

**City of West Linn Pre-Application Conference  
Tamarisk Subdivision (34-35 lots) (PA-14-16)  
Location: 21E 34A tax lots 600, 690 and 700 (1200 Tamarisk Drive)  
March 20, 2014**

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**Attendees:**

Applicant: Andrew Tull, Brian Feeney (3-J Consulting)

Staff: Khoi Le (Engineer), Peter Spir (Associate Planner), Mike Perkins (Arborist/Parks)

WNA Attendee: Elizabeth Rocchia; TVFR: Ty Darby

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*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

**Overview**

The proposal is to develop a 34-35 lot subdivision on the 15.56 acre (677,980 square foot) site located at the west terminus of Tamarisk Drive. The west boundary to the site is I-205 while the north boundary is Woodbine Road in unincorporated Clackamas County. Because over 25 percent of the site comprises Type I and II lands (water resource areas (WRAs), slopes over 25%, etc.) a planned unit development (PUD) is required. (A PUD may only be avoided if the applicant sets all type I and II lands aside by the creation of conservation easements or by their dedication to the city.) The PUD provisions have resource protection as one of their goals. To encourage applicants along those lines, density transfer is allowed, as well as reduced lot sizes and reduced structural setbacks.



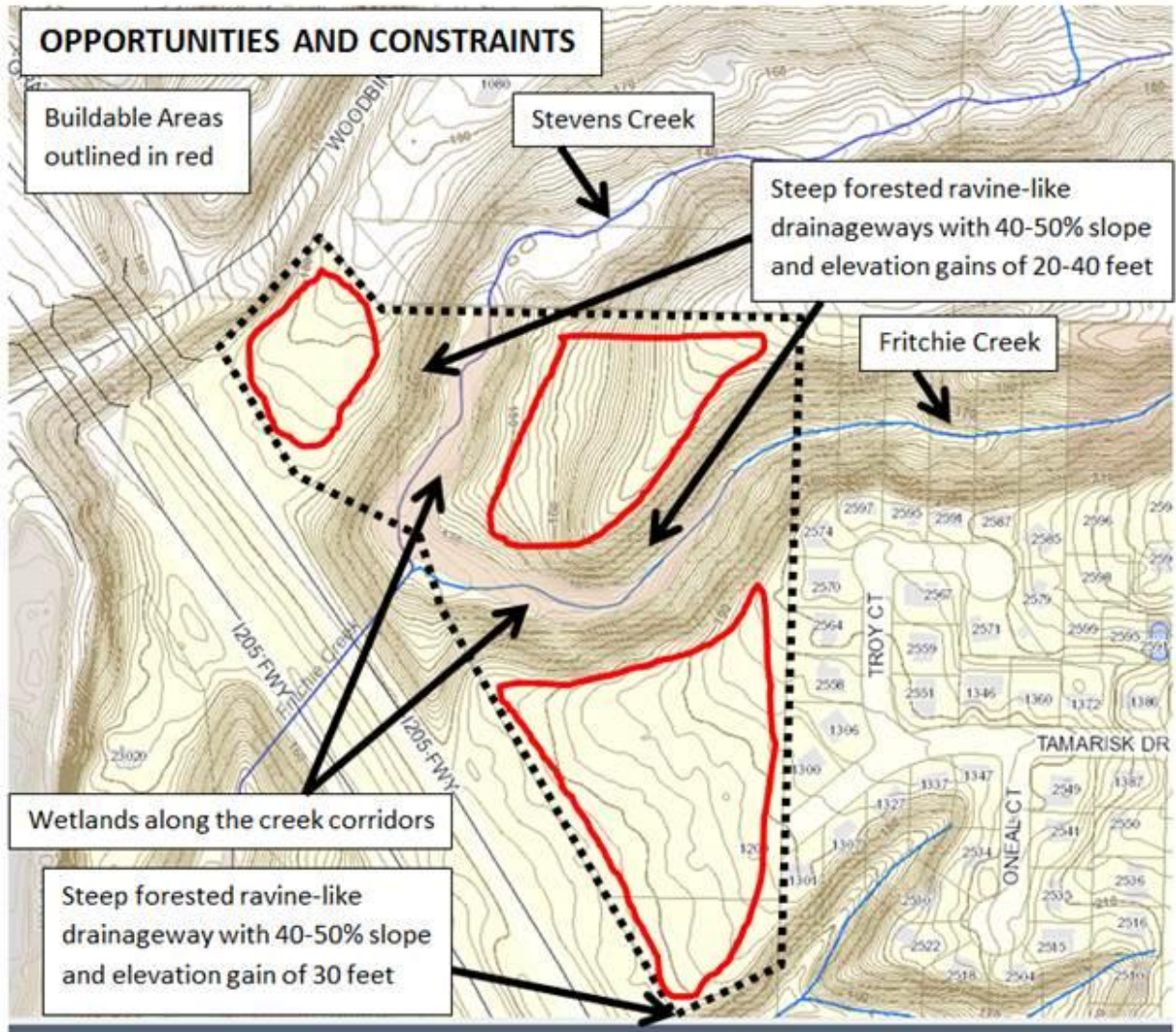
The southern portion of the site comprises a flat area where the majority of the lots are proposed. The north half of the site is dominated by Fritchie Creek and Stevens Creek with a ridgeline between them. Extensive groves of cedars and Douglas Fir trees occupy the edges of the ridgelines. The applicant proposes to cross Fritchie Creek to the ridgeline where the remaining lots will be developed. Tamarisk Drive will stub out on this ridgeline at the northeast corner of the site for future extension. Tamarisk Drive is not proposed to connect to Woodbine Road as part of this application.



