



22500 Salamo Road  
West Linn, OR 97068

## STAFF REPORT FOR THE PLANNING COMMISSION

**FILE NUMBER:** CUP-12-05/DR-12-18

**HEARING DATE:** December 5, 2012

**REQUEST:** Conditional Use Permit and Class I Design Review for a proposed youth community center and supporting uses to replace an existing call center at 2015 8<sup>th</sup> Avenue

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 55, Design Review; Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone; Chapter 60 Conditional Uses.

**STAFF REPORT PREPARED BY:** Tom Soppe, Associate Planner

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Planning Director's Initials  City Engineer's Initials KQL

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### EXECUTIVE SUMMARY

The applicant requests approval for a music-oriented youth community center and associated, accessory retail and a café at a property in the Mixed Use (MU) zone. The applicant has applied for the required Conditional Use approval well as Class I Design Review approval. The site contains a building formerly used as a church and, most recently, as a call center under a Conditional Use approval (file CUP-10-05/DR-10-13/MISC-10-28) as well as 46 off-street parking spaces.

The site is non-conforming to many of the design standards of Chapter 58, Willamette Falls Drive Commercial District, the minimum landscaping area requirements of Chapter 54, and to the driveway spacing standards of Chapter 48. However, an approval to Enlarge/Alter a Non-Conforming Structure is not required because no site changes or changes to the exterior or size of the building or other physical changes to the site are proposed.

There is potential for noise impacts (see the Addendum, staff response 25). This is addressed by recommended Condition of Approval 3. The intersections in the area function below the established level of service. Recommended Condition of Approval 2 would ensure that the proposed uses do not exacerbate the problem (see staff response 21).

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that there are sufficient grounds for approval, subject to the proposed Conditions of Approval listed on Page 9. See the addendum for details.



# TABLE OF CONTENTS

## STAFF ANALYSIS AND RECOMMENDATION

EXECUTIVE SUMMARY..... 1-2  
GENERAL INFORMATION ..... 4  
BACKGROUND..... 4-8  
APPROVAL CRITERIA.....8  
ANALYSIS.....8-9  
RECOMMENDATION ..... 9

## ADDENDUM

APPLICABLE REGULATIONS AND ASSOCIATED SUPPLEMENTAL FINDINGS.....10-24

## EXHIBITS

PC-1 WEST LINN TIDINGS ARTICLE.....25-26  
PC-2 AFFIDAVIT OF NOTICE AND MAILING PACKET .....27-33  
PC-3 COMPLETENESS LETTER .....34  
PC-4 GRANTING OF WAIVER FOR REQUIREMENT OF 99.038(E)(5).....35-36  
PC-5 REQUEST FOR WAIVER OF REQUIREMENT OF 99.038(E)(5).....37-40  
PC-6 APPLICANT'S SUBMITTAL ..... 41-206

## GENERAL INFORMATION

<b>OWNER/ APPLICANT:</b>	Marie Lamfrom Charitable Foundation, 2040 8 <sup>th</sup> Avenue, Ste. 202, West Linn, OR 97068
<b>SITE LOCATION:</b>	2015 8 <sup>th</sup> Avenue
<b>LEGAL DESCRIPTION:</b>	Clackamas County Assessor's Map 3-1E-02BA, Tax Lot 100
<b>SITE SIZE:</b>	Approximately 0.9 acres
<b>ZONING:</b>	MU, Willamette Neighborhood Mixed Use Transitional Zone, with Willamette Falls Drive Commercial District design overlay
<b>COMP PLAN DESIGNATION:</b>	Mixed Use
<b>120-DAY PERIOD:</b>	This application was deemed complete on November 7, 2012. The 120-day maximum application-processing period ends on March 7, 2013.
<b>PUBLIC NOTICE:</b>	Public notice was mailed to the Willamette Neighborhood Association and affected property owners on November 13, 2012. The property was posted with a sign on November 14, 2012. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on November 22, 2012. The notice requirements have been satisfied.

## BACKGROUND

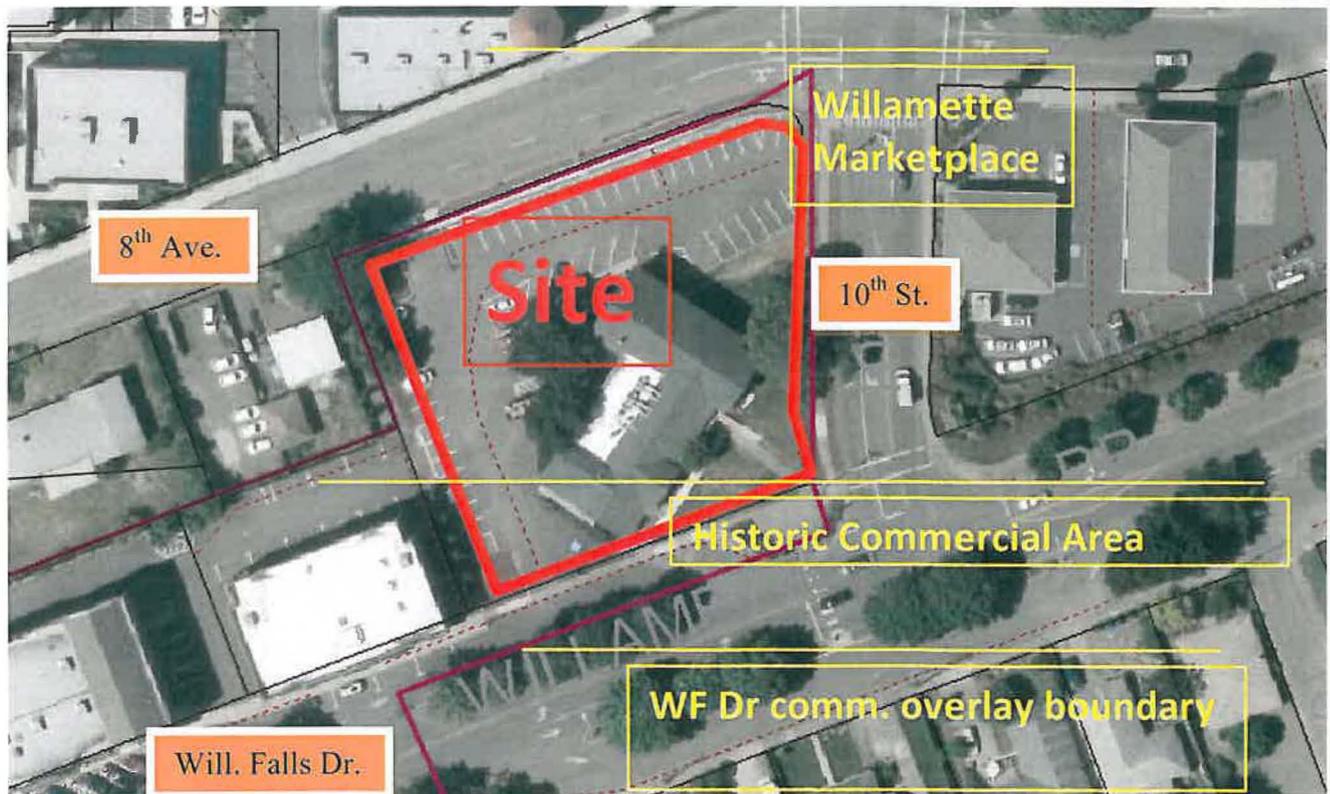
The applicant proposes a youth community center for music education and performance, and supporting accessory uses including a café and retail sales of music accessories. The site contains an existing building formerly used as a church and currently as a call center. The proposed uses would replace the call center. The site also has a parking lot with 46 parking spaces as shown on the site plan. The site is located between Willamette Falls Drive, 8<sup>th</sup> Avenue, and 10<sup>th</sup> Street, at the east edge of the Willamette Falls Drive historic commercial area. The proposed uses require a Conditional Use approval and Class I Design Review approval. The applicant plans no exterior building or site changes.

**Site Conditions:** The mid-20<sup>th</sup>-Century building on site was designed as a church and was used as one until several years ago. A call center, approved in a previous Conditional Use approval, is operational on site. The building sits at an angle facing the corner of Willamette Falls Drive and 10<sup>th</sup> Street. There is landscaping around the building including several trees, and the western and northern areas of the site consist of surface parking. There are 46



parking spaces in the parking lot, and a loading zone. The parking lot has vehicle access to and from 8<sup>th</sup> Avenue and Willamette Falls Drive. The site is non-conforming in terms of the distance between the south driveway on Willamette Falls Drive to the intersection of Willamette Falls Drive and 10<sup>th</sup> Street. The distance between this driveway and the intersection is approximately 125 feet, instead of the required 150 feet between a driveway and the intersection of two arterials. There was an ingress/egress to and from the property to the west, a rear driveway for said property which eventually connects to both Willamette Falls Drive and to 12<sup>th</sup> Street. This ingress/egress was part of the approved site plan for the previous conditional use and is also shown on the submitted site plan for the current application (see Page 45 of Exhibit PC-6). However since the previous Conditional Use approval this has been barricaded with a curb next to the property line, and replaced with three on-site parking spaces (these are counted as part of the 46 above). This is a change that would have in itself required at least a Class I Design Review and potentially a Conditional Use approval (as it is a change to an approved conditional use site plan) if it had been done with City permission. Therefore the previous approved site plan is still considered the operational site plan for the existing conditional use, and the applicant's site plan showing this change is considered the working site plan for the current request. As discussed in the applicant's submittal on Pages 41-44 the applicant prefers to retain this change as shown in their proposed site plan.

### Site Aerial View



Source: West Linn GIS, 2012

**Project Description:** As previously noted, the applicant proposes a music-oriented community center for youth, that offers lessons, participation in ensembles, opportunities to

perform, and related activities. The applicant proposes retail sales of music-related accessories and a café with refreshments; these latter uses are proposed as supporting accessory uses within the same building. The proposed uses would replace the call center. As previously noted, the applicant proposes no exterior changes or additions for the building, and no site changes.



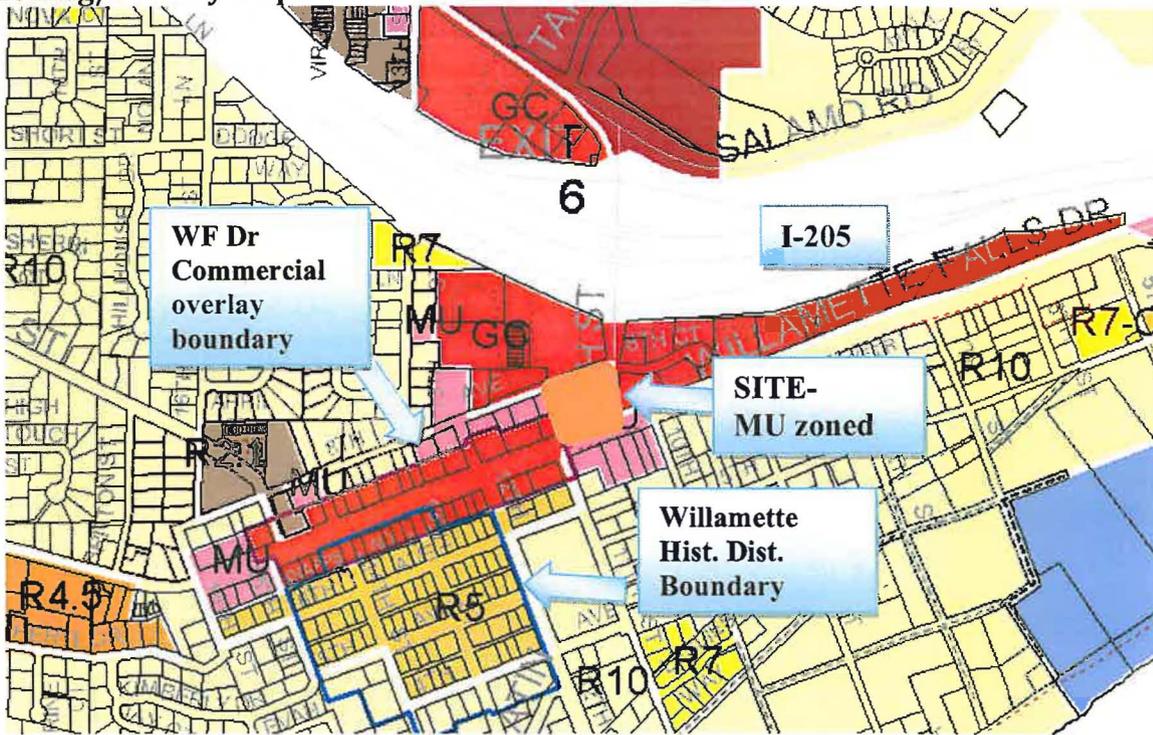
*Front façade of building, set at angle facing 10<sup>th</sup> Street/Willamette Falls Drive intersection. Although this is the visual front of the building, the site has an 8<sup>th</sup> Avenue address. 8<sup>th</sup> Avenue is north of the site, parallel to Willamette Falls Drive.*



*Site as seen from 8<sup>th</sup> Avenue*

**Surrounding Land Use and Zoning:** The site is situated in the Willamette Neighborhood of West Linn. Surrounded by Willamette Falls Drive, 10<sup>th</sup> Street, and 8<sup>th</sup> Avenue, it is at the east end of the historic commercial area along Willamette Falls Drive. The surrounding area contains a variety of commercial and residential uses, as noted in Table 1 below.

**Zoning/Vicinity Map**



Source: West Linn GIS, 2012

**Table 1** Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Willamette Marketplace and River Falls shopping centers, White Oak Savanna park land, undeveloped and developed office-zoned parcels, single-family residential, multi-family residential	GC, R-2.1, OBC, MU, R-10, R-7
East	Single-family residential detached, highway commercial uses, offices	R-10, GC
South	Decking business, single-family residential, Willamette Primary School	MU, R-10, R-7
West	Willamette historic commercial area, single-family residential including Willamette Falls National Historic District, multi-family residential	MU, GC, R-10, R-5, R-2.1, Willamette historic residential and commercial overlays

Source: West Linn GIS, 2012



*In the foreground above is the one vehicle ingress/egress to the site off of Willamette Falls Drive.*

## **Approval Criteria**

As previously noted, the applicant requests Conditional Use and Class I Design Review approvals. The site is in the Willamette Neighborhood Mixed Use Transitional zone (MU) and the Willamette Falls Drive Commercial District overlay zone (Chapter 58). However Section 58.030(A), Applicability, states that “The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets.” The application requires Conditional Use and Class I Design Review approvals due only to the change in use, and it does not include construction, restoration, or a remodel. Therefore Chapter 58 does not apply.

In conclusion, the applicable approval criteria include:

- Chapter 60, Conditional Uses: approval criteria in 60.070;
- Chapter 55, Design Review: approval criteria in 55.090; and
- Chapter 59, Willamette Neighborhood Mixed Use Transitional Zone.

## **Analysis**

The proposed youth community center and accessory café and retail uses are all conditional uses in the MU zone requiring Conditional Use and Class I Design Review approval (per Section 60.030(B)).

Major intersections in the general area function at an unacceptable level of service as discussed in the applicant’s submitted traffic study. Proposed Condition of Approval 2 ensures that the proposed uses will not have a greater effect on these intersections than the previous use, by incorporating the recommended condition language from the applicant’s submitted traffic study (see Page 138 of Exhibit PC-6).



As a music-oriented community center serving youth, the proposed use has a potential to generate high noise levels, so Proposed Condition of Approval 3 would prohibit music the playing of musical instruments outside between 7:00 PM and 7:00 AM on all days.

Staff finds that with the recommended conditions of approval, the site and location are appropriate for the proposed conditional uses, and that the criteria of the Class I Design Review approval are met.

**Public comments:**

No public comments have been received to date.

## **RECOMMENDATION**

### **Conditions of Approval**

Staff recommends approval of application CUP-12-05/DR-12-18 subject to the following proposed conditions:

1. Site Plan. With the exception of modifications required by these conditions, the applicant shall adhere to the Property Site Plan, sheet C-100, Page 45 of Exhibit PC-6, dated November 20, 2012, and shall not change the exterior of the building, other than routine maintenance, painting, and signage consistent with applicable regulations.
  
