



CITY OF
West Linn

22500 Salamo Road
West Linn, OR 97068

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

HEARING DATE: March 13, 2013

REQUEST: Class II Design Review, Water Resource Area approval, approval to Expand/Alter a Non-Conforming Structure, and four Class II Variances for construction of a parking lot for the West Linn Public Library and a new path between the parking lot and library, at 1595 Burns Street and 5750 Hood Street.

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapter 21, Office Business Center, OBC; Chapter 55, Design Review; Chapter 32 Water Resource Area Protection; Chapter 66, Non-Conforming Structures, and; Chapter 75, Variance.

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

Planning Director's Initials 

EXECUTIVE SUMMARY

The applicant requests Class II Design Review approval for a proposed 12-space parking lot on a vacant parcel fronting on Hood Street, and a proposed path and associated retaining walls linking the lot to the West Linn library to address a parking deficiency for staff and patrons as well as per the CDC. Street improvements, including a sidewalk, are proposed per CDC Section 55.100(I)(1) for Hood Street along the front of the parcel proposed to contain the parking lot. The applicant proposes a raingarden in the right-of-way to treat stormwater generated by these street improvements (see Exhibit PC-4, Site Plan, Page 167).

Most of the parcel that is proposed for the parking lot is within the water resource area(WRA) transition area for Maddax Creek, as is the portion of the current library parcel where part of the path and associated retaining walls are proposed (see Map on Page 9). Because of the inability to develop this parcel in an economically viable manner and stay outside of the transition area, the applicant requests approval of the proposal under the hardship provisions of CDC Section 32.090. That section allows development of up to 5,000

square feet of the water resource area/transition area as necessary to avoid the loss of all economically viable use of a vacant parcel (see staff responses 1-8 and 15-21). To minimize the encroachment into the WRA transition area while creating 12 parking spaces, the applicant proposes four variances. Two of the variances serve to minimize encroachment in to the WRA and, in staff's opinion, they are appropriate and meet the approval criteria (see the Analysis Section starting on Page 8). Two of the requested variances would allow more than the maximum 5,000 square feet of development within the WRA transition area on each of the subject parcels. It is arguable whether these requested variances meet the applicable approval criteria (see the Analysis Section and staff responses 1-8 and 15-21). If the variances are approved, staff finds that the project is compliant with other applicable approval criteria if the proposed conditions on pages 14 and 15 are required.



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GENERAL INFORMATION

APPLICANT:	West Linn Public Library 1595 Burns Street, West Linn, OR 97068
SITE LOCATION:	1595 Burns Street and 5750 Hood Street
LEGAL DESCRIPTION:	Clackamas County Assessor's Map 2-2E-30BD, tax lots 2200 and 2401
SITE SIZE:	Approximately 1.7 acres
ZONING:	OBC, Office Business Center
COMP PLAN DESIGNATION:	Commercial
120-DAY PERIOD:	This application was deemed complete on January 31, 2013. The 120-day maximum application-processing period ends on May 31, 2013.
PUBLIC NOTICE:	Public notice was mailed to the Bolton Neighborhood Association and affected property owners on February 21, 2013. The property was posted with a sign on February 22, 2013. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on February 20, 2013. The notice requirements have been met.