(Above) Flat area dominates the south half of the site. (Below) Wetlands and creeks give way to steep slopes then developable ridgelines capped with cedar groves.







The northwest corner of the site comprises yet another ridgeline which rises 40 feet up from Stevens Creek at a 50% slope. Although that ridgeline is flat on top and could accommodate additional lots, the construction of a road across the creeks and wetlands associated with cutting an acceptable road grade through the steep hillside presents a challenge in both environmental terms and cost. There is the possibility of accessing that ridgeline from Woodbine Road but that would still require negotiating a 20 foot rise in elevation on a 40% slope. The applicant should investigate the feasibility of extending Tamarisk Drive, via this northwest ridgeline, to Woodbine Road to address connectivity requirements. A small but steep drainageway defines the south edge of the site. All western portions of the site are potentially impacted by noise from I-205 traffic.

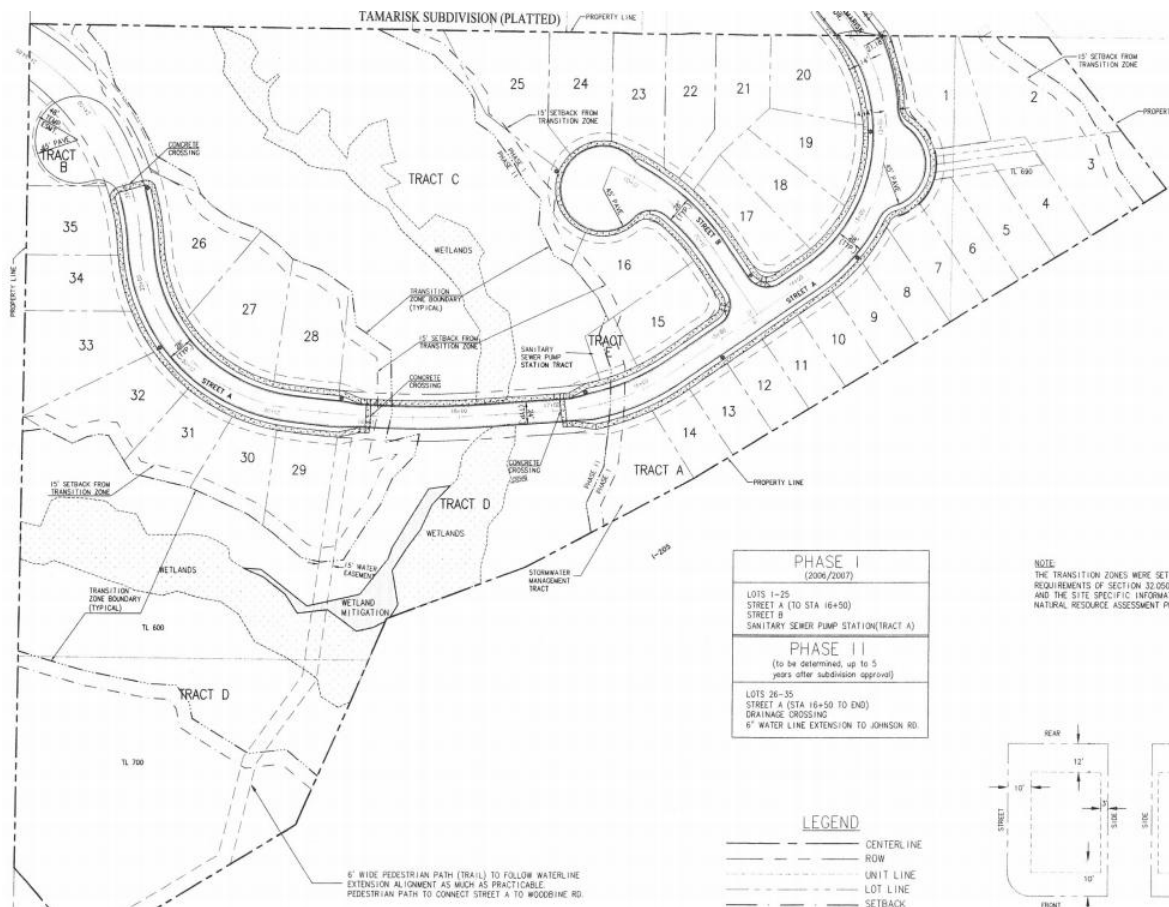
### History

An application to develop this site with 34 lots was submitted in 2006. The application was denied by the Planning Commission. The applicant appealed and the decision was overturned by City Council (MISC-06-46). By this action, the proposed subdivision was approved. Despite

the approval, the housing market collapsed shortly thereafter. No development of the subdivision occurred and the approval lapsed after three years.

### Current Proposal

The applicant is considering three possible site plans. One would be to use the 2006 plan shown below (north is on the left side). The advantage of this plan is threefold: it was approved by City Council so there should be a greater measure of certainty associated with its use; second, the creek crossing alignment uses a portion of the Fritchie Creek WRA that has already been disturbed by an earthen road and culvert. And third, fewer significant trees would be removed by this plan compared to the other options proposed by the applicant. Tree loss could be further reduced by redesigning the cul de sac serving lots 21-25.



### OPTION 1

The other plans submitted by the applicant are identified as Options 1 and 2. Both use the density transfer provisions of the PUD and both use a revised alignment for Tamarisk Drive. One has multiple flag lots in the area between Tamarisk Drive and the I-205 ROW; the other has fewer.