2. Traffic Impacts.
  - a. The applicant shall submit an annual Traffic Demand Management letter to the City of West Linn demonstrating that the applicant is generating 15 or fewer weekday a.m. peak hour trips and fewer than 10 weekday p.m. peak hours trips.
  
  - b. Classes shall not start or end within 15 minutes of the AM (7:30-8:30) and PM (5:00-6:00) weekday peak hours.
  
  - c. Special events (including concerts) will have a start time which does not require the participants to arrive at the facility prior to 6:15 on weekdays.
  
3. Outdoor Noise. Musical instruments shall not be played outside between 7:00 PM and 7:00 AM on all days.

**Note to Applicant:** When and if signage is proposed a separate Permanent Sign Permit will need to be acquired via the Planning Department.



**ADDENDUM**  
**PLANNING COMMISSION STAFF REPORT**  
**CUP-12-05/DR-12-18**  
**December 5, 2012**

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH  
APPLICABLE CODE CRITERIA**

**I. ZONING AND DESIGN REVIEW CRITERIA**

**A. Chapter 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE  
(MU)**

**59.060 CONDITIONAL USES**

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

2. Community center for civic or cultural events.
6. Senior or community center.
14. Eating and drinking establishments except no drive-through service.
15. Retail sales and service, except no drive-through service.

**Staff response 1.** The applicant proposes a community center that would mainly be used for youth music instruction and ensembles, along with accessory uses including selling musical accessories and a café. All of these are conditional uses in the MU zone, as shown above. The applicant has applied for a Conditional Use approval for these uses, which is analyzed under Section 60.070 below.

**59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES**

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

**Staff response 2.** The applicant proposes no physical changes to the site, which contains an existing building and parking. Staff responses 3-18 related to the criteria of 60.070(A) and (B) are provided below.

## B. Chapter 60 CONDITIONAL USES

### 60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:
  - a. Adequate area for the needs of the proposed use; and
  - b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

**Staff response 3.** The site is approximately 190 feet north to south. It is approximately 240 feet east to west along 8<sup>th</sup> Avenue, and approximately 180 feet east to west along Willamette Falls Drive, due to the trapezoidal shape of the site. The site has a two-story building with approximately 14,800 square feet of interior space. The site has a parking lot with 46 spaces. Staff finds and determines that this site is an adequate use for the proposed community center and accessory uses. No physical site or architectural changes are proposed for the site, aesthetically or otherwise. The only concern for this music-oriented community center would be noise, as it is near some residential properties to the south and southeast. While presumably most activities would take place indoors, theoretically ensemble practice could take place outdoors in the parking lot or landscaped areas during good weather and/or for marching and configuration practices. Condition of Approval 3 is recommended to regulate when noise can occur outside, consistent with Municipal Code standards from Municipal Code Section 5.487(2)(e)(i), limiting outside noise to the hours of 7:00 AM and 7:00 PM on all days. Staff determines this condition would adequately mitigate possible adverse effect on surrounding properties.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

**Staff response 4:** As previously noted, the site is approximately 0.9 acres in size, with an approximately 14,000 square foot two-story building. It is located on a Tri-Met bus line, in the area of town where several major streets converge (Willamette Falls Drive, 10<sup>th</sup> Street, Blankenship Road, Salamo Road), and access to I-205 is one block away. The location is appropriate for a community center in that it is in the Willamette commercial area, a walkable area with a variety of businesses and civic uses. Topography and natural features are not major factors on this site as it is



already developed and is not severely hilly. Staff finds and determines that the criterion is met.

3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

**Staff response 5:** The proposal is provide to facilities for teaching music to youth, for the youth to participate in musical performances, for the youth to be able to buy music-related products related to their learning and performance, and for the youth to congregate at the proposed cafe. Staff finds and determines that this is consistent with the educational, social, and recreational needs for youth in the community.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy.

**Staff response 6:** Adequate public facilities are available, including public streets, sewer and water. Specifically, proposed Condition of Approval 2 ensures that this use will not have more of a traffic impact on surrounding areas than the previous call center. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 2 in the decision.

5. The applicable requirements of the zone are met, except as modified by this chapter.

**Staff response 7:** The site is non-conforming in several ways, including driveway spacing and non-conformity to multiple Chapter 58 design elements of the Willamette Falls Drive Commercial District overlay. These are existing non-conformities are not changed by the proposal. Staff finds and determines that the criterion is met because the proposal itself does not propose physical changes on the site that would affect zoning compliance, and finds and determines that a permit to Enlarge/Alter a Non-Conforming Structure is not needed since there are no enlargements or alterations proposed.

6. The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.

**Staff response 8:** At this time, the applicant does not propose signage or sidewalk uses, so chapters 52 and 53 do not apply. The site does not have landscaping within the parking area so it is not compliant with Chapter 54 provisions requiring this; however no parking area landscaping changes are proposed at this time, so a permit to Enlarge/Alter a Non-Conforming Structure is not required. Per Subsection 58.090(C)(2) the remainder of Chapter 54 Landscaping does not apply to sites within the Willamette Falls Drive Commercial District overlay. Chapter 55 is addressed under its own heading below.

7. The use will comply with the applicable policies of the Comprehensive Plan.



West Linn Comprehensive Plan:

Goal 2, Land Use Planning, Neighborhood Commercial Goal 1

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

Goal 2, Land Use Planning, Neighborhood Commercial Goal 2

Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

Goal 2, Land Use Planning, Neighborhood Commercial Goal 4

Design and locate existing or proposed commercial uses in a manner that:

...

- b. Encourages the use of alternative transportation.
- c. Encourages the use of meaningful public gathering places that incorporate uses such as entertainment and recreation venues, restaurants, and unique shopping opportunities to increase activity in surrounding areas.
- d. Encourages small businesses, retail establishments, and other employment activities.

**Staff response 9:** The proposed use provides opportunities for youth education, recreation, and limited shopping opportunities within the City. It is located along a bus line in a walkable area. It would add to the diverse mix of uses and businesses in the Willamette commercial area.

Goal 6 Air, Water, and Land Resources Quality, Noise Goal 1

Maintain and promote a quiet and healthful environment for the citizens of West Linn.

Goal 6 Air, Water, and Land Resources Quality, Noise Policy 1

Require measures to adequately buffer residential developments and other noise sensitive uses that are proposed to be located in noise-congested areas.

Goal 6 Air, Water, and Land Resources Quality, Noise Policy 2

Require development proposals that are expected to generate noise to incorporate landscaping and other techniques to reduce noise impacts to levels compatible with surrounding land uses.

**Staff response 10:** The proposed use is near some residential properties to the south and southeast, and it has the potential to create noise that inhabitants of those properties might hear. While, presumably, most activities would take place indoors,



theoretically ensemble practice could take place outdoors in the parking lot or landscaped areas during good weather and/or for marching and configuration practices. Condition of Approval 3 is recommended to regulate when noise can occur outside, in compliance with Municipal Code Section 5.487(2)(e)(i), limiting outside noise to the hours of 7:00 AM and 7:00 PM on all days. Staff finds and determines that the proposal is compatible with the above goals and policies, upon the inclusion of Condition of Approval 3 in the decision.

Goal 8 Parks and Recreation, Goal 1:

Provide all citizens with a range of recreational facilities.

Goal 8 Parks and Recreation, Policy 3:

Provide facilities that meet the needs of existing or projected city residents, including children, young adults, families, handicapped persons, and the elderly.

Goal 9 Economic Development, Goal 3:

Encourage businesses that enhance the community; provide wanted goods and services; and pay living wages. Small, locally owned businesses with strong ties to the community are especially desired.

**Staff response 11:** The proposed business would provide music education and participation opportunities for young people. The neighborhood voted in favor of it at the neighborhood meeting where the applicant presented the proposal.

Goal 9 Economic Development; Policy 11:

Encourage the economic vitality of the four existing commercial areas.

**Staff response 12:** The application requests a youth music community center in the Willamette commercial area, which would bring children and parents to the neighborhood and which could result in them patronizing the other businesses.

Goal 12 Transportation, Bicycles, Policy 4:

Require new commercial, industrial, and institutional development to provide on-site facilities for bicycle parking and storage.

**Staff response 13:** Currently there are four covered bicycle parking spaces outside on site in a nook that is four feet and five inches wide located under the second floor of the building; also there are two bicycle parking spaces inside the building, for an existing total of six spaces. More bicycle parking may be needed due to the nature of the use serving many young people under the driving age in the building at one time. According to the applicant there is the potential for eight to nine music classrooms in the facility. Also according to the applicant the facility is expected to serve a maximum of 75 students at any given time.





*Existing covered bicycle parking in nook along rear façade of building.*



*Bicycle parking inside building.*

Because it is in the Willamette Falls Drive Commercial Design District overlay zone, it is exempt from all Chapter 46 off-street parking and bicycle parking requirements per Section 46.140. (Chapter 46 requires four bicycle parking spaces per middle school classroom and two per senior high class room [which typically accommodate 25 or more students], 50% of which are too be covered. So if the standard was applicable, it would require six to 12 bike spaces, depending upon the age of the students). Since



this is a Conditional Use request the City has the discretion to condition an approval in ways it finds necessary to ensure proposed uses properly serve the community, fit into their surroundings, and limit transportation system impacts. Being that there are six existing spaces total and that is within the range of minimums found by staff among the Chapter 46 standards for middle and high school parking standards for this number of classrooms, staff does not find that it is necessary to require the applicant to provide more bicycle parking spaces at this time. Should the Planning Commission find that requiring more bicycle parking is necessary, the applicant has communicated to staff that the two areas in the photos below are the general areas the applicant would prefer to place additional bicycle parking, if required. It should be noted that in the case of the former, which is on the Willamette Falls Drive side of the building, a site change such as bicycle parking would trigger the need for Historic Review Board review under the provisions of Chapter 58, as this is the side facing the design overlay district.



*Area on Willamette Falls Drive side of building.*



*Area on 8<sup>th</sup> Avenue side of building.*

Goal 13 Energy Conservation, Policy 1:  
Reduce the need to travel outside the City to obtain goods and services  
whenever possible.

**Staff response 14:** The proposal would provide a community service in the form of  
teaching young people music within the City.

Goal 13 Energy Conservation, Policy 4:  
Encourage mass transit use.

**Staff response 15:** The proposed use is located along a bus line.

Willamette Neighborhood Vision Statement and Action Plan (part of the City's  
Comprehensive Plan):

Goal 2: Education and activities for children and adults.

Goal 2, Policy 6: We have a community center and a pool.

**Staff response 16:** The application requests a community center focused youth  
music education and participation in the Willamette neighborhood.

**Staff response 17:** As is concluded from the staff responses 9-16 above, staff finds  
and determines that the application is compliant with the applicable goals and



policies of the Comprehensive Plan and the Willamette Neighborhood Vision Statement and Action Plan upon the inclusion of Condition of Approval 3, as this will make the project compliant with goal and policy concerns related to noise.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.

**Staff response 18:** See the discussion below under the heading for Chapter 55.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place, and manner of operation.
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
3. Requiring additional setback areas, lot area, or lot depth, or width.
4. Limiting the building height, size or lot coverage, or location on the site.
5. Designating the size, number, location and design of vehicle access points.
6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.
7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.
8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.
9. Limiting the number, size, location, height, and lighting of signs.
10. Limiting or setting standards for the location and intensity of outdoor lighting.
11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.
12. Requiring and designating the size, height, location, and materials for fences.



13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

**Staff response 19:** On operational concern for the proposed uses is traffic generation. The applicant's traffic study concludes that traffic impacts will be no greater than the previous call center use on the site, provided the study's proposed conditions of approval are applied (see Page 138 of Exhibit PC-6). The applicant's proposed conditions are included in staff's recommended Condition of Approval 2. As traffic impacts will not increase upon the implementation of Condition of Approval 2 and as the site is not proposed for remodel, reconfiguration of access, or redevelopment, staff finds and concludes that the criteria are met.

The only other operational concern for this music-oriented community center would be noise, as it is near some residential properties to the south and southeast. While presumably most activities would take place indoors, theoretically ensemble practice could take place outdoors in the parking lot or landscaped areas during good weather, and/or for marching and configuration practices. Condition of Approval 3 is recommended to regulate when noise can occur outside, in compliance with Municipal Code Section 5.487(2)(e)(i), limiting outside noise to the hours of 7:00 AM and 7:00 PM on all days. Staff finds and determines the criteria are met upon the inclusion of Condition of Approval 3.

## **C. CHAPTER 55, DESIGN REVIEW**

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

**Staff response 20:** The site is substantially developed. No remodeling or changes to the building are proposed. No site changes are proposed. Staff finds and determines that the above criteria do not apply.

3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

**Staff response 21:** Because a traffic study was required and because the site is on a transit line, staff has required the analysis of compliance with 55.100(D) Privacy and Noise, 55.100(H) Public Transit, and 55.100(I)(1) Streets. Because of the change to



access to and from the property to the left that has occurred since the last Conditional Use/Design Review approval, and the applicant's request to retain this change, staff has also analyzed the proposal under 55.100(A)(8) regarding Chapter 48 Access, Egress and Circulation. These are all addressed below.

A. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

**Staff response 22:** There have not been changes to the utilities serving the site since the call center occupied the building. Subsection 85.170(B)(2)(c)(1)(C)(4) required a traffic study for the application because this is a new use on a site that does not meet the driveway spacing standards in Chapter 48. This study is included in the applicant's submittal on pages 132-193 of Exhibit PC-6. The traffic study concluded that the proposed uses would not have a negative impact on surrounding streets under certain conditions of approval, which it lists on Page 138 of Exhibit PC-6. They are as follows:

- The applicant shall submit an annual TDM (traffic demand management) letter to the City of West Linn.
- Classes will be scheduled to not start or end within 15 minutes of the AM (7:30-8:30) and PM (5:00-6:00) weekday peak hours.
- Special events (including concerts) will have a start time which does not require the participants to arrive at the facility prior to 6:15 on weekdays.

As previously noted, the conditions proposed by the traffic study are included together in staff's recommended Condition of Approval 2. Staff finds and determines that the application is compliant with the above criterion upon the inclusion of Condition of Approval 2.

B. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

**Staff response 23:** See the discussion under 55.090(A) above.

### **CDC 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application.

(Selected CDC 55.100 criteria are included for this Class I Design Review per Subsection 55.090[A][3] above.)

A. Chapter 48, Access, Egress, and Circulation.



Excerpted from Chapter 48:

**48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES**

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

A. Service drives for non-residential uses shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Meet the requirements of CDC 48.030(E)(3) through (6).
4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.

**Staff response 24:** Since the approval of the most previously approved Conditional Use site plan, a barrier has been put in place to what was formerly a vehicular access to the property to the west and its driveways to Willamette Falls Drive and 12<sup>th</sup> Street. Despite this change, also reflected on the applicant's submitted site plan on Page 45 of Exhibit PC-6, the property continues to meet the above criteria as it has a non-gated two-way driveway connecting from Willamette Falls Drive to 8<sup>th</sup> Avenue. Staff finds and determines that with the acceptance of the change to the approved site plan the criteria remain met.

D. Privacy and noise.

3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies



from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

**Staff response 25:** If activities are ever performed outside on the site, there is the potential for noise audible on other sites. The site is near some residential properties to the south and southeast. While presumably most activities would take place indoors, theoretically ensemble practice could take place outdoors in the parking lot or landscaped areas during good weather and/or for marching and configuration practices. Condition of Approval 3 is recommended to regulate when noise can occur outside, in compliance with Municipal Code Section 5.487(2)(e)(i), limiting outside noise to the hours of 7:00 AM and 7:00 PM on all days. Staff finds and determines the criteria are met upon the inclusion of Condition of Approval 3.

#### H. Public transit.

1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:

- a. The location of other transit facilities in the area.
- b. The size and type of the proposed development.
- c. The rough proportionality between the impacts from the development and the required facility.

2. The required facilities shall be limited to such facilities as the following:

- a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
- b. A turnout area for loading and unloading designed per regional transit agency standards.
- c. Hard-surface paths connecting the development to the waiting and boarding areas.
- d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.

6. Standards of CDC 85.200(D), Transit Facilities, shall also apply.



**Staff response 26:** Tri-Met bus line 154 serves Willamette Falls Drive and 10<sup>th</sup> Street. The nearest existing stop is 200 feet from the building, at 11<sup>th</sup> Street and Willamette Falls Drive. The site is connected to this bus stop via existing public sidewalks. Therefore staff finds and concludes that due to the proximity to and access to the nearby bus stop, the applicant is not required to provide a new transit stop.

