commission should not apply these subjective standards to the Design Review II application.

**F. Approval of the Applications will not adversely impact area schools.**

Although opponents contend that development associated with the Applications will adversely impact area schools, this contention lacks merit for two reasons. First, residents have overestimated the number of students that a 180-unit apartment complex will yield by applying the forecast factor applicable to all units in West Linn rather than the forecast factor specific to multi-family units. In general, multi-family units generate about half the number of students as single-family residences. See West Linn-Wilsonville School District Long-Range Plan, p. 35 in Exhibit 11. Applying the multi-family specific forecast factor of 0.21 students per unit to the Project, the correct estimate is that 180 apartment units will generate 37.8 students, or less than three students per grade for grades K-12. Therefore, opponents have greatly overestimated the number of students who will be generated by a multi-family development on the Property.

Second, even if there were a lack of school capacity, the City may not deny the Applications due to lack of school capacity under the prevailing facts. ORS 195.110(13) only allows a city or county to deny a residential development application based upon a

lack of school capacity under the following circumstances: (1) the issue is raised by the school district; (2) the lack of school capacity is based on a school facility plan adopted under ORS 195.110; and (3) the City has considered options to address school capacity. None of these conditions are present at this time. Therefore, even if there were a lack of school capacity, the City could not use it as a basis to deny the Applications.

On the basis of these arguments, the Planning Commission should deny the opponents' contention on this issue.

**G. It is feasible for the Project to satisfy all applicable requirements of the TVF&R Department.**

Since the initial Planning Commission hearing in this matter, TVF&R Department has completed its review of the Applications and has submitted its comments to the City. See Exhibit 12. As these comments reflect, TVF&R has endorsed the Project, subject to compliance with a number of standard fire code provisions and proposed conditions of approval. Applicant's project engineer has reviewed these code provisions and conditions and has opined that it is feasible for Applicant to comply with them in developing the Project. See Exhibit 13. On the basis of this testimony, the Planning Commission should find that the Project will satisfy all applicable TVF&R requirements.

**H. Neighborhood association resolutions do not constitute substantial evidence to deny the Applications.**

Although opponents note that multiple neighborhood associations have adopted resolutions in opposition to the Applications, the Planning Commission should find that these resolutions do not provide a valid basis to deny the Applications. In fact, no approval criterion requires that the affected neighborhood association endorse or approve of the Applications or permits the City to deny the Applications if they are not endorsed or approved by a neighborhood association. Additionally, the primary contentions expressed in these resolutions, which are the same as those refuted in this letter, lack merit. Therefore, the Planning Commission should deny the opponents' contentions on this issue.



Ryerson Schwark, Chair  
September 2, 2015  
Page 16

**I. Project buildings meet the CDC standard for contiguity with adjacent right-of-way.**

At least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it, subject to a limited exception not applicable here. CDC 55.100.B.7. In this case, 20.5% (129 out of 628 feet) of the Tannler Drive right-of-way is contiguous to Project buildings on Unit 2. See site plan with contiguity calculation chart in Exhibit 14. The Planning Commission should find that the Project satisfies this standard.

**III. Conclusion.**

For all of the foregoing reasons, the Planning Commission should deny the contentions raised by the opponents. Instead, based upon the evidence and argument presented by Applicant, and the recommendation of City staff, the Planning Commission should approve the Applications, subject to the conditions proposed by City staff.

Applicant reserves the right to submit additional argument and evidence in this matter consistent with the review schedule established by the Planning Commission and ORS 197.763.

Thank you for your time and consideration.

Very truly yours,



Michael C. Robinson

Encls.

Ryerson Schwark, Chair  
September 2, 2015  
Page 17

cc: Mr. Chris Kerr (via email) (w/encls.)  
Mr. John Boyd (via email) (w/encls.)  
Ms. Megan Thornton (via email) (w/encls.)  
Mr. Gary Alfson (via email) (w/encls.)  
Mr. Ron Dean (via email) (w/encls.)  
Mr. Pete Miller (via email) (w/encls.)  
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Ms. Morgan Holen (via email) (w/encls.)  
Mr. Mike Mahoney (via email) (w/encls.)  
Mr. Rob Morgan (via email) (w/encls.)  
Mr. Jeff Parker (via email) (w/encls.)  
Mr. Jeff Kleinman (via hand delivery) (w/encls.)  
Mr. Seth King (via email) (w/encls.)  
Mr. Garrett Stephenson (via email) (w/encls.)

## EXHIBIT LIST

- Exhibit 1 Traffic Rebuttal Letter from Mackenzie
- Exhibit 2 Figures Illustrating How First Floor of Project Mixed-Use Buildings Meet City Definitions of “Story” and “First Story”
- Exhibit 3 August 31, 2015 Letter from Applicant Addressing Commercial Spaces
- Exhibit 4 Revised CDC Chapter 21 Showing Language Opponents Read into the Code
- Exhibit 5 Portland City Code Example of Express Restriction on Size of Use
- Exhibit 6 Draft Version of CDC Chapter 21 Not Adopted by City (1982)
- Exhibit 7 Final Version of CDC Chapter 21 Adopted by City (1983)
- Exhibit 8 Bandon Municipal Code Example where Purpose Statement is Expressly Made an Approval Criterion
- Exhibit 9 Tree Preservation Rebuttal Letter from Morgan Holen & Associates LLC
- Exhibit 10 Metro Map of “Metropolitan Portland Generalized Zoning”
- Exhibit 11 Excerpt of West Linn-Wilsonville School District Long-Range Plan
- Exhibit 12 Written Comments on Applications from Tualatin Valley Fire & Rescue Department
- Exhibit 13 Statement of Feasibility of Compliance with Fire Code and Conditions
- Exhibit 14 Site Plan with Dimensions and Calculations Showing Compliance with Right-of-Way Contiguity Standard

# MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

September 1, 2015

City of West Linn  
Attention: Lance Calvert  
22500 Salamo Road  
West Linn, OR 97068

Re: **Tannler Mixed-Use Project**  
*Re: Revised Mitigation Measures*  
Project Number 2130529.08

Dear Mr. Calvert:

Mackenzie has prepared this letter to address traffic concerns raised during public testimony received on August 26, 2015, for the Tannler Mixed Use project. These concerns were reviewed and grouped in five letters that are summarized with responses below.

## **RESTRICTIONS AT TANNER DRIVE AND BLANKENSHIP ROAD**

The updated analysis in our letter dated August 25, 2015, showed that left turns from Tanner Drive to Blankenship Road would operate at a level of service F in pre-development conditions. The addition of site trips would increase the delays. The City's standard is LOS D, which would require mitigation from any project adding any vehicles to the left-turn movement. The Oregon Department of Transportation has stated a traffic signal would not be allowed at this intersection due to the close proximity with the signal at 10th Street.

With the restriction of left turns and through movements at the Tanner Drive approach to Blankenship Road, as proposed, the failing movement is eliminated, allowing the intersection to meet City standards. One consequence of this restriction is that pre-development left turning and through traffic would also be restricted and would require to access the freeway or the businesses on the south side of the intersection. This would result in some rerouting of pre-development traffic to other streets, such as Bland Circle and Greene Street.

With signalization at the site access on Blankenship Road, it is assumed all traffic exiting the site and heading east on Blankenship would use this driveway.

Our proposed mitigation only restricts through and left-turn movements from the Tanner approach, but allows full movements at the east Haggen driveway and left turns from Blankenship Road to Tanner Drive. This compares to restrictions considered previously by the City (Alternative 1 of the TSP Appendix I), which would have installed a full median on Blankenship Road and restricted all left turns to and from Tanner Drive as well as the east Haggen driveway.

City and ODOT staff have reviewed the proposed mitigation measures and concur they allow the study area intersections to meet City level of service standards with the addition of site traffic.



P 503.224.9560 • F 503.228.1285 • W [MCKNZE.COM](http://MCKNZE.COM) • RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214  
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## SAFETY ON TANNER DRIVE

The TIA considered two aspects of safety; one is the crash rate of study area intersection and the other is the sight distance at site access points. Both show no decrease in safety on Tannler Drive as a result of the project.

### Crash Rates

Crash rates are a measure of the frequency that crashes are occurring. They are used to compare the safety of roadway segments and intersections taking into account that roadways with higher volumes are likely to have more crashes but are not necessarily less safe. The TIA reviewed historical crash data in the study area and did not find any locations where crash rates were indicating a safety concern that should be addressed. All intersection crash rates, including the Tannler Drive/Blankenship Road intersection, were relatively low for the volume of traffic they were serving.

While new development will add traffic to the roadway network, it will not increase a crash rate unless traffic is added at a location where a safety concern exists. Because there are no crash patterns that indicate existing safety concerns on Tannler Drive, and the proposed access has adequate sight distance (see paragraph below), the project is not likely to increase the crash rate on Tannler Drive. Therefore, no safety impact is anticipated.

### Sight Distance with Parked Vehicles

As noted in the July 20 TIA, available sight distances from the proposed access on Tannler Drive exceed the minimum standards. A question was raised during testimony about the impact on these sight lines with vehicles parked along the west side of the street near the driveway. The City's *Public Works Design Standards*, at Section 5.0012.B, already addresses this issue by restricting parking on a collector road within 45 feet of a curb return. In this case, with a standard driveway apron, the restriction would be measured from the top of the driveway ramp.

## TRAFFIC REROUTED TO OTHER STREETS

The mitigation proposed in the letter dated August 25, 2015, included restriction of the left-turn movement from the site access to Tannler Drive. If this measure is implemented, pre-development traffic (existing traffic and traffic from other approved developments but not the proposed project) would need to reroute onto other area roadways to get to their destinations.

### Greene Street

Analysis indicates that the rerouted traffic onto Greene Street and Bland Circle as a result of restricted left turns from Tannler Drive would be 96 trips during the AM peak hour and 46 trips during the PM peak hour. For purposes of this analysis, we have assumed all trips would choose Greene Street. These are vehicles traveling to I-205 or 10th Street to the south. With the addition of these trips, the Tannler Drive/Greene Street intersection is anticipated to operate at LOS B during the AM and PM peak hours, and the Salamo Road/Greene Street intersection is anticipated to operate at LOS B during the AM and PM peak hours. Recent counts at these intersections and updated Post-Development volume figures are attached. Greene Street is currently a Neighborhood Route, which is designated to provide connectivity to collectors and arterials, and the total traffic volumes (116 in the peak hour) would not exceed those typically seen on Neighborhood Routes.

M.

Exhibit 1



### **Riverknoll Way**

Questions were raised during testimony as to the possibility of rerouted traffic using Riverknoll Way to access I-205 northbound at Highway 43 instead of travelling down Salamo to the 10th Street interchange. It is not anticipated the rerouted traffic will find using Riverknoll Way any more convenient. Even during peak periods of congestion on I-205, drivers would not find accessing the northbound lanes at Highway 43 any faster. The distance to the I-205 ramps at Highway 43 is approximately three miles from Salamo Road, compared to a 1-mile drive to the I-205 ramps at 10th Street. Rerouting onto Riverknoll Way to access I-205 requires drivers to complete eight turns, whereas accessing 205 via Salamo Road requires only two turns from Greene Street. Finally, drivers approaching Highway 43 from Willamette Falls Drive will experience long delays and queues, likely more severe than delays on I-205 during peak hours - the City's 2008 Transportation System Plan shows left turns are operating at LOS F currently, and queues have been noted to extend back to Sunset Avenue.

