



STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: MISC-10-15

HEARING DATE: August 18, 2010

REQUEST: Extension of Subdivision approval SUB-07-01 at 4111-4125 Elmran Drive

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 85, CDC Section 99.325, and Chapter 10, R-10 District.

STAFF REPORT PREPARED BY : Tom Soppe, Associate Planner

Planning Director's Initials

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City Engineer's Initials

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EXECUTIVE SUMMARY

The applicant proposes a two-year extension of approval for a 6-lot subdivision located at 4111-4125 Elmran Drive. The Planning Commission approved the project (file SUB-07-01) in 2007 subject to 7 conditions of approval. The two year extension, if granted, would expire June 6, 2012.

CDC Section 99.325 allows extensions of approval provided the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; there are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or the applicant has modified the approved plans to conform with the above criteria. In reviewing the extension application, staff found errors pertaining to sidewalk width (see Finding 7), lot sizes (see Finding 8), and width of the driveway on Lot 3 (see Finding 1). Staff finds that the applicant's proposal coupled with the recommended conditions of approval meets all applicable criteria; therefore staff recommends approval.

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GENERAL INFORMATION

APPLICANT: Garrin Royer, Redside Development/Canyon Development, 221 Molalla Avenue, Ste. 220, Oregon City, OR 97045

REPRESENTATIVE: Don Cushing Associates Civil Engineers, 4677 SE Pinehurst Ave., Ste. 201, Milwaukie, OR 97267

SITE LOCATION: 4111-4125 Elmran Drive

LEGAL

DESCRIPTION: Clackamas County Assessor's Map 2-1E-13CD, Tax Lot 3100 and 3201

SITE SIZE: 1.6 acres

ZONING: R-10

COMP PLAN

DESIGNATION: Low Density Residential

120-DAY PERIOD: The application was complete upon the submittal of materials on July 8, 2010. Therefore, the 120-day application processing period ends on November 5, 2010.

PUBLIC NOTICE: Public notice was mailed to the Robinwood Neighborhood Association and to affected property owners on July 21, 2010. The property was posted with a sign on July 22, 2010. In addition, the application has been posted on the City's website. Therefore, notice requirements have been satisfied.

BACKGROUND

The subject property, outlined in purple on the following map, is owned by Redside Development, also known as Canyon Development.



Vicinity/Zoning Map (site outlined in purple, white area in northeast corner is Willamette River, large parcel south of site is Cedaroak Primary School)

Site Conditions. The site is located in the Robinwood neighborhood between two sections of Elmran Drive as Elmran Drive makes a hairpin turn at the south end of the triangular-shaped site. Across from the south corner of the site is the intersection of Cedaroak Drive and Elmran Drive, as Cedaroak heads south of the site. Elmran Drive and Glen Terrace form another “T” intersection at the northwest corner of the site. The site consists of two tax lots in common ownership that comprises Lot 105 on the Cedaroak Park plat. Until recently, the lot had a house on it. The 1.6 acre site is fairly level except for the east end which slopes steeply downward to the east towards the lower portion of Elmran Drive. A driveway, which served the recently demolished single-family house, enters the site approximately across from the Glen Terrace intersection at the northwest corner of the site, very close to the driveway for the flag lot to the north. Trees are scattered around the site, particularly in the north and northwest portions.

Project Description. In 2007, the Planning Commission approved a six-lot subdivision for the site subject to 10 conditions of approval (SUB-07-01). The final decision is attached as Exhibit PC-1 on pages 17-21. The applicant has requested a two-year extension of that approval. As in the original application, the applicant proposes a private street, named Jackson Court, to serve four of the lots and a contiguous driveway off of Elmran Drive to serve the remaining two lots (see Exhibit PC-6, map C2.0 , on page 50) All lots border Elmran Drive except Lot 2 which borders Jackson Court. Jackson Court, as a private street, is a proposed to function as a shared access easement consisting of the edges of several of the lots it borders. All lots are required, by the CDC definition of “lot area”, to be over 10,000 square feet in size excluding access easements and private roads. The original

approval did not meet this requirement; consequently the applicant has adjusted lot sizes for this extension application.

Surrounding Land Use. Most of the surrounding parcels in the neighborhood have single-family homes on them; many of them are large enough to be split. A few lots are large enough to be subdivided as proposed for the subject site.

DIRECTION FROM SITE	LAND USE	ZONING
North	Single-family residential	R-10
East	Single-family residential	R-10
South	Single-family residential and Cedaroak Primary School	R-10
West	Single-family residential. State Highway 43, also called Willamette Drive lies several blocks west of the site. A strip of General Commercial zoning lies along both sides of Willamette Drive, including many retail and office commercial uses.	R-10 with General Commercial beyond

The following aerial shows the site and the surrounding residential properties, and part of the Cedaroak Primary School grounds to the south and southwest. The subject site is outlined in purple.



Public comments. Attached are the July 7, June 22, and June 2 correspondence from Michael Berger who lives north of the site (see Exhibit PC-1, pages 22-29). Mr. Berger requests that Tree #2, (see Exhibit PC-6, Map C3.0, Erosion Control and Tree Protection on page 110) which is located on the subject site near the border with his property, be removed if trees 3, 4, 5, or 6 are removed. Trees 3 and 4 are to be preserved but trees 5, 6, and/or 2 are allowed to be removed if needed to accommodate a reasonable building footprint on Lot 1 or for safety reasons, per Condition of Approval 7 in the final decision for SUB-07-01 (see Exhibit PC-1, Page 20). Mr. Berger is concerned with the safety of his property should Tree #2 be preserved and any of the adjacent trees are removed. (See Analysis below).

Comments from outside agencies. Tualatin Valley Fire and Rescue approves of the project as it is currently proposed. See their comments in Exhibit PC-3 on pages 32-34.

ANALYSIS

The Planning Commission decision approving SUB-07-01 became effective June 6, 2007. Therefore, the approval's three-year expiration date was June 6, 2010. CDC Subsection 99.325(D) (1) states "Only those applications approved between July 1, 2006 and December 31, 2009 shall be eligible for an extension." Therefore the previous approval is eligible for an extension. CDC Subsection 99.325(D) (2) allows applicants with applications that expire before June 30, 2010 to apply for extensions by June 30, 2010 even if the application had already passed its 3-year expiration by this date. The applicant applied for this extension on June 15, 2010.

CDC Section 99.325(A) requires extension applications to conform to all new CDC provisions since the submittal of the original application, and to also correct any misrepresentations, errors, or omissions. As discussed above under Project Description, the applicant's submittal for the extension corrects the error in the original application of including the private street's easement in the lot size calculation. Also in the original application, Elmran Drive (and proposed improvements to Elmran Drive) was treated as if Elmran Drive was a local street when it is actually a collector. This error has also been corrected in the extension application.

As described under public comments above, a neighbor requests that Tree #2, (see Exhibit PC-6, Map C 3.0, on page 110) which is located on the subject site near the border with his property, be removed if trees 3, 4, 5, or 6 are removed. Subsection 99.325(A) (2) allows extension approvals to modify previous approvals if there are "material misrepresentations, errors, omissions, or changes in facts that directly impact the project..." However no Section of 99.325 allows extension approvals to modify aspects of previous approvals that involved legitimate judgment calls that were compliant with code and that remain unchanged in regards to changes in facts or other impacts listed in 99.325(A) (2). Therefore staff does not recommend modification of Condition of Approval 7 in the original final decision pertaining to trees.

The criteria of Chapter 85.200 that have undergone changes since the original application was submitted are subsections (A) (1) Streets (General), (A) (3) Street Widths, (A) (22) off-site improvements, (B) (2) Block Sizes, and 85.200(J) (10) Annexation and Street Lights. These criteria and the criteria related to the aforementioned errors are addressed in the supplemental findings below and in the applicant's submittal in pages 68-76 of Exhibit PC-6. With conditions of approval listed in the Recommendation section below, the application would be in conformance with all current Section 85.200 criteria.

RECOMMENDATION

Staff recommends approval of the application subject to the following conditions:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the site plan in Exhibit PC-6, map C2.0, on Page 50, dated June 1, 2010.
2. Previous Approval. Unless modified by these conditions, the project shall conform to the conditions of original approval contained in file SUB-07-01.
3. Elmran Drive Sidewalk. The proposed sidewalk along Elmran Drive shall be 6 feet wide for its entire length.
4. Lot 3 Driveway Width. The private street and the Lot 3 driveway stub shall be 16 feet wide for their entire length, to the west end of the stem of Lot 3, per CDC Section 11.070(8).

Notes to applicant:

1. The two-year extension, if approved, would extend from the original expiration date to June 6, 2012.
2. All conditions of approval are required to be fulfilled and all public improvements finished before the City accepts the submission of the final plat. The final plat will have to be recorded with Clackamas County before a building permit for each lot will be accepted.

APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS

MIS-10-15

CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

Chapter 11, the R-10 zone, provides use regulations and development standards that apply to the site. Single-family detached residential units are allowed outright in this zone with a minimum lot size of 10,000 square feet. Lots are required to be at least 35 feet wide along the street frontage with average widths above 50 feet. Lot depths are required to be at least 90 feet and 2.5 times deep as wide. Access ways are required to be a minimum of 15 feet wide.

FINDING NO. 1

Chapter 11 provides regulations for the R-10 zone where the site is located. Single-family detached residential units are a use allowed outright in this zone. The proposed lots all have front widths above the 35-foot minimum, average widths above the 50-foot minimum, and average depths above the zone's 90-foot minimum. No lot is more than 2.5 times deep as it is wide. The private street is 16 feet wide, but becomes only 12 feet wide when it becomes the driveway for Lot 3 at the north end of the site. Here, a 12-foot wide driveway connects the main body of Lot 3 to the private street through the stem of lot 3 (see site plan on Exhibit PC-6, map C2.0, on page 50). Subsection 11.070(8) requires the driveway in this stem to be 15 feet. Condition of Approval 4 requires this. The proposal is compliant with the provisions of this chapter upon the fulfillment of Condition of Approval 4.

CHAPTER 85, LAND DIVISION

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, find that the following standards have been satisfied, or can be satisfied by condition of approval. (ORD 1544)

A. *Streets*

- 1. General. The location, width and grade of streets shall be considered in their*
- 2. Right of way and Roadway Widths. In order to accommodate larger tree lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But, instead of filling in the right-of-way with pavement, they shall accommodate the*

amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:

<i>Street Classification</i>	<i>Right-of-Way</i>
<i>Highway 43</i>	<i>60-80</i>
<i>Major arterial</i>	<i>60-80</i>
<i>Minor arterial</i>	<i>60-80</i>
<i>Major collector</i>	<i>60-80</i>
<i>Collector</i>	<i>60-80</i>
<i>Local street</i>	<i>40-60</i>
<i>Cul-de-sac</i>	<i>40-60</i>
<i>Radii of cul-de-sac</i>	<i>48-52</i>
<i>Alley</i>	<i>16</i>

Additional right-of-ways for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

3. Street Widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP. Streets are classified as follows. (ORD 1584)

Collector streets provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access and that they penetrate residential neighborhoods, distributing trips from the neighborhood and local street system. Collectors are typically greater than 0.5 to 1.0 miles in length.

City of West Linn Roadway Cross-Section Standards

<i>Street Element</i>	<i>Characteristic</i>	<i>Width/Options</i>
<i>Vehicle Lane Widths: (minimum widths)</i>	<i>Arterial</i>	<i>11 feet</i>
	<i>Collector</i>	<i>10 feet</i>
	<i>Neighborhood</i>	<i>10 feet</i>
	<i>Local</i>	<i>12 feet</i>

	<i>Turn Lane</i>	<i>10-14 feet</i>
<i>On-Street Parking</i>	<i>Arterials Collectors Neighborhood Local</i>	<i>Limited (in commercial areas) Some (unstriped) Some (8 feet) Some (unstriped)</i>
<i>Bicycle Lanes (minimum widths)</i>	<i>New Construction Reconstruction</i>	<i>5 to 6 feet 5 to 6 feet</i>
<i>Sidewalks (minimum width) (See note below)</i>	<i>Arterial Collector Neighborhood/Local</i>	<i>6 feet 6 feet 6 feet</i>
<i>Landscape Strips</i>	<i>Can be included in all streets</i>	<i>6 feet</i>
<i>Medians:</i>	<i>5-Lane 3-Lane 2-Lane</i>	<i>Optional Optional Consider if appropriate</i>
<i>Neighborhood Traffic Mgmt</i>	<i>Arterials Collectors Neighborhood Local</i>	<i>Not Recommended Under Special Conditions Should consider if appropriate Should consider if appropriate</i>
<i>Transit</i>	<i>Arterial/Collectors Neighborhood Route Local</i>	<i>Appropriate Only in special circumstances Not Recommended</i>

NOTE: Commercial/OBC zone development on arterials requires a 12-foot wide sidewalk which includes three feet for street trees, hydrants, street furniture, etc. Commercial/OBC zone development on local streets requires an 8-foot wide sidewalk with no planter strip, but shall include cut-outs for street trees. In both commercial and residential areas where site constraints exist, sidewalks and planter strips may be reduced to the minimum necessary (e.g., 4 feet for sidewalks and no planter strip) to accommodate walking and significant natural features such as mature trees, steep embankment, grade problems, and existing structures, or to match existing sidewalks or right-of-way limitations. These natural features are to be preserved to the greatest extent possible. Requests for this configuration shall require the endorsement of the City Engineer. City Engineer has the authority to require that street widths match adjacent street widths.

<i>Sidewalk Location</i>	<i>Sidewalk Width</i>
<i>Arterial in GC/OBC zone</i>	<i>12 feet</i>
<i>Collector/Local in GC/OBC zone</i>	<i>8 feet</i>
<i>Storefront on arterial</i>	<i>12 feet</i>

Storefront on collector/local	8 feet
Residential Development	6 feet (+6-foot planter strip)

(GC = General Commercial; OBC = Office Business Center) (ORD.



4. The decision-making body shall consider the City Engineer's recommendations on the desired right of way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer of the following criteria:

- a. The type of road as set forth in the Transportation Master Plan.
- b. The anticipated traffic generation.
- c. On-street parking requirements.
- d. Sidewalk and bikeway requirements.
- e. Requirements for placement of utilities.
- f. Street lighting.
- g. Drainage and slope impacts.
- h. Street trees.
- i. Planting and landscape areas.
- j. Existing and future driveway grades.
- k. Street geometry.
- l. Street furniture needs, hydrants.

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

- a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.
- b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
- c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.

d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.

10. Additional Right-of-Way for Existing Streets. Wherever existing street right-of-ways adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be provided at the time of subdivision or partition.