I. Public facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

1. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare. The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter.

Based upon the City Manager's or Manager's designee's determination, 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 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or



Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

**Staff response 27:** The applicant's traffic study concludes that traffic impacts will be no greater than the previous call center use on the site, provided the study's proposed conditions of approval are applied. These are included as recommended Condition of Approval 2. Since traffic impacts will not increase upon the implementation of Condition of Approval 2 and as the site is not proposed for remodel, reconfiguration of access, or redevelopment, staff finds and concludes that the applicant is not required to provide street improvements.



**EXHIBITS PC-1 THROUGH PC-3  
WEST LINN TIDINGS ARTICLE  
AFFIDAVIT AND NOTICE MAILING  
PACKET AND COMPLETENESS LETTER**

**FILE NUMBER: CUP-12-05/DR-12-18**

**REQUEST: CONDITIONAL USE PERMIT AND CLASS I DESIGN  
REVIEW FOR YOUTH MUSIC COMMUNITY CENTER  
AND RELATED RETAIL AND CAFÉ ACCESSORY USES  
AT 2015 8<sup>TH</sup> AVENUE**



looking to raise water rates by 18 percent this spring to start addressing an aging water infrastructure.

The city council met with the utility advisory board and members of the water system improvement task force Nov. 5 to explore adding a proposed rate

condition of the water system, engineering and design alternatives, funding alternatives and tax impacts.

The city's water system includes six reservoirs, five pump stations and 120 miles of transmission lines.

According to memo from the

10 percent overdue for replacement due to size or condition. Water main breaks occur nearly monthly and have cost the city \$26,000 in repairs so far this year alone.

The city contends that the current fee structure, with the 5 percent limit, does not cover the

ficer Richard Seals, the city currently spends \$210,000 operating the water system. However, the city needs another \$540,000 a year to start bringing the pipeline to current standards over the next 20 years.

The pipes are not the city's only problem. The Bolton Reser-

Since the 1990s, the city's water master plan calls for \$750,000 annually for improvements and repairs. Those fixes and improvements have not happened, and the city's water revenue has

See

West Linn Tidings 11-15-12

# FROM GARAGE BAND to ARENA



Left: Bucky Brand practices his drumming skills on Nov. 13 at Youth Music Project. Below: Intern Camille Denny helps Bucky Brand learn to rock out while playing the drums.

## Nonprofit looks to take over former church site

Whether your kid beats on his traps, smashes her ax or pounds on the 88, they all are sure to find haven at Youth Music Project in West Linn. And soon, even more kids will have room to learn to rock.

The nonprofit teaches drums, guitar and piano to students primarily in the West Linn-Wilsonville School District, but also attracts students from Lake Oswego, Oregon City and Tualatin.

Funded by the Marie Lapfrom Charitable Foundation, Youth Music

Project aims to bring pop, rock and country music to all students.

Youth Music Project launched in January with overwhelming success. All of its summer classes sold

out, and this fall more than 240 kids are participating in private lessons and group classes, which means they are

bursting at the seams at the current location on Willamette Falls Drive.

Building on that success and wanting to create even more future rock stars, Youth Music Project is

Story by Lori Hall  
Photos by Vern Uyetake



See MUSIC / Page A8

Getting The Right Mortgage Guy Is Easier Than Picking A Good Watermelon.

CURRENT RATES

30 YEAR FIXED \$50,000 - \$417,000

3.5%/3.64APR

Art Sandor

3.603.3333

@preferred-lending.com

Washington



TIDINGS PHOTO: VERN UYETAKE

Instructor Monica Metzler and intern Michael Wiest lead a guitar class on Nov. 20.

# Music: City reviewing application

■ From page A1

looking to move across the street to the former Willamette Falls Christian Church at Willamette Falls Drive and 10th Street. The 12,385-square-foot space is currently being used by a call center that is moving to Wilsonville. There, the organization could accommodate up to 1,000 kids a week, according to Youth Music Project Executive Director Charles Lewis.

The future location is planned to offer youth music instruction, group lessons, private lessons, bands and day camps in 20 classrooms. There will also be a store selling musical accessories, a waiting area for adults and a coffee shop.

Lewis said Youth Music Project hopes to also partner with other community groups to use

the space, such as dance groups.

"The hope is that it is a music-based community center," Lewis said, adding that the space could be used for performances in the evening for concerts and open mic nights by the community.

Youth Music Project is working with Iselin Architects on the design. Though the church was built in 1961, the group hopes to give the building some of the historic charm of Willamette Falls Drive. Youth Music Project is also applying for a grant through the county to help restore the front on the church.

"That's real important to us," Lewis said.

The plans include transforming the sanctuary into a top-notch performance hall, complete with acoustics, lighting,

video cameras and a moveable stage.

"The overall goal is to make music accessible for every kid in the region," Lewis said. The project gives free lessons and rentals to students on the free lunch program and a 75 percent discount for those on the reduced-price lunch program.

"That's a neat opportunity we have," Lewis said. "I think we'll be filling a real critical need out there."

On top of its current administrative staff of three and seven instructors, the project also offers paid internships for high school students.

Youth Music Project currently has a conditional use application in with the city that is required to address the mix of uses within the building. Lewis said they hope to move into the new building by early 2013.

# Water: Council votes Dec. 10

■ From page A1

decreased with better water conservation and expenses have steadily increased, including an... from the South Fork



"Rusty" has been popping up in different locations in West Linn and even has an album on the city's Facebook

newspaper  
ness...  
oliday Season.

**In Group**

COMMUNITY NEWSPAPERS

ew | West Linn Tidings  
d / Tualatin Times  
Outlook | Sandy Post  
ve News Times  
on City News  
y Spotlight

by shopping locally

**SINESS DAY**

328278111412

**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. COP-12-05/DR-12-18 Applicant's Name Charles Lewis, Marie Lanfrom Charitable Found.  
Development Name Youth Music Project  
Scheduled Meeting/Decision Date 12-5-12

**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) 11-13-12 (signed) S. Shroyer
- B. Affected property owners (date) 11-13-12 (signed) S. Shroyer
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) 11-13-12 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 11-13-12 *will.?* (signed) S. Shroyer
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

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

Tidings (published date) 11-22-12 (signed) S. Shroyer  
City's website (posted date) 11-13-12 (signed) S. Shroyer

**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) 11-14-12 (signed) 

**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. CUP-12-05/DR-12-18**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday December 5, 2012, **starting at 7:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Conditional Use and Class I Design Review for a music-oriented youth community center with accessory retail and café uses at 2015 8<sup>th</sup> Avenue. No changes are proposed to the site or building, but these uses are conditional uses in the Mixed Use zone. Therefore the proposal requires a Conditional Use approval, and any Conditional Use approval requires a Design Review approval as well per Community Development Code (CDC) Section 60.030(B).

Conditional Use criteria are found in Chapter 60 of the CDC. Criteria for Design Review are found in Chapter 55. 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 affected site. (Tax Lot 100 of Clackamas County Assessor's Map 3-1E-02BA) and/or as required by Chapter 99 of the CDC. See the attached 500-foot radius map.

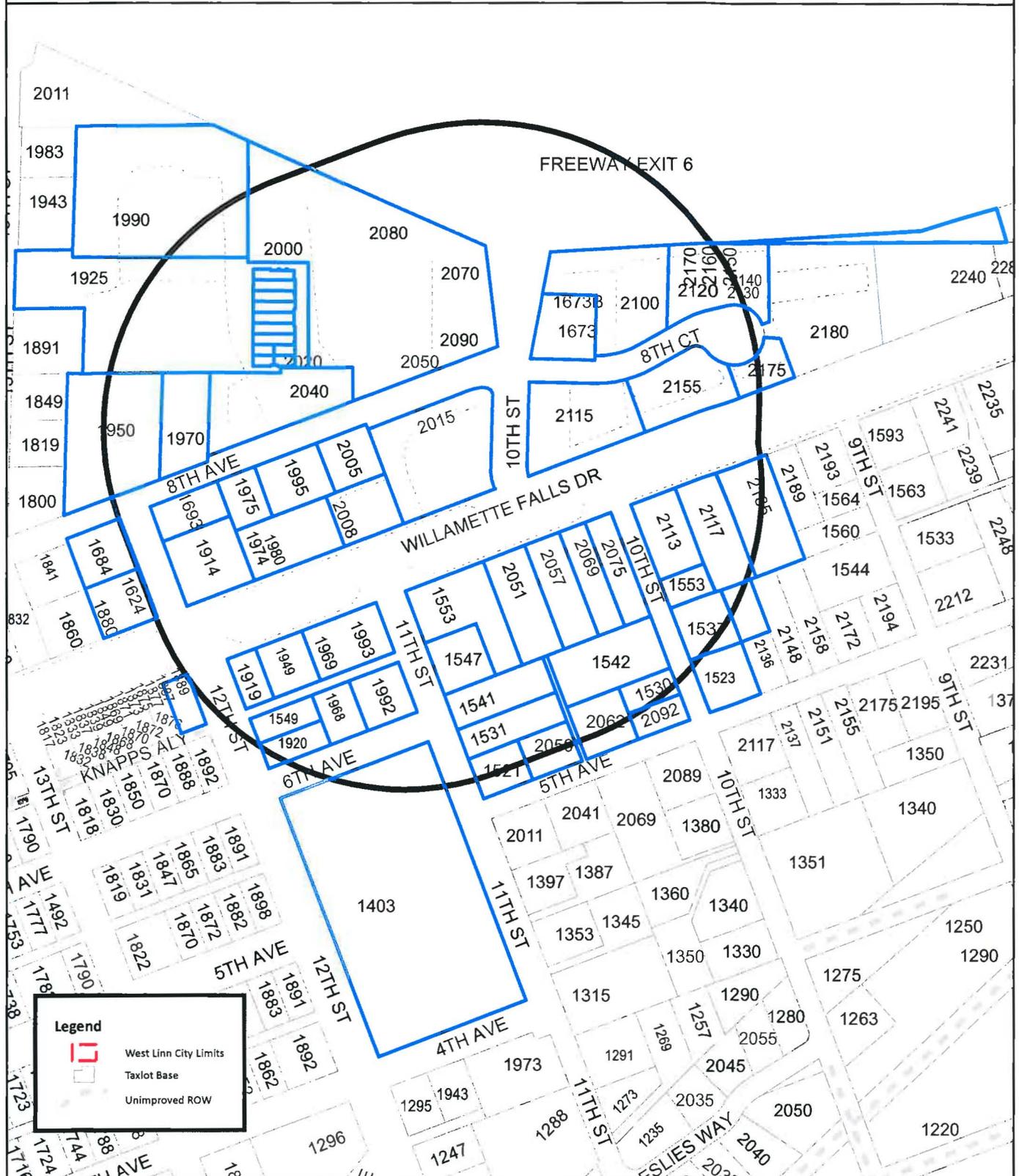
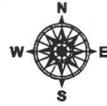
The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/2015-8th-avenue-conditional-use-and-design-review-music-based-community-center>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov), or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. 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 presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. 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.

SHAUNA SHROYER  
Planning Administrative Assistant

p:\devrvw\projects folder\projects 2012\CUP-12-05 Youth Music Project\notice-12-05

# 2015 8th Avenue 500' Buffer



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: Clackamas County GIS

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 3-24-2011

User Name:  
Map Creation Date: Nov 08, 2012

ANDERSON IRENE  
1693 12TH ST  
WEST LINN, OR 97068

B & F PROPERTIES II LLC *Returned*  
2014 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

BARNES NORMAN CHARLES &  
DONNA EVELYN  
1542 10TH ST  
WEST LINN, OR 97068

BECKER KIRK & CLAIRE  
25120 SW PETES MOUNTAIN RD  
WEST LINN, OR 97068

BLANC-GONNET MARIA LUISA  
2057 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

BROWN IAN & AUDRA  
5111 SE GLEN ECHO AVE  
MILWAUKIE, OR 97267

CITY OF WEST LINN  
22500 SALAMO RD #600  
WEST LINN, OR 97068

CUSTER MICHAEL W & MICHAL S  
2185 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

DAR-BON LLC  
149 SHYRINA CT N  
KEIZER, OR 97303

DRURY JAMES TRAVIS  
2092 5TH AVE  
WEST LINN, OR 97068

DUNNINGTON LIZABETH T  
2136 5TH AVE  
WEST LINN, OR 97068

ELLIOTT ASSOCIATES INC  
901 NE GLISAN ST  
PORTLAND, OR 97232

FARZA JAVAD & MAFAR ZAHRA  
7110 SW CLINTON  
TIGARD, OR 97223

FISHER PROPERTIES LLC  
PO BOX 823210  
VANCOUVER, WA 98682

GREENTREE ENTERPRISES INC  
8655 SW CITIZENS DR STE 201  
WILSONVILLE, OR 97070

GUELETTE LEE  
1553 10TH ST  
WEST LINN, OR 97068

HANDRIS EDWARD & TERESA M  
2008 WILLAMETTE FALLS DR #B  
WEST LINN, OR 97068

HANDRIS HOLDINGS LLC  
1980 WILLAMETTE FALLS DR #200  
WEST LINN, OR 97068

HELLEMS MATTHEW C & SARAH S  
1523 10TH ST  
WEST LINN, OR 97068

JAMES BEN & MARKI  
1530 10TH ST  
WEST LINN, OR 97068

JOHN GALT HOLDINGS LLC  
3857 SOUTH HAMPTON CT  
WEST LINN, OR 97068

LASKI VINCENT  
2050 5TH AVE  
WEST LINN, OR 97068

LAWRENCE DAVID J  
1553 11TH ST  
WEST LINN, OR 97068

LOVE ROBERT W  
20321 NOBLE LN  
WEST LINN, OR 97068

MARCUS PAUL H & KARIN  
2062 5TH AVE  
WEST LINN, OR 97068

MATTHIES KENNETH E & MARGARET M  
1531 11TH ST  
WEST LINN, OR 97068

MOLES CLEMENT C JR & PATRICIA A  
1995 8TH AVE  
WEST LINN, OR 97068

MOON GARY C & LAUREL A  
1537 10TH ST  
WEST LINN, OR 97068

MORTON DON R & CYNTHIA SUE  
1970 8TH AVE  
WEST LINN, OR 97068

OBRIEN PETER X  
1547 11TH ST  
WEST LINN, OR 97068

PACIFIC WEST BANK  
2040 8TH AVE  
WEST LINN, OR 97068

PAKULA JENNY & SCOT GELFAND  
2500 CRESTVIEW DR  
WEST LINN, OR 97068

PETER JIMMY A & PAULA A  
1521 11TH ST  
WEST LINN, OR 97068

POTTER DONNA KAY & KENNETH C  
22841 SW STAFFORD RD  
TUALATIN, OR 97062

POWELL RONALD W TRUSTEE  
12296 S CARUS RD  
OREGON CITY, OR 97045

REIM PAUL E & YARROW N CURRIE  
1541 11TH ST  
WEST LINN, OR 97068

SCHARBACK RAYMOND & NANCY  
2113 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

SECCHI ALBERT J JR & LAURA M  
1920 6TH AVE  
WEST LINN, OR 97068

SFP-F LLC  
PO BOX 5350  
BEND, OR 97708

SLOMA PAUL L & ETHEL V  
1992 6TH ST  
WEST LINN, OR 97068

TAMER WILLAMETTE LLC  
3560 SW TROY ST  
PORTLAND, OR 97219

TEKANDER ALBERT TRUSTEE  
465 SW BORLAND RD  
WEST LINN, OR 97068

VPC-OR WEST LINN LIMITED  
PARTNERSHIP  
125 SIR FRANCIS DRAKE BLVD 3RD FL  
LARKSPUR, CA 94939

WALSH DONALD R & ELIZABETH E  
2069 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

WEST LINN-WILS SCH DIST #3J  
22210 SW STAFFORD RD  
TUALATIN, OR 97062

WILLAMETTE FALLS ENTRPS LLC  
1919 WILLAMETTE FALLS DR  
WEST LINN, OR 97068

WILLAMETTE FALLS HOLDINGS LLC  
1980 WILLAMETTE FALLS DR #200  
WEST LINN, OR 97068

WEST LINN CHAMBER OF  
COMMERCE  
1745 WILLAMETTE FALLS 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

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

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

ANTHONY BRACCO  
ROBINWOOD NA PRESIDENT  
2716 ROBINWOOD WAY  
WEST LINN OR 97068

KEN PRYOR  
SAVANNA OAKS NA VICE PRES  
2119 GREENE ST  
WEST LINN, OR 97068

ED SCHWARZ  
SAVANNA OAKS NA PRESIDENT  
2206 TANNLER DR  
WEST LINN OR 97068

TRACY GILDAY  
SKYLINE RIDGE NA PRESIDENT  
1341 STONEHAVEN DR  
WEST LINN OR 97068

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

BETH SMOLENS  
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

CHARLES LEWIS  
MARIE LANFROM CHARITABLE  
FOUNDATION  
2040 8<sup>TH</sup> AVE, STE 202  
WEST LINN, OR 97068

THATCH MOYLE  
CARDNO-WRG  
5415 SW WESTGATE DR, STE 100  
PORTLAND, OR 97221

ODOT REGION 1  
DEVELOPMENT REVIEW  
123 NW FLANDERS  
PORTLAND OR 97209-4307

TRI-MET  
PROJECT PLANNING DEPT  
710 NE HOLLADAY  
PORTLAND, OR 97232

**MAILED**  
11-13-12 SS

**CITY OF WEST LINN  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
FILE NO. CUP-12-05/DR-12-18**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday December 5, 2012, **starting at 7:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Conditional Use and Class I Design Review for a music-oriented youth community center with accessory retail and café uses at 2015 8<sup>th</sup> Avenue (Tax Lot 100 of Clackamas County Assessor's Map 3-1E-02BA). No changes are proposed to the site or building, but these uses are conditional uses in the Mixed Use zone. Therefore the proposal requires a Conditional Use approval, and any Conditional Use approval requires a Design Review approval as well per Community Development Code (CDC) Section 60.030(B).