Option 1, shown below, relocates the Tamarisk Drive crossing of Fritchie Creek 250 feet east of the 2006 crossing point to a location where the ravine is steeper, the creek and wetland is undisturbed and the quality of the riparian area is superior including the presence of Cedar tree groves, particularly on the central ridgeline side of the crossing.



Staff is willing to revisit the site with the applicant to identify the exact location of this proposed crossing to verify site conditions, particularly tree locations and the amount of grading required. However, based on preliminary site analysis, staff would have difficulty supporting this alignment.

Staff notes that the number of lots is increased from 34 in the originally approved plan to 35. Staff has not had access to any density transfer calculations to verify that the number of lots is correct.

Another feature of option 1 is the number of flag lots on the west edge of the site. The maximum number of homes served by a common driveway is four. The plan presumably addresses this by having the lots fronting Tamarisk Drive, access directly onto Tamarisk Drive and not the common driveway. The applicant should be aware of CDC Section 48.025 (B) (6), which references table 8-3 of the Transportation System Plan (TSP), which requires a 50 foot separation of driveways on a local residential street. The 50 foot spacing between driveways could be a challenge for lot 29 and 26 in particular.

Proposed changes to the CDC relating to flag lots and infill could impact this application. The current language allows flag lots served by either stems or access easements. Homes built on those lots are limited by the 35 foot height restriction, floor area ratio (FAR), lot coverage standards and setbacks of the underlying zone. The setbacks may be modified under the provisions of a Planned Unit Development (PUD). The proposed changes to the CDC would limit the height of homes built on flag lots to 28 feet or the average of homes built on abutting properties. These standards were written for infill situations and ideally would not apply in cases like this where these will be all new homes. However, as written, the height standards would be applicable. Changes to setbacks for homes on flag lots are also being considered.

These code changes are not expected to be considered by the City Council until June 2014 with an effective date of July 2014.

The date of the application will determine what CDC language will apply to the application and the development of housing on those lots for a default period of ten years per ORS 92.040 (2) (3). If the application is submitted before the new flag lot and infill language effective date, the current standards will apply.

