

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**September 16, 2010**

SUBJECT: Mixed multi-family and commercial 3-building development at 1535 Burns Street

ATTENDEES: Applicants: Rolf Olson, Wink Brooks, Bob Foster  
Staff: Tom Soppe (Planning Department), Khoi Le (Engineering Department)

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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.*

## **Project Details**

The applicant proposes a development of three buildings total on this OBC-zoned (Office and Business Center) property surrounded by Burns Street on the south and east, Hood Street on the west, and R-10 residential properties to the north.

The applicant proposes a two-story commercial building on the northeast corner of Hood and Burns, a three-story multi-family building in the central area of the site, and attached to this building a three-story multi-family building at the east end of the site. The applicant plans a surface parking lot north of the commercial building in the northwest section of the site. Also planned for parking is a subterranean parking lot in each of the multi-family buildings, with a garage door and driveway in each of the two buildings connecting to different segments of Burns Street.

All new commercial buildings and multi-family buildings require Class II Design Review. Multiple commercial uses are allowed in the OBC zone. However, CDC 21.050(C) states that in the OBC zone, multi-family units are only allowed, “as a mixed use in conjunction with commercial development, only above the first floor of the structure.” But 24.090(A) states that multi-family units “shall be allowed outright where all other applicable standards are met” in a Planned Unit Development (PUD). Therefore the applicant’s proposal can potentially meet the provisions of the CDC and be approved but only if it is applied for as a Planned Unit Development. At the time of original submittal of materials for this pre-application conference, the applicant planned two

variances- one regarding the provisions of 55.100(B)(2)(b) under the Design Review permit, the other regarding the provisions of 24.140 under the PUD permit.

Regarding the former, it appears the significant trees near Burns Street would have to be removed due to the grading that may be needed for required street improvements, per information provided subsequent to the original submittal by the applicant's arborist and reviewed by the City Arborist. The City Arborist agrees that the street improvements themselves would cause the removal of some of the trees, and that for safety reasons the entire grove would need to be removed. This would make the tree removal exempt from the "20%" provision of 55.100(B)(2)(b) per 55.100(B)(2)(f), and would make moot the need for a variance to the provisions of 55.100(B)(2)(b). It does not preclude the City from conditioning the project upon mitigation for removed trees, and this may be a possibility.

CDC 24.140 requires buffers between the types of uses proposed by the applicant and the single family residential uses to the north and provides for the types of buffers allowed. The types of buffers that could theoretically be used at this site would not fit on this site without limiting the development on site to a relatively narrow strip at the front. Therefore the variance for 24.140 is still needed for the approval of the project as proposed by the applicant.

In the definition of Building Height under CDC Chapter 2, the City has recently made the legal determination that much of the definition as it is currently written only applies to single-family housing. The only section of the definition that applies to projects like the subject project is the following: "The vertical distance above a reference datum measured to the highest point a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or peak of a pitched or hipped roof. Cupolas, towers, etc. are not used as the high point per CDC Chapter [40](#)."

55.100(B)(7)(a) and (f) provide for main entrances for commercial buildings to be oriented towards the main and/or most traffic-heavy streets surrounding the site. The main street areas and the focus of traffic in the vicinity of the site are Hood Street south of the site and Burns Street west of the site, so the best way to fulfill these subsections should be to best orient the commercial building's main entrance(s) towards the intersection of Hood and Burns.

The water system on Hood Street next to the site is undersized and in need of replacement, so improvement of this system will likely be a condition of the site's development.

55.100(I) requires street improvements to Chapter 85 standards. 85.200(A)(1) in part states, "All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer." The applicant is recommended to consult with the Engineering Department on street improvements.

# Engineering Comments

## STREET IMPROVEMENT

### Hood Street

#### Current Street and Right of Way conditions:

Hood Street:	Local Street
Existing Right of Way Width:	40'
Existing Pavement Width:	32'
Sidewalk:	On one side. Not in front of project site.
Planter:	On one side. Not in front of project site.

#### Requirement Improvement:

Right of Way Width:	8' dedication + 40' = 48'
Pavement Width:	16' full structure pavement improvement
Sidewalk:	8' with cut out for tree
Planter Strip:	No

### Burns Street

#### Current Street and Right of Way conditions:

Burns Street:	Local Street
Existing Right of Way Width:	50'
Existing Pavement Width:	29' and 22'
Sidewalk:	On one side. Not in front of project site.
Planter Strip:	On one side. Not in front of project site.
Parking:	None

#### Requirement Improvement:

Right of Way Width:	No dedication required
Pavement Width:	16' full structure pavement improvement
Sidewalk:	8'
Planter:	None.

**A traffic report including a study of sight distance and center line radius for Burns Street shall be required.**

**A geotechnical report shall be required.**

## STORM DRAINAGE IMPROVEMENT

Run off generating from the development shall be collected, treated and detained before discharging to the public storm drainage system.

Existing public storm drainage system is available on Hood Street and Burns Street for connection.