Conditional Use criteria are found in Chapter 60 of the CDC. Criteria for Design Review are found in Chapter 55. 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.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/2015-8th-avenue-conditional-use-and-design-review-music-based-community-center>, 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. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov), or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. 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 presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. 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.

SHAUNA SHROYER  
Planning Administrative Assistant

Publish: West Linn Tidings November 22, 2012



CITY OF  
**West Linn**

November 7, 2012

Charles Lewis  
Marie Lamfrom Charitable Foundation  
2040 8<sup>th</sup> Ave., Ste. 202  
West Linn, OR 97068

SUBJECT: CUP-12-05/DR-12-18

Dear Mr. Lewis:

You submitted this application on October 17, 2012. Planning and Engineering staff found the submittal to be complete on November 7, 2012.

The City now has 120 days (until March 7, 2013) to exhaust all local review per state statute. The application has been tentatively scheduled for a Planning Commission hearing on December 5, 2012. At least 20 days before the hearing you will be sent a copy of the hearing notice.

Please contact me at 503-742-8660, or by email at [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Soppe', is written over a horizontal line.

Tom Soppe  
Associate Planner

c: Thatch Moyle, Cardno WRG, 5415 SW Westgate Dr., Ste. 100, Portland, OR 97221

P: development review\projects folder\projects 2012\CUP-12-05 Youth Music Project\comp-CUP-12-05

**MAILED**  
11-7-12

# **EXHIBIT PC-4 THROUGH PC-6**

## **GRANTING OF WAIVER**

## **REQUEST FOR WAIVER**

## **APPLICANT'S SUBMITTAL**

**FILE NUMBER:** CUP-12-05/DR-12-18

**REQUEST:** **CONDITIONAL USE PERMIT AND CLASS I DESIGN  
REVIEW FOR YOUTH MUSIC COMMUNITY CENTER  
AND RELATED RETAIL AND CAFÉ ACCESSORY USES  
AT 2015 8<sup>TH</sup> AVENUE**





# CITY OF West Linn

## For staff report CUP-12-05/DR-12-18:

### Waiver for requirement of Subsection 99.038(E)(5) for above file.

The below staff findings regard the requested waiver from the requirement of Subsection 99.038(E)(5) by the applicant, requested under the provision of Section 99.035(B).

#### **Finding 1:**

As a Conditional Use application, a neighborhood meeting is required per Section 99.038 which states, in part: "Prior to submittal of an application for any... conditional use permit... the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section."

#### **Finding 2:**

As shown in the applicant's submittal, the neighborhood meeting with Willamette Neighborhood Association (WNA), within whose boundaries the site lies, occurred and was properly noticed to the satisfaction of the provisions of Section 99.038. With the exception of the requirement of Subsection 99.038(E)(5), which requires the applicant to submit an audiotape of the meeting, the applicant has provided all materials required for submittal by Section 99.038(E).

#### **Finding 3:**

The applicant has provided minutes of the meeting produced by WNA per the requirement of Subsection 99.038(E)(4). The minutes show that there was not major controversy among WNA members regarding the potential application, or disagreement with the applicant's concept for the potential application. The minutes also show that the WNA members in attendance voted unanimously in favor of a motion to support the potential application.

#### **Finding 4:**

The WNA minutes provide sufficient content regarding the discussion, presentation, and related vote regarding the application at the neighborhood meeting. Therefore an audiotape is not needed to discern the general content of the discussion that occurred.

**Finding 5:**

Neither the applicant nor the WNA made an audiotape recording of the meeting. Upon learning that the submittal of an audiotape was a requirement, the applicant has requested a waiver (see attached) from the requirement of Subsection 99.038(E)(5), under the provision of Section 99.035(B). Section 99.035(B) states, in part, the following:

The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard subject to the provisions of subsection C of this section provided:

1. The Planning Director finds that specific information is not necessary to properly evaluate the application;

As discussed in Finding 4 above, the submittal of the WNA meeting minutes renders the submittal of a WNA meeting audiotape recording unnecessary to properly evaluate the application.

Therefore, concluding from the staff findings above, I grant the requested waiver of the requirement of Subsection 99.038(E)(5) under the provisions of Section 99.035(B).

  
\_\_\_\_\_  
JOHN SONNEN, PLANNING DIRECTOR

  
\_\_\_\_\_  
DATE

P:\development review\projects folder\projects 2012\cup-12-05 youth music project\waiver

## Soppe, Tom

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**From:** Thatch Moyle [Thatch.Moyle@cardnowrg.com]  
**Sent:** Wednesday, October 31, 2012 4:07 PM  
**To:** Soppe, Tom  
**Subject:** Request for waiver of audiotape requirement....  
**Attachments:** WNA Minutes 10-10-2012.doc

Tom—This email is a formal request to permit a waiver of the requirement to provide an audio recording of the neighborhood meeting, as established under CDC 99.038(E)(5). This waiver is permitted per CDC 99.035(B), whereby "The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard..."

All other items required for submittal have been provided to the City of West Linn and the proposed Youth Music Project Conditional Use Permit was unanimously supported by the Willamette Neighborhood Association. A copy of the meeting minutes is provided in this email as supporting evidence.

Regards,

**Thatch Moyle**  
SENIOR PLANNER  
CARDNO



Phone (+1) 503-419-2500 Fax (+1) 503-419-2600 Direct (+1) 503-419-2520  
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Email [thatch.moyle@cardno.com](mailto:thatch.moyle@cardno.com) Web [www.cardno.com](http://www.cardno.com)

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# Willamette Neighborhood Association

Willamette Neighborhood Association (WNA)

Pacific West Bank - Willamette Marketplace

Date: October 10, 2012

Call to order: 7:05pm

Attendance: Beth Smolens – WNA Chair; Elizabeth Hall – WNA Secretary; Elizabeth Rocchia - WNA Treasurer, Julia Simpson - WNA Vice President, Gene Schwartz, Toni Layoun, Michael Layoun, Andy Rocchia, Jenni Tan, Shannen Knight, Michael Cerbone, Charles Lewis, John Kovash, Ron LeBlanc, Kate LeBlanc, Gail Holmes (Gail removed herself during the Youth Music Project Presentation)

## Treasurer's Report

WNA Account at US Bank: Balance \$3,518.42

Yoga 1614.25

LHT 1331.77

WNA 562.30

WNA Account at Pacific West: Balance \$936.96

## AGENDA

### Guest Speakers:

#### **Mayor: John Kovash**

Brief Summary: focusing attention on West Linn's water pipes and educating public on the need for repair/replacement of the damaged, 100 year old infrastructure. Pipes are lined with sediment, rusting, breaking. Focusing attention on economic development, defining function of the new economic development director's role.

- West Linn's has geographical challenges for businesses
- Taking time for understanding West Linn- "tailoring our strategy"
- No industrial base-looking at realistic economic development goals
- Provide resources to teach business owners how to be successful
- Considering a task force to help locate businesses in compatible locations

#### **City Councilor: Jenni Tan**

Brief Summary: Focusing attention on economic development:

- Becoming "business friendly"
- Welcome Committee- Local bankers welcoming them, Neighborhood Associations
- Online Resources - Forms
- Goals: business retention/expansion
- Highway 43- area around the OC Bridge could be important commercial center both WL and Oregon City expressed interest in a coordinated plan
- Regulatory Incentives

# Willamette Neighborhood Association

- Coordination and Development
- NAP=Neighborhood Association Presidents Group – developing consistency among NAs- NAs are the first form of government- businesses can and should be encouraged to participate

## **Youth Music Project: Michael Cerbone and Charles Lewis**

Youth Music Project - Music Education Program

Brief Summary:

Foundation funding behind the project provides financial support for scholarships and tuition assistance for kids to learn music and to play an instrument. Focus is on contemporary Country, Rock music for multiple age levels throughout school. Instruments generally not taught in school music programs such as electric guitar, drums, base. Future expansion to include dance is being considered. Building is ideal for this use with small and large classrooms and large theater area for performances.

Building sold as current tenants are relocating to their larger building in Wilsonville  
No changes proposed to the building currently-possibly will add acoustical building materials and soundproofing.

Registration showed 225 children interested (more than expected)

WNA members expressed enthusiasm for the new use.

## **Motion: WNA supports the Conditional Use Permit Process for the Youth Music Project. Unanimous acceptance of motion.**

## **Major Candidate: Ron LeBlanc and Kate LeBlanc**

Brief Summary:Water pipe issue- increase in the water bill? How important is it?

Infrastructure is integral. Ex. Fire at the high school. Not enough water pressure to reach the top of the upper levels of school.

Main reason for running for major, involved in the community. But not involved in government yet, so decided to get involved.

Would like to see honesty and transparency.

## **New Business:**

## **Willamette Halloween Event: Sarah Colarchik**

Brief Summary: Sachi Wellness Center- Started with Haunted House in 2005

Oregon City Program Examples- Wizards of Willamette

This year is Rock n' Roll theme

## **Motion: WNA to give Sachi Wellness Center \$125 for the Halloween Event -'Old Town Haunt'. Unanimous acceptance of motion.**

**Elizabeth Rocchia to discuss art work going in at Field's Bridge Park:**

# Willamette Neighborhood Association

Committee met for Ben Dye - Installed 22nd at 6pm in the park. A metal sculpture of a Blue Heron from all recycled materials.

## **Bridge Event:**

Willamette Falls Festival 2012- 16 page insert in local newspapers (Oct. 13th & 14th)  
Toni and Michel Layoun on WNA will be renewing wedding vows at 1:00 pm

## **Old Business:**

**Police Station:** Demolition under way. Protective fence and asbestos abatement currently.

**WLHT:** funds to be made separate using a free business account.

**Andy Rocchia** -what is happening to house down at fields bridge park? Beth will bring this up with Ken at the City.

Meeting adjourned: 8:40.

*Respectfully Submitted with Assistance,  
Elizabeth Hall*

**MEMORANDUM**



**Shaping the Future**

To: Tom Soppe, Associate Planner  
City of West Linn

From: Thatch Moyle, AICP

Date: November 20, 2012

Project: Youth Music Project—Conditional Use approval for music center  
CardnoWRG#: 21200370  
Re: Memo to request that parking stalls and concrete curb be retained

5415 SW Westgate Drive  
Suite 100  
Portland, Oregon 97221  
USA

Phone (503) 419-2500  
Fax (503) 419-2600

[www.cardnowrg.com](http://www.cardnowrg.com)

Tom— This memo is provided as supporting evidence to request that the (3) existing parking stalls and concrete barrier be maintained across the former vehicle access aisle located at the western portion of the parking area. This drive aisle, which was included in the Site Plan submitted with the Conditional Use Permit for Youth Music Project, was modified sometime between the time of the previous CUP approval for the call center (January 2012) and today. Youth Music Project had no knowledge of this alteration, but as noted by the previous tenant, the access aisle did present a hazard for pedestrians and vehicle users walking from the parking area to the church property. As a result, Youth Music Project has requested that the parking stalls and concrete barrier be maintained in place in order to limit vehicle traffic passing into and through the site. This claim is further supported based on the fact that young children and families will be the primary visitors to the Youth Music Project facility.

A response to the code-specific sections follows below:

**46.140 EXEMPTIONS TO PARKING REQUIREMENTS**

To facilitate the design requirements of Chapter 58 CDC, properties in the Willamette Falls Drive Commercial District/Overlay Zone, located between 10th and 16th Streets, shall be exempt from the requirements for off-street parking as identified in this chapter. Any off-street parking spaces provided shall be designed and installed per the dimensional standards of this code. (Ord. 1463, 2000)

**Response:** As this site is within the Willamette Falls Drive Commercial District overlay, this site is exempt from the requirement for off-street parking. The request to maintain the concrete barrier will add (3) additional parking spaces to the site. The parking area update is reflected in the updated Site Plan, enclosed with this memo.



#### 46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

4. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

Response: This memo is a request to eliminate a service drive into the site, as the drive was not providing maximum safety to pedestrians and vehicular traffic on the site. Also, with consideration for the children and families that will be using the site, the applicant requests that this service drive be eliminated. Safe and efficient service drives are provided on both the north and south end of the site, accessing 8<sup>th</sup> Avenue and Willamette Falls Drive.

9. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.

Response: This memo is a request to eliminate a secondary access drive into the site. Safe and efficient service drives are provided on both the north and south end of the site, accessing 8<sup>th</sup> Avenue and Willamette Falls Drive. These two access drives provide safe levels of service for the anticipated levels of traffic, thus meeting the requirement that, "access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic". The already-installed concrete barrier and parking stalls will work as a barrier to restrict vehicles from accessing the site from the west.

#### 48.025 ACCESS CONTROL

- A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the City. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and



use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

**Response:** The applicant is aware of the access control standards defined by code and has provided safe and sufficient access into and through the site via the two driveways provided on 8<sup>th</sup> Avenue and Willamette Falls Drive. The primary reason for the request to eliminate the secondary access into the site from the west is the issue of safety for both pedestrians and vehicles. Sufficient levels of service will not be compromised by limiting this secondary access.

**B. Access control standards.**

3. **Access options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.
  - c) **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section.

**Response:** Vehicle access is provided into the site from 8<sup>th</sup> Avenue and Willamette Falls Drive, two public streets that are directly adjacent to the development parcel. The applicant is requesting that the secondary access aisle located along the western property be eliminated, in order to increase both pedestrian and vehicle safety for users of the Youth Music Project facility. As already addressed in the CUP submittal, street accesses do comply with the access spacing standards in subsection (B)(6) of this section.

**48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES**

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

- A. Service drives for non-residential uses shall be fully improved with hard surface pavement:
  1. With a minimum of 24-foot width when accommodating two-way traffic; or
  2. With a minimum of 15-foot width when accommodating one-way traffic.  
Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
  3. Meet the requirements of CDC [48.030\(E\)\(3\)](#) through (6).



**Response:** There are 24-foot service drive aisles located on-site, that provide direct access to 8<sup>th</sup> Avenue and Willamette Falls Drive. The applicant is requesting that the secondary access aisle located along the western property be eliminated, in order to increase both pedestrian and vehicle safety for users of the Youth Music Project facility. As already addressed in the CUP submittal, street accesses do comply with the requirements of CDC 48.030(E)(3-6).

B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC [48.030\(A\)](#). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

**Response:** This non-residential use is served by two service drives that provide convenient and safe access to the property. A secondary service drive into the site is proposed to be eliminated, as that aisle does not provide safe access to the property.