In the 2006 application, and in other subdivision applications, staff had interpreted CDC Section 24.140(B) (4) to require that lots on the site perimeter be at least 75% of the abutting zone's minimum lot size or 7,000 square feet, whichever is less. However, rereading the CDC provision, it is very clear that no transition in lot size is required in those cases where single family homes are proposed next to existing single family homes.

**"24.140 TRANSITIONS AND LIMITATIONS ON DENSITY TRANSFER**

*A. Because the PUD and the provisions of this chapter allow increased residential densities and various housing types, **it is necessary that some kind of transition be provided between the project site and the surrounding properties.** These transitions will, for example, mitigate the impacts of multi-family housing next to single-family housing. Transitions are not required in all cases, however. **The following exceptions shall apply:***

**1. Single-family PUD next to single-family non-PUD does not require a transition** (e.g., even though it is R-5 single-family next to R-10, etc.). Also, similar type housing does not need to transition (e.g., duplex next to duplex);

*B. Where transitions are required, they shall be satisfied by at least one of the following provisions:*

*4. The on-site lot sizes for detached single-family homes adjacent to each property line shall not be smaller than a lot 75 percent of the minimum size of the lot size allowed on the abutting lots by the applicable zone, or 7,000 square feet, whichever is less; or*

*5. A horizontal separation of at least 200 feet between on- and off-site structures. The 200-foot transition must be on the subject site.*

However, the provisions of 55.180 (D) (1) will still apply to perimeter lots:

#### **55.180 APPLICABILITY OF THE BASE ZONE PROVISIONS**

*The provisions of the base zone are applicable as follows:*

*D. Structure setback provisions.*

**1. Setback areas contiguous to the perimeter of the project shall be the same as those required by the base zone unless otherwise provided by the base zone or Chapter [55](#) CDC."**

The useable open space requirement of CDC Section 24.170(B) applies to single family residential PUDs (see CDC text below). That translates into 300 square feet of space per unit or 10,500 square feet. The open space must meet the requirements of 55.100(F) (2). The legislative intent was that these standards would not apply to single family detached lots since those homes already have front and rear yards which satisfy the useable open space requirement. This interpretation is supported by the fact that 55.100(F) states that those standards apply only to single family lots under 4,000 square feet.

Nonetheless, CDC Section 24.170(B) makes it very clear that single family detached units have to provide the 300 square feet each. (It does not repeat the exemption for lots over 4,000 square feet.)

#### **24.170 USABLE OPEN SPACE REQUIRED**

*Residential planned unit developments (PUDs) shall comply with the following usable open space requirements:*



***B. PUDs that contain 10 or more single-family detached, single-family attached, or duplex residential units shall comply with the following usable open space requirements.***

- 1. The plan shall include an open space area with at least 300 square feet of usable area per dwelling unit.*
- 2. The usable open space shall meet the design requirements of CDC [55.100\(F\)\(2\)](#).*
- 3. The usable open space shall be owned in common by the residents of the development unless the decision-making authority determines, based upon a request from the applicant and the recommendation of the City Director of Parks and Recreation, that the usable open space should be dedicated to the City for public use. If owned in common by the residents of the development, then a homeowner's association shall be organized prior to occupancy to maintain the usable open space.*
- 4. If the usable open space contains active recreational facilities such as hard surface athletic courts or swimming pools, then the usable open space area shall not be located on the perimeter of the development unless buffered by a transition pursuant to CDC [24.140\(B\)](#). (Ord. 1463,*

Therefore, a Class II Variance would be required to waive the open space requirement. Alternately, useable open space could be addressed by the flat area ("OPEN SPACE") at the northwest corner of the site. Access to it via a pedestrian footbridge and path, similar to what was approved in 2006, may be the best way to address the problem.

Connectivity, to satisfy the Transportation Planning Rule, is an important consideration as seen in CDC Section 85.200(A) (1). *(It is noted that the Transportation System Plan (TSP) does not specifically identify a need for the connection at this location.)* Ideally, Tamarisk Drive would connect with Woodbine Road. Staff would like the applicant to investigate the feasibility of building a road via this northwest ridgeline to Woodbine Road to address connectivity requirements.