### **SALAMO ROAD/10TH STREET IMPROVEMENTS**

Our proposed mitigation measure to add a second westbound left-turn lane on Salamo Road was approved by ODOT, and is consistent with the current TSP update planning concept. Adding this turn lane increases capacity on Salamo Road for vehicles traveling to I-205, and more than offsets the impact of the additional trips rerouted to Salamo Road, while still reducing existing vehicle queues in the mornings.

Comments at the hearing raised concerns about drivers potentially changing lanes in the short distance between the Salamo approach and the I-205 ramp intersections. There are a number of locations where drivers must choose the proper lane in advance of an interchange, such as the Boones Ferry interchange with I-5 in Tualatin with double left-turn lanes from both 72nd Avenue and McEwan Road, Westgate Drive at Skyline Boulevard approaching the Sylvan Interchange, NW 15th Avenue northbound at Cornell Road near the Highway 26 interchange, and the SW 5th Avenue approach to Sheridan Street near downtown Portland. Aerials depicting the lane configuration at these intersections are attached to this letter.

Given the residential nature of the area, there will be few drivers from outside the area that would be unfamiliar with the intersection configuration. Daily users of the intersection will quickly learn which of the left-turn lanes they will need to be in.

We are proposing signing and striping with the improvement to direct drivers into the appropriate left-turn lane as they approach 10th Street on Salamo. Drivers traveling to I-205 southbound will be directed to be in the outside (right hand) left-turn lane and drivers traveling to I-205 northbound in the inside (left hand turn lane). Drivers continuing south on 10th could choose either lane.

### **EXISTING TRAFFIC CONGESTION**

As reported in the July 20 TIA, existing traffic conditions within the project study area were found to meet City standards with the exception of two locations discussed below. The project is not responsible for mitigating existing level of service deficiencies, only the added effects of the proposed development. Mitigation for all impacted intersections has been addressed in the August 25 letter. The deficiencies that result from project trips will be improved beyond pre-development conditions. The applicant of this project is not required provide improvements at any other locations.

**M.**



### 10th Street/8th Avenue/8th Court Intersection

This intersection is known to currently fail, and has been reviewed by the City and other developments over the years. The long term plan as presented in the City's Transportation System Plan is to extend 8th Court to a new intersection with Willamette Falls Drive and limit this intersection to right turns from 8th Avenue/Court. There is currently no schedule for this improvement. Trips from the proposed development are not expected to add to the failing left-turn movements, but added traffic on 10th Street would increase the delays on the side streets.

The proposed mitigation is to pay a proportionate share, in the amount of \$24,010, towards the cost of improvements at the 10th Street/8th Avenue/8th Court intersection and the 8th Court extension.

### Blankenship Road/Tannler Drive

This intersection is currently operating at an LOS F for southbound left turns from Tannler Drive in the PM peak hour. The mitigation at this location was discussed extensively under the first item of this letter.

### IN PROCESS DEVELOPMENT

Testimony was given that there are 80 lots approved or under review that would impact the study area intersections, and the TIA did not include all of these lots. Details on the location and number of lots in each in-process project is provided in the appendix of the TIA. In summary, the analysis accounted for sixty-one (61) single-family lots within the study area, including a 22-lot subdivision and an 11-lot subdivision on Weatherhill Road, all of which were confirmed with City staff.

We reviewed current City records available online and could find no additional developments that would add trips to the study area. It is possible a project has had a pre-application meeting or met with one of the neighborhood associations but has not yet submitted an application. If this is the case, the project would be approved after the Tannler Mixed Use project, and that project would need to include the Tannler trips as in-process in its TIA.

### WEEKEND ANALYSIS

Typically, a TIA will address the peak hours of the project trips and/or the peak hours of the adjacent street. In the case of the Tannler Mixed use project, the site's peak for trip generation will be the AM and PM peak hours. This is likely also the peak hours for the study area intersections. The City's TIA standards in 85.170.A.B.2 are not specific about the time period to analyze. The Transportation System Plan includes the City's level of service standards and refers to "peak hour of travel demand." It is generally accepted that the weekday PM peak hour (one hour between 4:00-6:00 PM) is the highest. During the scoping of the TIA with City staff and their consultant DKS (as required in chapter 85), only the AM and PM weekday peak hours were required for analysis. It is unlikely the weekend volumes would be higher at this location.

M.

City of West Linn  
Tannler Mixed-Use Project  
Project Number 2130529.08  
September 1, 2015  
Page 5

I hope this letter clarifies our proposal and addresses the concerns raised during public testimony. Please let me know if you have questions about any of our responses.

Sincerely,



Brent Ahrend  
Senior Associate | Traffic Engineer

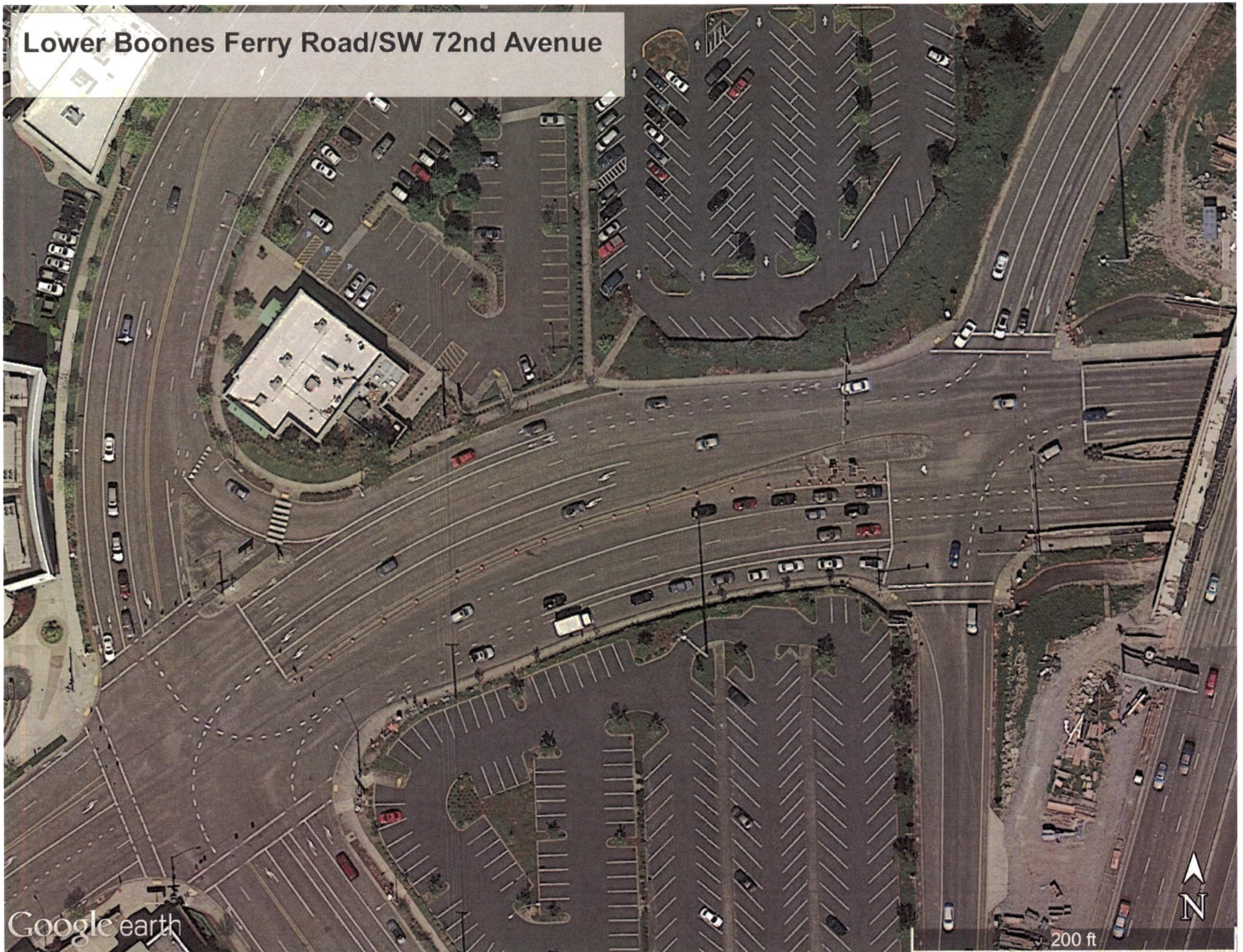
Enclosure(s): Lane Configuration Aerials  
Greene Street Traffic Counts  
Updated Figures  
Greene Street Capacity Calculations

c: Khoi Le – West Linn  
Brian Copeland – DKS Associates  
Avi Tayar, Joshua Brooking – ODOT  
Michael Robinson, Seth King – Perkins Coie  
Jeff Parker – Parker Development  
Rob Morgan, Mike Mahoney – ConAm  
Janet Jones – Mackenzie