Improve existing storm drainage system along Hood Street and Burns Street as needed.

#### **SANITARY SEWER IMPROVEMENT**

Existing public sanitary sewer system is available on Burns Street for connection.

#### **WATER IMPROVEMENT**

Existing 6" CI public water system on Burns Street is undersized. Replace approximate 425 lf of existing 6" CI public water line with 8" DI pipe.

#### **OTHER UTILITIES**

Provide street light study for existing street light along the project frontage. Install new street lights as needed.

All existing overhead utilities and new utilities must be placed under ground.

All existing anchor poles located in the right of way and will potentially be located in the future sidewalk must be relocated outside of sidewalk.

#### **SDC REQUIREMENTS**

Street, Storm Drainage, Sanitary Sewer, Water and Park SDC shall be required.

## 11. Systems Development Charges

### 11.1. General SDC Information

- West Linn SDC fees shall be indexed for inflation annually using the Engineering News – Record Construction Cost Index (20-city average).

### 11.2. Street SDC

- Reimbursement Fee: \$47.00
- Improvement Fee: \$4,628.00
- Administrative Fee: \$174.00

Type Of Use	Trips Per Use:	Factor	Reimbursement	Improvement	Administrative	Total
Single family	Per house	1.01	\$47.47	\$4,674.28	\$175.74	\$4,897.49
Multi-family	Per MF Unit	0.62	\$29.14	\$2,869.36	\$107.88	\$3,006.38
Retail	Per 1,000ft <sup>2</sup>	2.536	\$119.19	\$11,736.61	\$441.26	\$12,297.06
Office	Per 1,000 ft <sup>2</sup>	1.314	\$61.76	\$6,081.19	\$228.64	\$6,371.59
Public Park	Per Acre	0.223	\$10.48	\$1,032.04	\$38.80	\$1,081.33
Public School	Per Student	0.08	\$3.76	\$370.24	\$13.92	\$387.92

#### For Existing Lots of Record – Created Prior to July 12, 1999

Single family	Per house	\$9.55	\$41.28	\$2,052.78	\$79.79	\$2,173.85
Multi-family	Per MF Unit	\$6.47	\$27.97	\$1,390.73	\$54.06	\$1,472.76

### 11.3. Water SDC

- Reimbursement Fee: \$76.00
- Improvement Fee: \$4,389.00
- Administrative Fee: \$163.00

Size of Meter	Meter Equivalency	Reimbursement	Improvement	Administrative	Total
5/8"	1	\$76	\$4,389	\$163	\$4,628
3/4"	1.5	\$114	\$6,583.50	\$244.50	\$6,942
1"	2.5	\$190	\$10,972.50	\$407.50	\$11,570
1.5"	5	\$380	\$21,945	\$815	\$23,140
2"	8	\$608	\$35,112	\$1,304	\$37,024
3"	16	\$1,216	\$70,224	\$2,608	\$74,048
4"	25	\$1,900	\$109,725	\$4,075	\$115,700
6"	50	\$3,800	\$219,450	\$8,150	\$231,400
8"	80	\$6,080	\$351,120	\$13,040	\$370,240
10"	125	\$9,500	\$548,625	\$20,375	\$578,500

### 11.4. Storm SDC

- Based on impervious area, City stormwater per ESU (2,914ft<sup>2</sup>)
- Reimbursement Fee: \$671.00
- Improvement Fee: \$201.00
- Administrative Fee: \$44.00

Unit	Reimbursement	Improvement	Administrative	Total
Single Family	\$671.00	\$201.00	\$44.00	\$916.00

## **Process**

The Planned Unit Development permit, the Class II Design Review permit, and a Class II Variance are required for the development as proposed.

A neighborhood meeting following the provisions of 99.038 is required for any application involving a PUD, a new commercial building, and/or new multi-family buildings. Contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or [gbryck@easystreet.net](mailto:gbryck@easystreet.net). The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting. The application cannot be accepted unless the neighborhood meeting provisions are fulfilled by the time the application is submitted.

Follow the submittal requirements of chapters 24, 55, and 75. Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, 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. The criteria of 55.100, 24.100, 24.170, and 24.180 shall be responded to in a narrative. The criteria of 75.060 shall be responded to in a narrative regarding each requested variance.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

The deposit for a PUD is \$3,000 plus \$400 per acre. The deposit for Class II Design Review is \$4,000 plus 4% of the construction value of the project (maximum initial deposit for Design Review is \$20,000). The deposit for one Class II Variance is \$1,800. (Each additional Class II Variance, if these turn out to be needed for a currently undiscovered reason, would have a deposit of \$900.) Any cost overruns to the total deposit will result in additional billings.

Once the submittal is deemed complete, the staff will schedule a hearing with the Planning Commission and will send out public notice of the hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

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.

***Typical land use applications can take 6-10 months from beginning to end.***

**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.

P:\Development Review\Pre-Applications\Pre-Apps 2010\Pre-App 2010.08.19\PA-10-26 Burns Street mixed use project