16. Sidewalks. Sidewalks shall be installed per Section 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per Section 85.200(A)(3)(e). See also Section 85.200(C). Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., 4 feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations. (ORD. 1408)

FINDING NO. 2

Because six new lots will replace the recently demolished house, the proposed subdivision will increase the traffic by a net of 5 single-family homes (not 4 as stated in the applicant's finding on Page 74 of Exhibit PC-6). The only new street will be a private street serving four lots, which is acceptable per CDC Chapter 48, Access. It has been designed to best allow the preservation of existing trees while appropriately locating its intersection with Elmran Drive. The only existing street on site, Elmran Drive, extends along the west and east edges of the triangular-shaped site. Elmran Drive was not treated as a collector during the review for original application SUB-07-01 even though it was then, and is now, a collector street. The topographical constraints on the east side of the site prevent further dedication and widening of Elmran Drive along the eastern site frontage. Along the west side of the site, 4 feet of right-of-way (ROW) will be dedicated. The improvements and the ROW dedication for Elmran Drive currently proposed by the applicant are consistent with the 58-foot ROW standard for collectors in the Transportation System Plan (TSP). While Subsection (2) above requires a minimum 60-foot ROW for collectors, neither Subsection (2) nor Subsection (10) (which regards ROW dedication upon development) precludes the City's ability to require more ROW dedication from the properties across the street should they redevelop. That way, whether or not the CDC and TSP ROW standards are made compatible before such redevelopment, the 60-foot minimum in Subsection (2) would still be achievable.

The applicant proposes a 5-foot sidewalk along the west side of the site on Elmran Drive, but the first table under Subsection (3) above does not provide for sidewalks of less than 6 feet in width along collectors. Subsection (16) allows for narrower sidewalks with City Engineer approval, but only if there are site constraints requiring this. There is one-foot between the proposed 5-foot wide sidewalk and the border between the ROW and the lots. Therefore Condition of Approval 3 requires that the sidewalk be 6 feet in width. As in the previous approval, no sidewalk is proposed on the east side of the site along Elmran Drive due to severe topographical constraints. If there will be a sidewalk along this section of

Elmran Drive in the future, it will have to come via the redevelopment of properties on the east side of the street.

See the applicant's findings on Pages 68-75 of Exhibit PC-6 for further details regarding the proposed street improvements and ROW dedication. Also see Page 52, Map C6.1, of Exhibit PC-6 and pages 112-113, Maps C6.2 and C6.3 of Exhibit PC-6 for visuals of these proposed improvements. The criteria are met upon the fulfillment of Condition of Approval 3.

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170.B.2.that are required to mitigate impacts from the proposed subdivision. Proportionate share of the costs shall be determined by the City Manager or Manager's designee who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP. (ORD. 1526) (ORD. 1544) (ORD. 1584)

FINDING NO. 3

Off site improvements are not required, and a transportation analysis has not been required for this 6-lot subdivision in an existing neighborhood. The extension application complies with this modified code section.

B. Blocks and Lots.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justify a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.(ORD. 1584)

FINDING NO. 4

The application is for a 6-lot, infill subdivision in an existing neighborhood, surrounded by developed properties. The private street proposed on site is a dead end as appropriate considering the slopes to the east and the developed properties to the north. No new blocks are created. The criterion is not applicable.

3. Lot Size and Shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the buildable depth should not exceed two and one half times the average width. Buildable describes lots that are free of constraints

such as wetlands, drainageways, etc., that would make home construction impossible. Lot sizes shall not be less than the size required by the zoning code unless as allowed by Planned Unit Development (PUD). (ORD. 1401)

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street parking and service facilities required by the type of use proposed.

FINDING NO. 5

Lot sizes have been modified so all lots have more than 10,000 square feet in size, independent of access easements. The lots meet other applicable dimensional standards in the CDC as well. The criterion is met.

J. Supplemental Provisions

10. Annexation and street lights. Developer and/or homeowners' association shall, as a condition of approval, pay for all expenses related to street light energy and maintenance costs until annexed into the City, and state that: "This approval is contingent on receipt of a final order by the Portland Boundary Commission, approving annexation of the subject property." This means, in effect, that any permits, public improvement agreements, final plats, and certificates of occupancy may not be issued until a final order is received. (ORD. 1408; ORD. 1590 § 1, 2009)

FINDING NO. 6

The property has been in the City limits since before the original application. This criterion has been modified since the original application but does not affect the proposal.

99.325 EXTENSIONS OF APPROVAL

A. The Planning Director may grant an extension from the effective date of approval of two years pertaining to applications listed in Section 99.060(A) upon finding that:

1. The applicant has demonstrated, and staff and the Planning Commission concur, that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and

FINDING NO. 7

As demonstrated by findings 1-6 above, the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the original application was applied for, upon the fulfillment of the proposed conditions of approval. The only change made due to a change in the CDC (rather than due to errors in the previous approval) was the requirement of a 6-foot sidewalk on Elmran Drive- this was not specifically called out as a requirement for a collector street until the above table under 85.200(A)(3) was added to the CDC. The criterion is met.

2. *There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or*

3. *The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.*

FINDING NO. 8

As discussed above in the Analysis section and Finding No. 5, one error discovered in the original application approval was that the lot sizes including access easements, contrary to Chapter 2 of the CDC. Consequently, some of the original lots were undersized. (The definition of Lot Area in Chapter 2 Definitions requires lot sizes to be calculated independent of access easements including those for private roads such as that proposed on site.) The applicant's proposal in this extension application corrects this error as all of the proposed lots are at least 10,000 square feet in size independent of access easements, including those that form the proposed private road.

As discussed above in Analysis and Finding No. 2, another error in the original application decision was that Elmran Drive was treated as a local street when it was then, and is now, a collector street. The applicant's proposal for street improvements and right-of-way dedication, in conjunction with Condition of Approval 3 which requires the mandatory 6 foot sidewalk on collector streets, conforms to what is required for a collector street.

The criteria are met.

B. The Planning Commission may grant an extension from the effective date of approval of two years pertaining to applications listed in Section 99.060(B), consistent with subsections (A)(1) through (3) of this section.

C. The Historic Review Board may grant an extension from the effective date of approval of two years for applications listed in Section 99.060(D), consistent with subsections (A)(1) through (3) of this section.

D. Eligibility for Extensions.

1. Only those applications approved between July 1, 2006, and December 31, 2009, shall be eligible for an extension.

2. Any application eligible for an extension under subsection (D)(1) of this section that would expire by June 30, 2010, shall be exempt from expiration pending a decision regarding the extension application; provided, that a complete application and deposit fee have been submitted to the Planning Director prior to that date. However, the extension shall begin on the date that the application's initial approval lapsed.

FINDING NO. 9

This is not an application in a historic district or on a historic landmark property, so the Planning Commission is the proper body to consider the extension application. The original application's approval became effective June 6, 2007, so the application is eligible for an extension per Subsection 1 above. The original application's approval expired June 10, 2010, but the extension application was applied for on June 15, 2010, so the application is eligible per Subsection 2 above. The criteria are met.

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WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
SUB 07-01

MAILED
5/23/07

**IN THE MATTER OF A PROPOSED SIX-LOT SUBDIVISION ON
1.7 ACRES LOCATED AT 4111 ELMRAN DRIVE**

At their meeting of May 10, 2007 the West Linn Planning Commission held a public hearing to consider the request by Canyon Development (Garrin Royer) to approve the development of a six-lot subdivision on 1.7 acres at 4111 Elmran Drive. The site is located in the Robinwood Neighborhood of West Linn, north of the intersection of Elmran and Cedaroak Drives. The approval criteria for the subdivision application are found within Chapter 85 of the West Linn Community Development Code (CDC.) The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Gordon Howard. The applicant's presentation was made by Garrin Royer, Matt Hastie of Cogan Owens Cogan, and Civil Engineer Don Cushing. Alice Richmond and Tom Baker testified in support of the application. Providing neutral testimony were the representative of the Robinwood Neighborhood Association and Michael Berger. Written testimony was received from Mr. Berger, the Robinwood Neighborhood Association, Gregory Morse, and Anne Morse.

FINDINGS

At the conclusion of the public hearing, the Planning Commission adopted the findings provided by the applicant, as supplemented in the staff report, and made the following additional findings:

A. The Planning Commission determined that the applicant's proposed "green street" design on Upper Elmran Drive was appropriate. The Planning Commission determined that design of the paved pathway for pedestrians should properly balance the need for a smooth surface to ensure safe access for all individuals with the need to reduce storm runoff from the additional paved surface. The Planning Commission determined that the applicant should provide a paving surface that accommodates both needs, consistent with a reasonable cost.

B. The Planning Commission determined that the prudent approach of city staff in requiring replacement of the asbestos cement water line under Elmran Drive in association with frontage street improvements was appropriate. The Commission was not presented evidence regarding the proportionality of the applicant's impact to the existing water system, nor specific findings related to the safety issues associated with trying to leave the existing water line in place during road construction. Therefore, the Commission determined that the precise share of the applicant vs. the city's costs of

replacement needed further city analysis. This could be accomplished by amending the relevant condition of approval to require such analysis.

C. The Planning Commission determined that the staff-proposed condition to repave Lower Elmran Drive was not proportional to impacts caused by the applicant's proposed subdivision, since none of the proposed lots take access to Lower Elmran. Therefore, the Commission deleted this proposed condition of approval.

D. The Planning Commission determined that the staff-recommended public stairway down the steep slope between Lots 3 and 4 to Upper Elmran Drive was unwise because 1) it would result in pedestrians being deposited at the bottom of the stairway along Upper Elmran at a spot where walking in either direction from the end of the stairway would be on the street and unsafe; and 2) the stairway would require significant grading and creation of retaining walls, resulting in removal of native vegetation, potential erosion issues, and an unsightly placement of large amounts of concrete along the bank.

The proposal of the Robinwood Neighborhood Association, agreed to by the applicant, would extend the pathway from Upper Elmran around the corner to Lower Elmran to a terminus near Tree #41 as shown on the site plan. At this point, pedestrians would have a clear view up and down Lower Elmran, and could continue on the downhill (east) side of the street to Nixon Avenue and the Willamette River. The Commission determined that the applicant's proposed clearing of the existing right of way for the path and, clearing on the property itself for placement of storm drainage facilities, will help to improve site distance for both pedestrians and vehicles at the intersection of Elmran and Cedaroak Drives. Additionally, the Planning Commission determined that an additional "clear vision area" twelve feet wide within the subject property was appropriate to maintain additional site distance for pedestrians and vehicles above and beyond clearance of the right of way.

While the Planning Commission acknowledged that there exist significant additional issues with traffic at the intersection of Cedaroak and Elmran, the Commission did not believe that requiring this applicant to fix all existing problems at this intersection was justified by the proportionality of the applicant's additional traffic placed upon the existing situation at the intersection. The Commission urged the City Engineering Department to coordinate additional improvements that may be necessary at this intersection with those improvements required of the applicant.

E. The Planning Commission determined that the staff's recommendations regarding trees #5 and #6 were essentially the same as the applicant's proposals for those trees, but amended the staff condition of approval to clarify that the applicant will be permitted to remove those trees if necessary to place an appropriate residential structure on Lot 1, and also if, upon further analysis, these two trees represent a hazard justifying removal. In addition, the Commission accepted testimony that Tree #2, located on the north property line, should be further evaluated at the time of home construction on Lot 1 to determine if it constitutes a hazard and should also be removed.

F. The Planning Commission determined that the Robinwood Neighborhood Association's request to prohibit construction vehicles from parking in the public street right of way during construction of the project was not appropriate and unenforceable. However, the Commission acknowledged the narrow nature of the streets in the area and the traffic associated with Cedaroak School to the south, and included a condition of approval requiring the applicant to provide enough space on the site itself during construction to accommodate all vehicles associated with the construction.

DECISION

Based upon the findings discussed above, a motion was made by Commissioner Kovash and seconded by Commissioner Wittenbrink to approve the proposed subdivision with the following conditions of approval.

1. The applicant shall construct street improvements to Upper Elmran Drive as shown on the tentative plan, and in addition shall repave the half-street of Upper Elmran Drive along the project frontage. The pedestrian pathway shall be constructed with materials that maintain wheelchair accessibility and provide cost-effective reductions in storm runoff.
2. The applicant shall replace the existing asbestos cement water line under Upper Elmran Drive with a new water line built to current city standards as part of the construction activities along the frontage. The applicant's share of the cost shall be determined through a proportionality analysis prepared by the city with the participation of the applicant.
3. The applicant shall extend the pedestrian pathway from Upper Elmran Drive around on Lower Elmran Drive to the point where the path meets the root zone for Tree #41 as shown on the site plan, at which point the path shall end. The applicant shall also place an easement over that portion of the property within twelve feet of the Elmran Drive right of way between Tree #41 and Tree #42 as shown on the site plan that restricts all fences, structures, and vegetation to a maximum height of three feet.
4. The applicant's final storm drainage plan shall be approved by the City Engineer and be required to meet all requirements of the City's Storm Drainage detention and treatment requirements. The applicant shall place a public drainage easement on all elements of the proposed storm drainage system. The easement shall also specifically prohibit any landscaping, grading, or structures that would interfere with the storm drainage functions of these areas. The storm drainage facilities in the vicinity of the intersection of Lower Elmran Drive, Upper Elmran Drive, and Cedaroak Drive shall also prohibit any vegetation, grading, or other alterations, that would interfere with clear vision at this intersection (no structures or landscaping or earth berms over three feet in height). The final storm drainage plan shall also include improvements to the existing open channel along the uphill side of Lower Elmran Drive to slow the velocity of storm flows.

5. The applicant will be responsible for undergrounding (or fee in-lieu) all utilities along all property frontages.
6. Prior to commencement of any site development or construction work on the site, the applicant shall place anchored chain-link fencing around all trees designated as significant and to be protected, with locations of the fencing to be approved by the City Arborist. The chain link fencing shall remain in place on each individual lot until all construction activities are complete on that lot.
7. Prior to commencement of any site development or construction work on the site, the applicant shall place anchored chain-link fencing around Trees # 5 and #6 as shown on the Tentative Plat, with locations of the fencing to be approved by the City Arborist. The ultimate fate of these trees, and tree # 2 along the property's northern boundary, shall be determined at the time a building permit is issued for this lot, and the trees may be removed if necessary to place a desired residence on Lot 1, or for safety reasons.
8. The private street shown on the final plat shall not be placed into a separate tract, but will be divided among the adjacent lots, and subject to a reciprocal access easement along with a public pedestrian easement.
9. The applicant shall dedicate an open space easement over the area of steeply sloped bank (over 25% slope) along Lower Elmran Drive. The easement shall prohibit removal of existing trees or vegetation without city arborist approval.
10. As part of public improvement plans, the applicant shall provide an off-street parking area on site during construction activities sufficient to park vehicles associated with project construction on the site, rather than on adjacent streets.

The motion was approved, with three in favor (Kovash, Wittenbrink Bonoff), and one opposed (Babbitt).

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



MICHAEL JONES, CHAIR
WEST LINN PLANNING COMMISSION

5/21/07

DATE

Mailed this 23rd day of May, 2007.

Therefore, this decision becomes final at 5 p.m., June 6, 2007, 2007.