Lower Boones Ferry Road/SW 72nd Avenue





Lower Boones Ferry Road/SW McEwan Road





SW Westgate Drive/SW Skyline Boulevard





NW Cornell Road/NW 158th Avenue



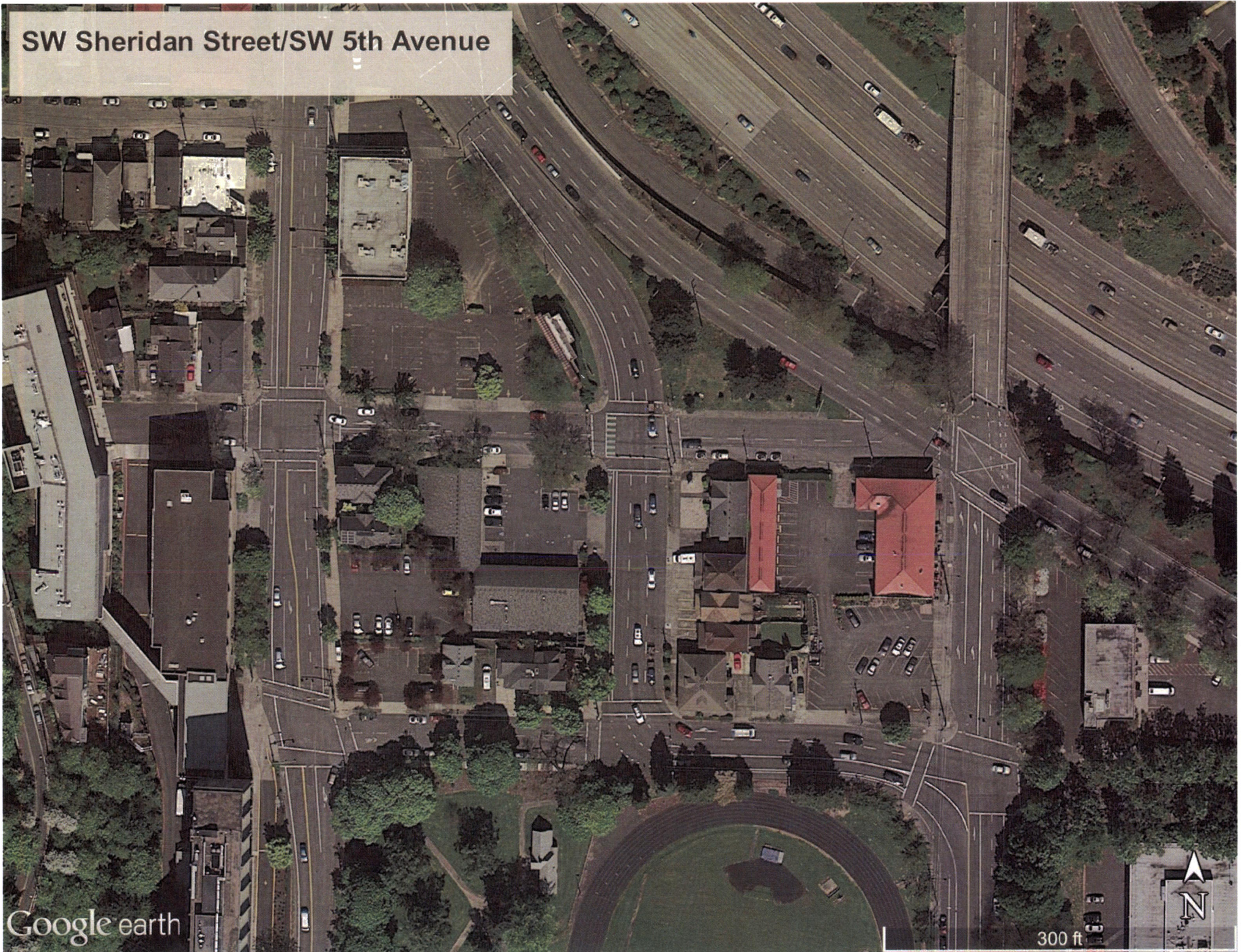
Google earth



300 ft



SW Sheridan Street/SW 5th Avenue



Google earth

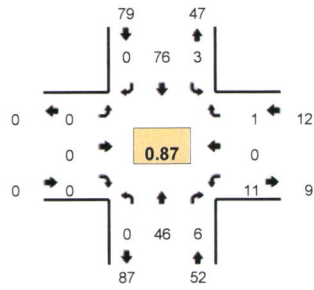
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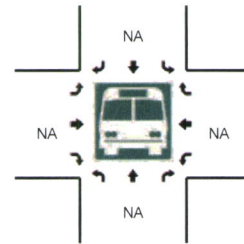
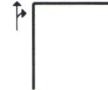
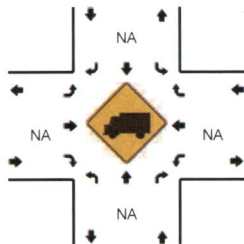
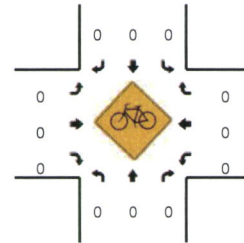
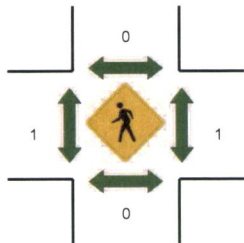
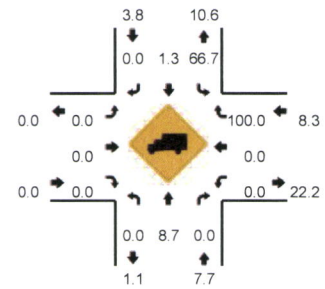


**LOCATION:** Tannler Dr -- Greene St  
**CITY/STATE:** West Linn, OR

**QC JOB #:** 13568001  
**DATE:** Thu, Aug 20 2015



**Peak-Hour: 7:55 AM -- 8:55 AM**  
**Peak 15-Min: 8:25 AM -- 8:40 AM**



5-Min Count Beginning At	Tannler Dr (Northbound)				Tannler Dr (Southbound)				Greene St (Eastbound)				Greene St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	2	0	0	0	6	0	0	0	0	0	0	0	0	0	0	8	
7:05 AM	0	2	0	0	0	4	0	0	0	0	0	0	1	0	0	0	7	
7:10 AM	0	2	0	0	0	3	0	0	0	0	0	0	2	0	0	0	7	
7:15 AM	0	1	0	0	0	5	0	0	0	0	0	0	1	0	0	0	7	
7:20 AM	0	4	0	0	0	3	0	0	0	0	0	0	1	0	0	0	8	
7:25 AM	0	3	0	0	0	6	0	0	0	0	0	0	1	0	0	0	10	
7:30 AM	0	3	1	0	0	7	0	0	0	0	0	0	3	0	2	0	16	
7:35 AM	0	4	0	0	0	10	0	0	0	0	0	0	0	0	0	0	14	
7:40 AM	0	5	0	0	0	4	0	0	0	0	0	0	0	0	0	0	9	
7:45 AM	0	2	0	0	0	9	0	0	0	0	0	0	2	0	0	0	13	
7:50 AM	0	2	1	0	0	3	0	0	0	0	0	0	0	0	0	0	6	
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8:25 AM	0	4	2	0	1	5	0	0	0	0	0	0	1	0	0	0	13	136
8:30 AM	0	5	0	0	0	6	0	0	0	0	0	0	2	0	0	0	13	133
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8:45 AM	0	4	0	0	0	7	0	0	0	0	0	0	0	0	1	0	12	137
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8:55 AM	0	3	1	0	0	8	0	0	0	0	0	0	0	0	0	0	12	142
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	60	12	0	4	68	0	0	0	0	0	0	20	0	0	0	164	
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Railroad																		
Stopped Buses																		

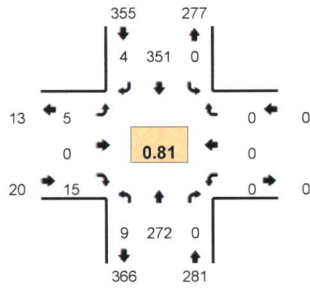
Comments:

Type of peak hour being reported: Intersection Peak

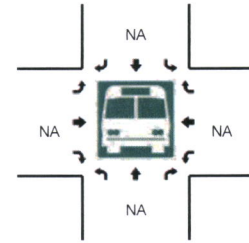
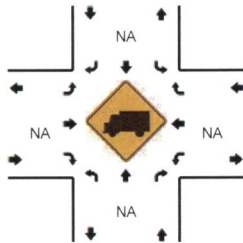
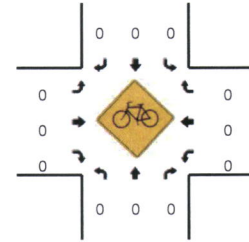
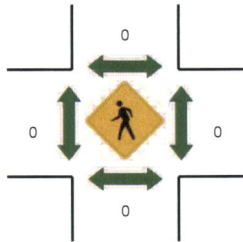
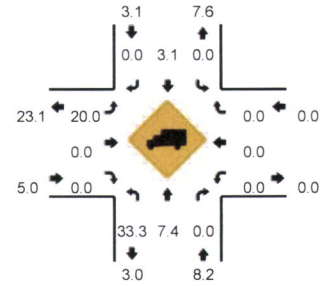
Method for determining peak hour: Total Entering Volume

**LOCATION:** Salamo Rd -- Greene St  
**CITY/STATE:** West Linn, OR

**QC JOB #:** 13568002  
**DATE:** Thu, Aug 20 2015



**Peak-Hour: 7:55 AM -- 8:55 AM**  
**Peak 15-Min: 8:40 AM -- 8:55 AM**



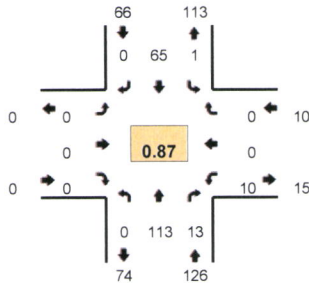
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	Beginning At	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right			U
7:00 AM	0	5	0	0	0	21	0	0	0	0	0	1	0	0	0	0	0	27	
7:05 AM	0	13	0	0	0	40	1	0	0	1	0	0	0	0	0	0	0	55	
7:10 AM	0	18	0	0	0	33	0	0	0	0	0	1	0	0	0	0	0	52	
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8:15 AM	0	16	0	0	0	24	0	0	0	0	0	0	0	0	0	0	0	40	613
8:20 AM	0	26	0	0	0	27	0	0	0	1	0	0	0	0	0	0	0	54	620
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8:30 AM	2	23	0	0	0	31	0	0	0	0	0	1	0	0	0	0	0	57	616
8:35 AM	1	16	0	0	0	31	0	0	0	0	0	1	0	0	0	0	0	49	618
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Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	8	372	0	0	0	408	4	0	0	0	16	0	0	0	0	0	808		
Heavy Trucks	0	20	0	0	0	12	0	0	0	0	0	0	0	0	0	0	32		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Railroad																			
Stopped Buses																			

Comments:

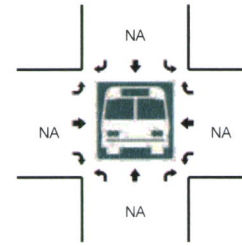
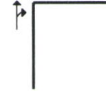
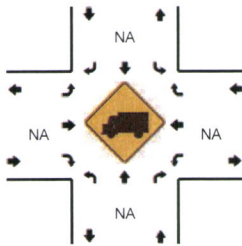
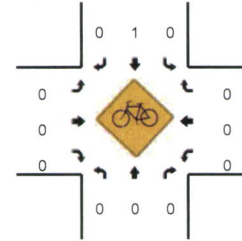
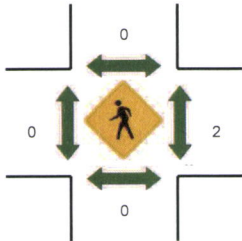
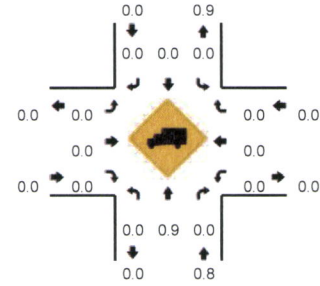


