

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
January 6, 2011

**SUBJECT:** 8-lot single-family planned unit development (PUD) subdivision at 1555 6<sup>th</sup> Ave., requiring Water Resources Area permit and possibly other permits

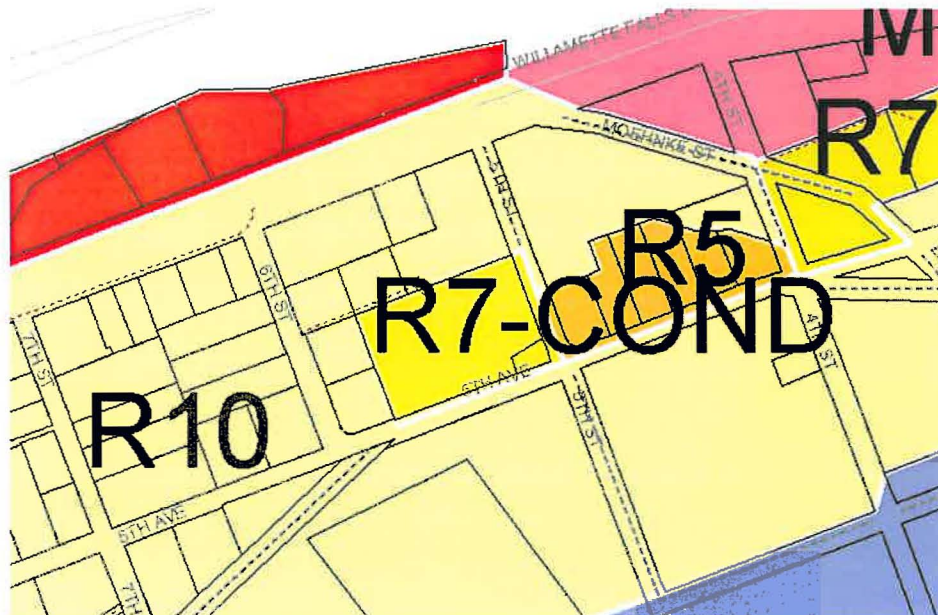
**ATTENDEES:** Applicants: Ralph Tahrán, Steven Wong  
Staff: Tom Soppe (Planning Division); Khoi Le (Engineering Division)

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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**

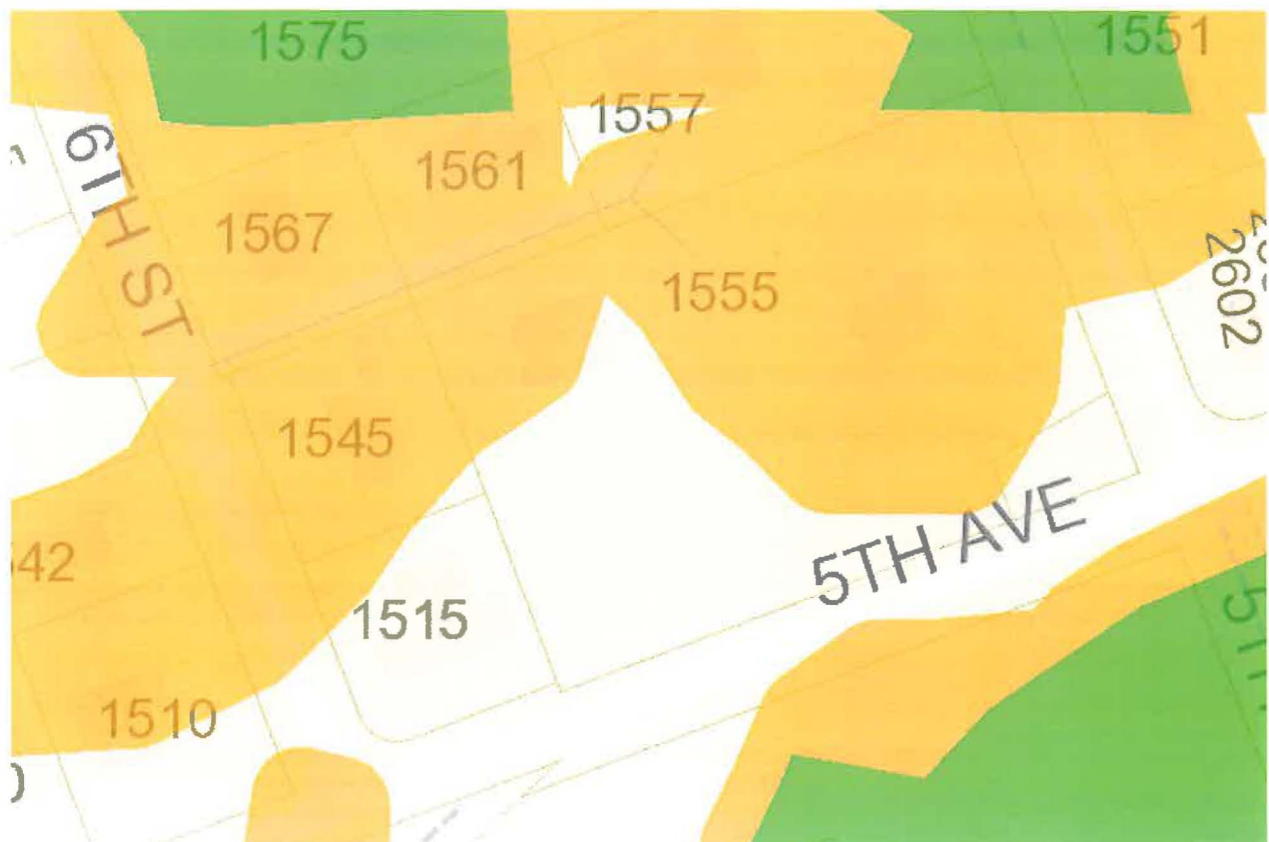
The site has approximately 64,000 square feet in the R-7 zone, meaning under the right configuration it could theoretically have 9 single-family lots maximum. The zone change to R-7 several years ago at this location had a condition that no attached units be built here, unlike the rest of the R-7 zone where they are allowed. The applicant plans to apply for a planned unit development (PUD) subdivision with 8 detached single family units. While the address of the site is 1555 6<sup>th</sup> Avenue due to its current vehicular access through other properties, the site is located on the northwest corner of 5<sup>th</sup> Street and 5<sup>th</sup> Avenue and only borders these streets. In the map below, the site consists of the two taxlots in the "R7-Cond" zone in the middle. "Cond" means conditional, a condition being that only detached single family units are allowed under the approval of the rezoning of this area several years ago.