Devrev/Finaldecisions2007/SUB 07-01 Final Decision

RECEIVED

JUL - 7 2010

PAGE..... OF.....

Michael Berger
4081 Elmran
West Linn, OR 97068
Ph: 503-636-1041

July 6, 2010

Planning Commission
ATTN: Tom Soppe
City of West Linn
City Hall, 22500 Salamo Road
West Linn, OR 97068

RE: File No.: MIS-10-15
6-Lot Subdivision of 1.7 Acres at 4111 Elmran

Thanks for your response letter dated June 28, 2010. I would like to submit this letter and attachments as evidence to the record of MIS-10-15 and request consideration of my request that Tree #2 be removed as a condition of development.

I live at 4081 Elmran Drive, next to the Bella Flats Subdivision.

During the Planning Commission approval process in 2007 I submitted a comment regarding the removal of trees associated with Lot 1. Specifically, my input was that if any of trees #3, 4, 5, or 6 are removed, then tree #2 should also be removed since these trees shield tree #2 from southerly winds.

Finding #6 of the Approval Criteria and Findings addresses this issue, however, it pushed the decision to the time of actual development which, I understand, is now scheduled for August. Clearing of the property and removal of the existing structure has already begun. Since it is likely that at least two, and probably all four of trees #3, 4 (NOTE: 3 & 4 share a common trunk), 5, & 6 will be removed, I would like to reiterate my position that tree #2 also be removed. Tree #2 poses a risk to my house during winter storms which blow in from the South. I have attached three photographs which demonstrate the hazard posed by Tree #2.



Michael J. Berger

Attachments:

Figure 1: Location of Trees 2,3,4,5,6 Relative to 4081 Elmran Drive

Figure 2: Trees 3,4,5,6 From the South

Figure 3: View of Tree 2 from Front Door of 4081 Elmran Dr

cc: Mike Perkins, West Linn City Arborist
Redside Development

Figure 1: Location of Trees 2,3,4,5,6 Relative to 4081 Elmran Drive

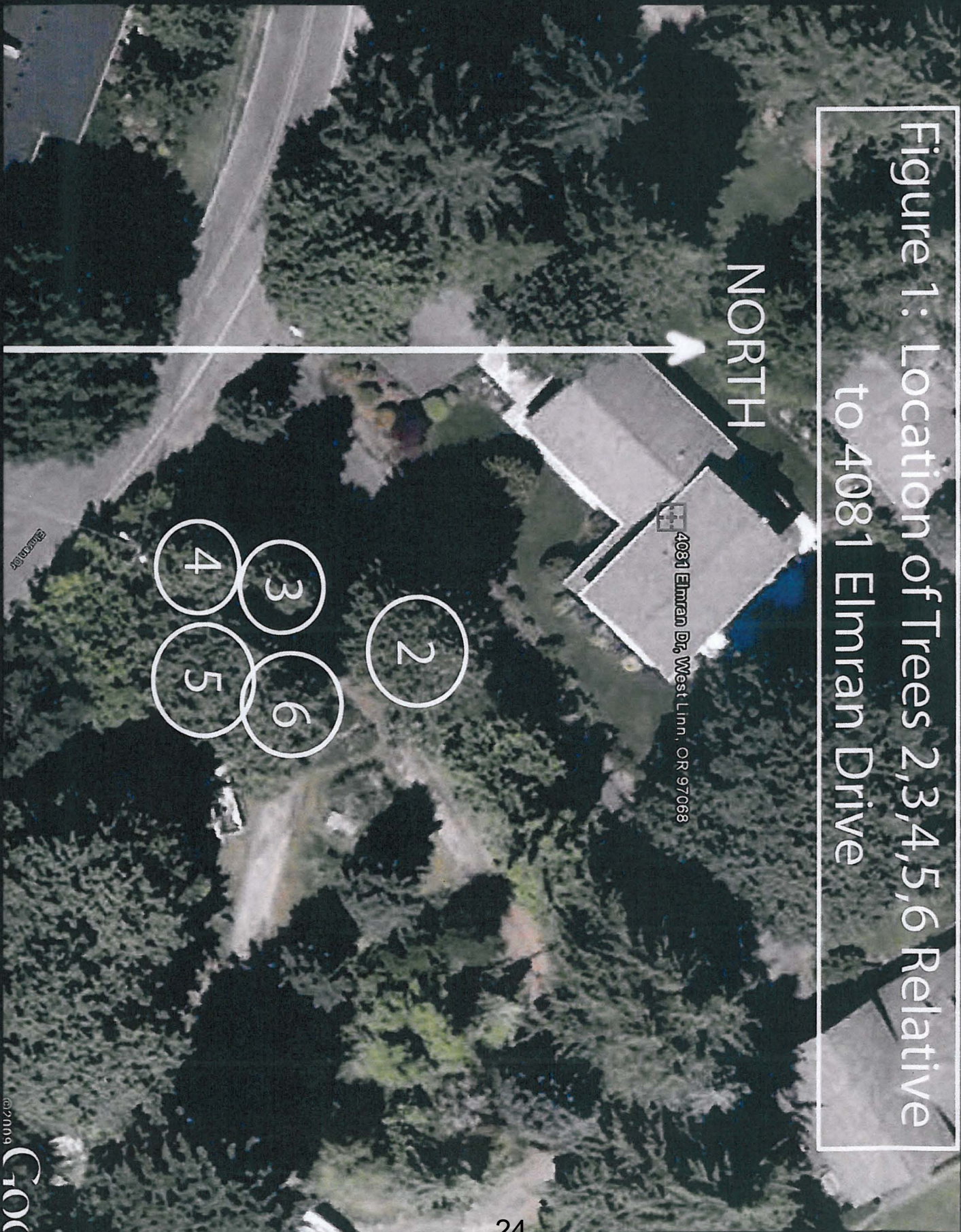
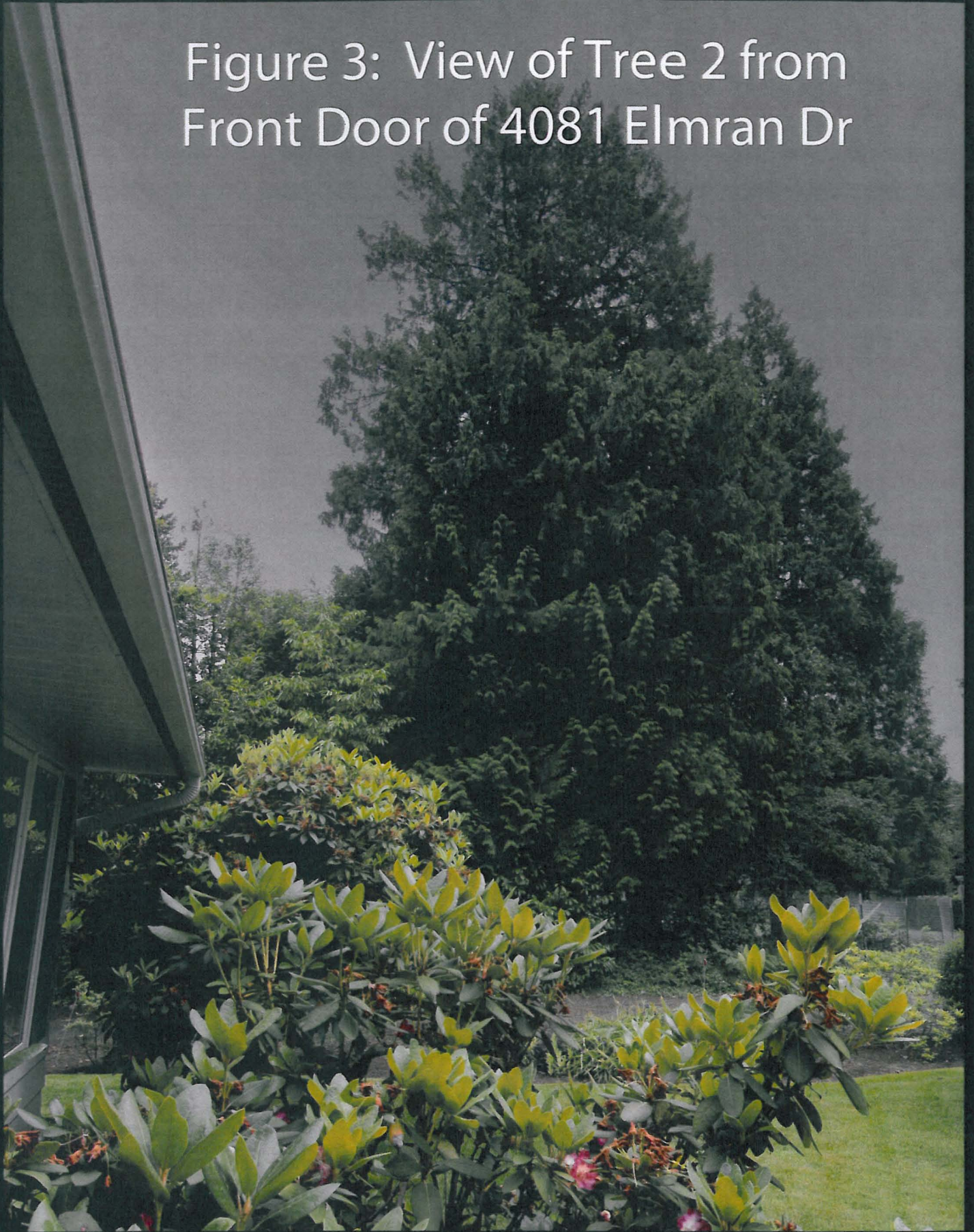


Figure 2: Trees 3,4,5,6 From the South



Figure 3: View of Tree 2 from
Front Door of 4081 Elmran Dr



Michael Berger
4081 Elmran
West Linn, OR 97068

June 21, 2010

CERTIFIED MAIL

Planning Commission
City of West Linn
City Hall, 22500 Salamo Road
West Linn, OR 97068



RE: File No.: SUB-07-01
6-Lot Subdivision of 1.7 Acres at 4111 Elmran

I live at 4081 Elmran Drive, next to the Bella Flats Subdivision.

During the Planning Commission approval process in 2007 I submitted a comment regarding the removal of trees associated with Lot 1. Specifically, my input was that if any of trees #3, 4, 5, or 6 are removed, then tree #2 should also be removed since these trees shield tree #2 from southerly winds.

Finding #6 of the Approval Criteria and Findings addresses this issue, however, it pushed the decision to the time of actual development which, I understand, is now scheduled for August. Since it is likely that at least two, and probably all four of trees #3, 4, 5, & 6 will be removed, I would like to reiterate my position that tree #2 also be removed. Tree #2 poses a risk to my house during Winter storms. This situation will be exacerbated as a result of construction and especially if other Lot 1 trees are removed.

Melynda Retallack, Redside Development, indicated that the city arborist is responsible for making the final call regarding tree removal. I would appreciate some feedback regarding how this process is supposed to progress. Do I need to submit any other information to either the city arborist or the Planning Commission? When will I know the decision?

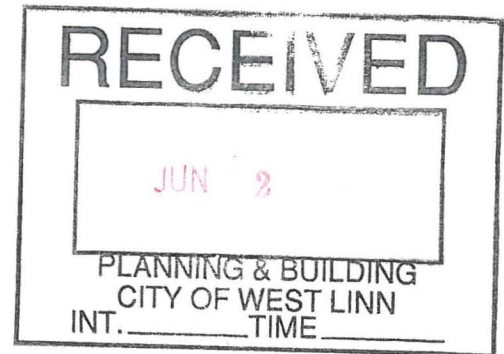
Michael J. Berger

cc: Redside Development

Michael Berger
4081 Elmran Drive
West Linn, OR 97068

June 1, 2010

Robinwood Neighborhood Association
c/o Kevin Bryck, Designee
18840 Nixon Ave
West Linn, OR 97068



RE: Bella Flats Subdivision Approval Extension at 4111 Elmran Drive
File No.: SUB-07-01
6-Lot Subdivision of 1.7 Acres at 4111 Elmran

Please accept the following input in consideration of the subject extension:

Tree Protection Provisions

My property is located directly north of the proposed Lots 1 & 2. My concern is the hazard posed by tree #2 (Tree Survey dated 11-5-06). High winds from the south occur annually during the winter. Tree #2 is currently sheltered from the south winds by trees #3, 4, 5 & 6 (See Attached). The current proposal includes the removal of trees #5&6. If these trees (or #3 or 4) are removed then tree #2 is then more directly exposed to these winds and more likely to lose its crown, shed large branches, or topple.

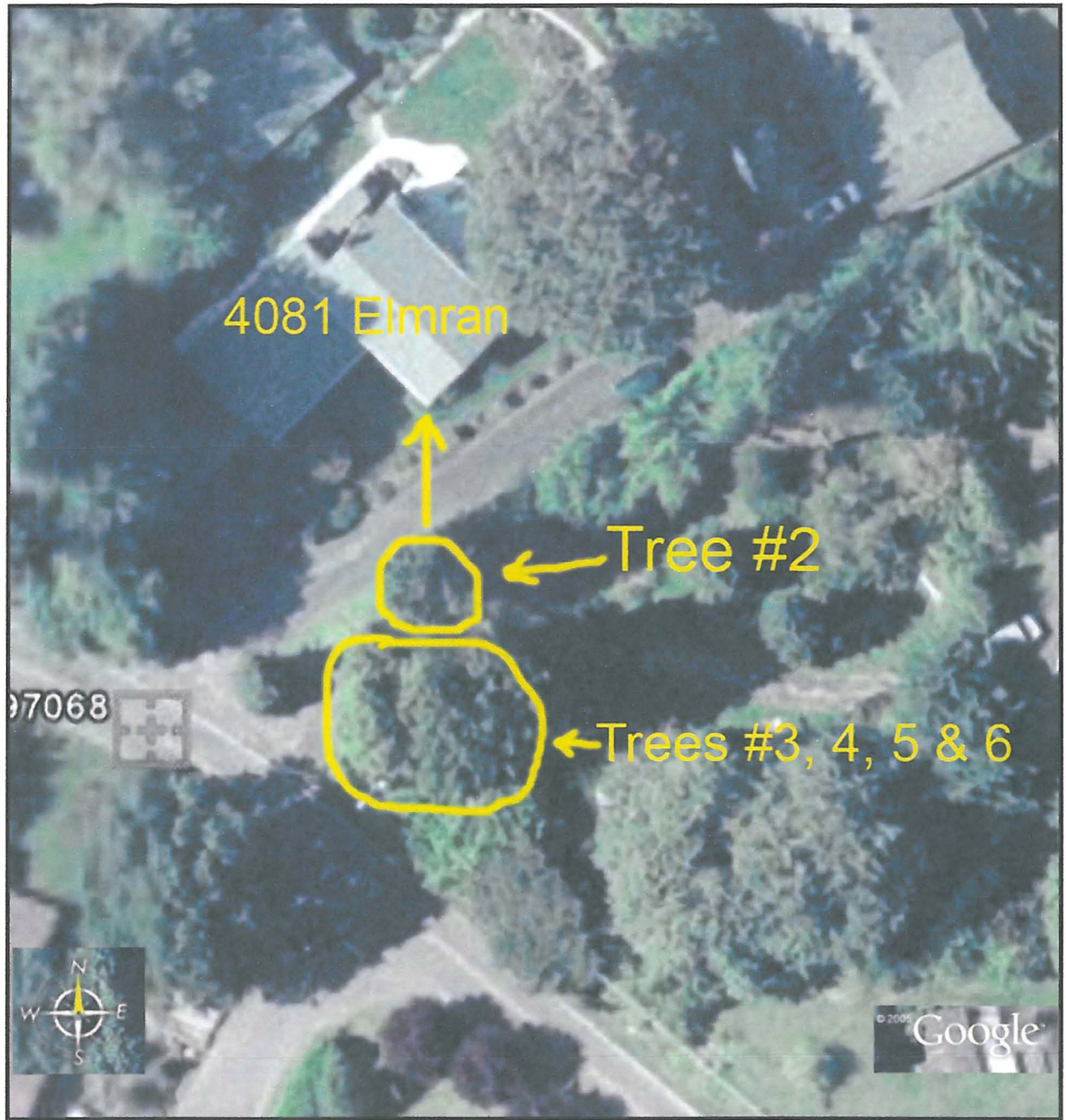
Finding #6 of the Approval Criteria and Findings addresses this issue, however, it pushed the decision to the time on actual development. Since it is likely that at least two, and probably all four, of trees #3, 4, 5, & 6 will be removed, I would like to reiterate my position that tree #2 also be removed. Tree #2 poses a risk to my house during Winter storms. This situation will be exacerbated as a result of construction and especially if other Lot 1 trees are removed.