**LOCATION:** Tannler Dr -- Greene St  
**CITY/STATE:** West Linn, OR

**QC JOB #:** 13568003  
**DATE:** Wed, Aug 19 2015



**Peak-Hour: 5:00 PM -- 6:00 PM**  
**Peak 15-Min: 5:25 PM -- 5:40 PM**



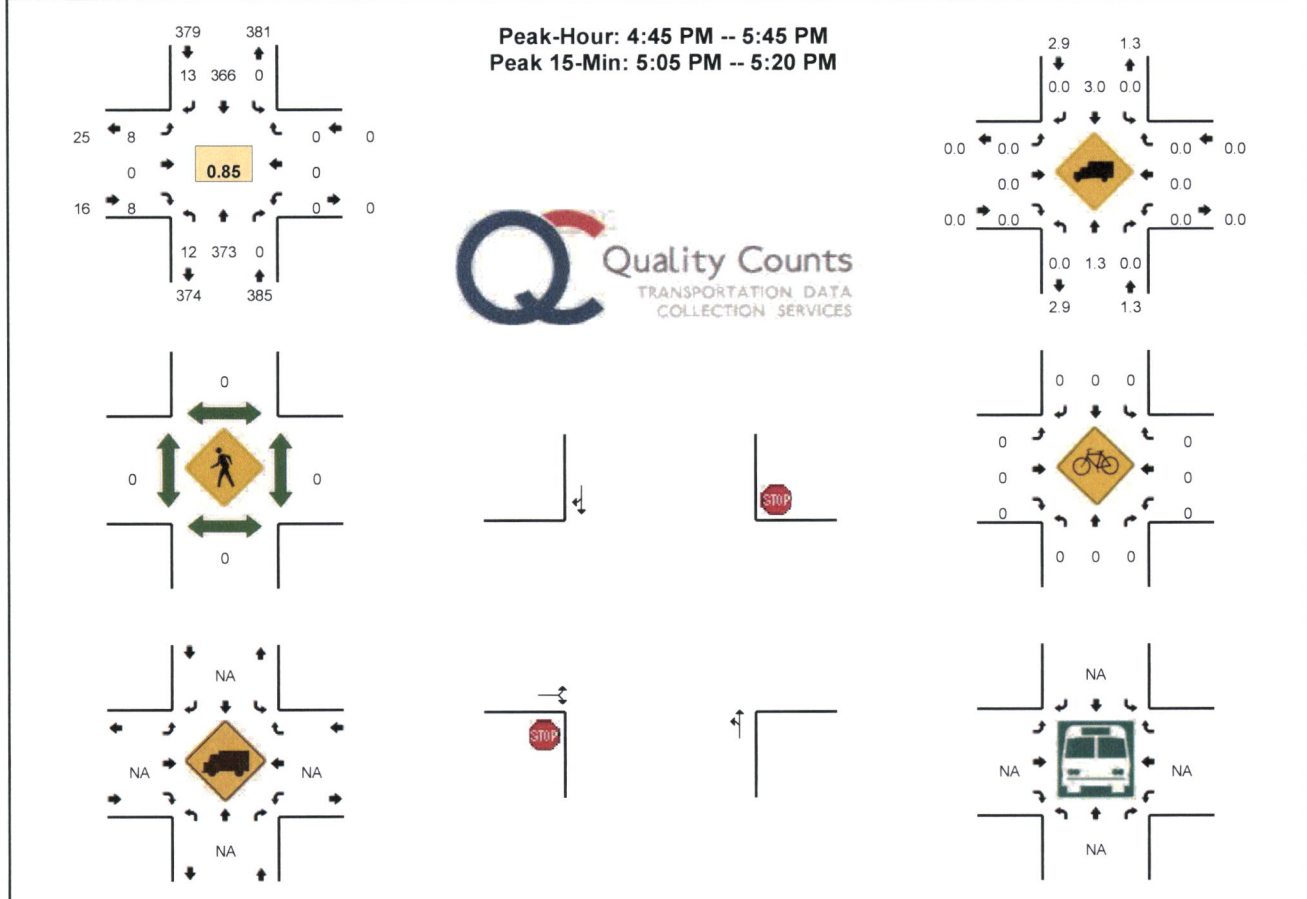
5-Min Count Period Beginning At	Tannler Dr (Northbound)				Tannler Dr (Southbound)				Greene St (Eastbound)				Greene St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	8	0	0	1	5	0	0	0	0	0	0	0	0	0	0	14	
4:05 PM	0	4	2	0	0	5	0	0	0	0	0	0	0	0	1	0	12	
4:10 PM	0	5	1	0	0	9	0	0	0	0	0	0	0	0	0	0	15	
4:15 PM	0	7	0	0	0	2	0	0	0	0	0	0	1	0	0	0	10	
4:20 PM	0	10	2	0	0	5	0	0	0	0	0	0	1	0	0	0	18	
4:25 PM	0	8	0	0	0	4	0	0	0	0	0	0	1	0	0	0	13	
4:30 PM	0	6	1	0	0	3	0	0	0	0	0	0	2	0	1	0	13	
4:35 PM	0	9	0	0	0	4	0	0	0	0	0	0	0	0	0	0	13	
4:40 PM	0	5	0	0	0	1	0	0	0	0	0	0	0	0	0	0	6	
4:45 PM	0	5	2	0	0	7	0	0	0	0	0	0	1	0	0	0	15	
4:50 PM	0	16	0	0	0	4	0	0	0	0	0	0	1	0	0	0	21	
4:55 PM	0	10	2	0	0	4	0	0	0	0	0	0	1	0	0	0	17	167
5:00 PM	0	8	0	0	0	4	0	0	0	0	0	0	0	0	0	0	12	165
5:05 PM	0	10	0	0	0	5	0	0	0	0	0	0	1	0	0	0	16	169
5:10 PM	0	6	0	0	0	7	0	0	0	0	0	0	0	0	0	0	13	167
5:15 PM	0	8	1	0	0	4	0	0	0	0	0	0	1	0	0	1	15	172
5:20 PM	0	5	3	0	0	1	0	0	0	0	0	0	3	0	0	0	12	166
5:25 PM	0	15	2	0	0	8	0	0	0	0	0	0	0	0	0	0	25	178
5:30 PM	0	11	2	0	0	4	0	0	0	0	0	0	1	0	0	0	18	183
5:35 PM	0	5	1	0	1	8	0	0	0	0	0	0	0	0	0	0	15	185
5:40 PM	0	12	2	0	0	5	0	0	0	0	0	0	0	0	0	0	19	198
5:45 PM	0	11	0	0	0	3	0	0	0	0	0	0	2	0	0	0	16	199
5:50 PM	0	8	1	0	0	10	0	0	0	0	0	0	0	0	0	0	19	197
5:55 PM	0	14	1	0	0	6	0	0	0	0	0	0	1	0	0	0	22	202
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
Beginning At	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	124	20	0	4	80	0	0	0	0	0	0	4	0	0	0	232	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
Railroad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments:

Type of peak hour being reported: Intersection Peak

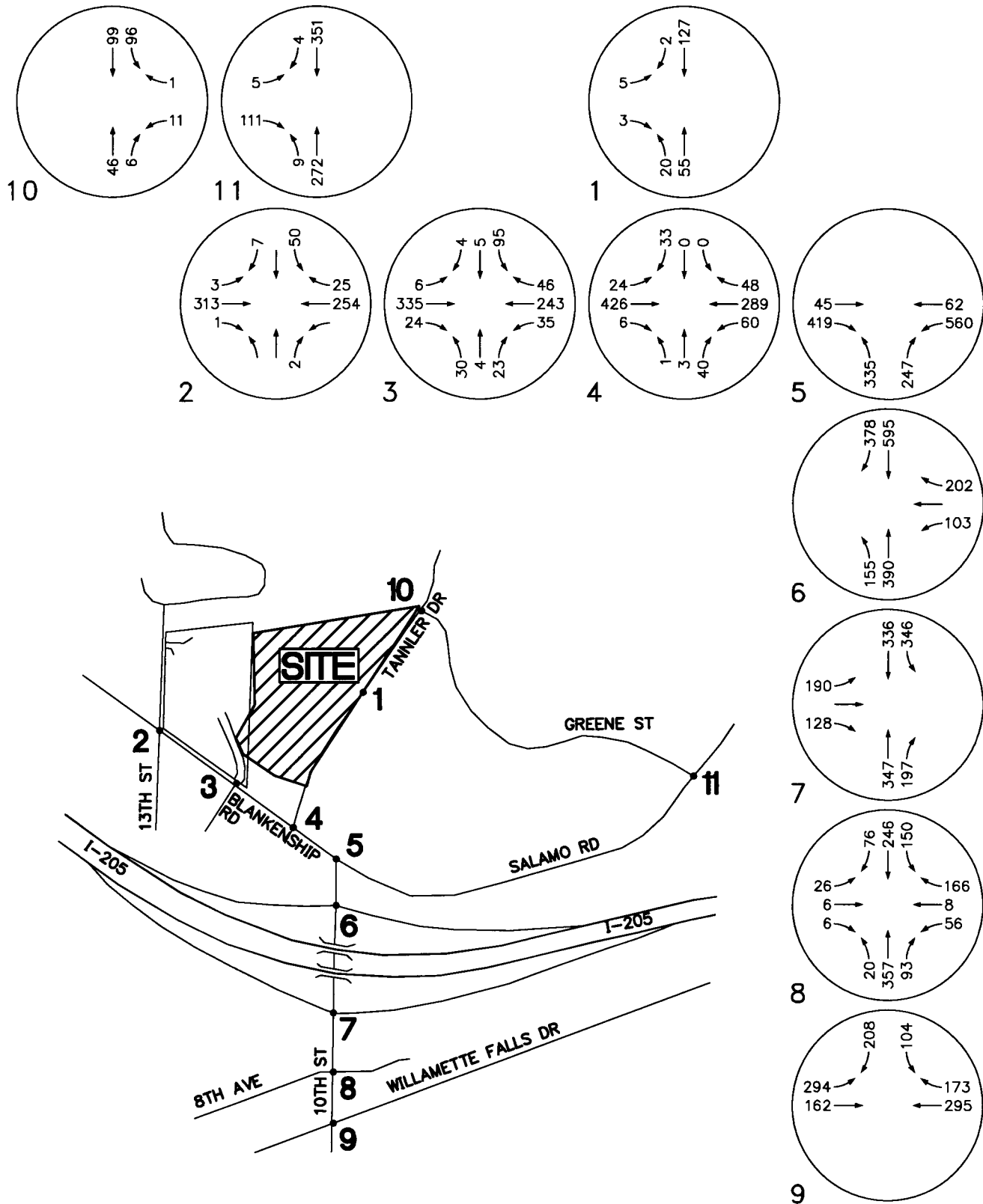
Method for determining peak hour: Total Entering Volume

**LOCATION:** Salamo Rd -- Greene St  
**CITY/STATE:** West Linn, OR  
**QC JOB #:** 13568004  
**DATE:** Wed, Aug 19 2015



5-Min Count Beginning At	Salamo Rd (Northbound)				Salamo Rd (Southbound)				Greene St (Eastbound)				Greene St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	2	26	0	0	0	24	0	0	0	0	2	0	0	0	0	0	54	
4:05 PM	3	20	0	0	0	33	0	0	0	0	1	0	0	0	0	0	57	
4:10 PM	1	13	0	1	0	20	3	0	0	0	0	0	0	0	0	0	38	
4:15 PM	0	31	0	0	0	20	0	0	0	0	0	0	0	0	0	0	51	
4:20 PM	1	28	0	0	0	29	0	0	0	0	0	0	0	0	0	0	58	
4:25 PM	2	26	0	0	0	19	1	0	1	0	0	0	0	0	0	0	49	
4:30 PM	0	21	0	0	0	25	0	0	1	0	1	0	0	0	0	0	48	
4:35 PM	1	28	0	0	0	25	0	0	0	0	2	0	0	0	0	0	56	
4:40 PM	3	27	0	0	0	21	1	0	1	0	0	0	0	0	0	0	53	
4:45 PM	1	33	0	0	0	35	0	0	0	0	0	0	0	0	0	0	69	
4:50 PM	2	30	0	0	0	22	3	0	1	0	0	0	0	0	0	0	58	
4:55 PM	4	24	0	0	0	22	2	0	0	0	2	0	0	0	0	0	54	645
5:00 PM	0	33	0	0	0	24	1	0	2	0	0	0	0	0	0	0	60	651
5:05 PM	1	36	0	0	0	42	0	0	1	0	1	0	0	0	0	0	81	675
5:10 PM	0	39	0	0	0	32	1	0	1	0	1	0	0	0	0	0	74	711
5:15 PM	1	31	0	0	0	41	1	0	1	0	0	0	0	0	0	0	75	735
5:20 PM	1	25	0	0	0	24	1	0	0	0	0	0	0	0	0	0	51	728
5:25 PM	0	27	0	0	0	29	1	0	0	0	0	0	0	0	0	0	57	736
5:30 PM	1	28	0	0	0	23	2	0	0	0	1	0	0	0	0	0	55	743
5:35 PM	1	32	0	0	0	44	0	0	1	0	2	0	0	0	0	0	80	767
5:40 PM	0	35	0	0	0	28	1	0	1	0	1	0	0	0	0	0	66	780
5:45 PM	0	18	0	0	0	30	0	0	0	0	0	0	0	0	0	0	48	759
5:50 PM	2	23	0	0	0	34	0	0	2	0	1	0	0	0	0	0	62	763
5:55 PM	0	22	0	0	0	29	1	0	0	0	1	0	0	0	0	0	53	762
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	8	424	0	0	0	460	8	0	12	0	8	0	0	0	0	0	920	
Heavy Trucks	0	4	0	0	0	12	0	0	0	0	0	0	0	0	0	0	16	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:



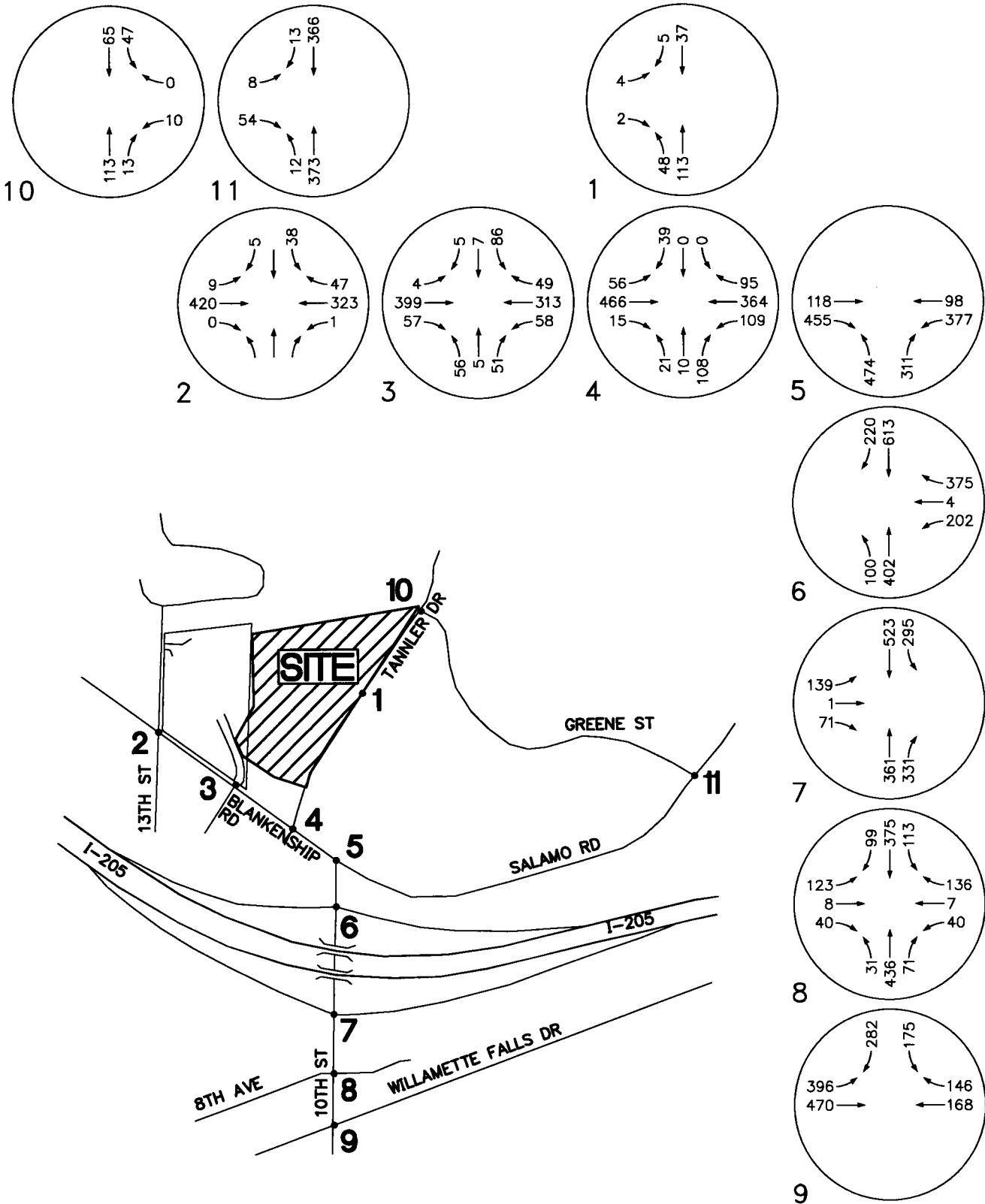
**M.** Portland 503.224.9560 Vancouver 360.695.7879 Seattle 206.749.9993  
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 Architecture • Interiors  
 Planning • Engineering

**MACKENZIE**  
 DATE: 08.24.15  
 DRAWN BY: JTJ  
 CHECKED BY: BTA  
 JOB NO:  
 2130529.08

**2017 POST-DEVELOPMENT  
 VOLUMES - AM PEAK HOUR  
 MITIGATION TOTAL VOLUMES**  
 TANNER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON

**FIGURE  
 2A**

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 DATE: 08.24.15  
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**2017 POST-DEVELOPMENT  
 VOLUMES - PM PEAK HOUR  
 MITIGATION TOTAL VOLUMES**  
 TANNER DRIVE MIXED-USE PROJECT  
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**FIGURE  
 2B**

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**Intersection**

Int Delay, s/veh            3.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	11	1	46	6	99	96
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	1	50	7	108	104

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	373	53	0 0 57 0
Stage 1	53	-	- - - -
Stage 2	320	-	- - - -
Critical Hdwy	6.42	6.22	- - 4.12 -
Critical Hdwy Stg 1	5.42	-	- - - -
Critical Hdwy Stg 2	5.42	-	- - - -
Follow-up Hdwy	3.518	3.318	- - 2.218 -
Pot Cap-1 Maneuver	628	1014	- - 1547 -
Stage 1	970	-	- - - -
Stage 2	736	-	- - - -
Platoon blocked, %			- - - -
Mov Cap-1 Maneuver	582	1014	- - 1547 -
Mov Cap-2 Maneuver	582	-	- - - -
Stage 1	970	-	- - - -
Stage 2	682	-	- - - -

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	3.8
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	- 603	1547	-
HCM Lane V/C Ratio	-	- 0.022	0.07	-
HCM Control Delay (s)	-	- 11.1	7.5	0
HCM Lane LOS	-	- B	A	A
HCM 95th %tile Q(veh)	-	- 0.1	0.2	-



**Intersection**

Int Delay, s/veh 1.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	5	111	9	272	351	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	5	121	10	296	382	4

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	699	384	386 0
Stage 1	384	-	- -
Stage 2	315	-	- -
Critical Hdwy	6.42	6.22	4.12 -
Critical Hdwy Stg 1	5.42	-	- -
Critical Hdwy Stg 2	5.42	-	- -
Follow-up Hdwy	3.518	3.318	2.218 -
Pot Cap-1 Maneuver	406	664	1172 -
Stage 1	688	-	- -
Stage 2	740	-	- -
Platoon blocked, %			- -
Mov Cap-1 Maneuver	402	664	1172 -
Mov Cap-2 Maneuver	402	-	- -
Stage 1	688	-	- -
Stage 2	733	-	- -

Approach	EB	NB	SB
HCM Control Delay, s	11.9	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1172	-	646	-	-
HCM Lane V/C Ratio	0.008	-	0.195	-	-
HCM Control Delay (s)	8.1	0	11.9	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.7	-	-



**Intersection**

Int Delay, s/veh 1.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	10	0	113	13	47	65
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	11	0	123	14	51	71

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	303	130	0
Stage 1	130	-	-
Stage 2	173	-	-
Critical Hdwy	6.42	6.22	-
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	-
Pot Cap-1 Maneuver	689	920	-
Stage 1	896	-	-
Stage 2	857	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	664	920	-
Mov Cap-2 Maneuver	664	-	-
Stage 1	896	-	-
Stage 2	825	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.5	0	3.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	664	1447
HCM Lane V/C Ratio	-	-	0.016	0.035
HCM Control Delay (s)	-	-	10.5	7.6
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.1	0.1



**Intersection**

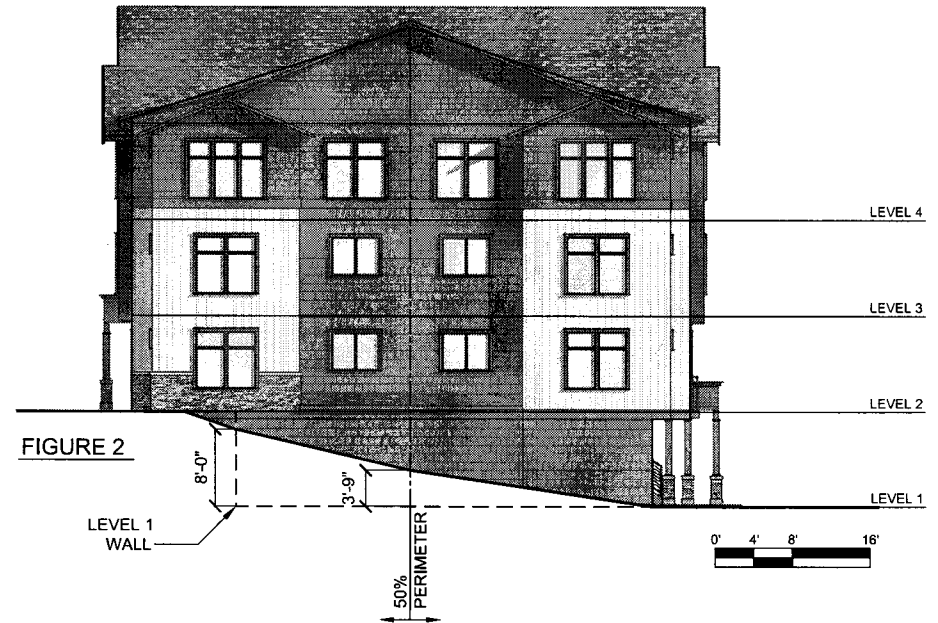
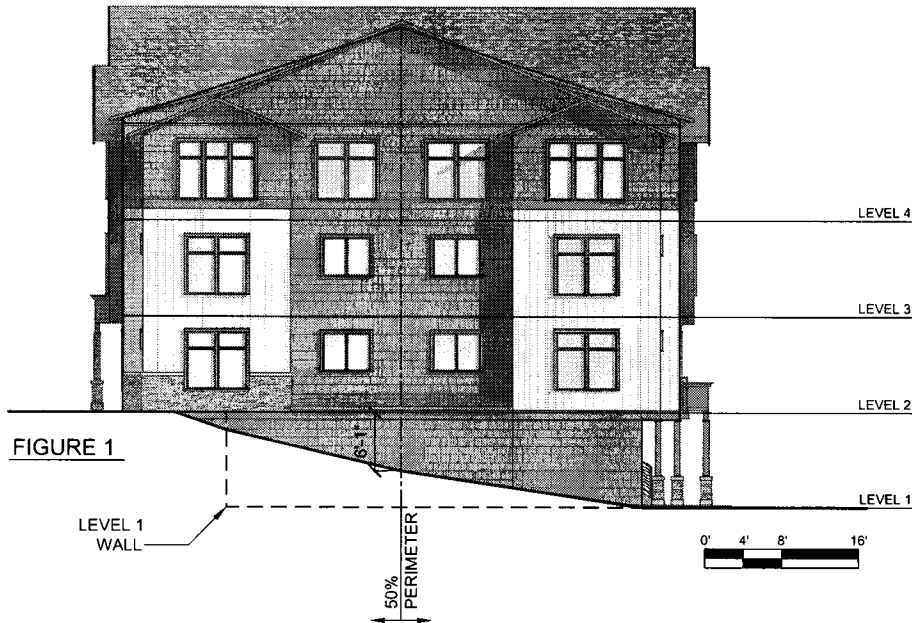
Int Delay, s/veh 1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	8	54	12	373	366	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	59	13	405	398	14

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	837	405	412	0	-
Stage 1	405	-	-	-	-
Stage 2	432	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	337	646	1147	-	-
Stage 1	673	-	-	-	-
Stage 2	655	-	-	-	-
Platoon blocked, %					
Mov Cap-1 Maneuver	332	646	1147	-	-
Mov Cap-2 Maneuver	332	-	-	-	-
Stage 1	673	-	-	-	-
Stage 2	645	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	12.1	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1147	-	576	-	-
HCM Lane V/C Ratio	0.011	-	0.117	-	-
HCM Control Delay (s)	8.2	0	12.1	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.4	-	-



## West Linn CDC - Chapter 2 Definitions

**Basement.** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Grade.** The finished ground level adjoining the building at all exterior walls.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

**Story, first.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.



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Facsimile: (858) 614-7542

August 31, 2015

Ryerson Schwark, Chair, West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

**RE:** Tannler Mixed-Use Project  
DR-15-11/LLA-15-01  
Commercial Space

Dear Chair Schwark:

There have been some questions by members of the community surrounding the commercial space that we thought might be helpful to address.