The applicant plans to demolish the existing single-family house on site. Two of the new lots would access from the existing driveway off of 6<sup>th</sup> Street. Three lots would have houses that would directly face 5<sup>th</sup> Street and would take their access from there, including one lot on the corner of 5<sup>th</sup> Avenue. The remaining three lots border 5<sup>th</sup> Avenue only and are proposed to have individual driveways off of 5<sup>th</sup> Avenue.

In 2008, the applicant submitted an application for an 8-unit non-PUD subdivision on this property (SUB-08-04 et al.), which was later withdrawn after being declared complete, due to problems reconciling lot dimension and size requirements with access and tree preservation provisions. The steep topography on the west side of 5<sup>th</sup> Street motivated the applicant to concurrently apply for a Class II Variance to waive the requirement for sidewalk improvements along that portion of the property. As the situation remains the same at the location, the applicant may also consider submitting this variance with the anticipated PUD application. The other variance submitted with the former application dealt with lot depth, but that is moot under the proposed application as there are no standard lot depth requirements in a PUD as long as density transfer follows the provisions of Chapter 24 or is not used.

Although it is a few blocks uphill from the Willamette River, the Willamette River Greenway overlay does encompass the site. Whether any given project within this overlay requires a Willamette River Greenway permit now depends heavily on whether there will be development within the Habitat Conservation Areas (HCAs) designated by Metro, per the provisions of CDC Chapter 28. The only part of the site located in a Habitat Conservation Area is the northeast corner of the site, where a triangle of approximately 15 by 30 feet is located in a Habitat Conservation Area. See the map below.



**Metro Habitat Conservation Areas (HCAs) are in green, orange is “Allow Development” area per Metro. White areas are unclassified by Metro.**