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC [46.130](#).

**Response:** The applicant is aware of this provision and will maintain safe and convenient access drives pursuant to CDC 46.130.

### **CONCLUSION**

As demonstrated in this memo, the applicant is requesting that the existing secondary access into the site be eliminated in order to insure safe and convenient access for both pedestrians and vehicles. The existing access points from 8<sup>th</sup> Avenue and Willamette Falls Drive do provide more-than-adequate access into the site and maintain levels of service that meet the needs of the Youth Music Project facility. Therefore, the applicant is requesting approval of the concrete barrier and (3) parking stalls as they are already installed.



**LEGEND**

---	- EXISTING ROW LINE
.....	- EXISTING 2' CONTOUR
.....	- EXISTING 10' CONTOUR
---	- EXISTING STRIPING
---	- EXISTING BUILDING LINE
---	- PROPOSED IMPROVEMENTS LINE
▲	- EXISTING LIGHT
●	- PROPOSED LIGHT

**SITE INFORMATION**

TOTAL SITE AREA:	40,908 SF (.939 AC)
TOTAL LANDSCAPED AREA:	6,000 SF (14.67%)

**PARKING INFORMATION**

STANDARD PARKING STALLS:	43
HANDICAP PARKING STALLS:	3
COMPACT PARKING STALLS:	0
TOTAL PARKING STALLS:	46
BICYCLE PARKING:	PROVIDED INSIDE BUILDING

- SITE INFORMATION**
- SLOPE ANALYSIS: ALL SLOPES ON SITE ARE LESS THAN 15%
  - FLOOD PLAIN: N/A
  - NEW PLANT MATERIAL: NONE
  - NEW SIGNS: LEFT TURN ONLY (SEE PLAN)
  - GROUND WATER DEPTH: 25-32"
  - LANDSLIDE AREAS: NONE
  - EROSION POTENTIAL: SLIGHT EROSION POTENTIAL PER NRCS WEB SOIL SURVEY
  - WETLANDS/MARSH AREAS: NONE
  - WILDLIFE HABITAT AREAS: NONE
  - LARGE ROCK OUTCROPPINGS: NONE

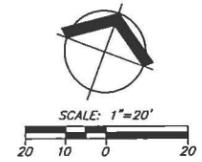
**OWNER INFORMATION**

MARIE LAMFROM CHARITABLE FOUNDATION  
 2040 8TH AVENUE, SUITE 202  
 WEST LINN, OR 97068  
 (503)-616-5967, EXT 101



**SITE PLAN  
 YOUTH MUSIC PROJECT  
 MARIE LAMFROM CHARITABLE FOUNDATIONS  
 WEST LINN, OREGON**

PROJECT NO.:	21209370
DATE:	11/20/2012
DESIGNED BY:	SCG
DRAWN BY:	SCG
CHECKED BY:	MAC



**PROP. SITE  
 PLAN  
 C-100**

## Soppe, Tom

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**From:** Thatch Moyle [Thatch.Moyle@cardnowrg.com]  
**Sent:** Thursday, November 01, 2012 11:41 AM  
**To:** Soppe, Tom  
**Subject:** RE: Request for waiver of audiotape requirement....  
**Attachments:** 21200370-CUP AddtlResponses-2012-11-01.docx

Thanks for the heads-up Tom. I have attached a memo that includes individual responses to the CDC Sections 60.070(A)(1-7). Let me know if/when Engineering has any completeness issues.

--Thatch

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**From:** Soppe, Tom [<mailto:tsoppe@westlinnoregon.gov>]  
**Sent:** Wednesday, October 31, 2012 4:33 PM  
**To:** Thatch Moyle  
**Subject:** RE: Request for waiver of audiotape requirement....

Thatch,

Thanks.

Engineering still has to get through their completeness review, which may be that they find nothing incomplete per their concerns unless they have any concerns about the traffic study materials. As for my completeness review, the audiotape was my only completeness item except for a few 60.070(A) sections. Specifically it seemed your response to 60.070(A) addressed all of the sections of that section except for 2, 3, 4, and 7. If you wanted to prepare a response to those to send to me, that would be the only other completeness item for Planning.

Tom

**CITY OF**  
**West Linn**

Tom Soppe  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd  
West Linn, OR 97068  
P: (503) 742-8660  
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**From:** Thatch Moyle [<mailto:Thatch.Moyle@cardnowrg.com>]  
**Sent:** Wednesday, October 31, 2012 4:07 PM  
**To:** Soppe, Tom  
**Subject:** Request for waiver of audiotape requirement....

Tom—This email is a formal request to permit a waiver of the requirement to provide an audio recording of the neighborhood meeting, as established under CDC 99.038(E)(5). This waiver is permitted per CDC 99.035(B), whereby "The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard..."

**MEMORANDUM**



**Shaping the Future**

To: Tom Soppe, Associate Planner  
City of West Linn

From: Thatch Moyle, AICP

Date: November 1, 2012

Project: Youth Music Project—Conditional Use approval for music center  
CardnoWRG#: 21200370  
Re: Response to incomplete CDC responses

5415 SW Westgate Drive  
Suite 100  
Portland, Oregon 97221  
USA

Phone (503) 419-2500  
Fax (503) 419-2600

[www.cardnowrg.com](http://www.cardnowrg.com)

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Tom— Per your email dated October 31, 2012, I am providing responses to CDC Section 60.070(A). The original submittal included a general response to all items 60.070(A)(1-7). This memo addresses each subsection with a response provided after each section.

**60.070 APPROVAL STANDARDS AND CONDITIONS**

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC [36.030](#), or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:
  - a. Adequate area for the needs of the proposed use; and
  - b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

**Response:** The existing Church site does provide adequate area for the needs of the proposed Youth Music Project facility, as the Church does have multiple classroom spaces, as well as a central stage for concert events. This CUP request is simply for the change in use to allow a community music center and its supporting uses. There are no exterior modifications to either the building or surrounding site. Therefore, there are no proposed changes to the aesthetic design treatment to mitigate any possible adverse effects from the Youth Music Project use.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

**Response:** The applicant is proposing no changes to the characteristics of the site. There are no proposed changes to the size, shape, location, topography, or natural features of the site. The site, as is, is suitable for the proposed Youth Music Project facility.



3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

**Response:** The granting of the proposed conditional use permit will provide for a facility that will draw students and family to the Willamette Falls district, inherently creating a greater sense of place and providing additional “consumers” to serve the adjacent retail and commercial services. There will be no detrimental impact to the surrounding properties and neighborhoods and as shown in the attached transportation demand management strategy, vehicle trips to the site will be limited during peak travel times. This proposal was presented to the Willamette Neighborhood Association and the WNA responded with unanimous support for the Youth Music Project proposal to relocate to West Linn. A copy of the meeting minutes is provided with this application.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy.

**Response:** There are no proposed changes to the existing public facilities that currently provide service to the property. However, the applicant is addressing traffic congestion by presenting a transportation demand management strategy, whereby vehicle trips to the site will be limited during peak hour travel times.

5. The applicable requirements of the zone are met, except as modified by this chapter.

**Response:** As demonstrated by the narrative responses to the pertinent CDC sections, all other requirements of the zone are met. The conditional use permit is requested to allow a mix of community music center uses within the building.

6. The supplementary requirements set forth in Chapters [52](#) to [55](#) CDC, if applicable, are met.

**Response:** The supplementary requirements applicable to this proposal include Section from CDC Chapters 54 and 55. The requirements are included with the original application and narrative responses are provided.

7. The use will comply with the applicable policies of the Comprehensive Plan.

**Response:** The proposed Youth Music Project community music center will comply with the applicable policies of the Comp Plan. Specifically, the project has addressed the following goals and policies outlined in the Comp Plan:

- Goal 1—Citizen involvement. Project was presented to the WNA.



- Goal 2—Land Use Planning. This project represents a mixed commercial use **that will enhance the community's identity**
- Goal 9—Economic Development. By siting a community music center adjacent to the Willamette Falls commercial center, it can be assumed that additional users will come to the area, whether for music lessons or to attend an evening concert held at the Youth Music Project site. These visitors will likely use the local commercial and retail services, adding to the business revenue in the area.
- Goal 12—Transportation. By limiting peak trips through the proposed transportation demand management strategy, Youth Music Project is working to meet the goal of reducing congestion. Also, Youth Music Project will promote ride sharing, bicycle transit, and use of the existing Tri-Met #154 bus line located at 11th Street and Willamette Falls Drive.

## Soppe, Tom

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**From:** Soppe, Tom  
**Sent:** Monday, October 22, 2012 1:51 PM  
**To:** 'Thatch Moyle'  
**Subject:** RE: Conditional use



Thanks Thatch,  
Tom

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**From:** Thatch Moyle [<mailto:Thatch.Moyle@cardnowrg.com>]  
**Sent:** Monday, October 22, 2012 1:46 PM  
**To:** Soppe, Tom  
**Subject:** RE: Conditional use

Tom—maximum students would be 75 at any given time. They are still determining internal layout and room designations, but potential for 8-9 classrooms.

---

**From:** Soppe, Tom [<mailto:tsoppe@westlinnoregon.gov>]  
**Sent:** Monday, October 22, 2012 1:14 PM  
**To:** Thatch Moyle  
**Subject:** Conditional use

Thatch,

Do you know the likely maximum amount of students at any given time that the center would serve, or the number of classroom-type rooms that are in the building? I am trying to get a feel for how many additional bicycle parking spaces might be needed, if any. There is no bicycle parking requirement officially since the overlay district is exempt from Ch. 46, but this might be something perceived to be needed for a youth-oriented conditional use.

Thanks

Tom

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**CITY OF**  
**West Linn**  
Tom Soppe  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd  
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**Soppe, Tom**

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**From:** Soppe, Tom  
**Sent:** Tuesday, October 30, 2012 8:46 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: WNA Meetings Minutes for Youth Music Project...  
**Attachments:** WNA Minutes 10-10-2012.doc



Shauna

The attached minutes are also part of the submittal for CUP-12-05. I will print them and put them in the folder, if you would put them online.

Thanks  
Tom

---

**From:** Thatch Moyle [<mailto:Thatch.Moyle@cardnowrg.com>]  
**Sent:** Tuesday, October 30, 2012 7:58 AM  
**To:** Soppe, Tom  
**Cc:** Michael Cerbone  
**Subject:** WNA Meetings Minutes for Youth Music Project...

Good morning Tom—we finally received the meeting minutes from the October 10<sup>th</sup> WNA meeting. As shown on the minutes, Michael Cerbone from Cardno and Charles Lewis, the Executive Director of Youth Music Project, both attended and did present background information both on the CUP process and the mission of Youth Music Project. A motion was heard and accepted to unanimously support the CUP process for Youth Music.

We have not been able to get audio of the meeting. Please let me know what steps we should take in order to request a waiver of this requirement.

Thanks Tom,

Thatch

**From:** WNA [<mailto:willametteneighborhood@gmail.com>]  
**Sent:** Monday, October 29, 2012 9:52 PM  
**To:** Thatch Moyle  
**Subject:** Re: Agenda

Dear Thatch, so verry sorry this took so long...vacations! got in the way. Here are the minutes.

On Tue, Oct 16, 2012 at 10:51 AM, Thatch Moyle <[Thatch.Moyle@cardnowrg.com](mailto:Thatch.Moyle@cardnowrg.com)> wrote:

Beth—thank you allotting time on the agenda for Michael and Charles Lewis last week. Based on feedback from Michael, it sounds like the proposed Youth Music Project community music center would be a welcomed tenant in the neighborhood. When you have a chance, could you please forward on the meeting minutes? We hope to include in our submittal package to the City. Also, I don't know if you all record the meetings, but we would love a copy of the audio if available.

Thanks for your time,

Thatch

**From:** WNA [mailto:[willametteneighborhood@gmail.com](mailto:willametteneighborhood@gmail.com)]

**Sent:** Tuesday, October 02, 2012 10:22 PM

**To:** Thatch Moyle

**Subject:** Agenda

## **WNA MEETING**

**Pacific West Bank**

**Willamette Marketplace**

**Wednesday, October 10, 2012**

**7 PM**

### **Agenda**

**Introductions**

**Minutes from**

**Treasurer's Report**

#### **1. Speakers- Mayor Candidates**

- a. John Kovash 7:15 pm
- b. Michael Cerbone 7:30 pm-Conditional Use Permit application for the Youth Music Project at the Willamette Falls Christian Church in downtown West Linn.
- c. Ron LeBlanc 8:00 pm

#### **2. New Business**

- a. Willamette Halloween Event- Sarah Colarchik

b. Bridge Event 10/13-10/14

- Bridge opening with WLHT Players performing on Saturday 10/13 at 11 AM and 2PM.

**3. Old Business**

**a. Police Station**

- The demolition of the houses at the police station site is expected to start on October 3.  
The contractor should be at the site installing a protective fence and doing asbestos abatement, now.

They will be using water to keep the dust down and will work standard City of West Linn construction work hours. The contractor expects to be done in 26 days. We have distributed fliers to nearby residences that include my contact information.

**b. WLHT update**

- Next year
- Funds
- Changes
- 

--  
Sincerely,

Beth Smolens, President

Willamette Neighborhood Association

--  
Sincerely,  
Beth Smolens, President  
Willamette Neighborhood Association

# Willamette Neighborhood Association



Willamette Neighborhood Association (WNA)  
Pacific West Bank - Willamette Marketplace  
Date: October 10, 2012

Call to order: 7:05pm

Attendance: Beth Smolens – WNA Chair; Elizabeth Hall – WNA Secretary; Elizabeth Rocchia - WNA Treasurer, Julia Simpson - WNA Vice President, Gene Schwartz, Toni Layoun, Michael Layoun, Andy Rocchia, Jenni Tan, Shannen Knight, Michael Cerbone, Charles Lewis, John Kovash, Ron LeBlanc, Kate LeBlanc, Gail Holmes (Gail removed herself during the Youth Music Project Presentation)

## Treasurer's Report

WNA Account at US Bank: Balance \$3,518.42  
Yoga 1614.25  
LHT 1331.77  
WNA 562.30  
WNA Account at Pacific West: Balance \$936.96

## AGENDA

### Guest Speakers:

#### **Mayor: John Kovash**

Brief Summary: focusing attention on West Linn's water pipes and educating public on the need for repair/replacement of the damaged, 100 year old infrastructure. Pipes are lined with sediment, rusting, breaking. Focusing attention on economic development, defining function of the new economic development director's role.

- West Linn's has geographical challenges for businesses
- Taking time for understanding West Linn- "tailoring our strategy"
- No industrial base-looking at realistic economic development goals
- Provide resources to teach business owners how to be successful
- Considering a task force to help locate businesses in compatible locations

#### **City Councilor: Jenni Tan**

Brief Summary: Focusing attention on economic development:

- Becoming "business friendly"
- Welcome Committee- Local bankers welcoming them, Neighborhood Associations
- Online Resources - Forms
- Goals: business retention/expansion
- Highway 43- area around the OC Bridge could be important commercial center both WL and Oregon City expressed interest in a coordinated plan
- Regulatory Incentives

# Willamette Neighborhood Association

- Coordination and Development
- NAP=Neighborhood Association Presidents Group – developing consistency among NAs- NAs are the first form of government- businesses can and should be encouraged to participate

## **Youth Music Project: Michael Cerbone and Charles Lewis**

Youth Music Project - Music Education Program

Brief Summary:

Foundation funding behind the project provides financial support for scholarships and tuition assistance for kids to learn music and to play an instrument. Focus is on contemporary Country, Rock music for multiple age levels throughout school. Instruments generally not taught in school music programs such as electric guitar, drums, base. Future expansion to include dance is being considered. Building is ideal for this use with small and large classrooms and large theater area for performances.

Building sold as current tenants are relocating to their larger building in Wilsonville  
No changes proposed to the building currently-possibly will add acoustical building materials and soundproofing.

Registration showed 225 children interested (more than expected)

WNA members expressed enthusiasm for the new use.

## **Motion: WNA supports the Conditional Use Permit Process for the Youth Music Project. Unanimous acceptance of motion.**

## **Major Candidate: Ron LeBlanc and Kate LeBlanc**

Brief Summary:Water pipe issue- increase in the water bill? How important is it?