First, we believe the size of the commercial spaces of approximately 300 sf per suite is appropriate for our target tenant who is a small office user such as an accountant, real estate agent, attorney, etc. These tenants may be currently working out of their homes given the high proportion of home-based businesses in West Linn or in other office buildings and are interested in looking for a small space they can move into that provides them their own distinct space and identity.

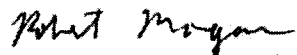
Second, we understand there is some concern about the potential vacancy of these spaces. While market forces are not within our control, we would not design commercial suites that we think are not viable for our project and the larger community. It is in our own best interest to have these spaces occupied and vibrant. Furthermore, we have flexibility within reason of the rate we can charge to try and make them more attractive if necessary. Finally, even if some of the spaces are vacant the property will be professionally managed on-site by our experienced team which will ensure that it will be easy to monitor any vacant commercial or residential units and ensure the property is well-kept and consistent with the City's crime prevention standards.

Third, we believe the signage plan that has been placed into the record clearly identifies the commercial suites. The visibility on Tannler Drive and on the main driveway of the project will also make it easy for the clients or customers of the commercial space to find their destination. The commercial suite design emphasizes their distinct identity with additional glazing and visibility.

In summary we believe the commercial component of our project is positioned to be successful and meet the applicable City standards.

Thank you,

**CONAM PROPERTIES, LLC**

A handwritten signature in black ink that reads "Rob Morgan". The signature is written in a cursive, slightly slanted style.

Rob Morgan  
Development Manager

Chapter 21  
OFFICE BUSINESS CENTER, OBC

Sections:

- 21.010 PURPOSE
- 21.020 PROCEDURES AND APPROVAL PROCESS
- 21.030 PERMITTED USES
- 21.040 REPEALED
- 21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.060 CONDITIONAL USES
- 21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**21.010 PURPOSE**

The purpose of this zone is to provide for groups of business and offices in centers, to accommodate the location of intermediate uses between residential districts and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities, to expand the City's economic potential, to provide a range of compatible and supportive uses, and to locate office employment where it can support other commercial uses. The trade area will vary and may extend outside the community. This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan.

**21.020 PROCEDURES AND APPROVAL PROCESS**

A. A use permitted outright, CDC 21.030, is a use that requires no approval under the provisions of this code, provided that the use promotes the purpose of the zone and all other applicable requirements of the CDC are met. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

B. A use permitted under prescribed conditions, CDC 21.050, is a use for which approval will be granted provided all conditions are satisfied, the use promotes the purpose of the zone, all other applicable requirements of the CDC are met, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

C. The approval of a conditional use (CDC 21.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance. (Ord. 1463, 2000)

## 21.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. Business equipment sales and services.



2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Hotel/motel, including those operating as extended hour businesses.
8. Medical and dental services.
9. Parking facilities.
10. Participant sports and recreation, indoor.
11. Personal services and facilities.
12. Professional and administrative services.
13. Utilities, minor.
14. Transportation facilities (Type I).

#### **21.040 ACCESSORY USES**

Repealed by Ord. 1622.

#### **21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

The following uses are allowed in this zone under prescribed conditions:

1. Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.

2. Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure, with a minimum 200 square feet of commercial development per multi-family dwelling unit.

3. Signs, subject to the provisions of Chapter 52 CDC.

4. Temporary use, subject to the provisions of Chapter 35 CDC.

5. Home occupation, subject to provisions of Chapter 37 CDC.

6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Eating and drinking establishments, subject to the following limitations:

a. The use shall constitute no more than 20 percent of the total floor area of the building in which it is located.

b. The use shall not include any drive-through facilities.

#### 21.060 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Use:

1. Children's day care center.

2. Convenience sales and personal services.

3. Food and beverage retail sales.

4. Heliports.

5. Research services.

6. Repealed by Ord. 1622.

7. Utilities, major.

8. Vehicle fuel sales.

9. Single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).

10. Postal services.

11. Public safety facilities.

12. Public support facilities.

13. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.

## **21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

A. Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

2. The average minimum lot width shall be 35 feet.

3. Repealed by Ord. 1622.

4. The yard dimensions or building setback area from the lot line shall be:

- a. Interior side yard, a minimum of seven and one-half feet.
- b. Side yard abutting a street, no minimum.
- c. Rear yard, a minimum of 25 feet.
- d. Front yard, no minimum and a 20-foot maximum. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

5. The maximum lot coverage shall be 50 percent.

6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

B. The requirements of subsections (A)(1) through (4) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

## **21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 16, 2014)

## **21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
2. Chapter 35 CDC, Temporary Structures and Uses.
3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
4. Chapter 40 CDC, Building Height Limitations, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings.

- c. Prohibited uses.
  - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
  - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
  - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.
  - b. Conditional uses.
    - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
    - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
  - c. Prohibited uses.
    - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
    - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].
  - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

- b. Conditional uses.
  - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
  - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
- c. Prohibited uses.
  - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
  - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
- 8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.
  - a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;
  - b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and
  - c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.
- 9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

DRAFT  
COMMUNITY  
DEVELOPMENT  
CODES

Prepared by  
Ames Associates, Inc.  
Planning Consultants

For the  
City of West Linn, Oregon

The preparation of this material was financially aided by a grant from the Community Development Division, Department of Human Resources, Clackamas County, Oregon which is funded by the Community Development Block Grant Program, Administered by the U.S. Department of Housing and Urban Development

September 1982



management, religious, research, scientific, statistical, surveyor, tax or similar service or organization.

15. Post Office.
16. Professional office.
17. Park, not including playground area.
18. Travel agent.
19. Veterinary clinic or hospital for small animals without outdoor runs and provided that interior animal keeping or treatment areas are designed to prevent the transmission of sound to adjoining uses or uses beyond the property line whichever is less distance.

21.040 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Residential uses as provided in chapter 16, High Density Residential provided--
  - a. The residential use is located above the first story of the structure; or
  - b. The residential use is part of an overall Business-office center Planned unit Development and occupies no more than 25% of the site area; and
  - c. All standards applicable to residential development are met.
2. Home Occupation, Type I subject to the provisions of chapter 37.
3. Sign, subject to the provisions of chapter 52.
4. Temporary use subject to the provisions of chapter 35.

21.050 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of chapter 60, Conditional Use and where applicable section 21.110 of this chapter.

1. Bar or Lounge.
2. Barber shop or beauty shop.

21.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34.

21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.
2. Multiple family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure.
3. Signs, subject to the provisions of Chapter 52.
4. Temporary use, subject to the provisions of Chapter 35.
5. Home Occupation, Type I, subject to provisions of Chapter 37. (Ord.1226)

21.060 CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60, Conditional Use.

1. Children's day care center.
2. Convenience sales and personal services.
3. Food and beverage retail sales.
4. Heliports.
5. Research services.
6. Transient lodging and associated convention facilities. (Ord. 1172; 9/85)
7. Utilities: major.
8. Vehicle fuel sales.
9. Religious Assembly.

(1/88)

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND  
APPROVED BY THE MAYOR THIS 14th DAY OF December, 1983.

Larry M. Ditz  
Mayor

ATTEST:

Kieran J. Nicolay  
City Recorder

Chapter 17.32

CONTROLLED DEVELOPMENT RESIDENTIAL 1 (CD-R1) ZONE

Sections:

- 17.32.010 Purpose.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Limitations on use.
- 17.32.050 Signs.
- 17.32.060 Lot size.
- 17.32.070 Yards.
- 17.32.080 Lot coverage.
- 17.32.090 Height of structures.

17.32.010 Purpose.

The purpose of the CD-R1 zone is to recognize the scenic and unique qualities of the view areas and nearby properties overlooking the Jetty area, the Coquille River and the Old Town, and to maintain these qualities as much as possible by carefully controlling the nature and scale of development in this zone. The vistas and residential character of this area shall be protected by carefully controlling development in the zone.

17.32.020 Permitted uses.

In the CD-R1 zone, the following uses are permitted outright provided that the use promotes the purpose of the zone and all other requirements of this title are met:

- A. Single-family dwellings, or manufactured dwellings as defined in Title 16;
- B. Residential care home;
- C. Adult foster care home;
- D. Public utilities, including service structures.  
(Editorially amended, 2003.)

17.32.030 Conditional uses.

In the CD-R1 zone, the following uses and their accessory uses may be allowed in accordance with Chapter 17.92 and the provisions of this title:

- A. Duplex;
- B. Planned unit development (P.U.D.);
- C. Governmental structure or use;
- D. Health care service facilities, including office;
- E. Nursing home;
- F. Residential facility.

17.32.040 Limitations on use.

- A. All new uses or structures or exterior alterations of existing structures in the CD-R1 zone shall comply with the following:
  - 1. The developer shall be required to gain approval from the planning commission during a plan review in public session regarding the siting and design of the structure and all other requirements of this title. The approval or denial of a proposed land use resulting from this review will occur as a limited land use decision and shall require notice to property owners in the notice area (see Section 17.120.070).

2. Siting of structures should minimize negative impacts on the views of the ocean or river of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those view-scapes.
- B. Plans shall be reviewed to assess the possible presence of any geologic hazard. If any part of the subject lot is in an area designated as a moderate or severe hazard area on the Bandon Bluff Inventory Natural Hazards Map or if any geologic hazard is suspected, the planning commission shall require a report to be supplied by the developer which satisfactorily evaluates the degree of hazard present and recommends appropriate precautions to avoid endangering life and property and minimize erosion. The burden of proof is on the landowner to show that it is safe to build.
1. The following identifies the reports which may be required:
    - a. Soils Report. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading, design criteria for corrective measures, and options and recommendations covering the carrying capabilities of the sites to be developed in a manner imposing the minimum variance from the natural conditions. The investigation and report shall be prepared by a professional civil engineer currently registered in the state of Oregon.
    - b. Geology Report. This report shall include an adequate description, as defined by the city manager or designate, of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions in the proposed development, and opinions and recommendations as to the carrying capabilities of the sites to be developed. The investigation and report shall be prepared by a professional geologist currently registered in the state of Oregon.
    - c. Hydrology Report. This report shall include an adequate description, as defined by the city manager or designate, of the hydrology of the site, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and options and recommendations covering the carrying capabilities of the sites to be developed. The investigation and report shall be prepared by a professional civil engineer currently registered in the state of Oregon.
  2. The planning commission may waive any of these reports if it decides that they are irrelevant to the site.
- C. It shall be the responsibility of the developer to reestablish any vegetation that is removed, displaced or damaged on or near any bluff area in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such reestablishment of vegetation.
- D. Minor modifications to existing structures, such as entryways, decks, porches, windows, fences, and changes due to normal maintenance or emergency repairs, may be administratively approved provided the modifications do not occur in a hazard area, do not impact view from adjoining areas and are consistent with all other ordinance provisions.
- E. Metal-sided buildings are prohibited in the CD-R1 zone.
- F. All homes in the CD-R1 zone, including but not limited to conventionally constructed

homes and manufactured homes, shall utilize at least eight of the following design features (at least 4 of the design features required must be integrated on a face of the dwelling):

1. Garage or constructed with finish materials matching the residence;
2. Roof with a pitch at or greater than 3/12;
3. Hip Roof;
4. Gables;
5. Mullioned windows;
6. Eaves with a minimum projection of twelve inches;
7. Tile or architectural grade shingles;
8. Dormers;
9. Offsets in the building face of at least two feet;
10. Cupolas;
11. Covered porch - a minimum of 25 square feet;
12. Recessed entry area a minimum of three feet;
13. Pillars or posts - decorative in nature;
14. Bay windows;
15. Window shutters;
16. Clerestory windows;
17. Horizontal lap siding on 100% of the exterior, cedar shake or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.