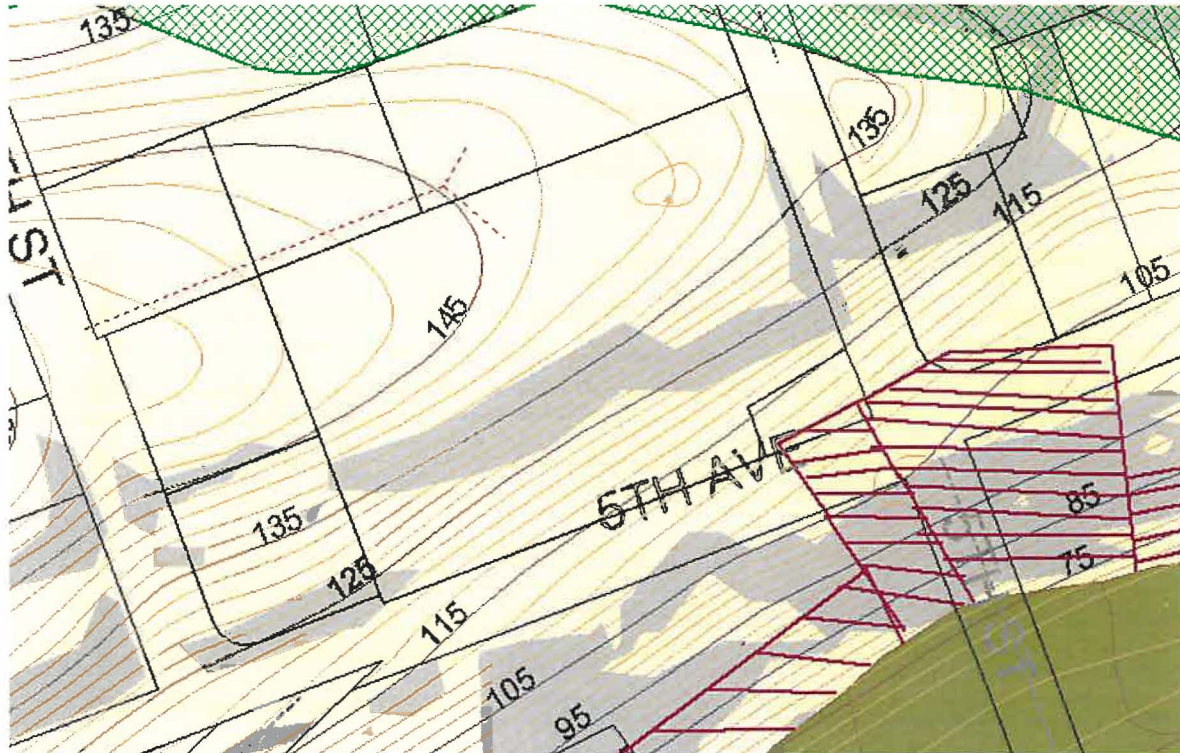
CDC 28.030(S) states, “In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs... then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the ‘Not Affected by Recommendations’ or ‘Allow Development’ area and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required.” Therefore if no development occurs on said triangle (even if it is part of one of the lots) than the Willamette River Greenway permit will not be necessary. If the applicant did plan to develop in the said triangle and applied for a Willamette River Greenway permit, the permit and the plan to develop in the triangle would become moot in most situations under the provisions of the permit itself, as one of the criteria (CDC 28.110(H)[2]) states, “Applicant shall partition or subdivide the site so that all parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated ‘Not Affected by Recommendations’ or ‘Allow Development’ per the Metro HCA map.” Since this is a PUD the applicant can presumably propose to design the lot lines and possibly modify the setbacks if necessary to ensure all development stays out of the HCA. However, if the applicant determines that some development has to occur in said triangle in order to reasonably develop the lot at the northeast corner, this is addressed in criterion 28.110(H)(3) which states, “Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.” If the applicant determines that part of the triangle needs to be developed or landscaped for this lot and wants to make the case that this is necessary to develop this PUD, the applicant shall also submit a Willamette River Greenway permit along with the other required permits discussed above, and follow the submittal requirements of Chapter 28.

The applicant plans to preserve many of the trees on site, most of which are in the north-central part of the site and at the northwest corner. The CDC requires that all significant trees and their dripline plus ten foot areas, comprising up to 20% of the square footage of the Non-Type I and II lands, must be protected. The applicant will need to provide a mapped tree inventory (by location, type and size [DBH]) to the City Arborist. (*Please note: No trees at this site may be removed without permit or land use application approval.*) Once the inventory is complete and trees mapped, contact the City Arborist, Mike Perkins, at (503) 557-4700, to conduct a site visit and identify significant trees for likely protection. No site clearing, grubbing, or grading is permitted without approval.

There is a wetland downhill from the site across 5<sup>th</sup> Avenue. For wetlands the transition area (not counting 15-foot extra structural setback) is a) 50 feet if slopes immediately adjacent are less than 25%, b) 50 feet from the top of the ravine, when there are 25% or greater slopes to a distinct top of the ravine, or c) 200 feet when the adjacent slopes are 25% or greater without a distinct top of ravine. Per City GIS, directly downhill from the east end of the site the slopes immediately adjacent the wetland are 25% or greater all the way to 5<sup>th</sup> Avenue itself (which then acts as the top of the ravine). Therefore the transition area should be measured starting on the south side of 5<sup>th</sup> Avenue where the slope flattens out for the street. This appears to slightly encompass the southeast corner of the site per GIS. The remainder of the wetland edge as one moves west does

not have 25% or greater slopes immediately adjacent per GIS and therefore the transition area is only 50 feet, not affecting the site since the wetland is 100 feet or more away.