Infrastructure is integral. Ex. Fire at the high school. Not enough water pressure to reach the top of the upper levels of school.

Main reason for running for major, involved in the community. But not involved in government yet, so decided to get involved.

Would like to see honesty and transparency.

## **New Business:**

## **Willamette Halloween Event: Sarah Colarchik**

Brief Summary: Sachi Wellness Center- Started with Haunted House in 2005

Oregon City Program Examples- Wizards of Willamette

This year is Rock n' Roll theme

## **Motion: WNA to give Sachi Wellness Center \$125 for the Halloween Event -'Old Town Haunt'. Unanimous acceptance of motion.**

**Elizabeth Rocchia to discuss art work going in at Field's Bridge Park:**

# Willamette Neighborhood Association

Committee met for Ben Dye - Installed 22nd at 6pm in the park. A metal sculpture of a Blue Heron from all recycled materials.

## **Bridge Event:**

Willamette Falls Festival 2012- 16 page insert in local newspapers (Oct. 13th & 14th)  
Toni and Michel Layoun on WNA will be renewing wedding vows at 1:00 pm

## **Old Business:**

**Police Station:** Demolition under way. Protective fence and asbestos abatement currently.

**WLHT:** funds to be made separate using a free business account.

**Andy Rocchia** -what is happening to house down at fields bridge park? Beth will bring this up with Ken at the City.

Meeting adjourned: 8:40.

*Respectfully Submitted with Assistance,  
Elizabeth Hall*

## Soppe, Tom

---

**From:** Soppe, Tom  
**Sent:** Monday, October 22, 2012 8:32 AM  
**To:** 'Thatch Moyle'  
**Subject:** RE: Meeting minutes from WNA for Youth Music Project...



Yes, both audio and minutes are needed per 99.038. Thanks for working on getting that.

Tom

---

**From:** Thatch Moyle [<mailto:Thatch.Moyle@cardnowrg.com>]  
**Sent:** Monday, October 22, 2012 7:56 AM  
**To:** Soppe, Tom  
**Subject:** Meeting minutes from WNA for Youth Music Project...

Good morning Tom!! We submitted the Youth Music Project CUP & Class I DR package last week, but we are still awaiting the meeting minutes from the Willamette Neighborhood Assoc meeting held Oct 10<sup>th</sup>. I will forward your way when I receive. Also, the application noted that audio from the meeting was required. Do we need to include? I believe that Beth Smolens was recording, but if meeting minutes will suffice that would be easier.

Thank you,  
Thatch

**From:** WNA [<mailto:willametteneighborhood@gmail.com>]  
**Sent:** Friday, October 19, 2012 8:49 PM  
**To:** Thatch Moyle  
**Subject:** Re: Agenda

Thatch, I did not forget you. I did not get the minutes yet. I will get them to you as soon as I get them.

Beth

On Tue, Oct 16, 2012 at 12:01 PM, WNA <[willametteneighborhood@gmail.com](mailto:willametteneighborhood@gmail.com)> wrote:  
Okay. I am expecting minutes very soon, today or tomorrow. We are excited about the music center coming to town.

On Tue, Oct 16, 2012 at 10:51 AM, Thatch Moyle <[Thatch.Moyle@cardnowrg.com](mailto:Thatch.Moyle@cardnowrg.com)> wrote:

Beth—thank you allotting time on the agenda for Michael and Charles Lewis last week. Based on feedback from Michael, it sounds like the proposed Youth Music Project community music center would be a welcomed tenant in the neighborhood. When you have a chance, could you please forward on the meeting minutes? We hope to include in our submittal package to the City. Also, I don't know if you all record the meetings, but we would love a copy of the audio if available.

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They will be using water to keep the dust down and will work standard City of West Linn construction work hours. The contractor expects to be done in 26 days. We have distributed fliers to nearby residences that include my contact information.

#### **b. WLHT update**

- Next year
- Funds
- Changes
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Sincerely,  
Beth Smolens, President  
Willamette Neighborhood Association

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Tom Soppe</i>	PROJECT NO(S) <i>CU-12-05 / DR-12-18</i>	
NON-REFUNDABLE FEE(S) <i>2600</i>	REFUNDABLE DEPOSIT(S) <i>4500</i>	TOTAL <i>7100 -</i>

**Type of Review** (Please check all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)                                  | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP) *                          | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses *                                |
| <input checked="" type="checkbox"/> Conditional Use (CUP) <i>4700-</i>     | <input type="checkbox"/> Lot Line Adjustment (LLA) */**                   | <input type="checkbox"/> Time Extension *                                |
| <input checked="" type="checkbox"/> Design Review (DR) <i>CLASS 1 2400</i> | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                                 | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities                | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)                           | <input type="checkbox"/> Pre-Application Conference (PA) */**             | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                             | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control             |   |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> 2015 8th Avenue West Linn, OR 97068	<b>Assessor's Map No.:</b> 31E02BA0
	<b>Tax Lot(s):</b> 0100
	<b>Total Land Area:</b> 0.94 acres

**Brief Description of Proposal:** CUP and Class I Design Review for a proposed music-based community center that will include group & private lessons, musical ensembles, & instructional day camps.

<b>Applicant Name:</b> Marie Lamfrom Charitable Foundation -- Charles Lewis <small>(please print)</small>	<b>Phone:</b> (503) 616-5967 ext 101
<b>Address:</b> 2040 8th Avenue, Suite 202	<b>Email:</b> charles@marielamfromcf.org
<b>City State Zip:</b> West Linn, OR 97068	

<b>Owner Name (required):</b> Marie Lamfrom Charitable Foundation -- Charles Lewis <small>(please print)</small>	<b>Phone:</b> (503) 616-5967 ext 101
<b>Address:</b> 2040 8th Avenue, Suite 202	<b>Email:</b> charles@marielamfromcf.org
<b>City State Zip:</b> West Linn, OR 97068	

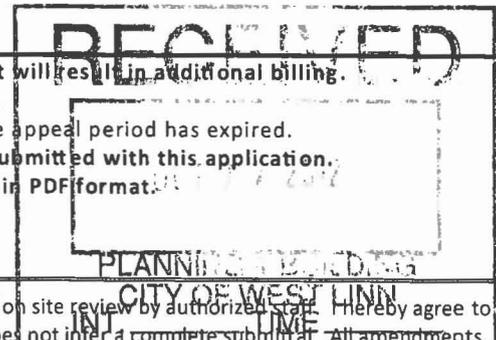
<b>Consultant Name:</b> Cardno WRG-- Thatch Moyle <small>(please print)</small>	<b>Phone:</b> (503) 419-2500
<b>Address:</b> 5415 SW Westgate Drive, Suite 100	<b>Email:</b> thatch.moyle@cardno.com
<b>City State Zip:</b> Portland, OR 97221	

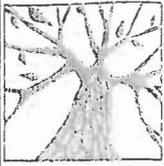
1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
 If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Charles Lewis</i>	<i>10/16/12</i>	<i>Charles Lewis</i>	<i>10/16/12</i>
Applicant's signature	Date	Owner's signature (required)	Date





CITY OF  
**West  
Linn**

www.westlinnoregon.gov/building

## TRANSACTION RECEIPT

Transaction ID: 3636  
Receipt Number: 2287

WEST LINN  
22500 Salamo Rd.  
West Linn, OR 97068  
503-656-4211

bldg@westlinnoregon.gov

Date: 10/17/2012

DESCRIPTION	ACCOUNT CODE	AMOUNT DUE	TRAN AMOUNT
Class I Design Review	DR	\$2,100.00	\$2,100.00
Conditional Use	RD	\$200.00	\$200.00
Conditional Use	RD	\$4,500.00	\$4,500.00
Planning Miscellaneous	PM	\$300.00	\$300.00
		<b>\$2600.00</b>	<b>\$7,100.00</b>

DATE	TYPE	PAYEE	PAYMENT AMOUNT	AMOUNT NOT ALLOCATED
10/17/2012	Check	YOUTH MUSIC PROJECT	\$7,100.00	\$0.00

**Comments:** CU-12-05 / DR-12-18  
CK#2074  
SITE: 2015 8TH AVE

YOUTH MUSIC PROJECT  
2040 8TH AVE STRE 202  
WEST LINN OR 97068  
503-616-5967

**\$7,100.00**

**\$0.00**

**TOTAL TRANSACTION AMOUNT: \$7,100.00**

**TRANSMITTAL**



**Shaping the Future**

To: City of West Linn Date: October 17, 2012  
 Attn: Tom Soppe Project: Youth Music Project  
22500 Salamo Road #1000 Project #: 21200370  
West Linn, OR 97068 Case/File#: \_\_\_\_\_  
 Fax #: \_\_\_\_\_ Total Pages: \_\_\_\_\_  
 From: Michael Cerbone

5415 SW Westgate Drive  
 Suite 100  
 Portland, Oregon 97221  
 USA

Phone: (503) 419-2500  
 Fax (503) 419-2600

[www.cardnowrg.com](http://www.cardnowrg.com)

Transmitting Via:  Messenger  Other: \_\_\_\_\_  
 Purpose:  For your use  Other: \_\_\_\_\_

Quantity	Description
3	24 x 36 Full-size Site Plan
3	CUP & Class I Design Review-- narrative & supporting exhibits
1	Signed original application
1	Check to cover deposit & final review for CUP & Class I DR

Comments:  
 Tom-- please review enclosed documents and let us know of any issues for completeness. We are awaiting the WNA meeting minutes & will forward to you via email when we receive.

Signature: \_\_\_\_\_

C:

PROJECT NAME: YOUTH MUSIC PROJECT  
FILE NUMBER: \_\_\_\_\_  
POST ON SITE NO LATER THAN: \_\_\_\_\_

**AFFIDAVIT OF MAILING NOTICE**

\*\*\*\*\*

I, THATCH MOYLE, being first duly sworn; say that I am (represent) the party submitting an application to the City of West Linn for a proposed CONDITIONAL USE PERMIT/CLASS 1 DESIGN REVIEW affecting land located at 2015 8TH AVENUE, and that pursuant to CDC 99.038 (Neighborhood Contact for CUP) or CDC 99.080 (Notice), and the guidelines set out by the Planning Director, did on the 31<sup>st</sup> day of AUGUST, 20 12, personally ~~post~~<sup>mail</sup> public notice(s). The notice(s) was (were) ~~posted~~<sup>mailed</sup> on or before the deadline date determined by City staff for this application.

**Sign and Date in the presence of a Notary Public.**

Signature: *Thatch Moyle*

Dated this 10 day of September, 20 12.

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 20 12.

*Kristi Crrippen*  
Notary Public for the State of Oregon

My Commission expires: 11-1-14



PROJECT NAME: YOUTH Music PROJECT  
FILE NUMBER: \_\_\_\_\_  
POST ON SITE NO LATER THAN: \_\_\_\_\_

**AFFIDAVIT OF POSTING NOTICE**

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**Sign and Date in the presence of a Notary Public.**

Signature: [Handwritten Signature]

Dated this 9/10/2012 day of September, 20 12.

Subscribed and sworn to before me this 10th day of September, 20 12.

[Handwritten Signature]  
Notary Public for the State of Oregon

My Commission expires: 11-1-14



# Youth Music Project

West Linn, Oregon

**An Application For:**  
Conditional Use Permit  
Class I Design Review  
Submitted October 17, 2012

Applicant:  
**Marie Lamfrom Charitable Foundation**  
2040 8<sup>th</sup> Avenue, Suite 202  
West Linn, OR 97068  
Phone: (503) 616-5967  
Contact: Charles Lewis

Prepared by:  
**Cardno WRG**  
5415 SW Westgate Drive, Suite 100  
Portland, Oregon 97221  
Phone: 503-419-2500  
Fax: 503-419-2600

21200370

**TABLE OF CONTENTS**

**I. INTRODUCTION..... 5**

    SUMMARY OF PROPOSAL ..... 6

    SURROUNDING USES..... 7

**II. WEST LINN COMMUNITY DEVELOPMENT CODE ..... 7**

**Chapter 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS ..... 7**

    46.010 PURPOSE ..... 7

    46.020 APPLICABILITY AND GENERAL PROVISIONS ..... 7

    46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS ..... 8

    46.100 PARKING REQUIREMENTS FOR UNLISTED USES..... 9

    46.120 DRIVEWAYS REQUIRED ON SITE..... 9

**Chapter 48 ACCESS, EGRESS AND CIRCULATION..... 10**

    48.010 PURPOSE .....10

    48.020 APPLICABILITY AND GENERAL PROVISIONS .....10

**Chapter 54 LANDSCAPING ..... 11**

    54.010 PURPOSE .....11

**Chapter 55 DESIGN REVIEW..... 11**

    55.010 PURPOSE AND INTENT – GENERAL .....11

    55.020 APPLICABILITY.....12

    55.030 ADMINISTRATION AND APPROVAL PROCESS .....12

    55.040 EXPIRATION OR EXTENSION OF APPROVAL .....13

    55.070 SUBMITTAL REQUIREMENTS.....13

    55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS .....15

    55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW .....15

    55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW .....16

    55.125 TRANSPORTATION ANALYSIS.....20

**Chapter 58..... 21**

**WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS ..... 21**

    58.010 PURPOSE .....21

    58.020 IMPLEMENTATION.....21

    58.030 APPLICABILITY.....22

**Chapter 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE . 22**

    59.010 PURPOSE .....22

    59.020 PROCEDURES AND APPROVAL PROCESS.....22

    59.060 CONDITIONAL USES .....23

59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS .....	23
59.080 ADDITIONAL USE REQUIREMENTS .....	25
59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES .....	25
59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS .....	25
<b>Chapter 60 CONDITIONAL USES .....</b>	<b>26</b>
60.010 PURPOSE .....	26
60.030 ADMINISTRATION AND APPROVAL PROCESS .....	26
60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL.....	26
60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE.....	26
60.060 APPLICATION .....	27
60.070 APPROVAL STANDARDS AND CONDITIONS .....	27
60.080 SITE PLAN AND MAP .....	29
<b>Chapter 66 NON-CONFORMING STRUCTURES .....</b>	<b>30</b>
66.010 PURPOSE .....	30
85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN .....	30
<b>CHAPTER 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL .....</b>	<b>32</b>
99.010 PURPOSE.....	32
99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS .....	32
<b>III. CONCLUSION .....</b>	<b>34</b>

**EXHIBITS**

Exhibit A	Conditional Use Permit & Class I Design Review Applications
Exhibit B	Site Plan
Exhibit C	Property Title Information
Exhibit D	Clackamas County Tax Assessors Map
Exhibit E	Transportation Assessment Memo
Exhibit F	Preapplication Conference Notes
Exhibit G	Neighborhood Meeting materials

# I. INTRODUCTION

## General Information

**Applicant:** Marie Lamfrom Charitable Foundation  
2040 8<sup>th</sup> Avenue, Suite 202  
West Linn, OR 97068  
Phone: (503) 616-5967  
Contact: Charles Lewis

**Property Owner** Marie Lamfrom Charitable Foundation  
2040 8<sup>th</sup> Avenue, Suite 202  
West Linn, OR 97068  
Phone: (503) 616-5967  
Contact: Charles Lewis

**Applicant's Representative** Cardno WRG  
5415 SW Westgate Drive; Suite 100  
Portland, Oregon 97221  
(503) 419-2500 phone  
(503) 419-2600 fax  
Contact: Thatch Moyle, AICP  
[thatch.moyle@cardno.com](mailto:thatch.moyle@cardno.com)

**Tax Lot Information:** Tax Lot 0100 on Map 31E02BA0

**Location:** NW Corner of Willamette Falls & 10<sup>th</sup> Street  
West Linn, Oregon

**Current Zoning Districts:** Mixed Use (MU)

**Project Site Area:** +/- 0.94 acres

## SUMMARY OF PROPOSAL

The applicant is seeking Conditional Use and Class I Design Review approval to allow a community music center that will provide a mix of music school-related uses all within the former call center and church located at Willamette Falls and 10<sup>th</sup> Street in West Linn. As proposed by the applicant, the building will be used for youth music instruction, including group lessons, private lessons, musical ensembles, and instructional day camps. There will also be accessory uses to include the selling of musical accessories (guitar strings, reeds, etc) and a cafe offering food and refreshments. There are no proposed additions or alterations to the existing building exterior or the surrounding site.