17.32.050 Signs.

See Chapter 17.90 Signs

17.32.060 Lot size.

In the CD-R1 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

- A. For a single-family dwelling, a lot shall be a minimum of five thousand four hundred (5,400) square feet. For a duplex, a lot shall be a minimum of nine thousand (9,000) square feet.
- B. Lots shall have a minimum of forty (40) feet of street frontage. This frontage shall be physically accessible.
- C. Lot depth shall be at least ninety (90) feet.

17.32.070 Yards.

Except as provided in Section 17.104.060, yards in the CD-R1 zone shall be as follows:

- A. The front yard shall be a minimum of twenty (20) feet.
- B. Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.
- C. The rear yard shall be at least ten (10) feet, except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.
- D. Where a side yard of a new commercial structure or bed and breakfast inn abuts a

residential use, that yard shall be a minimum of fifteen (15) feet.

17.32.080 Lot coverage.

In the CD-R1 zone buildings shall not occupy more than fifty (50) percent of the lot area.

17.32.090 Height of Buildings and Structures.

A. In order to maximize the ocean and river view potential of lots in the CD-R1 zone, except as otherwise permitted in 17.32.100 Exceptions to height limitations, or pursuant to 17.32.090.A.1 (below), no portion of any building shall exceed the following heights, measured as provided in 16.42.010 Definitions, "Height of building or structure:"

1. Twenty-eight (28) feet for Lots 5 thru 8 Block 5, and Lots 5 thru 8 Block 4, all in the Averill Addition, located on Map 28-15-25 AD.

a. With the specific approval of the Planning Commission, a building or structure may exceed a height of twenty-eight (28) feet, up to a maximum height of thirty-five (35) feet.

(1) Review Criteria

In deciding whether to approve or deny a request for the additional height, the Planning Commission shall consider and require conformance with the following review criteria. It shall be the applicant's responsibility to provide sufficiently detailed plans, data, and all other information necessary for the Planning Commission to determine whether the proposed additional height complies with the applicable review criteria.

(2) The additional height shall not negatively impact the views from surrounding properties.

(3) The additional height shall not cut off sunlight onto surrounding properties.

(4) The additional height shall not negatively impact the aesthetic character of the neighborhood.

(5) All portions of any roofs above 28 ft. shall be sloped a minimum of 3:12, and must slope down and away from the highest point of the structure.

(6) For each one (1) foot, or portion thereof, that the highest point of the structure exceeds twenty-eight (28) feet, the minimum required front, side, and rear setbacks, as defined in 16.42.010 Definitions, shall each be increased by one (1) foot.

b. Review Procedures and Public Notices

The review and approval of requests for additional height as provided herein shall be considered limited land use decisions, and shall be subject to the application, review, and public notice procedures as specified for limited land use decisions in Chapter 17.120

B. Twenty-four (24) feet for all other lots.



**DATE:** August 31, 2015  
**TO:** Michael Robinson (Perkins Coie) and Rob Morgan (ConAm Properties, LLC)  
**FROM:** Morgan Holen, Project Arborist  
**RE:** Tannler Drive Mixed Use Development – Arborist Rebuttal

MHA1472

Morgan Holen & Associates, LLC was contracted by ConAm Properties, LLC to provide consulting arborist services during the design phase of Tannler Drive Mixed Use Development project. This memorandum was prepared by International Society of Arboriculture Certified Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145A) at the request of Perkins Coie to provide the project arborist's rebuttal to two comments made by opponents of the project during the West Linn Planning Commission Hearing held on August 26, 2015.

**The first comment cited an email from the West Linn City Arborist Mike Perkins to Planning Staff Zach Pelz dated Thursday, August 13, 2015 (see attached copy).**

The July 9, 2015 Arborist Report and Tree Preservation Plan describes 37 significant trees. Of the 37 trees identified as significant (by both Morgan Holen & Associates and the City's Arborist), eight are Douglas-firs (*Pseudotsuga menziesii*) and 29 are Oregon white oaks (*Quercus garryana*). Five significant Douglas-firs and six significant Oregon white oaks, all of which are located within the boundaries of Unit 2, are planned for removal for the purposes of construction, including grading, building, parking lot construction, and retaining wall construction. The remaining three Douglas-firs and 23 Oregon white oaks, all of which are within the boundaries of Unit 1, are planned for preservation. The trees to be preserved can all be protected with tree protection fencing installed 10-feet beyond the dripline (the City's standard requirement) at a minimum. Seventy percent of the trees identified as significant are planned for preservation, including 79% of the Oregon white oaks. Although the City Arborist thinks that all of the significant oaks should be saved (based on the August 13, 2015 email), six oaks must be removed for construction because they cannot be protected based on the grading and development plan. All in all, the majority of the significant oaks are planned for preservation and adequate protection during construction is possible. Based on the total square footage of significant tree canopy cover planned for preservation, the tree plan satisfies Section 55.100 Approval Standards. The staff report concurs that the tree plan satisfies applicable standards.

The City Arborist also comments in the August 13, 2015 email that "some of the nicer and larger trees in the grove" will be removed. Of the six oaks planned for removal, five are noted as being in "Good" condition and one is in "Fair" condition, and four of these trees are between 20- and 28-inches in diameter while two are smaller than 20-inches in diameter. Of the 23 oaks planned for preservation, 19 are noted as being in "Good" condition and four are in "Fair" condition, and four of these trees are between 20- and 26-inches in diameter while 19 are 10- to 18-inches in diameter. The 29 significant oaks are variable in size and condition and there is no substantial distinction between those planned for removal and those planned for preservation.

The August 13, 2015 email from the City Arborist also notes that "In general, it is not desirable to remove trees from the edge of...groves as it can open the remainder of the trees up to windthrow..." Although exposing new edges of stand grown trees is a valid concern, this particular statement is entirely general and not based on an on-the-ground assessment of the trees of issue. The project arborist did evaluate individual trees in terms of potential impacts from adjacent tree removal during



the April 28, 2015 tree inventory fieldwork, including increased susceptibility to windthrow. The July 9, 2015 Arborist Report and Tree Plan notes that the significant oaks are located in groups in the northern portion of the site and that these trees “are most suitable for retention as intact, undisturbed groups.” The 23 oaks plans for preservation are located within intact, undisturbed groups. The six oaks planned for removal are located within two distinct group which will be removed as entire groups. Removal of these two groups will not result in impacts to the larger intact groups planned for preservation located upslope and not immediately adjacent to the trees planned for removal. The six oaks to be removed do not provide shelter or windbreaks to other trees.

The Tree Removal and Preservation Plan drawing is attached, highlighting the 37 significant trees planned for preservation (blue) and removal (yellow); note that the tree point symbols are different for coniferous trees (the eight Douglas-firs) and deciduous trees (the 29 Oregon white oaks).

**The second comment questioned how the code criteria to protect natural resources could be met when no trees were proposed for preservation on Unit 2, the portion of the overall site planned for development.**

Units 1 and 2 are considered together and the Arborist Report and Tree Preservation Plan make no distinction between the number of trees preserved or removed on each individual Unit.

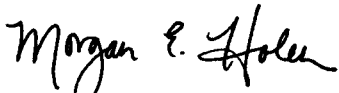
Finding No. 9 of the City’s August 25, 2015 staff report states:

“CDC 99.070 requires a consolidation of applications. As it relates to this decision, Unit 1 is 3.18 acres and Unit 2 is 7.01 acres. Only Unit 2 is proposed for development and all of the trees on Unit 2 are proposed for removal. Unit 1 is not proposed for development and most trees are retained. When considered together, the approximately [sic] area of non-Type I and II lands on the site subject to design review comprise a total of 443,867.4 square feet (10.19 acres).”

Unit 1 is primarily separated from Unit 2 in order to set aside an open space tract for the protection of significant trees. The applicant is not required to preserve significant trees located on Unit 2, but the protection of significant trees must be made by either dedication or easement as required by Section 55.100 Approval Standards; Unit 1 provides a dedicated open space tract for the preservation of significant trees.

Please let me know if you have you questions or need any additional information.

Thank you,  
Morgan Holen & Associates, LLC



Morgan E. Holen, Owner  
ISA Certified Arborist, PN-6145A  
ISA Tree Risk Assessment Qualified  
Forest Biologist

Enclosures: August 13, 2015 email from Mike Perkins to Zach Pelz  
Tree Removal and Preservation Plan Mark-up

## Pelz, Zach

---

**From:** Perkins, Michael  
**Sent:** Thursday, August 13, 2015 1:25 PM  
**To:** Pelz, Zach  
**Subject:** Con Am

Just basically and briefly, I think that the Con am project on Tannler should save all of the significant oaks that are part of the grove at the north end of the property. Unfortunately the trees on the edge of the grove that they are proposing for removal are some of the nicer and larger trees in the grove. In general it is not desirable to remove trees from the edge of tree clusters and groves as it can open the remainder of the trees up to windthrow since they have become accustomed to having the other trees there to buffer the wind. I would encourage the planning dept/planning commission to require the maximum square footage for tree protection to protect as many Oregon white oaks in this grove.

Michael Perkins, City Arborist/Park Development Coordinator  
Parks and Recreation, #1554



Please consider the impact on the environment before printing a paper copy of this email.  
This e-mail is subject to the State Retention Schedule and may be made available to the public.











### SHORT-TERM ENROLLMENT FORECASTS

Short-term forecasts are designed to help the District anticipate enrollment looking out five years into the future. Forecasts are based on recent demographic trends, existing residences, and approved residential developments. A short-term forecast was prepared in November 2013 by Davis Demographics and Planning (Exhibit B). The development data was created by interviewing city staff regarding approved residential developments and the timing for their completion, and the types of residences involved. As part of this analysis, a large sample of new housing units, built within the last seven years, was taken to estimate the average number of students generated by new (built between 2007-2013) single family detached, multi-family attached (e.g., townhouses, condos, and apartments). These student yield factors shown in Table 5 were used in the projections. It shows that single family, detached residences typically generate approximately one student for every two homes while four or more multi-family attached or apartment units produce one student.



The student yield factors were applied to the number and types of anticipated new homes to forecast future enrollment. The short-term projection anticipates modest enrollment growth from 8,971 students in September 2013 to 9,900 students in 2018. Table 6 summarizes the results of the short-term forecast.