Therefore, unless a survey commissioned by the applicant proves differently, the transition area for the wetland overlaps the site's boundaries, albeit in a small area in the southeast corner of the site. However a Water Resource Area permit is needed if any of a site proposed for land division overlaps with a water resource's transition area. See the map below for the staff measurements on GIS discussed above. The significant riparian corridor Bernert Creek lies less than a block north of the site, but per Table 32-1 measurements the site is completely outside the transition area for Bernert Creek and its associated corridor.



**Greenish brown- wetland; Purple hatched area- approximate wetland transition area; Grey- 25%+ slopes**

Judging by the conceptual site plan submitted for this pre-application conference, the area where the transition area and the site overlap is not likely to have contained development of the houses or driveways. However a Water Resources Area permit is required regardless, and street improvements will likely have to be done in this area. Any new improvements where none existed before will have to be mitigated for (with surrounding temporarily disturbed areas within the transition area revegetated for). Any remaining transition area outside the right of way will have to be placed in a conservation easement or an open space tract, preferably dedicated to the city. Fee simple dedication is preferred per 32.050(D). The applicant shall submit a Water Resource Area permit along with the other permits discussed above, and follow the submittal requirements of Chapter 32.

At the conference the applicant discussed the possibility of doing a standard partition instead of a PUD subdivision, dividing the property into two or three lots total, with all access coming off of the existing shared driveway from 6<sup>th</sup> Street. A three lot partition with this scenario would need a

Class II Variance for number of houses on a shared driveway because it would result in 5 houses total on this driveway (not allowed per 48.030[D]). With any land division on a property that includes any water resource transition area, the Water Resource Permit is required. So even under the scenario of a partition with all new development in the northwest area of the site, this permit would be required.

The issues of proportionality and nexus were discussed in regards to street improvements under the scenario of a partition where the lots use the 6<sup>th</sup> Street driveway, since new houses using the 6<sup>th</sup> Street driveway would not usually use 5<sup>th</sup> Street or 5<sup>th</sup> Avenue east of 6<sup>th</sup> Street on trips to the rest of the city. While street improvements are technically required for all abutting right of ways under any land division, the applicant is free to write to the Planning Director and request that the City analyze and judge whether such a requirement is justified under the above scenario. The applicant also discussed the possibility of having all lots access 5<sup>th</sup> Avenue and the 6<sup>th</sup> Street driveway even with a subdivision, which would raise the same issue regarding improvements on 5<sup>th</sup> Street.

## **Engineering Comments**

### **STREET IMPROVEMENT**

#### **5<sup>th</sup> STREET**

##### **Current Conditions**

Street Classification:	Local Street
Right of Way Width:	40'
Pavement Width:	Un-improved roadway
Sidewalk:	None along project frontage. Partial sidewalk is on the opposite side.
Planter Strip:	None along project frontage and on the opposite side.

##### **Required Improvements**

Right of Way Dedication:	4'
Pavement Improvement:	12' + 10' travel lane on the opposite side
Curb and Gutter:	Curb and Gutter along project frontage. AC berm on the opposite
Planter Strip:	5.5' planter strip along project frontage
Sidewalk:	6' sidewalk along project frontage
Street Tree:	Per Parks Department

#### **5<sup>th</sup> AVENUE**

##### **Current Conditions**

Street Classification:	Local Street
Right of Way Width:	42'
Pavement Width:	16'
Sidewalk:	None along project frontage and on the opposite side.
Planter Strip:	None along project frontage and on the opposite side.

## **Required Improvements**

Right of Way Dedication:	5'
Pavement Improvement:	16'+10' travel lane on the opposite side
Curb and Gutter:	Curb and Gutter along project frontage. AC berm on the opposite
Planter Strip:	5.5' planter strip along project frontage
Sidewalk:	6' sidewalk along project frontage
Street Tree:	Per Parks Department

## **STORM DRAINAGE IMPROVEMENT**

Provide stormwater quality treatment and detention for the development in accordance with the City of West Linn Public Works Design Standards and Construction Specifications.

Improvement for the existing public storm drainage system abutting the development may be required for adequately handling, conveying and discharging the additional stormwater run-off generated by the development.

Storm Drainage Report shall be required.

## **SANITARY SEWER**

There is existing public sanitary sewer main line in the back of the property available for connection.

## **WATER IMPROVEMENT**

The development is currently in the Willamette Water Zone. The Willamette Water Zone is currently deficient for supply capacity in both normal and emergency conditions.

Provide 8" new water line improvement along 5<sup>th</sup> Street to provide water services for homes that are not be able to reach service on the existing water main along 5<sup>th</sup> Avenue.