However, a site visit revealed that such a connection would require extensive grading in Fritchie and Stevens Creek WRAs and the associated wetlands followed by cuts into the northernmost ridgeline in order to negotiate the 50% slope and 40 foot raise in elevation followed by the task of dropping down 20 feet and a 42% slope to Woodbine Road's elevation. In response to these kinds of site conditions, CDC 85.200(A) (1) makes it clear that equal importance is attached to the preservation of natural resources such as wetlands, streams, significant tree groves and steep slopes ("*extreme topographical challenges*"). In such cases, connectivity may be set aside. No variance is required. Connectivity for pedestrian and even bicycles could be satisfied by the construction of a footbridge across the wetlands and a switchback trail up the northernmost ridgeline to access the "OPEN SPACE" area and from there connect down to Woodbine Road. This was approved in 2006 as part of the original plan (see COA 1 in the Final Decision Notice MISC-06-46).



Using the originally approved alignment and stub out of Tamarisk Drive, as shown on this plan, is not regarded by CDC Section 85.200(A) (11) as a cul de sac, so long as there is the reasonable expectation that the road may be extended in the future. (That expectation could be fulfilled by the extension of Tamarisk Drive north through the abutting Burke property, (shown below) across an already culverted developed/disturbed section of Stevens Creek and the up to Woodbine Drive via Burke's property.)



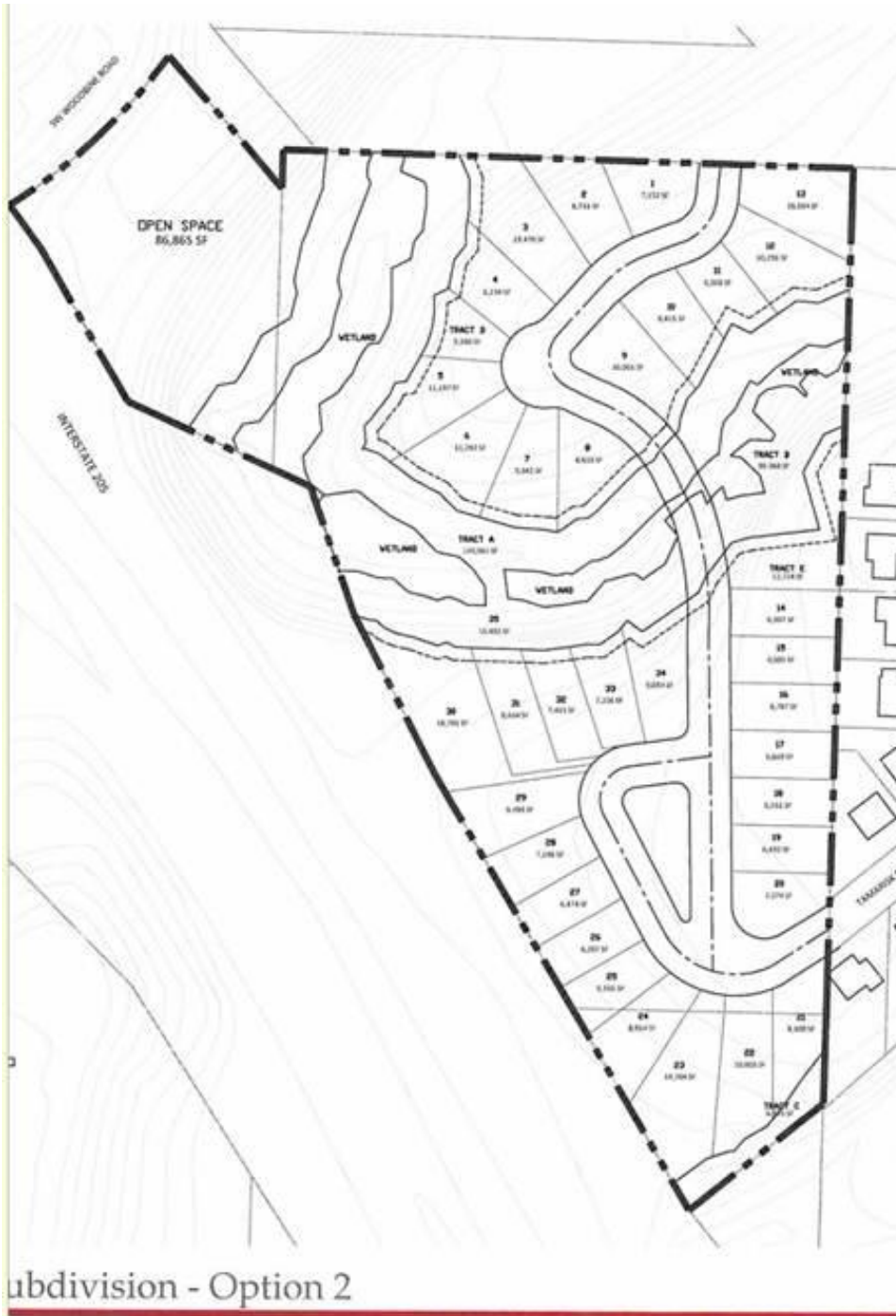
Therefore, no variance is required for the stubbed out Tamarisk Drive. This position was clearly supported by City Council's Finding No. 1 in the Tamarisk appeal decision (MISC-06-46).