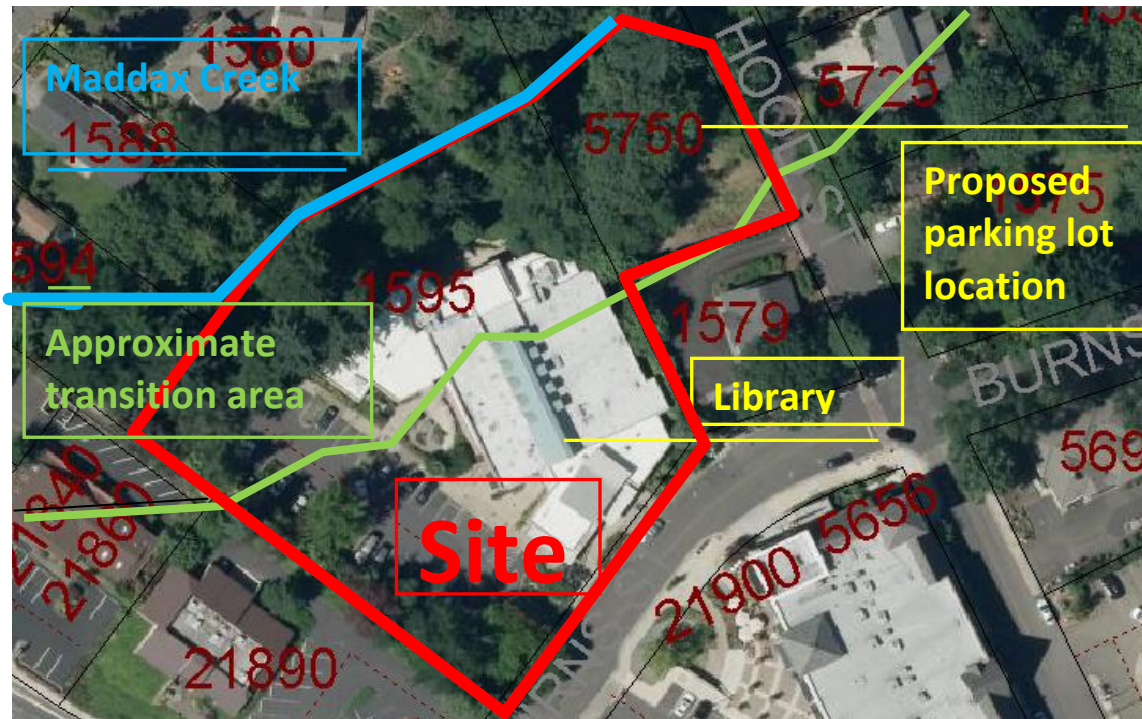
BACKGROUND

The City purchased the vacant parcel along Hood Street adjacent to the library with the intention to develop a parking lot to remedy a parking deficiency at the library.

Site Conditions: The parcel accessed by Burns Street contains the library, parking lot, walking paths, and landscaping (see aerial photo below). The adjacent 12,612 square foot Hood Street lot is vacant. The relatively flat portion of the lot is mainly covered with grass and several trees (see the photograph on the following page). The only evidence of human modification is the graded basin in the middle of the site that was formerly occupied by a small house. Maddax Creek, which extends along the north edge of both parcels, lies within a significant riparian corridor (see photo below). Approximately the northern 75 feet of both lots contain a steep, wooded hillside descending from the relatively flat uplands to the creek.



Site Aerial View



Source: West Linn GIS, 2012



*The foreground in the photo above is the area where new parking lot is proposed.
The dark area in the background is the woods along the steep slope descending to Maddax Creek.*

Project Description: West Linn Public Library, a City department, requests approval for a 12-space parking lot on a vacant parcel along a dead-end section of Hood Street. The applicant proposes a path to connect the parking lot to the library, and a path along the proposed short driveway, which would connect the parking lot to Hood Street. A retaining



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wall ranging up to 2 ½ feet in height would form the perimeter of most of the parking lot. The applicant also proposes two retaining walls of up to 3 ½ feet in height north of the proposed path to the library and a wall of up to 3½ feet in height along the southern side of the proposed parking lot. (See Exhibit PC-4, Grading and Erosion Control Plan, Page 171). No stormwater treatment or detention facilities are proposed on site as the parking lot and path are proposed to be made of permeable hardscape material (see Landscape Plan, Exhibit PC-4, Page 173). The applicant proposes to use Uni Eco-Stone permeable interlocking concrete pavers. According to the brochure for this product the infiltration rates for ground paved with this product range from 500 inches/hour to over 2,000 inches/hour. Stormwater would permeate through the pavers and infiltrate into an underlying 11.5- to 12-inch-thick layer of gravel and then to the soils below. According to infiltration tests done by Engineering staff the soil on site has an infiltration rate of Approximately 3.25 to 12 inches per hour. See infiltration test results on pages 185-186 of Exhibit PC-4. Because the infiltration will be greater than current rates the water will not collect under the pavers and underlying gravel but will sufficiently infiltrate. Installation and maintenance will be compatible with the Portland Stormwater Management Manual per City regulations.



The area in the photo above is where a path is proposed to connect the parking lot to the Library. The (non-significant) tree in the foreground is proposed for removal to accommodate the proposed path and retaining walls.

The applicant proposes two deciduous trees to partially screen the east side of the parking lot from residences across Hood Street (see Exhibit PC-4, Landscaping Plan, on Page 173). In addition, a few trees are proposed to be planted on the perimeter of the parking lot to shade the parking lot.