Abandon the existing 2" water line and reconnect the existing services to the new 8" DI main.

Development shall require providing proof of approval from Tualatin Valley Fire and Rescue before City permit is released for construction.

## **OTHER UTILITY IMPROVEMENTS**

No overhead utilities and utility poles with the exception of street lights shall be allowed along the project frontage. All existing overhead utilities along the project frontage shall be placed underground. All existing utility poles along the project frontage shall be removed. Development shall be responsible for the expenses involved in removing existing poles and placing existing overhead utilities underground.

## **Process**

A neighborhood meeting with the Willamette Neighborhood Association is required per CDC Section 99.038. Contact President Beth Kieres at 503-722-1531 or [Willametteneighborhood@gmail.com](mailto:Willametteneighborhood@gmail.com). Follow the instructions of that Code section explicitly. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The submittal requirements of Community Development Code sections 24.080, 85.170, 85.180, and 32.040 must be fulfilled on a point-by-point basis for a PUD subdivision that overlaps with a wetland transition area. This includes responding in a narrative to the approval criteria of 85.200, 24.100, and 32.050. For Chapter 24 the applicant should also respond in narrative form to 24.180 Applicability of the Base Zone Provisions. For Chapter 32 the applicant should also respond in a narrative to 32.070 and 32.080 regarding mitigation for and revegetation of the transition area where disturbance occurs. For a variance, follow the submittal requirements for Chapter 75 and respond to the approval criteria (75.060).

If the applicant does submit a Willamette River Greenway permit as well, the applicant shall fulfill the submittal requirements of 28.090 including a narrative responding to the criteria of 28.110.

Prepare the application and submit to the Planning Division with deposit fees. Deposit fees are 4,200 dollars plus 200 dollars a lot for a subdivision (\$5,800 total for this development). PUD deposit fees are separate and are \$3,000 plus \$400 per acre, which would be approximately \$3,588 for this subdivision. A Water Resources Area permit has a \$1,850 deposit. A Class II Variance deposit is \$1,800 (any additional variance is an additional \$900). That brings the total initial deposit for the anticipated application to approximately \$13,038, assuming the sidewalk-related variance is again applied for (\$11,238 if it is not). A Willamette River Greenway permit is \$1,700. Therefore if the applicant also applies for a Willamette River Greenway permit along with the variance and the PUD and subdivision permits, the deposit would be approximately \$14,738 (\$12,938 without the variance).

A partition has a \$2,800 deposit. Therefore the initial deposit for the partition scenario would be at least \$4,650 (adding in the Water Resource Area permit deposit). If a Class II Variance was added it would be \$6,450.

**Please note that the deposit is a “down payment” in the sense that staff hours are charged against the deposit funds, and more billing may be needed eventually depending on the number of staff hours eventually spent on the application.** The City has 30 days to determine if the application is complete or not (most applications are incomplete at first). The applicant has 180 days to make the application complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals.

Staff prepares public notice and schedules the hearing. The first hearing is usually approximately four weeks from the date the application is deemed complete. The Planning Commission holds a hearing and renders a final decision. (The case may be continued to an additional hearing before a final decision is rendered, depending on circumstances.) The decision may be appealed to the City Council. If appealed, the City Council hearing is 6-8 weeks from the Planning Commission hearing date. Subsequent appeals go to LUBA (the state’s Land Use Board of Appeals).

Once approved, the applicant has three years to record a final plat and satisfy conditions of approval before approval lapses and it is void.

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. Street and utility improvements typically increase the amount of time required.***

**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. Please also note that these notes have a limited shelf life and as new codes are introduced the ability to develop per these provisions may no longer be possible.