A traffic impact analysis (see CDC Section 85.170(B) (2)) may be required if the proposal generates over 250 new trips per day.

## **OPTION 2**

Option 2 uses the same Fritchie Creek crossing alignment as Option 1. Similarly, staff would have difficulty supporting this alignment because of the WRA impacts, grading and the potential loss of significant trees. What makes this option more desirable than Option 1 is the reduction in flag lots next to I-205. The concern about the useable open space is a concern here too, as are the connectivity concerns. Useable open space could be addressed by the flat area ("OPEN SPACE") at the northwest corner of the site. Access to it via a pedestrian

footbridge and path, similar to what was approved in 2006, may be the best way to address this issue.



## Water Resource Areas (WRA)

The presence of these WRAs requires that a WRA permit be obtained. The current version of CDC Chapter 32 requires a 57.5 (side elevation) to 65 foot (rear elevation) structural setback from the top of all ravines. The riparian area has a structural setback of 107.5 (side elevation) to 115 feet (rear elevation) as measured from the creek's bankful flow/two year flood elevation.

The disturbed area associated with the proposed culvert/creek crossing requires mitigation on a one square foot to one square foot basis. This mitigation should be onsite. Off-site mitigation is permitted only after onsite mitigation opportunities have been exhausted. Disturbed wetlands may also require permits from DSL/USACE and mitigation per their standards if they exceed West Linn's standards.

Proposed revisions to Chapter 32 that have already been recommended for approval by the Planning Commission *may* be approved by City Council in May 2014 and could be effective in June 2014. The table below summarizes some of the proposed changes.

### Comparison of existing and proposed WRA width

(as measured from edge of wetland, edge of bankfull flow, or other)



WRA by type	Existing	Proposed
0-25% slope	50'+7.5-15'	65'
Over 25% to distinct top of slope (ravine)	50'+7.5-15' from distinct top of bank	50' from distinct top of bank (may be reduced to 25 feet after geotechnical study demonstrates slope stability and no increased threat of erosion)
Over 25% with no distinct top of bank for 150 feet	200'+7.5-15'	200'
Riparian Corridor	100'+ 7.5-15'	100'

The riparian area will have a structural setback of 100 feet as measured from the creek's bankful flow/two year flood elevation.

One to one mitigation for the creek crossing will be required with off-site mitigation on a two to one basis.



The date of the application will determine what CDC 32 language will apply to the application and the development of housing on those lots for a default period of ten years per ORS 92.040 (2) (3). If the application is submitted before the new WRA language effective date, the current standards will apply.