Michael J. Berger

Attachment

cc:

Planning Commission
City of West Linn
City Hall, 22500 Salamo Road
West Linn, OR 97068



View of Hazard Posed by Tree #2

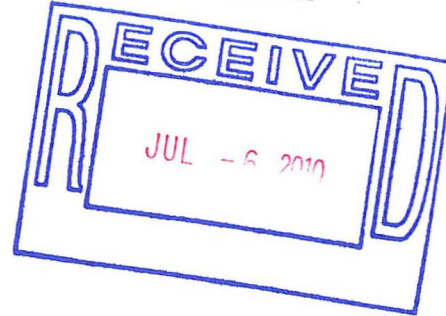
Soppe, Tom



From: Soppe, Tom
Sent: Tuesday, July 06, 2010 10:30 AM
To: 'Everitt, James E.'
Subject: RE: Bella Flats Approval from TVFR

Thanks

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068
ph. (503) 742-8660
fax (503) 656-4106
tsoppe@westlinnoregon.gov



7-6-10
10:32 AM

From: Everitt, James E. [mailto:James.Everitt@tvfr.com]
Sent: Tuesday, July 06, 2010 10:27 AM
To: Soppe, Tom
Subject: RE: Bella Flats Approval from TVFR

Just talked to Jim Everitt
He said he just talked to Karen Mohling
who wrote the concern about 20' before
agreement to sprinkler lots occurred

Thanks I will talk to her again. It was my understanding that Renfro had approved and she had concurred but I will recheck.

— Tsoppe

From: Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]
Sent: Tuesday, July 06, 2010 10:28 AM
To: Everitt, James E.
Subject: RE: Bella Flats Approval from TVFR

Karen's comment after number 4

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068
ph. (503) 742-8660
fax (503) 656-4106
tsoppe@westlinnoregon.gov

	Tom Soppe tsoppe@westlinnoregon.gov Associate Planner 22500 Salamo Rd West Linn, OR, 97068 P: (503) 742-8660 F: (503) 656-4106 Web: westlinnoregon.gov
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West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

Soppe, Tom

From: Allen Schmitz [allen@cushing-engr.com]
Sent: Tuesday, July 06, 2010 8:15 AM
To: Le, Khoi
Cc: Melynda Retallack; Don Cushing; Soppe, Tom
Subject: Bella Flats Approval from TVFR
Attachments: Sub - Bella Flats 6 lot.doc; 13D reqmts.htm

Khoi,

Hopefully your last review of this project has gone well.

Here is the approval from Jim Everitt, Plans Examiner at TVFR.

Allen
503-387-5331



From: Everitt, James E. [mailto:James.Everitt@tvfr.com]
Sent: Friday, July 02, 2010 3:44 PM
To: Allen Schmitz
Subject: FW: bella flats

The following agreements are still acceptable to us.

James Everitt

Plans Examiner 259-1511

From: Mohling, Karen A.
Sent: Thursday, June 24, 2010 10:52 AM
To: Everitt, James E.
Subject: bella flats

<<Sub - Bella Flats 6 lot.doc>> <<13D reqmts.htm>>



TUALATIN VALLEY FIRE & RESCUE - SOUTH DIVISION
COMMUNITY SERVICES • OPERATIONS • FIRE PREVENTION

December 8, 2008

Khoi Le, P.E.
Public Improvement Manager
Department of Public Works
City of West Linn
West Linn, Oregon 97068

Re: P1-07-14 Bella Flats 6 lot Subdivision Plans - Dated 11-13-08

Dear Mr. Le;

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:

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** 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. 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. (IFC 503.1.1)
Provide an approved fire department turnaround, or, as an alternative the fire district can accept residential fire sprinkler systems (NDPA 13D).
- 2) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (IFC 503.2.5) ***Please refer to the Fire District's Fire Code Applications Guide for specifications:***
http://www.tvfr.com/Dept/fm/const/doc_files/fire_code_applications_guide.pdf
- 3) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (IFC 503.1.1)
- 4) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (IFC 503.2.1) ***The Fire District does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.***
- 5) **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. (IFC D103.1)
- 6) **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. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. 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. (IFC D103.6)

- 7) **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). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (IFC D102.1)
- 8) **BRIDGES:** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. (IFC 503.2.6)
- 9) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (IFC 503.2.4 & D103.3)
- 10) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (IFC 503.3)
- 11) **GRADE:** Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. ***Adequacy of fire apparatus access shall be evaluated from the point beginning at the first due fire station along the primary access route to a point within 150 feet of all structures within the development.*** The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (IFC 503.2.7 & D103.2)
- 12) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: (IFC D103.5)
 - Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
 - Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width.
 - Gates shall be set back at minimum of 30 feet from the intersecting roadway.
 - Gates shall be of the swinging or sliding type
 - Manual operation shall be capable by one person
 - Electric gates shall be equipped with a means for operation by fire department personnel
 - Locking devices shall be approved.
- 13) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structures are 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (IFC B105.1)

Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure.

- 14) **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (IFC 508.5.1)

Fire Hydrant location as proposed is acceptable.

- 15) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (IFC 508.5.4)

- 16) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. FDCs shall normally be remote except when approved by the fire code official. (IFC 912.2)
- 17) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)
- 18) Resubmit plans for final approval.

If you have questions, please call me at (503) 612-7012.

Sincerely,

Karen Mohling

Karen Mohling
Deputy Fire Marshal

From: Allen Schmitz [allen@cushing-engr.com]
Sent: Tuesday, December 09, 2008 11:14 AM
To: Mohling, Karen A.
Subject: FW: Bella Flats Subdivision Fire flow test
Karen,

Just in case the email didn't get sent. Here is the email from Jerry on June 3rd, 2008

Allen Schmitz, EIT
Civil Designer
DON CUSHING ASSOCIATES
6650 SW Redwood Lane, Suite 235
Portland, OR 97224
Phone: 503-620-7884 ext. 15
Fax: 503-620-2771
E-mail: allen@cushing-engr.com



Please consider the environment before printing this email.

From: Renfro, Jerry L. [mailto:Jerry.Renfro@tvfr.com]
Sent: Tuesday, June 03, 2008 8:40 AM
To: Allen Schmitz
Subject: RE: Bella Flats Subdivision Fire flow test

Allen,

I was at the City of West Linn building department yesterday after doing a drive by on the Bella Flats proposed subdivision site. I took the opportunity to re-examine the submitted plan showing the lot(s) and access configuration. It appears that the two lots 5 & 6 have a separate driveway access (originally thought to be a construction access) and also front (South) Elmran Drive prior to the excessive grade on (North) Elmran Drive. This means fire access response will not be affected by the excessive grade and therefore negates the requirement for the two future dwellings on lots 5& 6 to be equipped with fire sprinklers.

All of the remaining lots (dwellings) that front the non-conforming 16' wide driveway (fire access roadway to narrow and no turnaround) will still be required to be equipped with NFPA 13D sprinkler systems.

Thank you for your inquiry and additional information regarding this project. I hope this decision will aid in moving this project forward.

Sincerely,
Jerry Renfro DFM
Tualatin Valley Fire & Rescue

From: Allen Schmitz [mailto:allen@cushing-engr.com]
Sent: Wednesday, May 28, 2008 10:45 AM
To: Renfro, Jerry L.

Cc: Kenny McManaway; Monica Striker
Subject: Bella Flats Subdivision Fire flow test

Jerry,

Here is the test results that we got from A&A Drilling Service Inc. This fire hydrant is located at the located on the North side of the intersection of Elmran drive and Glen Terrace, in West Linn. Please advise us as to which of the lots on the site would need to be sprinkled. Please feel free to call us if you have any questions.

Allen Schmitz, EIT
Civil Designer
Don Cushing Associates
6650 SW Redwood Lane, Ste. 235
Portland, OR 97224
(503)-620-7884
allen@cushing-engr.com

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. MISC-10-15 Applicant's Name Melynda Retallick/Garrin Royer
Development Name Bella Flats
Scheduled Meeting/Decision Date 8-18-2010

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 7/21/10 (signed) SM
- B. Affected property owners (date) 7/21/10 (signed) SM
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 7/21/10 (signed) SM
- F. All parties to an appeal or review (date) 7/21/10 (signed) SM

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 8-5-2010 (signed) TJO
City's website (posted date) 7-20-2010 (signed) TJO

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 7/21/10 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. MIS-10-15**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday August 18, 2010, **starting at 7:30 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR,) to consider the request of Canyon Development LLC for a two-year extension of approval for their previously approved 6-lot subdivision (file SUB-07-01) at 4111-4125 Elmran Drive. The applicant's proposal requires an Extension permit. The site is in the R-10 zone. Subdivision criteria are found in Chapter 85 of the Community Development Code (CDC). Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the proposal site located at tax lots 3100 and 3201 of Clackamas County Assessor's Map 2-1E-13CD and/or as required by Chapter 99 of the West Linn Community Development Code.

The complete application in the above noted file is available for inspection at no cost at City hall or via the web site <http://westlinnoregon.gov/planning/4111-elmran-drive-extension-approval-6-lot-subdivision>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. A site plan is attached. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, tsoppe@westlinnoregon.gov, or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the Community Development Code, adopted December 14, 1987, Ordinance 1129. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner; and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application. If a person submits evidence in support of the application, any party is entitled to request a continuance of the hearing. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

TERESA ZAK
Planning Administrative Assistant

p:\devrvw\projects folder\projects 2010\mis-10-15 notice

TOTAL SQUARE FOOTAGE OF SITE = 69,125 SQFT
 MINIMUM LOT SIZE PER RIO ZONE = 10,000 SQFT
 MAXIMUM NUMBER OF LOTS ALLOWED = 6
 NUMBER OF LOTS PROPOSED = 6

#	Δ	R	L
C1	31°0'13"	60.0'	32.57'
C2	8°0'21"	60.0'	8.38'
C3	62°9'31"	30.0'	32.55'
C4	43°08'44"	30.0'	22.59'
C5	24°00'00"	139.6'	58.50'
C6	134°21'11"	49.0'	114.96'

#	Δ	R	L
CL1	38°57'17"	60.0'	40.96'
CL2	105°18'15"	30.0'	55.14'

#	L	DIRECTION
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L2	10.0'	S63°39'54"W
L3	4.23'	S74°09'20"E
L4	4.15'	N54°43'57"E
L5	9.96'	S73°11'57"E

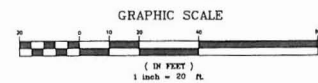
REVISIONS

7/9/10

BELLA FLATS SUBDIVISION
 41TH ELMRAN DRIVE
 WEST LINN, OREGON

SITE DIMENSION PLAN
 TENTATIVE PLAN

39



TOTAL AREA = 69,125 SF
 ZONING IS RIO SINGLE FAMILY RESIDENTIAL

RESIDENCE DEVELOPMENT
 221 MOLALLA AVENUE, SUITE 220
 OREGON CITY, OREGON 97045
 MAILING: P.O. BOX 42310
 PORTLAND, OREGON 97242-2310
 T: 503.239.2000
 F: 503.299.5707

TOTAL AREA OF NON-TYPE I OR II LANDS PER CDC SECTION 55.100(R)(2)	65,793 SQFT
TOTAL AREA OF NON-TYPE I OR II LANDS WITHIN DRIPLINE +10'	18,698 SQFT OR 28%

§-§ INTERSECTION
 STA 13+34.54 (ELMRAN DRIVE)
 STA 0+00.00 (CEDAROK DRIVE)