A conditional use permit is required to address the mix of uses, per West Linn CDC 59.060. Design Review approval is required with any Conditional Use approval per Section 60.030(B). Also, the site is within the Willamette Falls Drive Commercial Overlay Zone, which triggers review by the Historic Resources Advisory Board (HRAB) before a Planning Commission hearing. The applicant's representatives have also coordinated with the Willamette Neighborhood Association (WNA) and material from the October 10<sup>th</sup>, 2012 meeting is included with this submittal. It is important to note that at the meeting the WNA unanimously passed a resolution in support of the project.



## SURROUNDING USES

Table A: SURROUNDING LAND USE

<i>Location</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	General Commercial (GC)	Retail/Shopping Center
South	Mixed Use (MU)	Single Family Residential
East	General Commercial (GC)	Gas Station
West	Mixed Use (MU)/ General Commercial (GC)	Retail/Shopping Center

## II. WEST LINN COMMUNITY DEVELOPMENT CODE

### CHAPTER 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

#### 46.010 PURPOSE

The purpose of this chapter is to provide standards for the number and arrangement of off-street parking, loading, and reservoir areas. Most of these provisions relate to commercial, office, and industrial uses. Parking lot design has often been criticized for creating large expanses of paved areas, separating the business from the public street. That arrangement makes it less attractive for pedestrians to access these buildings. The challenge is balancing the business community's desire for ample visible parking to attract prospective customers with the community interest of encouraging safe, non-vehicular access, minimizing the visual impact of parking, and creating a more attractive streetscape and urban environment.

Most parking facilities in non-residential developments contain spaces which are infrequently used, available for the few days a year when parking is at a premium. For these spaces, permeable parking surfaces provide a suitable parking surface which can reduce surface runoff and increase water quality, as well as improve the aesthetic appearance of the parking lot. West Linn encourages the use of permeable parking surfaces in appropriate situations. (Ord. 1463, 2000)

**Response:** The applicant is aware of the purpose of off-street parking, loading, and reservoir areas. There are no proposed changes to the existing parking areas associated with this project.

#### 46.020 APPLICABILITY AND GENERAL PROVISIONS

A. At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone, off-street parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.

**Response:** The applicant is aware of the applicability and general provisions of off-street parking, loading, and reservoir areas. There are no proposed changes to the existing parking area associated with this project. Furthermore, per CDC 46.140, this project is within the Willamette Falls Drive Commercial Overlay District, which exempts commercial properties in the overlay from the minimum parking space requirements.

B. The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

**Response:** The applicant is aware that the maintenance requirements for off-street parking and loading areas are the continuing obligation of the property owner. There are no proposed changes to the existing parking area associated with this project.

C. No building or other permit shall be issued until plans are approved that show the property that is and will remain available for exclusive use as off-street parking and loading space as required by this chapter. The use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.

**Response:** The applicant is aware of the off-street parking and loading space commitment throughout the duration of property use and ownership. This provision is met.

D. Required parking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC 46.150. (Ord. 1463, 2000)

**Response:** The applicant is aware of the applicability and general provisions of off-street parking, loading, and reservoir areas. There are no proposed changes to the existing parking area associated with this project. Furthermore, per CDC 46.140, this project is within the Willamette Falls Drive Commercial Overlay District, which exempts commercial properties in the overlay from the minimum parking space requirements. As shown on the Site Plan, the stalls provided do meet the minimum dimensional requirements.

**46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS**

B. Public and semi-public buildings/uses.	
9. Youth center or community center.	One space per 200 square feet of covered floor area and drop-off facilities where required by CDC 46.120. Youth center or community center.

F. Maximum parking. While it is important to establish minimum standards to ensure that adequate parking is available, it is equally important to establish maximum parking standards to reduce paved impermeable areas, to reduce visual impact of parking lots, and to encourage alternate modes of transportation. For these reasons, parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum by more than 10 percent except by variance.

G. Parking reductions. CDC 55.100(H)(5) explains reductions of up to 10 percent for development sites next to transit stops and up to 10 percent for commercial development sites adjacent to large multi-family residential sites.

- H. For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9:00 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The carpool/vanpool spaces shall be clearly marked "Reserved – Carpool/Vanpool Before 9:00 a.m."
- I. Existing developments along transit streets or near transit stops may redevelop up to 10 percent of the existing parking spaces to provide transit-oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities. (Ord. 1291, 1990; Ord. 1391, 1996; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1463, 2000; Ord. 1499, 2003; Ord. 1547, 2007)

**Response:** There are 40 standard off-street parking stalls and 3 handicap parking stalls located on site. Per CDC 46.140, this project is within the Willamette Falls Drive Commercial Overlay District, which exempts commercial properties in the overlay from the minimum parking space requirements. As shown on the Site Plan, the stalls provided do meet the minimum dimensional requirements.

**46.100 PARKING REQUIREMENTS FOR UNLISTED USES**

- A. Upon application and payment of fees, the decision-making authority, as provided by CDC 99.060(B), may rule that a use not specifically listed in CDC 46.090 is a use similar to a listed use and that the same parking standards shall apply. The ruling on parking requirements shall be based on the requirements of Chapter 99 CDC and findings that:
  - 1. The use is similar to and of the same general type as a listed use;
  - 2. The use has similar intensity, density and off-site impacts as the listed use; and
  - 3. The use has similar impacts on the community facilities as the listed use.
- B. This section does not authorize the inclusion of a use in a zone where it is not listed, or a use which is specifically listed in another zone or which is of the same general type, and is similar to a use specifically listed in another zone.

**Response:** The applicant is aware of the parking requirements for unlisted uses. The basis for the parking requirement was taken from the definition of use as a "youth center or community center". This is a general definition, although all other uses did not fit the proposed uses as accurately. Per CDC 46.140, this project is within the Willamette Falls Drive Commercial Overlay District, which exempts commercial properties in the overlay from the minimum parking space requirements. There are 40 standard stalls and 3 handicap stalls-- the stalls provided do meet the minimum dimensional requirements.

**46.120 DRIVEWAYS REQUIRED ON SITE**

Any school or other meeting place which is designed to accommodate more than 25 people at one time shall provide a 15-foot-wide driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers. Depending on functional requirements, the width may be increased with Planning Director approval.

**Response:** The proposed music center is programmed to handle more than 25 people at one time. As shown on the Site Plan, both the north and south driveways provide a 24-foot driveway and drive aisle through the site.

## CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

### 48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008)

**Response:** The applicant is aware of the purpose of this chapter to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. There are no proposed changes to the current access management programming for the existing building and parking area. As shown on the Site Plan, there is a north and south access driveway to serve the building and parking area. As addressed in the attached Transportation Assessment provided by Kittelson & Associates, Inc. the applicant will utilize a traffic demand management system to limit p.m. peak hour trips to reduce local roadway congestion.

### 48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
- D. Should the owner or occupant of a lot or building enlarge or change the use to which the lot or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.

**Response:** The applicant is aware of the purpose of this chapter to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. There are no proposed changes to the current access management programming for the existing building and parking area. The lot does have access from a public street along both 8<sup>th</sup> Avenue and Willamette Falls Drive. According to the enclosed Transportation Assessment provided by Kittelson & Associates, Inc. the applicant will utilize a traffic demand management system to limit p.m. peak hour trips to

reduce local roadway congestion and maintain previously approved levels of traffic into and out of the site.

## **CHAPTER 54 LANDSCAPING**

### **54.010 PURPOSE**

The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping. The landscaping is intended to provide an attractive natural balance to built areas, to reduce runoff, to provide shade, to screen or buffer uses, and to frame or complement views. The chapter also encourages the selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a more healthy, disease-resistant plant inventory.

**Response:** The applicant is aware of the intent and purpose of landscaping coverage. As the applicant is not proposing any changes to the exterior of the building or surrounding site, there are no changes to the existing landscape plan. The current total landscaped area is approximately 6,000 SF or 14.67% of the site.

## **CHAPTER 55 DESIGN REVIEW**

### **55.010 PURPOSE AND INTENT – GENERAL**

The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. Attention will be paid to the proposal's scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, and that areas of public use are made aesthetically attractive and safe. Also of concern are the needs of persons with disabilities.

Multi-family, industrial, commercial, office, and public projects will comply with the Transportation Planning Rule (TPR). The TPR is a State requirement that jurisdictions must reduce reliance on the automobile by, in part, encouraging other modes of transportation such as transit, bicycles, and foot traffic, or through building orientation or location.

**Response:** The applicant is aware of the purpose and intent of the design review provisions. This proposal will make use of an existing building, with no exterior changes proposed at this time. Therefore, it is assumed that the current scale, layout and design is compatible with the surrounding natural environment. This project will promote other modes of transportation such as transit, bicycles, and pedestrian foot traffic in an effort to reduce the demand on traffic and congestion within the area. As identified in the attached Transportation Assessment letter issued by Kittelson & Associates, Inc, this project will utilize a traffic demand management strategy to limit PM peak hour trips during the 5 p.m. to 6 p.m. hour to limit the transportation impact of users and employees entering and leaving the site.

## 55.020 APPLICABILITY

This chapter provides two levels of design review: Class I and Class II. Class I design review applies to land uses and activities that require only a minimal amount of review. Class II design review is reserved for land use and activities that require comprehensive review. Class I design review applies to the following land uses and activities:

- D. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).
- G. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building.
- Q. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exceptions of CDC 55.025.

<sup>1</sup>Class II design review applies when the proposed improvement, land use, or activity (e.g., new sidewalks) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center). Class I design review applies when this improvement, use, or activity is part of a minor redesign or remodel. No design review is required if the applicant proposes to repair or replace one of the footnoted items. This shall be a Planning Director's code interpretation.

(Ord. 1547, 2007; Ord. 1604 § 50, 2011)

**Response:** Per CDC 60.030(B), an approved conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC- Design Review. As there are no exterior modifications proposed with this conditional use permit request, this application will be processed according to Class I design review. The following narrative responses to the design review section of the development code will address all design review elements applicable to Class I projects.

## 55.030 ADMINISTRATION AND APPROVAL PROCESS

- A. A pre-application conference is required before submitting a development plan application for design review as provided by CDC 99.030(B).
- B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.
- C. Action on the development plan application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:
  - 1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in CDC 99.110 and this chapter.

2. A decision by the Planning Director may be reviewed by the City Council.

D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010)

Response: A pre-application conference was held on July 19, 2012 to discuss the general intent of the applicant to locate a community music center and lesson space within the existing building. This narrative does include a signed application both for a conditional use permit and class I design review, which is signed by the record owner of the property. As this project does include a conditional use permit, the project is subject to a quasi-judicial review with a Planning Commission decision.

### **55.040 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted under CDC 99.325. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

Response: The applicant is aware of the three year window for substantial construction. Pending approval of the CUP and design review application, the applicant will be submitting for TI improvements to the interior of the building.

### **55.070 SUBMITTAL REQUIREMENTS**

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

Response: This submittal does include a signed application both for a conditional use permit and class I design review, which is signed by the record owner of the property.

- B. A pre-application conference shall be a prerequisite to the filing of an application.
1. The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.
  2. The following subjects shall be reviewed at the pre-application conference:
    - a. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.
    - b. The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or the need for buffers or sound barriers.
    - c. The natural features on the site: topography, drainage courses, micro-climate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.
    - d. The availability of utilities (on site and off site).
    - e. The site access and potential traffic problems.
    - f. The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.
    - g. Existing or potential noise sources.
    - h. Conditions placed on previous applications.
    - i. Review submittal requirements.

- j. Preferred architectural design and building orientation.

**Response:** A pre-application conference was held on July 19, 2012 to discuss the general intent of the applicant to locate a community music center and lesson space within the existing building. The applicant did receive formal notes from City Staff to guide this CPU and Class I design review submittal.

- C. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC 57.090.

**Response:** The applicant and applicant's representative, Cardno WRG, attended a Willamette Neighborhood Association meeting on October 10, 2012. The proposed project was discussed and the WNA and meeting attendees unanimously passed a resolution of support for the proposed Youth Music Project permit application. The posting and mailing affidavits and meeting agenda are included with this submittal package.

- D. The applicant shall submit a completed application form and:
  - 1. The development plan for a Class I design review shall contain the following elements:
    - a. A site analysis (CDC 55.110) only if the site is undeveloped.
    - b. A site plan (CDC 55.120) is required.
    - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed.
    - d. Pursuant to CDC 55.085, additional submittal material may be required.

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

- 3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.
- 4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.

**Response:** A completed and signed application form is included with this submittal package. A site plan is provided, although a site analysis and architectural drawings are not provided, as no architectural work or exterior alterations are proposed. This narrative is submitted as supporting documentation for both the CUP and Class I design review packages.

- E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.

**Response:** No architectural work or exterior alterations are proposed. Therefore, no samples or color tiles are included with this submittal.

F. The applicant shall pay the required fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999)

**Response:** All applicable fees relating to design review and CUP review and approval have been submitted with this application.

### **55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS**

A. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

B. The Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

**Response:** The applicant is aware of the provisions allowing the Planning Director to require or waive any requirements for the application subject to CDC 99.035.

### **55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW**

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.
3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and on-site parking areas and landscaping. Therefore, the provisions outlined in CDC 55.100(B)1-4 do not apply and CDC 55.100(B)(5) and (6) will be addressed in the narrative, noted below.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

**Response:** There are no proposed changes to the existing public facilities. The pre-application conference and notes provided by the City did not identify any inadequate facilities.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007)

**RESPONSE: THE APPLICANT IS AWARE OF THIS PROVISION AND WILL WORK WITH THE PLANNING DIRECTOR AND CITY STAFF TO DETERMINE THOSE APPLICABLE APPROVAL CRITERIA FOR THE PROPOSED COMMUNITY MUSIC CENTER. 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

**B. Relationship to the natural and physical environment.**

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and on-site parking areas and landscaping. Therefore, the heritage tree provisions outlined in CDC 55.100(B)1 do not apply.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and surrounding site. Therefore, the provisions outlined in CDC 55.100(B)2(a-f) to protect heritage trees do not apply in this instance.

3. The topography and natural drainage shall be preserved to the greatest degree possible.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and surrounding site. Therefore, the provisions outlined in CDC 55.100(B)3 do not apply.

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and surrounding site. Therefore, the provisions outlined in CDC 55.100(B)4 do not apply.

5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features and surrounding site. As no buildings will be built or relocated, the provisions outlined in CDC 55.100(B)5 do not apply.

6. Architecture.

- a. The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture.
- b. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure.
- c. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that "step down" or "step up" from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.
- d. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.
- e. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.
- f. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-

long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

- g. Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.
- h. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.
- i. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.
- j. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.

**Response:** This project involves no changes to the exterior of the site, including the building architectural features. Therefore, the architectural elements outlined in CDC 55.100(B)6(a-j) do not apply.

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#### H. Public transit.

- 1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:
  - a. The location of other transit facilities in the area.
  - b. The size and type of the proposed development.
  - c. The rough proportionality between the impacts from the development and the required facility.
- 2. The required facilities shall be limited to such facilities as the following:
  - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
  - b. A turnout area for loading and unloading designed per regional transit agency standards.
  - c. Hard-surface paths connecting the development to the waiting and boarding areas.
  - d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.
4. All commercial business centers (over three acres) and multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.
5. If a commercial business center or multi-family project is adjacent to an existing or planned public transit stop, the parking requirement may be reduced by the multiplier of 0.9, or 10 percent. If a commercial center is within 200 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirement may be reduced by 10 percent or by a 0.90 multiplier.
6. Standards of CDC 85.200(D), Transit Facilities, shall also apply.

**Response:** The site does abut an existing public transit route, as Tri Met bus line #154 provides service between Oregon City Town Center and West Linn. The bus line provides service along Willamette Falls Drive. The nearest transit stop is located at Willamette Falls Drive and 11<sup>th</sup> Street, approximately 200 ft from the Youth Music Project building. The Youth Music Project will work to inform staff, students and parents of the Tri-Met services available in close proximity to the site.

- I. Public facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.
  1. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can

clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter.