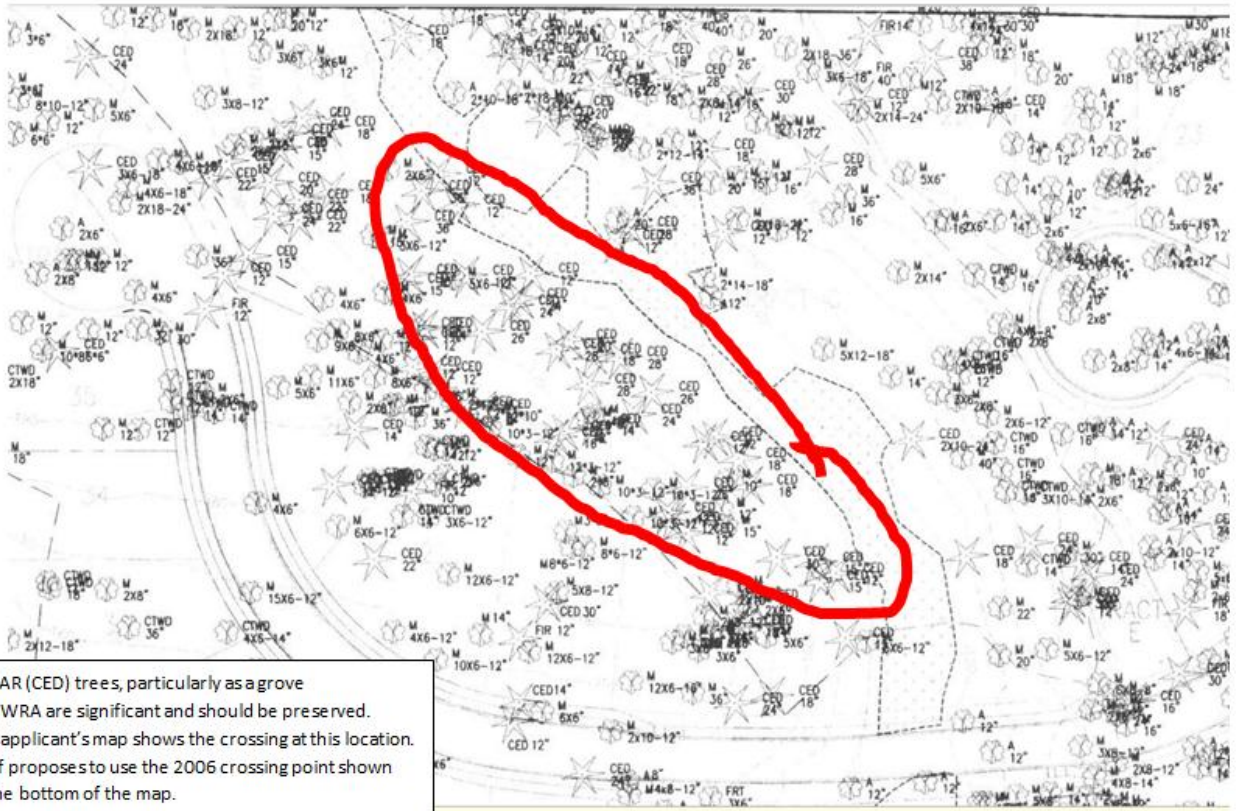


All WRA crossings shall be designed to the minimum width standards allowed to reduce impacts to the WRA. A 24 foot wide street width with a six foot sidewalk on one side was approved for the 2006 application. Instead of fill at a 2:1 slope, the crossing was confined by walls to minimize its footprint. An open bottomed culvert with a 12 foot span and eight foot vertical clearance for wildlife passage was to be provided.

### **Trees**

The main portion of the site that is proposed for development comprises a large number of maple trees with a scattering of conifer trees. The east property line sees a large number of cedar trees of potential significance. In the riparian areas, particularly along the edge of the central ridgeline, the tree composition includes extensive cedar groves. The ridgeline that is proposed to be developed is occupied by a scattered mix of maples and conifers. The northernmost ridgeline next to Woodbine Road is covered by 40 year old conifers in a tree farm like pattern. *(Staff estimates that this area was a borrow site for I-205 which would explain why the top of the ridge is flat rather than rounded.)* The trees along the edge of that ridge are mainly cedar trees.





CEDAR (CED) trees, particularly as a grove in a WRA are significant and should be preserved. The applicant's map shows the crossing at this location. Staff proposes to use the 2006 crossing point shown at the bottom of the map.

All trees in the WRA and on slopes over 25% are to be preserved. For trees on non-type I and II lands (slopes under 25% and out of WRAs and riparian areas) the applicant will set aside up to 20% of the non-type I and II lands for tree protection. Please see CDC section 55.200(B) (2).

**Noise**

The 2006 application included a noise attenuation wall along the I-205 ROW. Staff would recommend a similar wall to reduce noise levels.

**Engineering Comments**

**TRANSPORTATION**

- Local Road –
  - 50' right of way for no parking or 52' right of way for parking on one side
  - 24' pavement with 4" AC and 12" rock base
  - 6' planter strip including curb
  - 6' sidewalk

Posted Speed – 25MPH

Center Line Radius –

Design in accordance with AASHTO Green Book: Geometric Design of Highways and Streets

Street Grade –

15% max

Curb Return Radius –

25' minimum

Cul-De-Sac-

The minimum outside curb radius shall be 45 ft.

Street Furnish-

Street lights and street trees

All utilities must be place underground.

Signs –

No Parking as needed

Striping –

Center line or equally approved by City Engineer

### **CONNECTIVITY**

Connect to Tamarisk Dr. and Woodbine Rd. (Please see Clackamas County for any required improvements to Woodbine Road)

### **TRAFFIC**

Provide a traffic impact study

### **WATER**

Willamette Pressure Zone

Install 8" DI main and loop existing water main between Tamarisk Dr. and Johnson Rd.