:/devrww/preapps/pre apps 2011/pre-app 2011.01.06/preapsumry-PUD-Tahran-1-6-11





CITY OF  
**West  
Linn**

## LAND USE PRE-APPLICATION CONFERENCE

**Thursday, January 6, 2011**

**City Hall  
22500 Salamo Road**

**Willamette Conference Room**

**10:00 am** 8-Lot single family planned development.

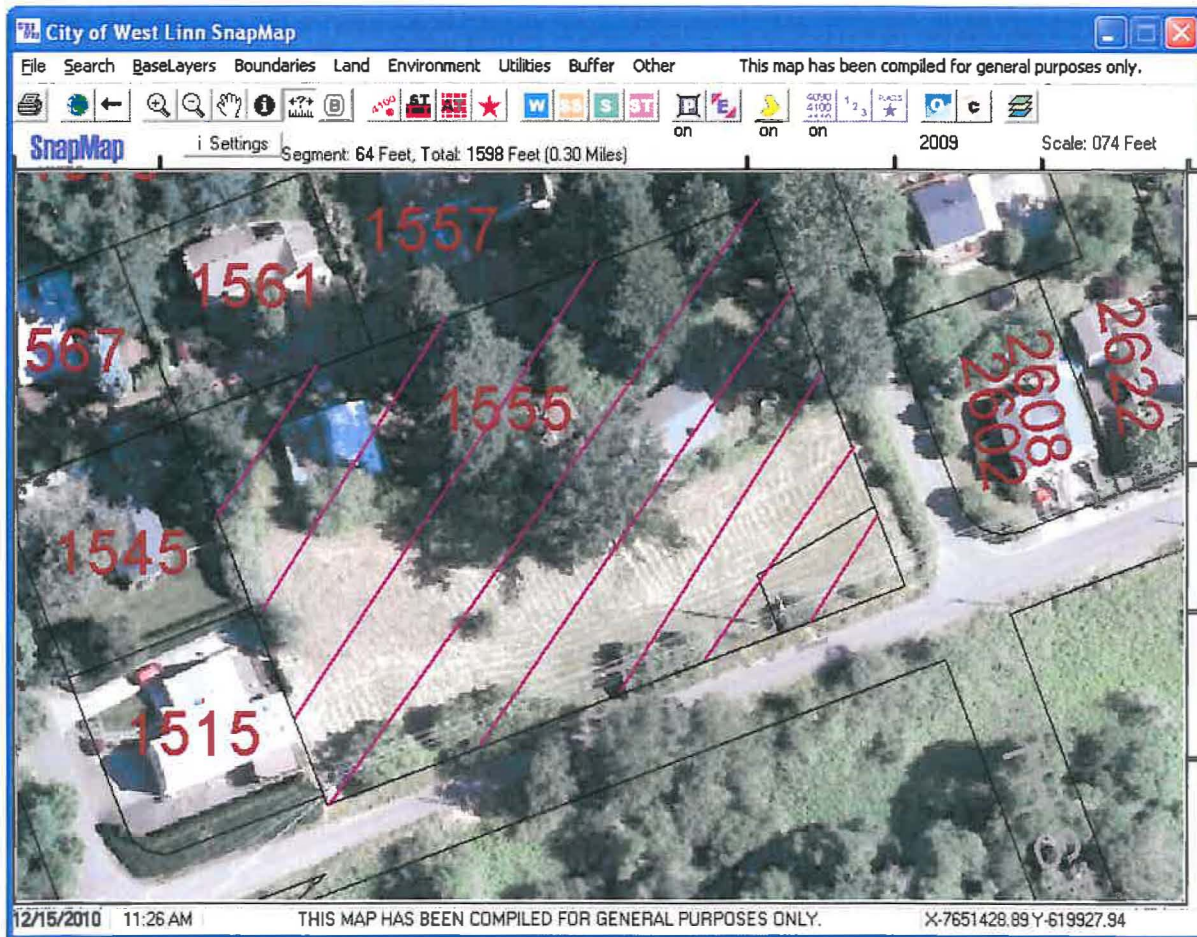
**Applicant:** Ralph Tahrán

**Subject Property Address:** 1555 6<sup>th</sup> St.

**Neighborhood Assn:** *Willamette*

**Planner:** Tom Soppe

**Project #:** PA-10-35





### PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION		
CONFERENCE DATE: <del>12/30</del> 1/6/11	TIME: 10AM	PROJECT #: PA-10-35
STAFF CONTACT: TOM SOPPE		FEE: 1000-

Pre-application conferences occur on the first and third Thursdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted at least 14 days in advance of the conference date. Twenty-four hour notice is required to reschedule.

Address of Subject Property (or map/tax lot): 1555 6th STREET, WEST LINN, OR.

Brief Description of Proposal: 8 LOT SINGLE FAMILY PLANNED DEVELOPMENT

Applicant's Name: RALPH TAHRAN  
Mailing Address: 2333 SW STEPHENSON ST., PORTLAND, OR. 97219  
Phone No: (503) 539-8802 Email Address: ralph.tahran@comcast.net

Please attach additional materials relating to your proposal including a site plan on paper up to 11 x 17 inches in size depicting the following items:

- ✓ North arrow
- ✓ Scale
- ✓ Property dimensions
- ✓ Streets abutting the property
- ✓ Conceptual layout, design and/or building elevations
- ✓ Access to and from the site, if applicable
- ✓ General location of existing trees
- Location of creeks and/or wetlands *NA*
- ✓ Location of existing utilities (water, sewer, etc.)
- ✓ Easements (access, utility, all others)

Please list any questions or issues that you may have for city staff regarding your proposal:  
Process and timing, access options, i.e., direct access off 5th Street, fees.