Mitigation is required for disturbance of the WRA transition area (see staff responses 46-56). Due to the abundance of blackberries on the slope descending to Maddax Creek, the applicant's revegetation plan will be implemented in that location as well as in proposed mitigation areas in Fields Bridge Park (staff responses 50 and 52).



The applicant proposes a 4-foot-wide, curb-tight, permeable pavement path that would connect to the 4-foot-wide, curb-tight, impervious sidewalk to the south. Other street improvements include a 20-foot travel lane, per Chapter 85. To match existing conditions to the south, no planter strip is proposed. A rain garden is proposed in the right of way, east of the street pavement, to treat the additional pavement area proposed.



Right-of-way improvements would connect to existing improvements in foreground and continue the pattern of having a sidewalk and no planter strip. (The photo is taken looking north along Hood Street at the southern boundary of the Hood Street parcel).

Surrounding Land Use and Zoning: The site is situated in the Bolton Neighborhood along the north edge of the Central Village commercial area. A site containing a small commercial building borders both parcels that comprise the site. Single-family residential and park lands are the dominant land uses in other directions from the site.

Table 1 Surrounding Land Use and Zoning

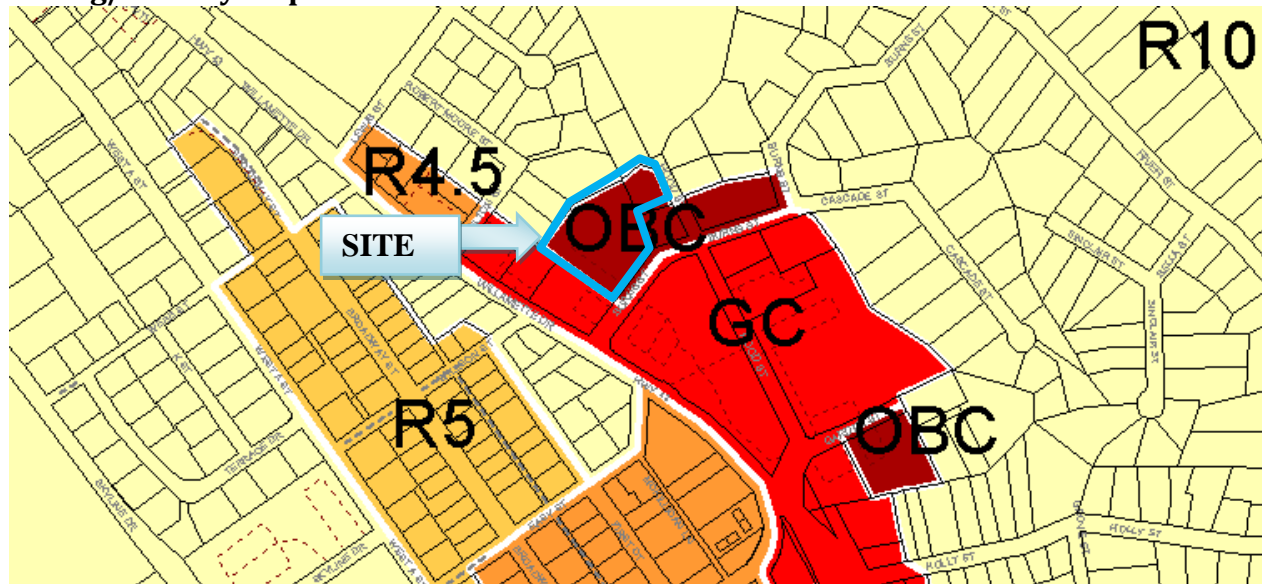
DIRECTION FROM SITE	LAND USE	ZONING
North	Single-family residential detached, Maddax Woods Park, Burnside Park, Hammerle Park, Bolton Primary School	R-10
East	Single-family residential detached	R-10, OBC, GC
South	Retail, restaurants, offices, post office, grocery, single-family residential detached and attached, West Linn High School, church	OBC, GC, R-4.5, R-5, R-10
West	Single-family residential detached, office	GC, R-4.5, R-5, R-10

Source: West Linn GIS, 2012



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Zoning/Vicinity Map



Source: West Linn GIS, 2012

Approval Criteria

As previously noted, the applicant requests: 1) Water Resource Area approval, 2) Class II Design Review for the proposed parking lot, 3) approval to enlarge or alter a non-conforming structure, and 4) four Class II Variances. The variances are requested from sections 32.090(B), 54.020(E)(3)(a)/54.070 (same requirement but the latter is in table form), 66.080(B)(2)(a), and 48.025(B)(6). As they are both listed as criteria in 55.100(A), chapters 54 and 48 are applicable to this application for Class II Design Review, which is why the application includes variance requests for not being compliant with sections 54.020(E)(3)(a)/54.070 and 48.025(B)(6).