Fire hydrant shall be installed every 400'

Water improvement shall be eligible for SDC credit

### **SANITARY SEWER**

Install 8" sanitary sewer main connecting to existing system at Johnson Rd pump station. If additional pump station required, install one on Johnson Rd. Pump station shall be located outside of flood elevation.

Sanitary sewer improvement is eligible for SDC credit.

**STORMWATER**

Provide detention when creates more than 5000 square feet of new impervious area.  
 Provide treatment when creates more than 500 square feet of new impervious area.

Existing storm pipe under Tamarisk Dr and one located between the proposed development and 1301 Tamarisk Dr are recommended to be replaced. City would be partner with the Developer to get this project accomplished.

**SDC**

**A. STREET SDC AND BIKE/PEDESTRIAN EFFECTIVE JULY 1<sup>ST</sup> 2013**

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$2,201	\$4,717	\$179	\$7,097
Single Family	Per House	1.01	\$2,223	\$4,764	\$181	\$7,168

Type of Use	Trip per Use	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$0	\$1,542	\$40	\$1,582
Single Family	Per House	1.00	\$0	\$1,557	\$40	\$1,597

**B. SURFACE WATER SDC EFFECTIVE JULY 1<sup>ST</sup> 2013**

Unit	Factor	Reimbursement	Improvement	Administrative	Total	
Per Factor of 1	1.00	\$793	\$238	\$52	\$1,083	
Single Family	Per House	1.00	\$793	\$238	\$52	\$1,083

**C. SANITARY SEWER SDC EFFECTIVE JULY 1ST 2013**

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$612	\$2,385	\$111	\$3,108
Single Family	Per House	1.00	\$612	\$2,385	\$111	\$3,108

**D. WATER SDC EFFECTIVE JULY 1ST 2013**

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
Per Factor of 1		1.00	\$585	\$6,969	\$196	\$7,750
5/8" Meter	1		\$585	\$6,969	\$196	\$7,750

## TVFR Comments from Ty Darby

TVFR would like to see the connection to Woodbine Road but would allow deferral by installing sprinklers in all homes. Sprinklers also required if interior street grades exceed 10%. They would need a temporary turnaround per TVFR standards at the stub out of Tamarisk Drive at the northeast corner of the site. Hydrants are needed every 400 feet. For homes over 3,500 square feet 1500 g.p.m. are required. One thousand g.p.m. are required for homes under 3,500 square feet.

## Process

A neighborhood meeting is required per CDC 99.038. Please follow those requirements very carefully. Contact Julia Simpson, President of the Willamette Neighborhood Association, at [WillametteNA@westlinnoregon.gov](mailto:WillametteNA@westlinnoregon.gov)

Land use applications include subdivision (Chapter 85), a planned unit development (unless waived by easements and/or dedications) (Chapter 24), a WRA permit (Chapter 32), and possibly a Class II Variance (Chapter 75) depending on ability to meet the useable open space requirement of Chapter 24 or other provisions relating to access separation (Chapter 48).

Follow the submittal requirements of those chapters strictly and completely. Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in writing, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director. Waivers may also be subsequently overruled by the decision making body.

A complete tree inventory is required. Also important is the breakdown of type I and II lands by type, square footage, and percent of site is required particularly to determine the allowable density. A wetland delineation is required.

The approval criteria of 85.200, 24.100, 32.050 and 75.060 shall be fully responded to in a narrative.

Submit the application to the Planning Department with an application form signed by the property owner. The deposit for a subdivision is \$4,200 plus \$200 per lot. The final plat fee is \$2,000. There is also a \$500 fee for final site inspection. The deposit for a PUD is \$4,200 plus \$400 per lot. The deposit for a WRA is \$2,600. The deposit for a Class II Variance is \$2,900.

**PLEASE NOTE** that the deposits are initial deposits, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may occur.

Once the submittal is deemed complete, the staff will schedule the hearing with the Planning Commission. Staff will send out public notice of the Planning Commission hearing at least 20



days before the decision. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing. Subsequent appeals are to LUBA.

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps. Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.



Above left: Intersection of Woodbine and Grapevine Roads with subject property to the left of the street sign. Access would require negotiating the 20 foot vertical climb and 40% slope.  
Above right: The top of the northernmost ridgeline is flat.

Below: At the south edge of the northernmost ridgeline the land drops steeply at 50% and a 40 foot vertical to Stevens Creek. Note Cedar trees in foreground.