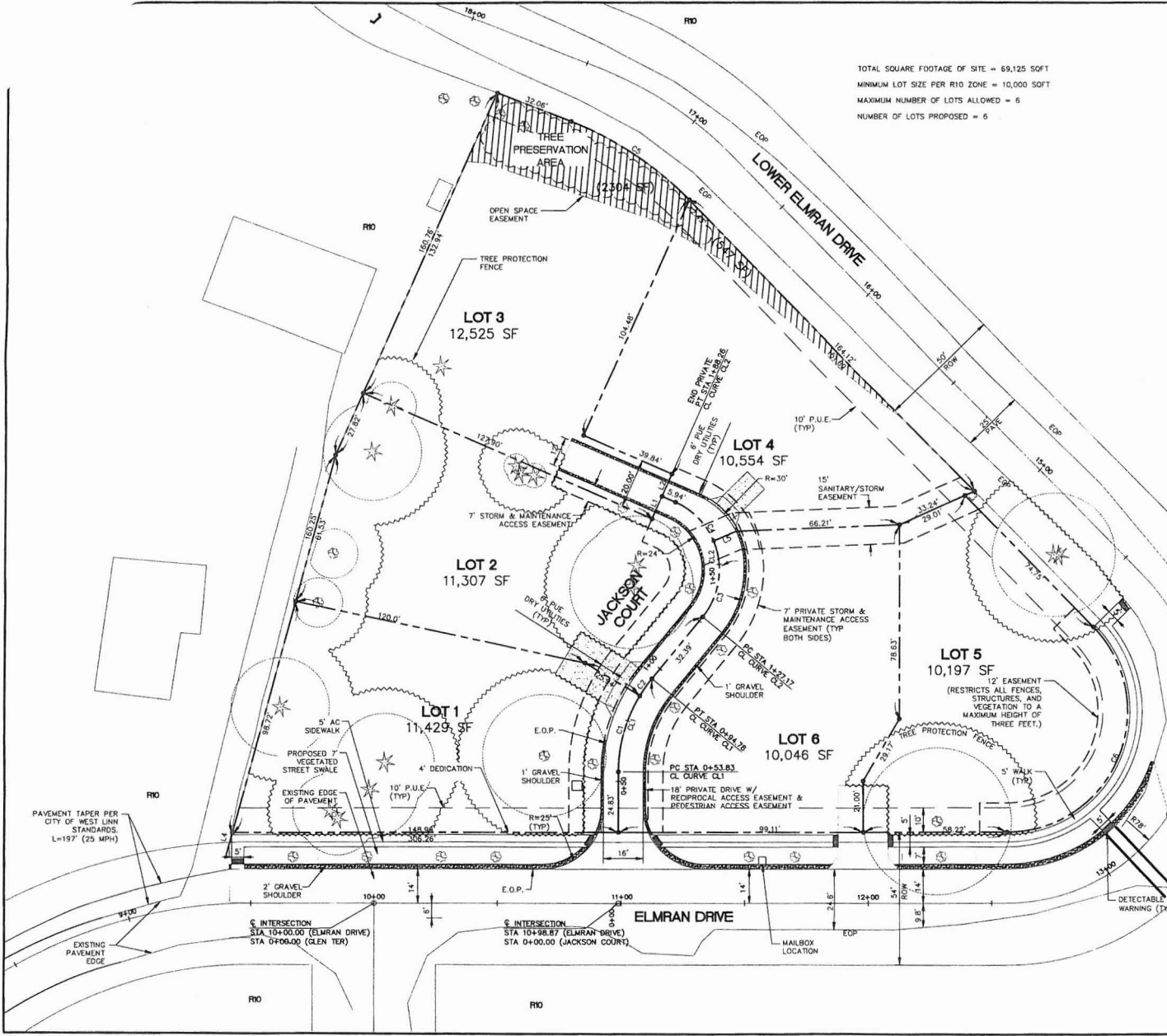
NOTE:
 ACTUAL SAW CUT LINE TO BE DETERMINED IN FIELD (TYP).
 CITY OF WEST LINN TO PAINT NEW CENTERLINE AS NECESSARY AT DEVELOPERS EXPENSE

FOR CONSTRUCTION

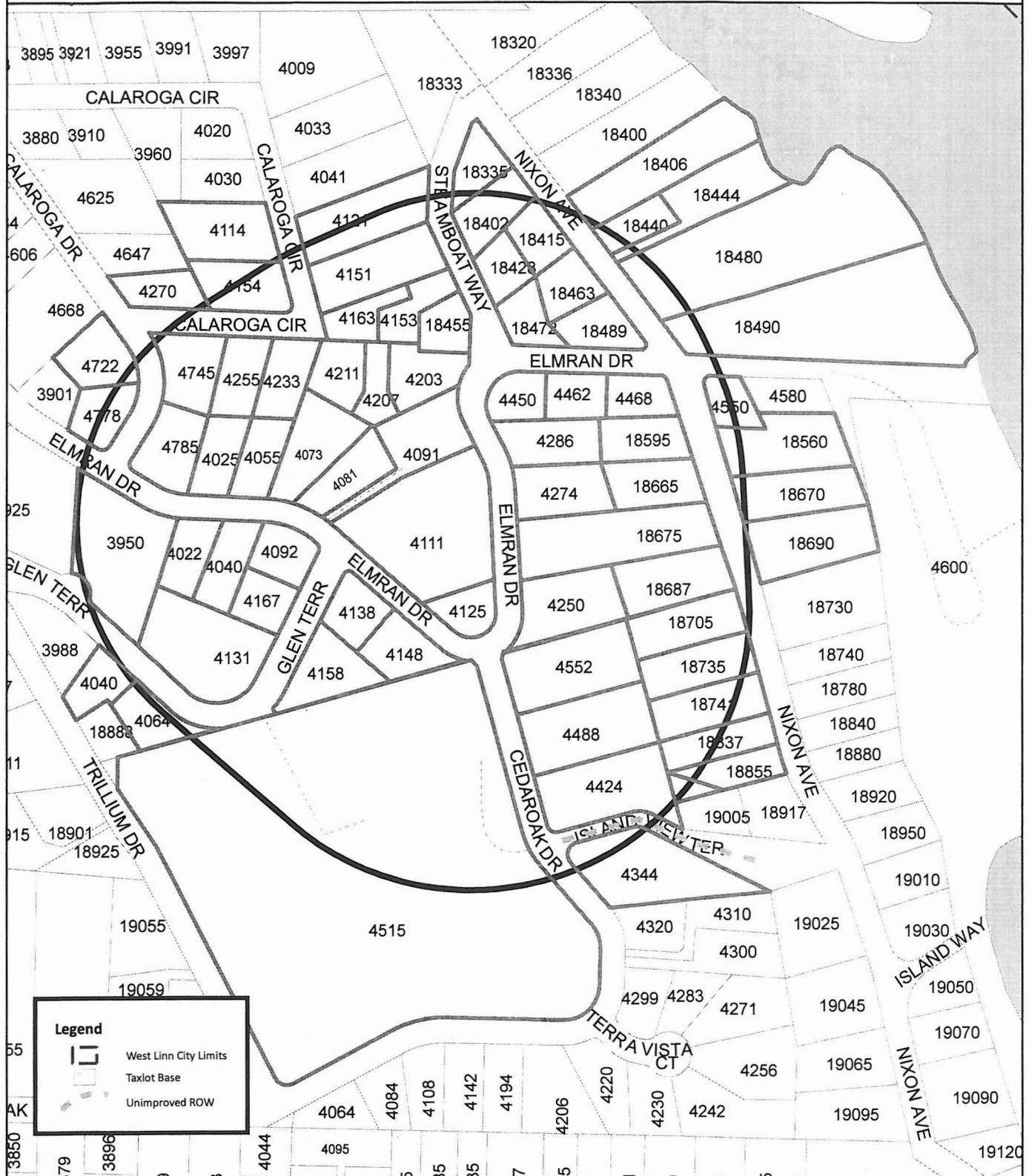
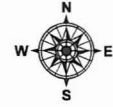
cushing
 Don Cushing Associates
 Civil Engineers
 4677 SE Pinehurst Ave
 Suite 201
 Milwaukie, OR 97267
 Voice: (503) 387-5331
 Fax: (503) 256-2164

DATE: 6/1/2010
 SCALE: 1" = 20'
 DRAWN: JEG
 JOB: 06-011
 SHEET

C2.0
 OF 19



MISC-10-15 4111-4125 ELMRAN DRIVE



Legend

- West Linn City Limits
- Taxlot Base
- Unimproved ROW

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Taxlot Base Source: Metro RLIS

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 6-16-09

User Name: T Zak
Map Creation Date: Jul 20, 2010

BAKER THOMAS C
4111 ELMRAN DR
WEST LINN OR 97068

BALES SHIRLEY A TRUSTEE
18855 NIXON AVE
WEST LINN OR 97068

BEAN DAVID H
4154 CALAROGA CIR
WEST LINN OR 97068

BECKETT DONNA LOUISE TRUSTEE
18670 NIXON AVE
WEST LINN OR 97068

BELL MARTY C TRUSTEE
4552 CEDAR OAK DR
WEST LINN OR 97068

BERGER MICHAEL J & PEGGY E
4081 ELMRAN DR
WEST LINN OR 97068

BOGDAN JANUSZ G & BARBARA K
16872 CHERRY CREST DR
LAKE OSWEGO OR 97034

CANYON DEVELOPMENT LLC
PO BOX 42310
PORTLAND OR 97242

COKER PEGGY M SHAFFER & RUSSELL
3950 ELMRAN DR
WEST LINN OR 97068

CRAINE DIANA L
18560 NIXON AVE
WEST LINN OR 97068

DENEKAS BRIAN D & NAOMI K
4131 GLEN TER
WEST LINN OR 97068

DONOVAN KEVIN & DIANA KENDALL
4250 ELMRAN DR
WEST LINN OR 97068

ELLIOT JAMES H & BERDELLA K
4722 CALAROGA DR
WEST LINN OR 97068

FISHER DONALD D TRUSTEE
5882 NW HIGHLAND PL
CORVALLIS OR 97333

FOSBERG DAVID
54876 JUNIPER FLAT RD
MAUPIN OR 97037

GERBER CLIFFORD B & MARNI L
18406 NIXON AVE
WEST LINN OR 97068

GOLD JACK C & WENDY M
4778 CALAROGA DR
WEST LINN OR 97068

GRANT JUDITH A
PO BOX 647
WEST LINN OR 97068

GREILING RODNEY & JEANETTE
4040 ELMRAN DR
WEST LINN OR 97068

GUIMARY FLORENCE
4022 ELMRAN DR
WEST LINN OR 97068

GUNTHER STEPHAN W & DAWN G
18665 NIXON AVE
WEST LINN OR 97068

HARMON DAVID W & JUDITH N
4312 STANFORD ST
CHEVY CHASE MD 20815

HAYES ROBERT L TRUSTEE
4424 CEDAR OAK DR
WEST LINN OR 97068

HOLM DARIN R TRUSTEE
4785 CALAROGA DR
WEST LINN OR 97068

HOXHA ARTAN
4064 GLEN TER
WEST LINN OR 97068

IUS GINO L & GERMAINE A
4040 GLEN TER
WEST LINN OR 97068

JACOBSEN CRAIG R & JOYCE H H
18444 NIXON AVE
WEST LINN OR 97068

JAEGER CRAIG L & KATHLEEN A
18705 NIXON AVE
WEST LINN OR 97068

JAMESON PETER W & PAMELA
18480 NIXON AVE
WEST LINN OR 97068

JOHNSON BARBARA A
4270 CALAROGA CIR
WEST LINN OR 97068

KEARNS DIANE R
4255 CALAROGA CIR
WEST LINN OR 97068

KIDD STEPHANIE ANN
4550 ELMRAN DR
WEST LINN OR 97068

KILIAN RICHARD M & SHARON L
18837 NIXON AVE
WEST LINN OR 97068

KING MARSHALL R & NANCY L
18687 NIXON AVE
WEST LINN OR 97068

KURZENBERGER CARL T
4148 ELMRAN DR
WEST LINN OR 97068

LANGMAN ROBERT TRUSTEE
4151 CALAROGA CIR
WEST LINN OR 97068

LESSER KATY V E & KEVAN J
18690 NIXON AVE
WEST LINN OR 97068

LORANCE ESTHER I & MICHAEL C
18735 NIXON AVE
WEST LINN OR 97068

MANSON RICHARD W
4233 CALAROGA CIR
WEST LINN OR 97068

MCCOY KRISTIN
18428 STEAMBOAT WAY
WEST LINN OR 97068

MCMAMARA JOHN E & MARIANA
19005 NIXON AVE
WEST LINN OR 97068

MEANEY DAWN M
4745 CALAROGA DR
WEST LINN OR 97068

MILLER MILES J
18595 NIXON AVE
WEST LINN OR 97068

MORSE GREGORY G & ANNE E
18335 NIXON AVE
WEST LINN OR 97068

NICHOLS JAMES M & SHEILA M
4073 ELMRAN DR
WEST LINN OR 97068

NIELSON JAY & LISA M
4344 CEDAROAK DR
WEST LINN OR 97068

OREILLY MARGARET TESKE
4025 ELMRAN DR
WEST LINN OR 97068

OSTERGARD WALTER A & BONNIE J
4450 ELMRAN DR
WEST LINN OR 97068

PALMER DAVID & JANICE A
18741 NIXON AVE
WEST LINN OR 97068

PARMAN LINDA M
18472 STEAMBOAT WAY
WEST LINN OR 97068

PASS DAVID A & MARLYNN A
PO BOX 382
WEST LINN OR 97068

RALSTON MARTIN ROBERT
18490 NIXON AVE
WEST LINN OR 97068

RICHARDSON JOHN MILAS &
GRETCHEN
4211 CALAROGA CIR
WEST LINN OR 97068

ROBINS NEIL E & SUSAN M
4468 ELMRAN DR
WEST LINN OR 97068

SCHELOT STEVEN N & SUSAN I
4167 GLEN TER
WEST LINN OR 97068

SCOFIELD RAY C & ANDREA P
4114 CALAROGA CIR
WEST LINN OR 97068

SMITH PATRICK N & VICTORIA R
4448 MAPLETON DR
WEST LINN OR 97068

SOMMERSET SCOTT T & DENAIRE N
PO BOX 62
WHEELER OR 97147

SPEARS TONY L & LINDA L
4138 ELMRAN DR
WEST LINN OR 97068

STOUT ROBERT L
18455 STEAMBOAT WAY
WEST LINN OR 97068

SWIGART CHRISTOPHER
18489 NIXON AVE
WEST LINN OR 97068

TOMIC RANDY R & LINDA S
PO BOX 522
MARYLHURST OR 97036

WEDDLE CARSON FRANCIS &
NORMA R
18675 NIXON AVE
WEST LINN OR 97068

WESCOTT ROSS E & CONNIE L
18463 NIXON AVE
WEST LINN OR 97068

WEST LINN-WILS SCH DIST #3J
PO BOX 35
WEST LINN OR 97068

WIITANEN RICHARD M & SHEILA
4092 ELMRAN DR
WEST LINN OR 97068

WILHELMI RICHARD S & KELLY M
4153 CALAROGA CIR
WEST LINN OR 97068

MELYNDA RETALLACK AND
GARRIN ROYER
CANYON DEVELOPMENT LLC
221 MOLALLA AVE STE 220
OREGON CITY OR 97045

DON CUSHING
DON CUSHING ASSOCIATES
4677 SE PINEHURST AVE STE 201
MILWAUKIE OR 97207

MICHAEL BERGER
4081 ELMRAN DR
WEST LINN OR 97068

STEVE GARNER
BHT NA PRESIDENT
3525 RIVERKNOLL WAY
WEST LINN OR 97068

SALLY MCLARTY
BOLTON NA PRESIDENT
19575 RIVER RD # 64
GLADSTONE OR 97027

ALEX KACHIRISKY
HIDDEN SPRINGS NA PRESIDENT
6469 PALOMINO WAY
WEST LINN OR 97068

JEFF TREECE
MARYLHURST NA PRESIDENT
1880 HILLCREST DR
WEST LINN OR 97068

BILL RELYEA
PARKER CREST NA PRESIDENT
3016 SABO LN
WEST LINN OR 97068

THOMAS BOES
ROBINWOOD NA PRESIDENT
18717 UPPER MIDHILL DR
WEST LINN OR 97068

DEAN SUHR
ROSEMONT SUMMIT NA PRESIDENT
21345 MILES DR
WEST LINN OR 97068

DAVE RITTENHOUSE
SAVANNA OAKS NA PRESIDENT
2101 GREENE ST
WEST LINN OR 97068

KRISTIN CAMPBELL
SKYLINE RIDGE NA PRESIDENT
1391 SKYE PARKWAY
WEST LINN OR 97068

TROY BOWERS
SUNSET NA PRESIDENT
2790 LANCASTER ST
WEST LINN OR 97068

BETH KIERES
WILLAMETTE NA PRESIDENT
1852 4TH AVE
WEST LINN OR 97068

ALMA COSTON
BOLTON NA DESIGNEE
PO BOX 387
WEST LINN OR 97068

SUSAN VAN DE WATER
HIDDEN SPRINGS NA DESIGNEE
6433 PALOMINO WAY
WEST LINN OR 97068

KEVIN BRYCK
ROBINWOOD NA DESIGNEE
18840 NIXON AVE
WEST LINN OR 97068

DOREEN VOKES
SUNSET NA SEC/TREAS
4972 PROSPECT ST
WEST LINN OR 97068

*85 total
by USPS*

July 8, 2010

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

Re: *Bella Flats Subdivision Approval Extension at 4111 Elmran Drive*

Tom,

Please find attached three sets of the (4) four revised drawings, C1.0, C2.0, C6.0 and C6.1 addressing your comments in the incompleteness letter dated July 6th, 2010. In addition we have provided copies of the affidavit of mailing and affidavit of posting.