Therefore the applicable approval criteria include:

- Chapter 32, Water Resource Area Protection: approval criteria, mitigation, revegetation, and hardship provisions are found in sections 32.050, 32.070, 32.080, and 32.090 respectively;
- Chapter 21, Office Business Center zoning district;
- Chapter 55, Design Review: approval criteria in 55.100;
- Chapter 75, Variance: approval criteria in 75.060; and
- Chapter 66, Non-Conforming Structures: approval criteria for enlarging a non-conforming structure in 66.080(B).

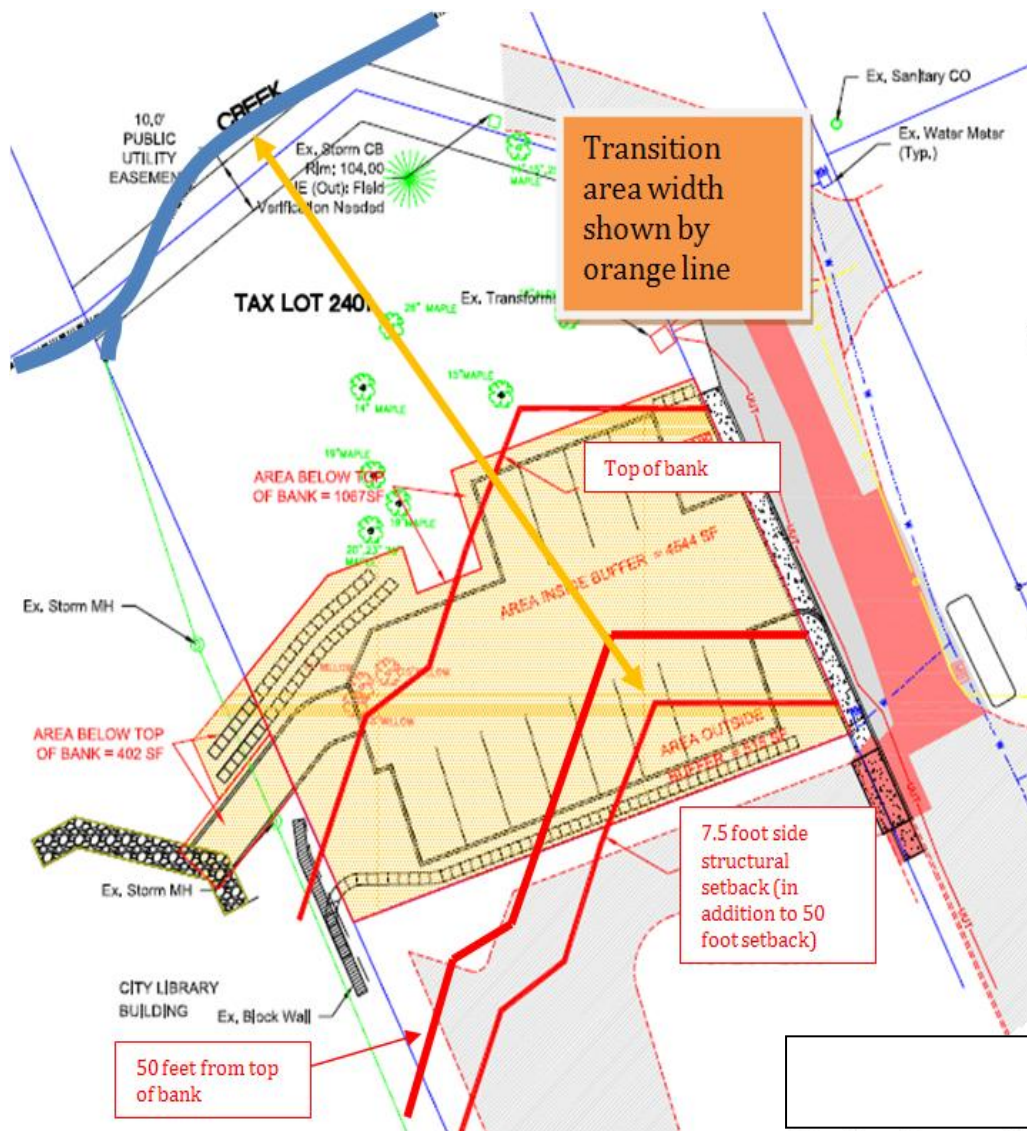
Analysis

The Burns Street site containing the library (Tax Lot 2300) is non-conforming in that it has an inadequate amount of parking spaces (it has 35 parking spaces while 53 are required per the CDC Chapter 46, see Staff Response 73), a substandard proportion of full-sized spaces to compact spaces per CDC Chapter 46 (see Staff Response 75), it lacks a “continuous forward flow” driveway required for meeting places per Section 46.120 (see Staff Response 74), and because there is already more than 5,000 square feet of development in the Maddax Creek



WRA transition area, per Chapter 32 standards (approximately 13,750 square feet). To improve the parking situation, the applicant proposes a 12-space parking lot on the adjacent Hood Street parcel that would yield a total of 47 spaces, a shortfall of six spaces per the CDC.

The applicant's proposal maximizes the parking potential on the Hood Street parcel, which is severely constrained by a WRA transition area and a steep slope. CDC Chapter 32, with some exceptions, strives to keep these areas free of development to avoid impacts to habitat, maintain water quality in the associated creek, and to avoid the potential for landslides. Because of the inability to develop the Hood Street parcel and stay outside the transition area (see the map below, only the small area at the bottom right of the map is not affected by WRA regulations), the applicant requests approval under the hardship provisions of CDC Section 32.090. That section allows development/disturbance of up to 5,000 square feet of the WRA/transition area as necessary to avoid the loss of all economically viable use of a parcel (see staff responses 1-8 and 15-21).



In addition , the applicant requests four variances. Two of the requested variances relate to the maximum 5,000 square feet of development allowed in the WRA per CDC sections 32.090(B) and (D). One pertains to the proposed 5,611 square feet of transition area disturbance on the Hood Street parcel. The other pertains the proposed 402 square feet of development on the parcel containing the existing library to accommodate a path linking the library and proposed parking lot and part of two associated retaining walls on the steep slope. This latter variance is requested because