Based upon the City Manager's or Manager's designee's determination, 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 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

**Response:** As provided with this application, Kittelson and Associates, Inc prepared a Transportation Assessment that identifies a trip cap for p.m. peak hour trips based on the previous tenant, an office and call center. The trip cap calls for a limit to weekday vehicle trips of 64 a.m. trips and 10 p.m. peak hour trips. With this limit, the Youth Music Project has proposed a lesson schedule that will place student arrival and departure outside the 5-6 p.m. peak hour window, with lessons beginning at 4:45 and ending at 6:15 p.m. This trip cap will work to limit the impact on the already failing levels of service for the intersections adjacent to the site. This traffic demand management proposal has been reviewed by ODOT and City Staff.

### **55.125 TRANSPORTATION ANALYSIS**

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

**Response:** As just addressed in the response to CDC 55.100(I)(1), the Transportation Assessment provided by Kittelson does propose a traffic demand management scenario that will minimize adverse impacts on the surrounding transportation system by limiting p.m. peak hour trips during the 5-6 p.m. window. This will be accomplished by scheduling evening lessons to begin at 4:45 and end at 6:15 p.m., outside the window of peak travel.

## CHAPTER 58

# WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

### 58.010 PURPOSE

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

**Response:** The applicant is aware of the purpose and intent of the Willamette Falls Drive commercial district. The Youth Music Project's mission is to provide music education for youth by offering free or low costs lessons, free instrument use, and exceptional performance opportunities. The music lessons offered at the center will draw both students and parents to the Willamette Falls Drive area, and will likely create more consumers and pedestrians around the central commercial district. Also, the Youth Music Project will host occasional evening concerts to showcase student talent and regional musicians, which will bring tourists, customers, and City residents to the district during the evening hours. It can be assumed that a portion of these attendees will dine out and support local retail services during these times. All these elements will work to create a greater sense of place and destination for the commercial district.

### 58.020 IMPLEMENTATION

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels.

**Response:** The applicant is aware of the architectural standards sought by the district. There are no proposed architectural changes to the current building, but the owner will work with the City to provide period-significant elements if and when any updates are planned.

### 58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. "Restorations" shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A infraction pursuant to CDC 106.050.
- B. Commercial structures that are also within the historic district as defined in CDC 25.030(A) are required to meet the provisions of Chapter 25 CDC in addition to the provisions of this chapter.
- C. Boundary limits. The affected area shall be as delineated in Figure 1, below. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

(Ord. 1350, 1993)

**Response:** The applicant is aware of the provisions that apply to all new commercial construction. There are no proposed changes to the current building, but the owner will work with the City to provide period-significant elements if and when any updates are planned.

### CHAPTER 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

#### 59.010 PURPOSE

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007)

**Response:** The applicant is aware of the purpose of the Willamette Neighborhood Mixed Use Transitional Zone. The proposed Youth Music Project site is located at a central commercial intersection, with property frontage along 8<sup>th</sup> Avenue, 10<sup>th</sup> Street, and Willamette Falls Rd, three streets designed to handle large volumes of traffic to support retail and commercial use. While other areas in the neighborhood are well suited to serve as a transitional zone, this property is ideally located for a higher-profile tenant.

#### 59.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 59.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

- B. A use permitted under prescribed conditions, CDC 59.050, is a use for which approval will be granted provided all conditions are satisfied, and:
  - 1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  - 2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 59.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
  - 1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
  - 2. Chapter 66 CDC, Non-conforming Structures.
  - 3. Chapter 67 CDC, Non-conforming Uses of Land.
  - 4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
  - 5. Chapter 75 CDC, Variance. (Ord. 1515, 2005; Ord. 1547, 2007)

**Response:** This proposed project is subject to conditional use review and approval, based on the different types of community music supporting uses proposed for the site. The applicant is aware that the approval is discretionary with the Planning Commission. All applicable code sections are addressed in this project narrative.

#### **59.060 CONDITIONAL USES**

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

- 1. Children's day care center.
  - 2. Community center for civic or cultural events.
  - 5. Religious institution
  - 6. Senior or community center.
  - 14. Eating and drinking establishments except no drive-through service.
  - 15. Retail sales and service, except no drive-through service.
  - 16. Professional and administrative services.
- (Ord. 1515, 2005; Ord. 1547, 2007)

**Response:** This proposed project is subject to conditional use review and approval, based on the use most closely matching a "Community center for cultural events" as defined in the above use table. The applicant is aware that the approval is discretionary with the Planning Commission. All applicable code sections are addressed in this project narrative.

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

- A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:
  - 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
  - 2. The average minimum lot width shall be 50 feet.

3. The average minimum lot depth shall not be less than 90 feet.
4. The minimum yard dimensions or minimum building setback area from the lot line shall be:
  - a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be six feet from the front property line.
  - b. For an interior side yard, seven and one-half feet.
  - c. For a side yard abutting a street, 12 feet.
  - d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.
5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less.
6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.
7. The building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet.
8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record.

**Response:** The applicant is aware of the dimensional requirements for uses permitted under prescribed conditions within the mixed use transitional zone. This proposed project will make use of the existing building, with no exterior modifications to either the building or surrounding site. Therefore, the existing site configuration will be maintained.

- B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.
1. Residential-style building with single story porch on the front, and on the side where it abuts a street.
  2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.
  3. Off-street parking shall be behind, under, or on the side of building.
  4. Garages shall not extend any closer to the street than the street-facing facade of the house.
  5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines
  6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008)

**Response:** The applicant is aware of the design standards for uses permitted under prescribed conditions within the mixed use transitional zone. This proposed

project will make use of the existing building, with no exterior modifications to either the building or surrounding site. Therefore, the existing site configuration will be maintained.

### 59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

- A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.
- C. If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint. (Ord. 1515, 2005; Ord. 1547, 2007)

**Response:** The applicant is aware of the additional use requirements. Generally, the hours of operation are 9 a.m. to 7:15 p.m. There is no proposed exterior business activity.

### 59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1515, 2005; Ord. 1547, 2007)

**Response:** The applicant is aware of the dimensional requirements for conditional uses within the mixed use transitional zone. This proposed project will make use of the existing building, with no exterior modifications to either the building or surrounding site. Therefore, the existing site configuration and lot size will be maintained.

### 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The provisions of CDC 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26 CDC, Historic Landmarks. The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.
7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
8. Chapter 40 CDC, Building Height Limitations, Exceptions.
9. Chapter 42 CDC, Clear Vision Areas.

10. Chapter 44 CDC, Fences.
11. Chapter 48 CDC, Access, Egress and Circulation.
12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
13. Chapter 55 CDC, Design Review.
14. Chapter 54 CDC, Landscaping.
15. Chapter 53 CDC, Sidewalk Use. (Ord. 1547, 2007)

**Response:** As identified in the Pre-Application notes, the site is subject to the Historic Resources Advisory Board, but does not qualify as a historic property.

## **CHAPTER 60 CONDITIONAL USES**

### **60.010 PURPOSE**

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met. (Ord. 1589 § 1 (Exh. A), 2010)

**Response:** The applicant is aware of the standards and procedures outlined in the Conditional Use chapter.

### **60.030 ADMINISTRATION AND APPROVAL PROCESS**

- A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).
- B. All approved conditional use applications shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).

**Response:** This proposed project is subject to conditional use review and approval, based on the use most closely matching a "Community center for cultural events" as defined in the above use table. The applicant is aware that the approval is discretionary with the Planning Commission. All applicable code sections and submittal requirements will be addressed and included with this project narrative.

### **60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL**

Approval of a conditional use that required a design review shall be subject to the time limitations set forth in CDC 55.040. Approval of a conditional use that did not require design review shall be void unless either the use is commenced or an extension is granted per CDC 99.325 within three years of the approval. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1604 § 61, 2011)

**Response:** The applicant is aware of the time limit on a conditional use approval. The applicant will be submitting for Tenant Improvement applications pending approval of the Conditional Use Permit and Class I design review.

### **60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE**

- A. Building permits for all or any portion of a conditional use shall be issued only on the basis of the conditional use plan and conditions as approved by the Planning Commission.

B. Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this chapter and CDC 99.120(B).

**Response:** The applicant is aware of the building permit requirements pending conditional use approval. The applicant will be submitting for Tenant Improvement applications pending approval of the Conditional Use Permit and Class I design review.

#### **60.060 APPLICATION**

- A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.
- B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).
- C. A prerequisite to the filing of an application is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present his/her proposal and receive comments.
- D. An application for a conditional use shall include the completed application form and:
  - 1. A narrative which addresses the approval criteria set forth in CDC 60.070 and which sustains the applicant's burden of proof; and
  - 2. A site plan as provided by CDC 60.080.

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

E. Names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.

F. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1442, 1999)

**Response:** The applicant is aware of the application requirements for conditional use approval. This narrative is submitted with all other applicable items to meet the submittal requirements outlined above.

#### **60.070 APPROVAL STANDARDS AND CONDITIONS**

- A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
  - 1. The site size and dimensions provide:

- a. Adequate area for the needs of the proposed use; and
- b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.
4. Adequate public facilities will be available to provide service to the property at the time of occupancy.
5. The applicable requirements of the zone are met, except as modified by this chapter.
6. The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.
7. The use will comply with the applicable policies of the Comprehensive Plan.

**Response:** The applicant is aware of the approval standards and conditions for conditional use approval. This CUP request is simply for the change in use to allow a community music center and its supporting uses. There are no exterior modifications to either the building or surrounding site. All CDC sections addressed in this narrative provide evidence to support this CUP request.

- B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.

**Response:** The applicant is aware that the proposed CUP is also subject to the development review provisions set forth in CDC 55. A Class I design review application is submitted concurrent with this CUP application. All CDC sections addressed in this narrative provide evidence to support both the CUP and design review request.

- C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:
1. Limiting the hours, days, place, and manner of operation.
  2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
  3. Requiring additional setback areas, lot area, or lot depth, or width.
  4. Limiting the building height, size or lot coverage, or location on the site.
  5. Designating the size, number, location and design of vehicle access points.
  6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.
  7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.
  8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.
  9. Limiting the number, size, location, height, and lighting of signs.
  10. Limiting or setting standards for the location and intensity of outdoor lighting.
  11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.

12. Requiring and designating the size, height, location, and materials for fences.
13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

**Response:** The applicant is aware of the right of the Planning Commission to impose conditions on any conditional use approval which it finds necessary. As there are no proposed changes to the building exterior or surrounding site, the applicant will work with City Staff and Commission to limit the extent of conditions associated with site work and exterior modification.

#### **60.080 SITE PLAN AND MAP**

- A. All site plans and maps shall include the name, address, and telephone number of the applicant, the scale of the site plan, north arrow, and a vicinity map.
- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which contains the following information:
  1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
  2. The parcel boundaries, dimensions, and gross area.
  3. The applicant's property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development to the adjacent property and development.
  4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
  5. The location, dimensions, and setback distances of all:
    - a. Existing structures, improvements, utilities, and drainage facilities on adjoining properties;
    - b. Existing structures, improvements, utilities, and drainage facilities to remain on the site; and
    - c. Proposed structures or changes to existing structures, improvements, utilities, and drainage facilities.
  6. The existing and proposed dimensions of:
    - a. The entrances and exits to the site;
    - b. The parking and circulation areas;
    - c. Loading and service areas for waste disposal, loading and delivery;
    - d. Pedestrian and bicycle circulation area;
    - e. On-site outdoor recreation spaces and common areas; and
    - f. Above-ground utilities.
  7. The location of areas to be landscaped and the proposed landscape plan.
  8. The location of all trees having a six-inch caliper at a height of five feet.
- C. The applicant shall submit the site plan on a map showing two-foot contours up to 20 percent grade and 10-foot contours on grades above 20 percent.

**Response:** The applicant is aware of the requirements for site plan submittal. As there are no changes to the site, all items shown are existing structures, parking areas, landscape areas, etc.

## CHAPTER 66 NON-CONFORMING STRUCTURES

### 66.010 PURPOSE

The zones applied within the City after the effective date of this code may cause some existing structures to become non-conforming in terms of meeting the zone lot coverage, setback, parking, building height, or landscaping requirements. The purpose of this chapter is to permit these non-conforming structures to be used until they are destroyed or made conforming.

**Response:** As there are no proposed changes to the building exterior or site layout, those items that qualify as non-conforming structures will be allowed to remain. Any future site work will adhere to the current CDC requirements OR a permit for non-conformance or variance will be requested.

### 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

#### B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction.
2. Traffic Impact Analysis (TIA).
  - a. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.
  - b. Typical average daily trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.
  - c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:
    - 1) The development application involves one or more of the following actions:
      - (A) A change in zoning or a plan amendment designation; or
      - (B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and
      - (C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- (1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or
- (2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or
- (3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
- (4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- (5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

**Response:** The applicant has submitted a Transportation Assessment prepared by Kittelson & Associates, Inc. which addresses historic transportation trip generation as well as levels of service for the surrounding area. Based on input from ODOT and City Staff, a trip cap limit was placed on weekday trips. This trip cap limits a.m. peak trips to 64 trips, while the p.m. cap is 10 trips. Through a traffic demand management presented by Kittelson and the applicant, these a.m. and p.m. peak trips will be adhered to by placing lesson times outside the peak hours of travel. This mitigation strategy will work so that the local transportation network will not be further worsened by the proposed community music center proposal.

- f. Conditions of approval. The City may deny, approve, or approve the proposal with appropriate conditions.
- 1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
  - 2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

**Response:** The applicant is aware of the approval standards and conditions for conditional use approval. This CUP request is simply for the change in use to allow a community music center and its supporting uses. The proposed traffic demand management mitigation strategy will work so that the local transportation network will not be further worsened by the proposed community music center proposal.

## CHAPTER 99 PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

### 99.010 PURPOSE

The purpose of this chapter is to establish procedures applicable to the Community Development Code for the consideration of development applications, for the consideration of quasi-judicial Comprehensive Plan amendments, and for the consideration of appeals or petitions for review of decisions. (Ord. 1474, 2001; Ord. 1568, 2008)

**Response:** The applicant is aware of the approval standards and procedures for both conditional use and Class I design review approval. This CUP request is simply for the change in use to allow a community music center and its supporting uses. There are no exterior modifications to either the building or surrounding site. All CDC sections addressed in this narrative provide evidence to support this CUP request.

### 99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development, commercial, office, or industrial development of over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

A. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.

C. The letter shall be sent by certified mail, return receipt requested, to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall

explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall encourage concerned citizens to contact their association president, or their association designee, with any questions that they may want to relay to the applicant.

Neighborhood contact shall be initiated by the applicant by mailing the association president, and to one designee as submitted to the City by the neighborhood association, a letter, return receipt requested, formally requesting, within 60 days, a date and location to have their required neighborhood meeting. The 60 days shall be calculated from the date that the applicant mails this letter to the association. If the neighborhood association does not want to meet within the 60-day timeframe, or if there is no neighborhood association, the applicant may hold a public meeting during the evening after 6:00 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

D. On the same date the letters described in subsections A through C of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right-of-way. If the site is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street. The sign notice shall be at least 11 inches by 17 inches in size on durable material and in clear, legible writing. The notice shall state that the site may be subject to a proposed development (e.g., subdivision, variance, conditional use) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

1. A copy of the certified letter to the neighborhood association with a copy of return receipt;
2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;
3. A copy of the required posted notice, along with an affidavit of posting;
4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;
5. An audiotape of the meeting; and

6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section. (Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009)

**Response:** The applicant and applicant's representative, Cardno WRG, attended a Willamette Neighborhood Association meeting on October 10, 2012. The proposed project was discussed with the WNA and meeting attendees unanimously passed a resolution in support of the proposed Youth Music Project permit application. The posting and mailing affidavits and meeting agenda are included with this submittal package.

### III. CONCLUSION

As demonstrated by the responses provided in this narrative and the supporting exhibits and the attached Site Plan, the applicant does meet all provisions applicable to Conditional Use Permitting and Class I Design Review approval. The requested permits are filed to address the change in use to a community music center; no other site work or changes to the building exterior are proposed. The enclosed Transportation Assessment drafted by Kittelson & Associates, Inc., does address trip generation and proposes a traffic demand management approach to limit peak hour trips into and out of the site. As an organization, Youth Music Project would bring a well-respected non-profit into the Willamette Falls commercial area that would bring more users and visitors to the area. Based on input received from the Willamette Neighborhood Association meeting held on October 10, 2012, this project is supported and would be a welcome addition to the community. Therefore, the applicant requests both CUP and Class I design review recommendation for approval to the Planning Commission.