By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.

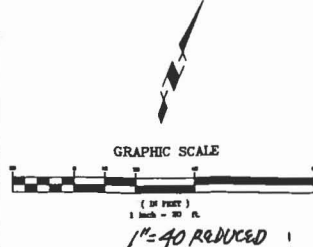
Property owner's signature: *Ralph Tahran* Date: 12/14/10

Property owner's mailing address (if different from above)

**TREE LIST AND INVENTORY KEYNOTES:**

- |                        |                          |                          |                         |
|------------------------|--------------------------|--------------------------|-------------------------|
| 1 37" DF TO REMAIN     | 12 8" DW TO REMAIN       | 23 8" HO TO BE REMOVED   | 34 11" RA TO BE REMOVED |
| 2 35" DF TO REMAIN     | 13 7" HO TO BE REMOVED   | 24 20" CW TO BE REMOVED  | 35 10" CH TO BE REMOVED |
| 3 17" DW TO REMAIN     | 14 14" FP TO BE REMOVED  | 25 11" RA TO REMAIN      | 36 10" CH TO BE REMOVED |
| 4 7" RA TO BE REMOVED  | 15 14" DC TO REMAIN      | 26 14" BLM TO BE REMOVED | 37 8" RA TO BE REMOVED  |
| 5 8" CH TO BE REMOVED  | 16 13" SP TO BE REMOVED  | 27 25" CW TO BE REMOVED  | 38 11" RA TO BE REMOVED |
| 6 20" CH TO BE REMOVED | 17 8" DF TO BE REMOVED   | 28 25" CW TO BE REMOVED  | 39 8" RA TO BE REMOVED  |
| 7 7" MP TO REMAIN      | 18 17" CSW TO BE REMOVED | 29 27" CW TO BE REMOVED  | 40 8" RA TO BE REMOVED  |
| 8 8" RA TO BE REMOVED  | 19 24" YW TO REMAIN      | 30 25" CW TO BE REMOVED  | 41 8" A TO BE REMOVED   |
| 9 7" MP TO REMAIN      | 20 32" DF TO REMAIN      | 31 8" CH TO BE REMOVED   | 42 8" A TO BE REMOVED   |
| 10 7" CH TO BE REMOVED | 21 40" DF TO REMAIN      | 32 18" CH TO BE REMOVED  | 43 8" A TO BE REMOVED   |
| 11 42" DF TO REMAIN    | 22 40" DF TO REMAIN      | 33 30" CH TO BE REMOVED  | 44 17" FP TO BE REMOVED |
| 12 54" DF TO REMAIN    | 23 10" CH TO BE REMOVED  | 34 35" CW TO BE REMOVED  |                         |

Common Name	Code	Scientific Name
Big leaf maple	BLM	Acer macrophyllum
Douglas fir	DF	Pseudotsuga menziesii
Cherry	CH	Prunus emera
Ponderosa pine	PP	Pinus ponderosa
Shore pine	SP	Pinus contorta
Red alder	RA	Alnus rubra
Willow	WL	Salix lasiolepis
Crataegus douglasii	HT	Crataegus douglasii
Morus species	A	Morus species
Populus deltoides	DF	Populus deltoides
Cornus nebulosa	CF	Cornus nebulosa
Prunus caroliniana	PP	Prunus caroliniana
Bee eucalyptus	HO	Bee eucalyptus
Salix melanocarpa	WL	Salix melanocarpa
Arctostaphylos	MP	Arctostaphylos
Quercus densa	DC	Quercus densa
Yucca filifera	YF	Yucca filifera



DAVID B. HUNTER  
 ASCA REGISTERED CONSULTING ARBORIST #408  
 ISA CERTIFIED ARBORIST #P#-1088 A  
 PNW ISA CERTIFIED TREE RISK ASSESSOR #0150  
 PROFESSIONAL FORESTER  
 PO BOX 324  
 FOREST GROVE, OR 97116  
 OFFICE: 503-357-4344  
 CELL: 503-378-0380  
 FAX: 503-862-0188  
 EMAIL: DDBHUNTER@ARBORISTWAL.COM