With the opening of Lowrie and Trillium Creek primary schools in September 2012, the primary school capacity is 4,346 students with approximately 4,000+ students to accommodate. Similarly, the high schools, with a capacity of 3,306 and an enrollment of approximately 2,900, will continue to be adequate. The primary problem will be the increasing enrollment pressure on middle schools, which is estimated to be over capacity by approximately 512 students in 2018.

Table 5  
STUDENT YIELD FACTORS (students per household)  
FALL 2013 PROJECTIONS

Grade Ranges	K-5	6-8	9-12	K-12
<b>Single Family Detached Units (724 built*)</b>				
Student Yield Factor			0.14	0.56
<b>Multi-family Attached Units (475 built*)</b>				
Student Yield Factor			0.06	0.21
<b>Average</b>				
Student Yield Factor			0.10	0.41

\* From a sample of units built between 2007-2013

Exhibit 11



August 28, 2015

Zach Pelz - Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

Re: DR-15-11

Dear Zach,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

### **FIRE APPARATUS ACCESS:**

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1))
2. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)
3. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL SQUARE FOOTAGE:** Buildings or facilities having a gross building area of more than 62,000 square feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. (OFC D104.2)
4. **ADDITIONAL ACCESS ROADS – MULTIPLE FAMILY RESIDENTIAL DEVELOPMENTS:** Projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus roads regardless of whether they are equipped with an approved automatic sprinkler system. (OFC D106)
5. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)

**North Operating Center**  
20665 SW Blanton Street  
Aloha, Oregon 97078  
503-649-8577

**Command & Business Operations Center  
and Central Operating Center**  
11945 SW 70<sup>th</sup> Avenue  
Tigard, Oregon 97223-9196  
503-649-8577

**South Operating Center**  
8445 SW Elligsen Road  
Wilsonville, Oregon  
97070-9641  
503-649-8577

**Training Center**  
12400 SW Tonquin Road  
Sherwood, Oregon  
97140-9734  
503-259-1600

**Exhibit 12**

6. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
7. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Code Official), measured in a straight line between accesses. (OFC D104.3) Exception: Buildings equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5).
8. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)
9. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
10. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
  1. 20-26 feet road width – no parking on either side of roadway
  2. 26-32 feet road width – parking is allowed on one side
  3. Greater than 32 feet road width – parking is not restricted
11. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
12. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
13. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
14. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
15. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 12%. When fire sprinklers\* are installed, a maximum grade of 15% will be allowed.

0-12%	Allowed
13-15%	Special consideration with submission of written Alternate Methods and Materials request. Ex: Automatic fire sprinkler (13-D) system* in lieu of grade.
16-18%	Special consideration on a case by case basis with submission of written Alternate Methods and Materials request Ex: Automatic fire sprinkler (13-D) system* plus additional engineering controls in lieu of grade.
Greater than 18%	Not allowed**



\*The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5) and OAR 918-480-0100 and installed per section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the Oregon Fire Code (OFC 503.2.7 & D103.2)

\*\* See Forest Dwelling Access section for exceptions.

16. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
17. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
18. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
19. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
  1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width), or two 10 foot sections with a center post or island.
  2. Gates serving three or less single-family dwellings shall be a minimum of 12 feet in width.
  3. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
  4. Electric gates shall be equipped with a means for operation by fire department personnel
  5. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
20. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
21. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Code Official. See Application Guide Appendix A for further information. (OFC 503.4.1).

## **FIREFIGHTING WATER SUPPLIES:**

22. **MUNICIPAL FIREFIGHTING WATER SUPPLY EXCEPTIONS:** The requirements for firefighting water supplies may be modified as approved by the fire code official where any of the following apply: (OFC 507.5.1 Exceptions)
  1. Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
  2. There are not more than three Group R-3 or Group U occupancies.
23. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.  
**Note:** OFC B106, Limiting Fire-Flow is also enforced, except for the following:
  - In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater.
  - In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
  - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
24. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
25. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

## **FIRE HYDRANTS:**

26. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
  - This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
  - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
27. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)
28. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
  - Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
  - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
  - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the fire code official.
  - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
29. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
30. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
31. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
32. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
33. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
34. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)
  - Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
  - FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.

## **BUILDING ACCESS AND FIRE SERVICE FEATURES**

35. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OFC 510.1)
36. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix C for further information and detail on required installations. Order via [www.tvfr.com](http://www.tvfr.com) or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
37. **UTILITY IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at (503) 649-8577.

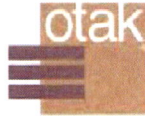
Sincerely,



Ty Darby  
Deputy Fire Marshal II

Cc: file





Hansen Global Partner

808 sw third avenue, suite 300 | portland, oregon 97204  
503.287.6825 | fax 503.415.2304  
[www.otak.com](http://www.otak.com)

John Boyd  
City of West Linn  
12500 Salamo Road  
West Linn, Oregon 97068

Re: ConAm DR-15-11

John,

We have reviewed the requirements listed in the TVF&R letter to the City dated Aug 28, 2015. These are standard conditions which we have incorporated into our current site plan as applicable for land use submittal. The remaining requirements are associated with preparation of construction documents and permitting and will be met during subsequent design efforts.

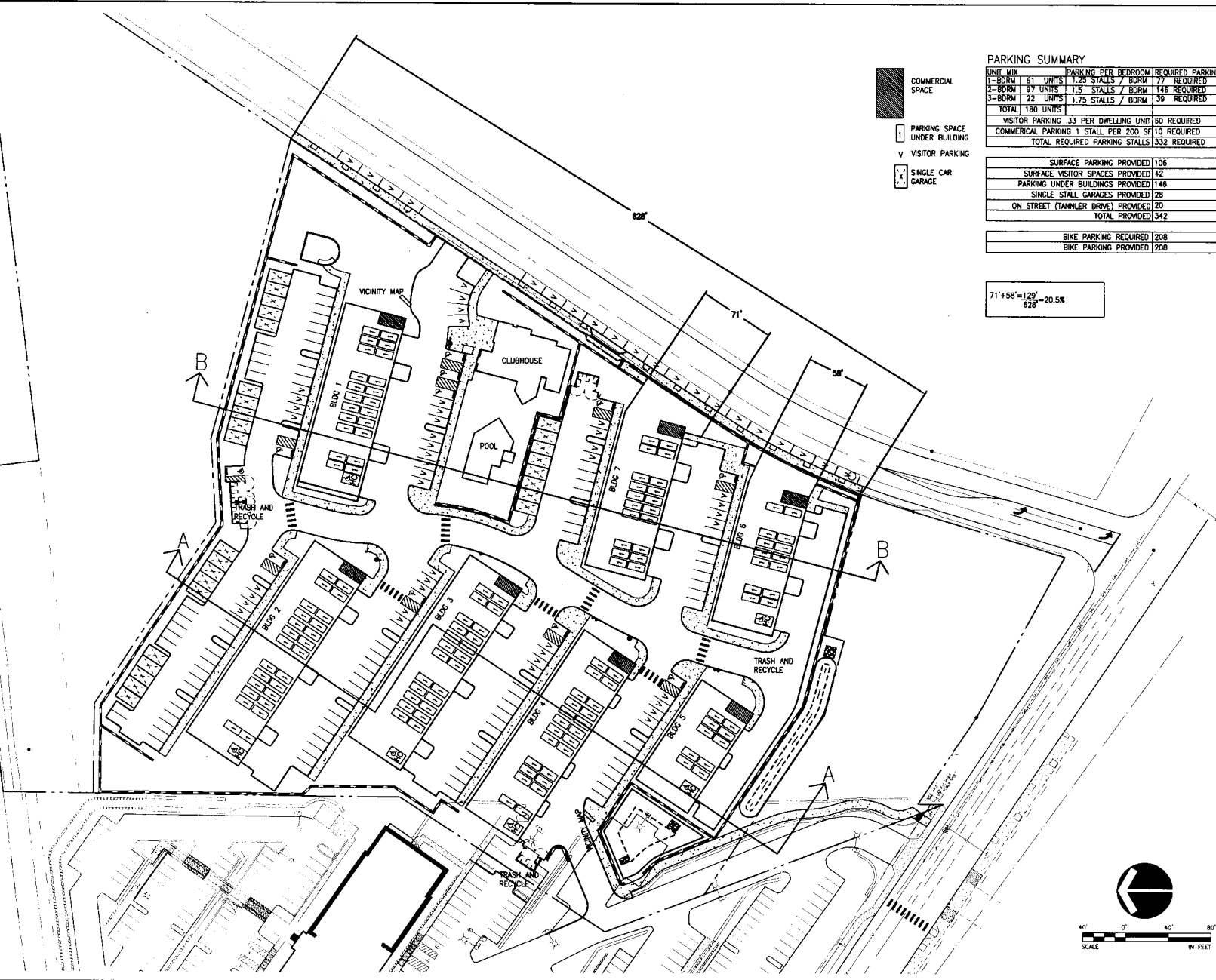
Sincerely,

OTAK Inc.

A handwritten signature in black ink, appearing to read "Gary Alfson". The signature is fluid and cursive, with a large initial "G" and "A".

Gary Alfson, PE

Plotter: Aug 13, 2015 1:58pm  
 L:\Projects\17122\17122\Drawings\_Site Plan - Building (for submittal) 8.13.2015.dwg User: shawna.k.0



- COMMERCIAL SPACE
- PARKING SPACE UNDER BUILDING
- VISITOR PARKING
- SINGLE CAR GARAGE

**PARKING SUMMARY**

UNIT MIX	PARKING PER BEDROOM	REQUIRED PARKING
1-BDRM 61 UNITS	1.25 STALLS / BDRM	77 REQUIRED
2-BDRM 57 UNITS	1.5 STALLS / BDRM	146 REQUIRED
3-BDRM 22 UNITS	1.75 STALLS / BDRM	39 REQUIRED
<b>TOTAL 180 UNITS</b>		
VISITOR PARKING .33 PER DWELLING UNIT		60 REQUIRED
COMMERCIAL PARKING 1 STALL PER 200 SF		110 REQUIRED
<b>TOTAL REQUIRED PARKING STALLS</b>		<b>332 REQUIRED</b>

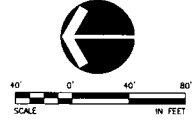
  

SURFACE PARKING PROVIDED	106
SURFACE VISITOR SPACES PROVIDED	42
PARKING UNDER BUILDINGS PROVIDED	146
SINGLE STALL GARAGES PROVIDED	28
ON STREET (TANNER DRIVE) PROVIDED	20
<b>TOTAL PROVIDED</b>	<b>342</b>

<b>BIKE PARKING REQUIRED</b>	208
<b>BIKE PARKING PROVIDED</b>	208

71'+58"=129'  
578"=20.5%



**Exhibit 14**

**LAND USE SUBMITTAL 7/10/2015 - NOT FOR CONSTRUCTION**  
**TANNER DRIVE MIXED-USE DEVELOPMENT**  
 WEST LINN, OREGON  
 ARCHITECTURAL SITE PLAN

NO.	DATE	BY	REVISION COMMENTS
1	7/10/15	MM	COMPLIANCE REVIEW
2	8/13/15	MM	REVISIONS PER TRAC COMMENTS

**PRELIMINARY**

ConAm Properties, LLC  
 3000 NE HOOD AVENUE, SUITE 100  
 SHAWNEE, OR 97133  
 PHONE: (503) 614-7200  
 FAX: (503) 614-1845

otak  
 Global Partner  
 800 3rd Ave, Ste. 300  
 Portland, OR 97204  
 Phone: (503) 587-8625  
 Fax: (503) 415-2504  
 www.otak.com

17122 P17122P21  
 Project No. Drawing No.  
**A1.0**  
 Sheet No.  
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