We look forward to being deemed complete and moving forward with the extension approval process.

Sincerely,
Canyon Development, LLC



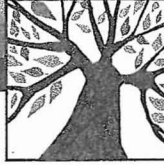
Melynda Retallack, AIA, NCARB
Development Services

File: 100708.BellaFlats-IncompResponse.doc



C A N Y O N D E V E L O P M E N T

PO Box 42310 Portland, OR 97242-2310 ▪ T: 503.239.2000 ▪ F: 503.296.5707



CITY OF
West Linn

RECEIVED
JUL 07 2010

July 6, 2010

Melynda Retallack/Garrin Royer
Canyon Development
221 Molalla Ave., Ste. 220
Oregon City, OR 97045

SUBJECT: MIS-10-15- Extension for Bella Flats Subdivision approval

Dear Ms. Retallack and Mr. Royer:

You submitted this application on June 15, 2010. The Planning and Engineering departments find that this application is **incomplete**. You have 180 days from your submittal date (until December 12, 2010) to make this application complete.

Incomplete items per the Planning Department, as listed by their Community Development Code section, are as follows. Engineering's comment is at the end of this list.

Section 85.160(D)(3)

Put "tentative plan" on Site Dimension Plan.

Section 85.160(D)(5)

Put Redside Development information on tentative plan.

Section 85.160(E)(5)

Show requested tree information on tentative plan.

Section 85.160(E)(8)

Put zoning on tentative plan.

Section 85.160(E)(9)

Show location of structures on adjoining property on tentative plan.

Section 85.170(A)(7)

Show this table on tentative plan.

Engineering Comments

Show proposed crosswalk on site plan.

Please contact me at 503-742-8660, or at tsoppe@westlinnoregon.gov if you have any questions or comments, or if you wish to meet with Planning or Engineering staff regarding these issues.

Sincerely,

Tom Soppe
Associate Planner

C: Don Cushing, Don Cushing Associates, 4677 SE Pinehust Ave., Ste. 201, Milwaukie, OR
97267

p:/devrvw/projects folder/projects 2010/MIS-10-15/incompl-mis-10-15

AFFIDAVIT OF POSTING

I, Garrin W. Royer hereby affirm that my company, Canyon Development LLC posted notice in two places on the property at 4111 Elmran Drive in West Linn. Notice was posted on May 17, 2010, the same day of mailing notice to the Robinwood Neighborhood Association and the neighbors within 500 feet of the property and asking them to attend the next neighborhood association meeting where the proposed extension application will be discussed.

Signed:

Date:

Garrin W. Royer

6-28-10

Garrin Royer, Member

Canyon Development, LLC

State of OREGON

County of Clatsop

Signed and sworn to (or affirmed) before me on 6-28, 20 10 by Garrin W. Royer.

Brittney D. Marble
Notary Public - State of Oregon



AFFIDAVIT OF MAILING

I, Garrin W. Royer hereby affirm that my company, Canyon Development LLC mailed a copy of the letter briefly describing the nature and location of the proposed development, and inviting the association and interested persons to a meeting to discuss the proposal in more detail on May 17, 2010. This letter was mailed to the officers of the association and to property owners within 500 feet.

A copy of this letter, the list of neighbors and copies of the certified mail receipts are included with this application.

Signed:

Date:

Garrin W. Royer

6-28-10

Garrin Royer, Member

Canyon Development, LLC

State of OREGON

County of Clatsop

Signed and sworn to (or affirmed) before me on 6-28, 20 10 by Garrin W. Royer.

Briethy O. Maude
Notary Public - State of Oregon

BELLA FLATS 6-LOT SUBDIVISION

4111 ELMRAN DRIVE
WEST LINN, OREGON

REVISIONS

7/8/10

FORMAL DATE: 12/21/13

WEST LINN PLANNING COMMISSION FINAL DECISION WHITE SUB P-41

IN THE MATTER OF A PROPOSED SIX-LOT SUBDIVISION ON 1.3 ACRES LOCATED AT 4111 ELMRAN DRIVE

At a meeting of July 13, 2007 the West Linn Planning Commission held a public hearing in accordance with the provisions of Oregon State law to approve the subdivision of a 1.3-acre parcel located at 4111 Elmeran Drive. The parcel is located in the Elmeran Neighborhood, West Linn, Oregon, and is zoned as Single-Family Residential (SFR). The applicant is Don Cushing, 4657 SE Peachmont Ave., Suite 201, Milwaukie, OR 97127. The applicant is seeking approval for a six-lot subdivision on 1.3 acres located at 4111 Elmeran Drive. The hearing was held in accordance with the provisions of ORS 227.010.

The hearing was held with a public hearing as required by ORS 227.010. The applicant's presentation was made by Don Cushing, Michael Wagner, and Don Cushing. The hearing was held in accordance with the provisions of ORS 227.010. The hearing was held in accordance with the provisions of ORS 227.010.

FININGS

All recommendations of the staff are based on the information provided by the applicant and the staff report, and are subject to the following conditions:

- 1. The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.
- 2. The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.
- 3. The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.

WEST Linn Planning Commission

agreements between the parties involved. The staff is recommending that the applicant's proposed subdivision be approved.

The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.

The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.

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WEST Linn Planning Commission

The Planning Commission determined that the applicant's proposed subdivision is in the best interests of the community and that the subdivision is consistent with the Comprehensive Zoning Ordinance.

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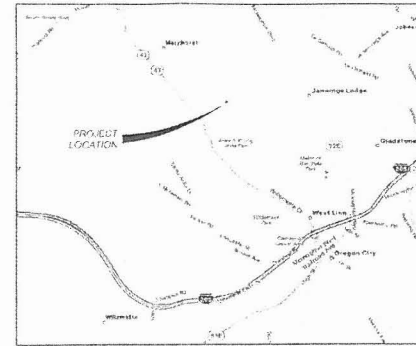
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WEST Linn Planning Commission



AREA MAP
N.T.S.

SHEET INDEX	
Sheet Number	SHEET TITLE
C1.0	COVER SHEET
C1.1	GENERAL NOTES
C1.2	DEMOLITION AND TREE REMOVAL PLAN
C1.3	SITE DIMENSION PLAN
C1.4	EROSION CONTROL & TREE PROTECTION PLAN
C1.5	EROSION CONTROL DETAILS
C1.6	GRADING PLAN
C1.7	UTILITY MASTER PLAN
C1.8	PLAN & PROFILE - JACKSON COURT
C1.9	PLAN & PROFILE - ELMRAN DRIVE 94+00.00 - 134+66.26
C2.0	PLAN & PROFILE - ELMRAN DRIVE 134+66.26 - 174+50.00
C2.1	PLAN & PROFILE - ELMRAN DRIVE 174+50.00 - 194+50.00
C2.2	SITE DETAILS - SANITARY
C2.3	SITE DETAILS - WATER & STREET
C2.4	SITE DETAILS - WATER & STREET
C2.5	SITE DETAILS - MISC.
C2.6	SITE DETAILS - MISC.
C2.7	TOPOGRAPHIC SURVEY

PROJECT LOCATION

4111 ELMRAN DRIVE
WEST LINN, OR 97068
PROPERTY DESCRIPTION
"PARTITION PLAT CEDARPOAK PARK"
SW 1/4 SEC 13, T 2 S, R 1 E, W 1/4

BENCHMARK INFORMATION

THERE ARE NO AGENCY BENCHMARKS WITHIN 1/2 MILE OF THE SITE. THE VERTICAL DATUM IS NAVD 86 PER THE ONLINE POSITIONING USER SERVICE "OBS". THE HORIZONTAL DATUM IS ASSUMED.

APPLICANT/OWNER

DON CUSHING
4657 SE PEACHMONT AVE
SUITE 201
MILWAUKIE, OR 97127
PHONE: (503) 367-5334
FAX: (503) 366-2144

DATE: 6/7/2010

SCALE: NONE

DRAWN: JEC

USER: JEC-011

CUSHING ASSOCIATES

SHEET:

IMPERVIOUS AREAS	
EXISTING	13,898 SF
PROPOSED	22,874 SF
TOTAL SITE AREA = 83,125 SF	
TOTAL SLOPE EASEMENT AND TREE PRESERVATION AREA = 2,851 SF	

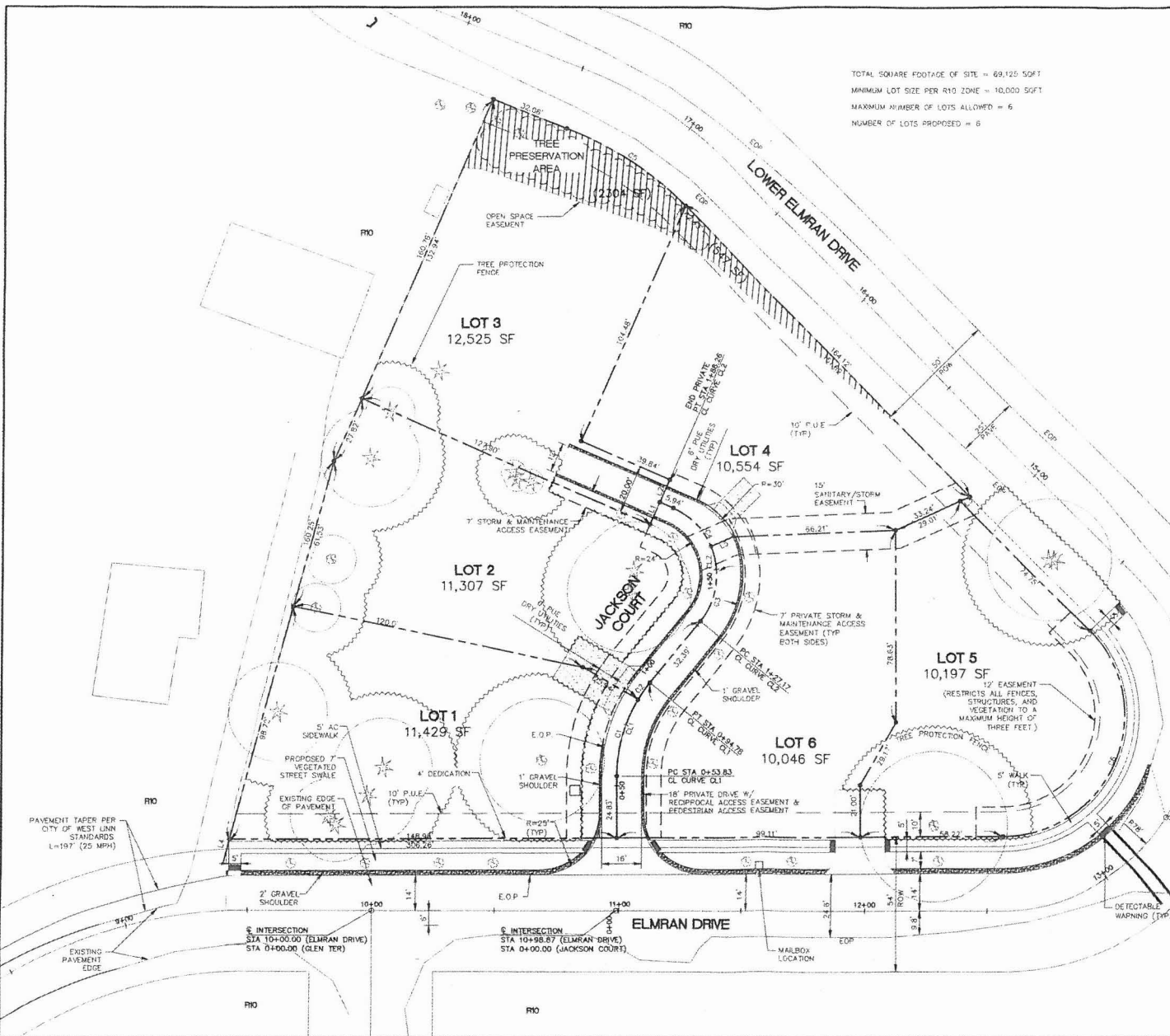
CITY PROJECT # PL 07-14
KJ 0591005.00
FOR CONSTRUCTION

C1.0
OF 19

BELLA FLATS SUBDIVISION
4111 ELMRAN DRIVE
WEST LINN, OREGON

COVER SHEET

49

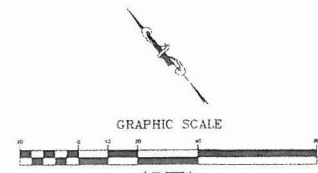


TOTAL SQUARE FOOTAGE OF SITE = 69,125 SQFT
 MINIMUM LOT SIZE PER R10 ZONE = 10,000 SQFT
 MAXIMUM NUMBER OF LOTS ALLOWED = 6
 NUMBER OF LOTS PROPOSED = 6

CURVE DATA			
#	Δ	P	L
C1	31°16'13"	60.0'	32.57'
C2	8°0'21"	60.0'	8.38'
C3	62°0'31"	30.0'	32.55'
C4	43°08'44"	30.0'	22.55'
C5	24°00'00"	139.8'	58.50'
C6	134°21'11"	49.0'	114.98'

CENTRELINE CURVE DATA			
#	Δ	R	L
CL1	36°57'17"	60.0'	40.96'
CL2	105°18'15"	30.0'	55.14'

PROPERTY LINE LENGTH DATA		
#	L	DIRECTION
L1	10.0'	S83°29'54"W
L2	10.0'	S63°39'54"W
L3	4.23'	S74°09'20"E
L4	4.15'	N54°43'57"E
L5	5.96'	S73°11'37"E