REVISIONS

RECORDED PROTECTIVE PLAN CUSHING

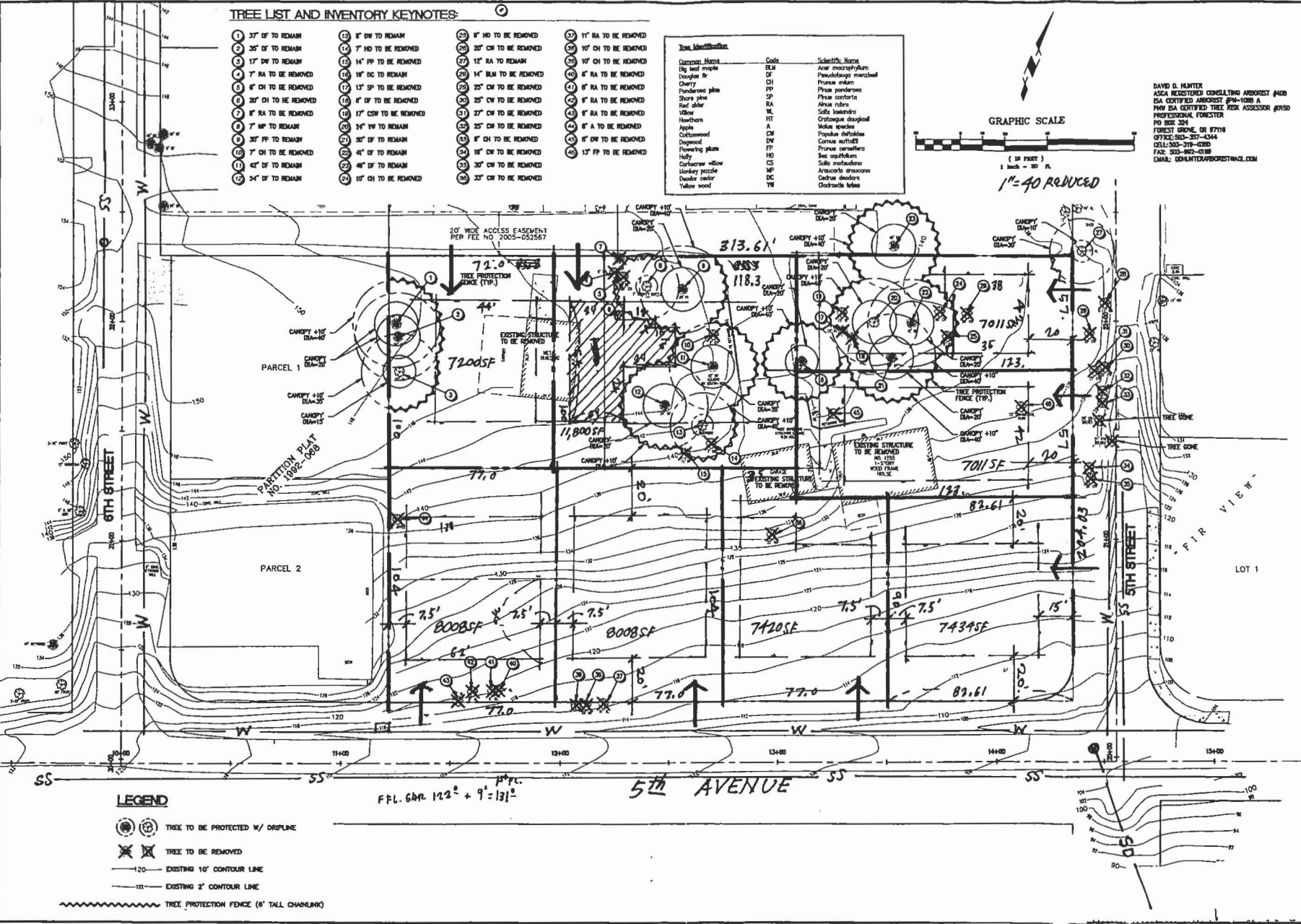
RECORD DATE: 12/31/09

WILLAMETTE VISTAS SUBDIVISION  
 TAHRAN/MONG  
 1555 6TH STREET  
 WEST LINN, OREGON

**cushing**  
 Doe Cushing Associates  
 Civil Engineers  
 6630 SW Radwood Lane  
 Suite 235  
 Portland, OR 97224  
 Voice: (503) 620-7884  
 Fax: (503) 620-2771

DATE: 3/13/2009  
 SCALE: 1" = 20'  
 DRAWN: JEG  
 JOB: 07017  
 SHEET

X:\07-017 Ralph Tahran - 5th Ave & 5th St-West Linn\Civil\Draw\Plans\CD\ 07017-SHEET 4 TREE PRESERVATION PLAN.dwg Mar 16, 2009 - 12:08pm dcr/d



**LEGEND**

- TREE TO BE PROTECTED W/ DRIFLINE
- TREE TO BE REMOVED
- EXISTING 10' CONTOUR LINE
- EXISTING 2' CONTOUR LINE
- TREE PROTECTION FENCE (6" TALL CHAINLINK)

F.P.L. GRN 122° + 9' = 131°

5<sup>TH</sup> AVENUE

LOT 1





