TOTAL AREA = 69,125 SF
 ZONING IS R10 SINGLE FAMILY RESIDENTIAL

RESIDUE DEVELOPMENT
 221 MOLLALA AVENUE, SUITE 200
 OREGON CITY, OREGON 97045
 MAILING, P.O. BOX 42310
 PORTLAND, OREGON 97242-2310
 T. 503.239.2000
 F. 503.299.5707

TOTAL AREA OF NON-TYPE I OR II LANDS PER CDD SECTION 55.100(B)(2)	65,793 SQFT
TOTAL AREA OF NON-TYPE I OR II LANDS WITHIN DRIFLINE +10'	18,608 SQFT OR 28%

§-§ INTERSECTION
 STA 13+34.54 (ELMRAN DRIVE)
 STA 0+00.00 (CEDAR OAK DRIVE)

NOTE:
 ACTUAL SAW CUT LINE TO BE DETERMINED IN FIELD (TYP).
 CITY OF WEST LINN TO PAINT NEW CENTERLINE AS NECESSARY AT DEVELOPERS EXPENSE

FOR CONSTRUCTION

REVISIONS
 7/8/10

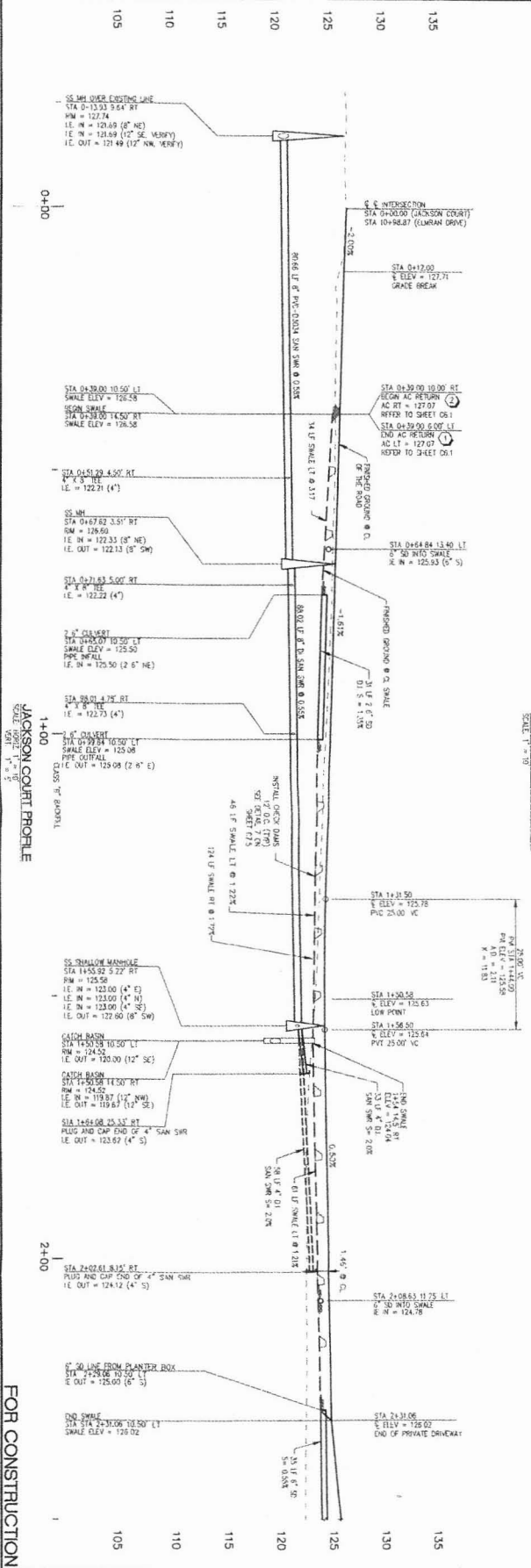
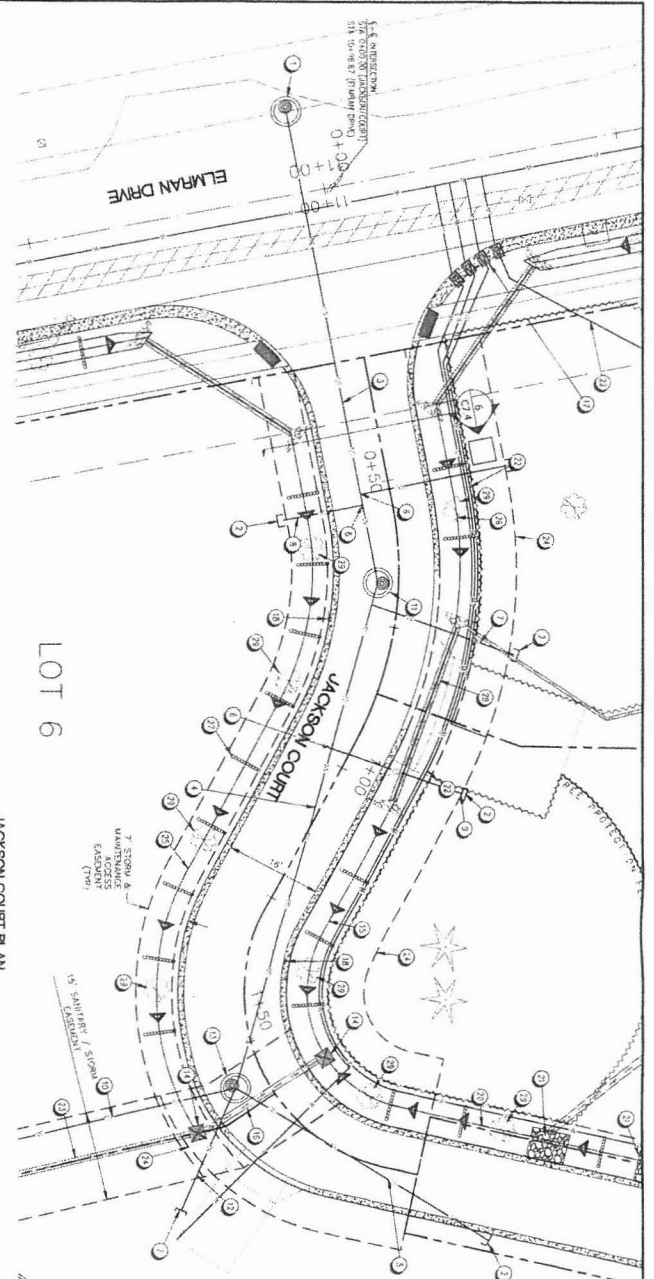
BELLA FLATS SUBDIVISION
 4111 ELMRAN DRIVE
 WEST LINN, OREGON

SITE DIMENSION PLAN
 TENTATIVE PLAN

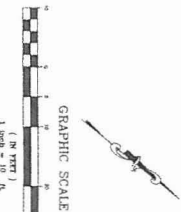
cushing
 Don Cushing Associates
 Civil Engineers
 4677 NE Thunderbolt Ave
 Suite 201
 Milwaukie, OR 97267
 Voice: (503) 347-5151
 Fax: (503) 396-2164

DATE: 6/1/2010
 SCALE: 1" = 20'
 DRAWN: JEG
 JOB: 06-011
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- KEYNOTES**
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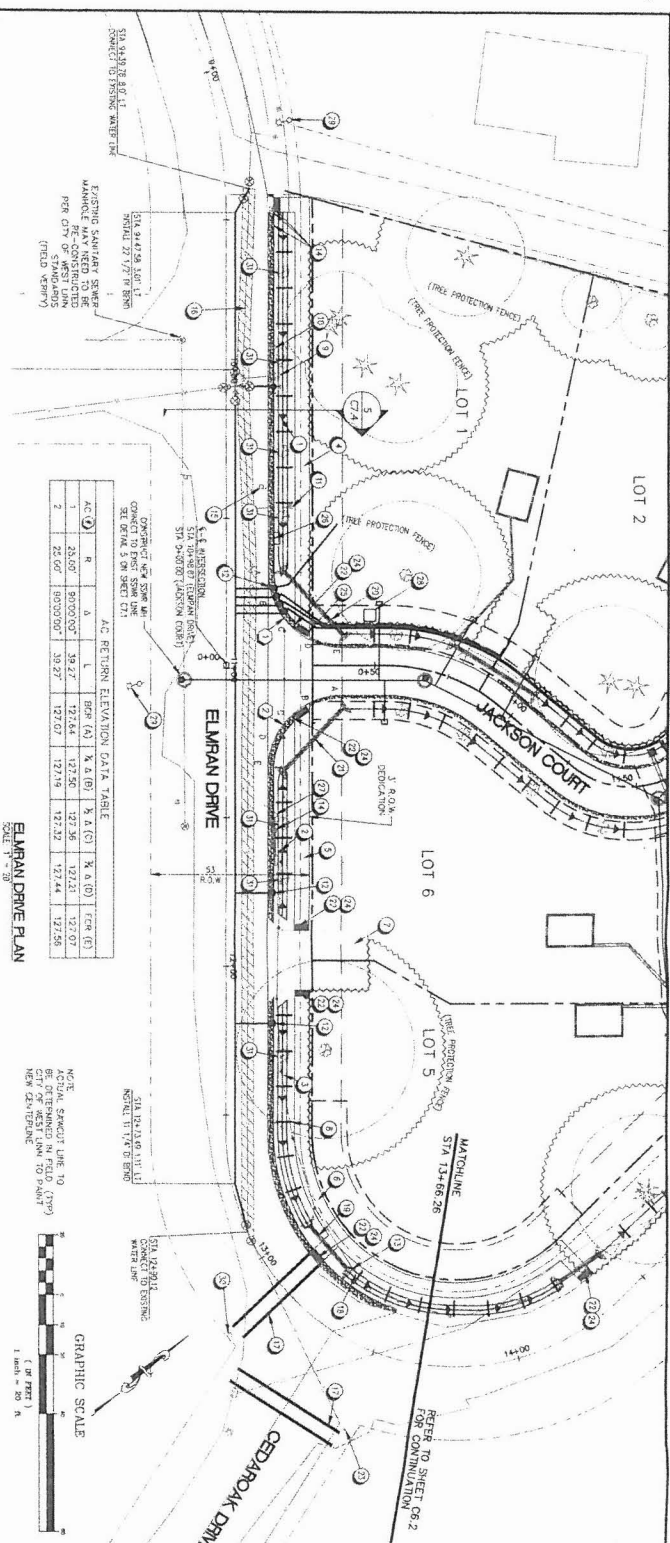
PLAN AND PROFILE JACKSON COURT

BELLA FLATS SUBDIVISION
4111 ELMRAN DRIVE
WEST LINN, OREGON

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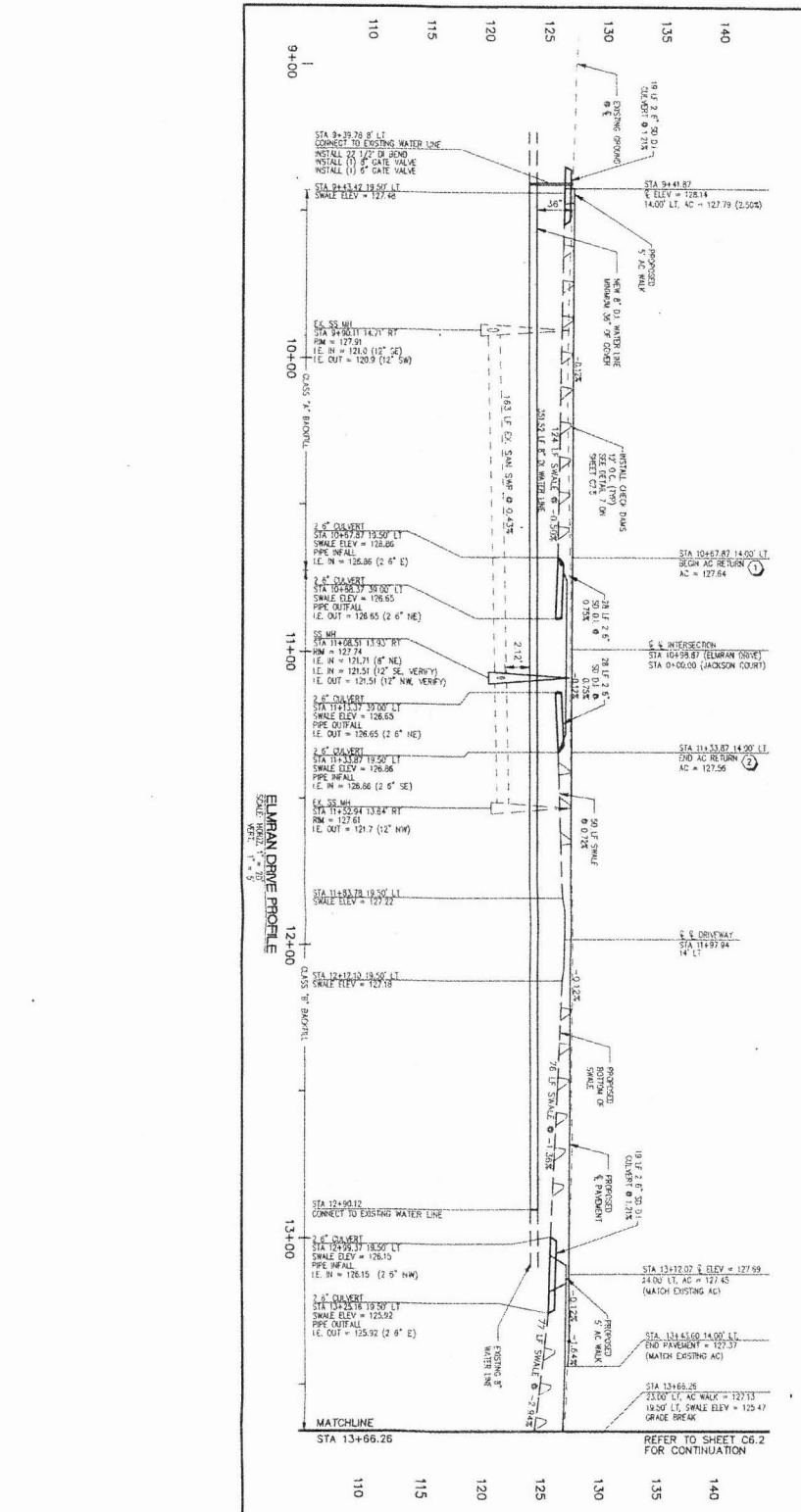
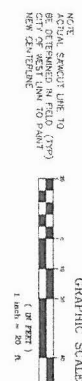
DATE: 5/7/2012
SCALE: 1" = 10'
DRAWN: EJC
CHECKED: JLS
PROJECT: 12-11-11

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AC RETURN ELEVATION DATA TABLE

AC #	R	A	L	BRP (A)	N (A)	N (B)	N (C)	N (D)	PROP (E)
1	25.00'	81000.00'	38.27'	197.64	127.50	127.51	127.51	127.50	127.50
2	22.00'	80000.00'	30.27'	127.07	127.19	127.32	127.44	127.56	127.56



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PLAN AND PROFILE
ELMRAN DRIVE
 STA 9+00.00 TO STA 13+66.26

BELLA FLATS SUBDIVISION
 4111 ELMRAN DRIVE
 WEST LINN, OREGON

REVISIONS

NO.	DATE	DESCRIPTION
1	06/27/2010	ISSUED FOR PERMITS
2	07/15/2010	ISSUED FOR CONSTRUCTION

DATE: 06/27/2010
SCALE: 1" = 50'
DRAWN: JMG
CHECKED: JMG
DATE: 06/27/2010

FOR CONSTRUCTION

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DATE: 06/27/2010

SCALE: 1" = 50'

DRAWN: JMG

CHECKED: JMG

DATE: 06/27/2010

Soppe, Tom

From: Soppe, Tom
Sent: Tuesday, June 29, 2010 10:55 AM
To: 'Melynda Retallack'
Subject: RE: Bella Flats Extension

Yes, which you can do now or with a resubmittal that takes care of all other incomplete items. Still waiting to hear from eng and fire on completeness; I will try to get a hold of them about that.

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068
ph. (503) 742-8660
fax (503) 656-4106
tsoppe@westlinnoregon.gov



From: Melynda Retallack [mailto:mel@redsidedevelopment.com]
Sent: Tuesday, June 29, 2010 10:55 AM
To: Soppe, Tom
Subject: Bella Flats Extension

Tom-

Attached are the affidavits you requested and a copy of the meeting summary from our neighborhood meeting. I will wait to submit the revised drawings until we have all the comments back.

Do you need me to print hard copies of these attachments and bring them in as well?

Thanks,
Mel



Melynda Retallack, AIA NCARB
*Development Services/
Sustainability Coordinator*
Office: 221 Molalla Avenue, Suite 220 Oregon City, Oregon 97045
Mailing: PO Box 42310 Portland, Oregon 97242-2310
T 503.239.2000 ext. 23 F 503.296.5707 C 503.701.5277
www.redsidedevelopment.com

From: Allen Schmitz [mailto:allen@cushing-engr.com]
Sent: Friday, June 25, 2010 2:52 PM
To: tsoppe@westlinnoregon.gov; Perkins, Michael
Cc: Don Cushing; Melynda Retallack; Le, Khoi
Subject: Bella Flats

Tom and Mike,

Here are pdf's of the latest plans (excluding the detail sheets cause they make this too big to send). These plans

reflect the changes recently requested by Tom. I added Redside Developments contact info to the tentative plan. I also added some area calculations and zoning info. I also added some street trees to the frontage of Elmran and Jackson Court. Please note that I didn't add trees to the intersection of Elmran and Cedaroak cause there is a visual easement there to help with sight distance. I added notes to the trees saying that the type of tree would be determined by the City of West Linn.

Would the both of you please let me know asap if these changes satisfy your requests.

Allen Schmitz, EIT, LEED® AP
Civil Designer
DON CUSHING ASSOCIATES
4677 SE Pinehurst Avenue, Suite 201
Milwaukie, OR 97267
Office: 503-387-5331 ext. 12
Cell: 503-860-1108
E-mail: allen@cushing-engr.com



Please consider the environment before printing this email.

Soppe, Tom

From: Melynda Retallack [mel@redsidedevelopment.com]
Sent: Tuesday, June 29, 2010 10:55 AM
To: Soppe, Tom
Subject: Bella Flats Extension
Attachments: 100608_BellaFlats.NHood.MtgSum.pdf; BellaFlats.AFFIDAVIT OF POSTING.pdf; BellaFlats.AFFIDAVIT OF MAILING.pdf

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Melynda Retallack, AIA NCARB
*Development Services/
Sustainability Coordinator*

Office: 221 Molalla Avenue, Suite 220 Oregon City, Oregon 97045
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T 503.239.2000 ext. 23 F 503.296.5707 C 503.701.5277
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From: Allen Schmitz [mailto:allen@cushing-engr.com]
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Allen Schmitz, EIT, LEED® AP
Civil Designer
DON CUSHING ASSOCIATES

Meeting Summary– Bella Flats Subdivision

Project: **Cedar Oak – Bella Flats Subdivision** *Meeting Date:* **June 8, 2010**
Location: 4111 Elmran Drive *Owner:* **Canyon Development LLC**
West Linn, OR 97068 221 Molalla Ave. Suite 220
Oregon City, Oregon 97045
Distribution: Robinwood Neighborhood Association *Issued by:* Melynda Retallack 2 pages
City of West Linn

Meeting Summary from Robinwood Neighborhood Association Meeting, June 8, 2010, 7pm
Discussion pertaining to this Subdivision Approval Extension lasted approximately 35 minutes and then the Neighborhood Association moved on to the next item on their agenda.

Date: *Description:*

- 1.00 Canyon Development presented the nature of the proposed development and the status of the initial Subdivision Approvals, construction permits and Extension Application.
- 2.00 Neighbors noted that the intersection of A Steamboat Way (Lower Elmran) and Elman Dr. with S. Cedar Oak Dr. should have better demarcation of crosswalks, it is felt that the existing conditions are unsafe for students. Methods to improve conditions may include the addition of stop signs and striping the crosswalks. The Neighborhood Association will discuss these intersection improvements further with the City of West Linn.
- 3.00 More off-street parking is desired by the neighbors. Events at the school necessitate parking on streets. Question of whether the design allows cars to park off the street on the grass. Noted that the current street standards for the City of West Linn do not include a parking lane on Elmran Drive. The neighbors would have preferred the school add a parking lane along their property.
- 4.00 Concern was raised as to whose responsibility it will be to maintain the bioswales – the City of West Linn or the homeowners. It is our understanding that the bioswales will be the responsibility of the City of West Linn, since they will be handling the stormwater from the city street.
- 5.00 Concern was raised about the steep hillside and performing any work close to that slope. Was noted that there is a geo-technical report available as part of the public record.
- 6.00 It is noted that there are no sidewalks along A Steamboat Way (lower Elmran Drive). A neighbor suggested that a Non-remonstrance Agreement be included as a condition so that the City could hold the developer responsible for future improvements. It would be intended to be included as a condition for the final approval. This motion was raised and seconded.
There was internal disagreement within the Association on this issue and discussion continued later on in the meeting.
It was brought to a motion, with 4 in favor and 8 against.
- 7.00 Concern was raised as to whom would enforce parking issues relative to keeping the streets clear for fire access. It was noted that the Fire Marshall required the houses at the end of the access drive be fully fire sprinklered.

- 8.00 Discussed the rain gardens being provided for each property. There was some concern as to whether they would infiltrate and affect the steep slope. Upon reviewing the Civil Drawings, it was agreed that the proposed method that connects the rain gardens to the bio swales and storm system was adequate.
- 9.00 The adjacent property owner inquired as to how the trees will be selected for removal. He has a tree that he would like the City to remove as it is a hazard to his property. It was noted that as part of the conditions of approval the City arborist will be involved on site at the time of the home construction to decide whether additional trees will be removed. A letter from the Owner to the City about this issue was provided to Canyon Development for review at this meeting. Was noted that Canyon Development was aware of this letter.
- 10.00 Question was raised as to whether the signage on the site met the City of West Linn Signage standards. Neighbors noted that the signage are temporary and that there were similar size signs around the neighborhood currently.

END OF MEETING SUMMARY

C:\Documents and Settings\mel\My Documents\01 Mel-Redside\02Redside Development\Cedar Oak\Planning Extension\Nabe Meeting\100608_BellaFlats.NHood Mtg Min.doc

Soppe, Tom

From: Melynda Retallack [mel@redsidedevelopment.com]
Sent: Tuesday, June 15, 2010 2:39 PM
To: Soppe, Tom
Subject: Bella Flats Subdivision Extension Application
Attachments: 100615.BellaFlats-Ext.Timeline.pdf

Tom-

We submitted the application package today. I will send the final approved meeting summary and the sign in list as soon as I get it back from the neighborhood association.

Attached is our updated timeline, for your reference.

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

Again, we really hope we can be deemed complete by the end of June in order to get on the 7/21 Planning Commission Agenda. Let me know what I can do to help with this effort.

Thanks for all your help,

Mel



Melynda Retallack, AIA NCARB
REDSIDE DEVELOPMENT
Office: 221 Molalla Avenue, Suite 220 Oregon City, Oregon 97045
Mailing: PO Box 42310 Portland, Oregon 97242-2310
T 503.239.2000 ext. 23 F 503.296.5707 C 503.701.5277
www.redsidedevelopment.com

PROJECT TIMELINE – Bella Flats Subdivision

Project: **Cedar Oak – Bella Flats Subdivision** *Meeting Date:* **May 5, 2010 Rev. 6/15/10**

Location: 4111 Elmran Drive *Owner:* **Canyon Development LLC**
West Linn, OR 97068 221 Molalla Ave. Suite 220
Oregon City, Oregon 97045

Distribution: Garrin Royer, Canyon Development *Issued by:* Melynda Retallack 1 page
Jack Hoffman, Dunn Carney

Attachments: N/A

Project Timeline:

<i>Date:</i>	<i>Description:</i>
5/6/10	Pre-application Conference submittal
5/17/10	Submit draft of application for planning to review
5/17/10	Posted notice of extension application on site Mailed notice of neighborhood meeting
5/20/10	Pre-application Conference
5/25/10	Submit revised draft per Pre-App for planning to review
6/8/10	7pm Neighborhood Association Mtg. (notice sent and posted minimum 20 days before — 5/19)
6/15/10	Extension Application Submittal
6/10-7/1	Staff comments and responses
7/1/10	Completeness (can this be done in 2 weeks in lieu of 4?)
7/1 – 7/21	20 days Notice from Completeness to Planning Commission Mtg.
7/21/10	Planning Commission Mtg. (1 st and 3 rd Wednesday, sometimes 5 th Wed.)
7/21 - 8/4	14 day appeal period after Planning Commission Decision
8/4/10	Extension Approval
8/5/10	Sitework begins

END OF MEMO

C:\Documents and Settings\mel\My Documents\01 Mel-Redside\02Redside Development\Cedar Oak\Planning Extension\100505.BellaFlats-Ext.Timeline.doc

Canyon Development 221 Molalla Avenue, Oregon City, Oregon 97045 503.239.2000

Canyon Development, LLC

City of West Linn, Extension of Subdivision Approval SUB-07-01

Bella Flats Subdivision

West Linn, Oregon 97068

June 14, 2010

Owner: Canyon Development, LLC
PO Box 42310
Portland, OR 97242-2310

Applicant: Garrin Royer, Member
Canyon Development, LLC
PO Box 42310
Portland, OR 97242-2310
503.239.2000
groyer@redsidedevelopment.com

Applicant's Representative: Melynda Retallack, Development Services Manager
Canyon Development, LLC
PO Box 42310
Portland, OR 97242-2310
503.239.2000
mel@redsidedevelopment.com

Site Address: 4111 Elmran Drive
West Linn, Oregon 97068

Legal Description: Tax Lots 3100 and 3201, Assessor's map #21E13CD

Zoning: R-10 Single Family Residential

Code / Standards Referenced

In Narrative: West Linn Community Development Code (CDC) Sections 85 and 99.

Proposal: The applicant is proposing to extend the land use approval for the development of a (6) lot subdivision comprising of an existing (2) lots on 1.7 acres.

Current Subdivision Approval includes a six-lot subdivision with access from the West or upper leg of Elmran Drive by a private road (Jackson Court) for proposed lots 1 through 4 and by shared driveways for Lots 5 and 6.

Lot Areas:
Lot 1 – 11,429 SF
Lot 2 – 11,307 SF
Lot 3 – 12,525 SF
Lot 4 – 10,554 SF
Lot 5 – 10,197 SF
Lot 6 – 10,046 SF

The paved private drive access way serving Lots 1 – 4 with a reciprocal and pedestrian access easement, it will include landscape swales to handle the storm water. Half street improvements will be included along the property frontage on the upper portion of Elmran Drive and will include a 5' asphalt paved walkway.

Extension of Subdivision Approval SUB-07-01

Bella Flats Subdivision

Consultants

Owner: Garrin Royer, Member
Canyon Development, LLC
PO Box 42310
Portland, OR 97242-2310
503.239.2000
groyer@redsidedevelopment.com

Civil Engineer: Don Cushing, Principal
Don Cushing Associates
6650 SW Redwood Lane Suite 235
Portland, Oregon 97224
503.620.7884

Surveyor: Blutot Group Land Surveying and Mapping
Mark J. Mayer, PLS
11700 SW 67th Ave.
Portland, Oregon 97223
503.624.0108

Geotechnical Engineer: Carlson Testing Inc.
8430 SW Hunziker
Tigard, Oregon 97223
503.684.3460

Extension of Subdivision Approval SUB-07-01

Bella Flats Subdivision

Table of Contents

Narrative Section	Item
CDC Section 99.325	Extension of Approval
CDC Section 85.000	General Provisions
CDC Section 85.100	Submittal Requirements for the Tentative Plan
CDC Section 85.170	Supplemental Requirements for a Tentative Subdivision or Partition Plan
CDC Section 85.200	Approval Criteria

Exhibits	Item
Civil	
C1.0	Cover Sheet
C1.1	General Notes
C1.2	Demolition and Tree Removal Plan
C2.0	Site Dimension Plan
C3.0	Erosion Control and Tree Protection Plan
C3.1	Erosion Control Details
C4.0	Grading Plan
C5.0	Utility Master Plan
C6.0	Plan and Profile – Jackson Court
C6.1	Plan and Profile – Elmran Drive 9+0.00 – 13+66.26
C6.2	Plan and Profile – Elmran Drive 13+66.26 – 17+50.00
C6.3	Plan and Profile – Elmran Drive 17+50.00 – 19+50.00
C7.0	Site Details – Sanitary
C7.1	Site Details – Sanitary
C7.2	Site Details – Water and Street
C7.3	Site Details – Water and Street
C7.4	Site Details – Misc.
C7.5	Site Details – Misc.
V1.0	Topographic Survey

Appendices	Item
A	Application Form
B	Check #100003 from Canyon Development for \$2,700 – Approval Extension Application Fee
C	Copy of 18x24 posting notice for the Extension Application posted on the site in two locations
D	Copy of the letter sent to Robinwood Neighborhood Association President and Designee (sent by certified mail) and to neighbors within 500 feet of property (sent regular mail)
E	Neighborhood Association meeting summary dated June 8 th 2010
F	Neighborhood Meeting sign in list for meeting held June 8 th 2010
G	Copy of materials presented at the Neighborhood Association meeting, held June 8 th 2010

- H (3) sets of full sized proposed plans, existing conditions, and erosion control/grading and utility plans
- I (3) sets of 11x17 copies of above plans
- J CD of application materials includes audio file of Neighborhood Association meeting held June 8th 2010
- K Pre-application conference meeting notes from Tom Soppe, dated May 20, 2010
- L Pre-application conference minutes, from Melynda Retallack, dated May 20, 2010