the Burns Street parcel already has over 5,000 square feet developed in the WRA. See Exhibit PC-4, Site Plan, page 167. The applicant has also applied for a Class II Variance from CDC Subsection 66.080(B)(2)(a) which requires that alternation to nonconforming structures not worsen the non-conformity, to enable an increase to the already non-conforming level of transition area development on the Burns Street parcel. (See staff responses 22-28.)

Subsection 32. 090(B)(2) requires that development in WRA be the minimum necessary to allow economically viable use. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Alternatives to the applicant's proposal include reducing the proposed size of the parking lot (either by reducing the number or size of the parking spaces) and eliminating the proposed path to the library or by reducing its width from eight feet to four feet. These possibilities are discussed in detail in the Addendum under Staff Response 3 (see page 17).

In staff opinion, the applicant has made the case for twelve parking spaces. However, as explained in Staff Response 3, alternative proposals could accommodate 12 spaces with less encroachment into the WRA. Subsection 46.150(A)(1) requires that 50% of required parking spaces be full-sized. The existing, 35-space library parking lot has no full-sized spaces, other than disabled spaces. The applicant proposes 12 full-sized spaces to achieve greater conformance with the 50/50 proportion of full size and compact parking space sizes required by Subsection 46.150(A)(1). (Counting the disabled spaces and the proposed 12 full size spaces on the Hood Street parcel, 31.7% of the parking spaces would be full-sized.) An alternative approach would be to request a variance from Subsection 46.150(A)(1) to allow compact rather than full sized spaces in the proposed parking lot. The proposed 12 full-sized spaces would result in a final development occupying 5,611 square feet of the transition area on the Hood Street parcel, while 12 compact spaces would occupy a final development of approximately 4,681 square feet. (This is a reduction of approximately 930 square feet of area.) However per Engineering staff the net grading area would remain approximately the same in both options due to steep slope, material and construction equipment used. Per Section 32.090 as confirmed by a LUBA decision, all disturbance in the WRA (including graded areas to be revegetated) counts as development for the purposes of the hardship provisions. Based on this information, there would be no benefit regarding transition area disturbance from this possible alternative.

Another possible alternative to the proposal is to make the parking lot 50% full size spaces and 50% compact spaces, as it would not increase the nonconformity. That approach would reduce the development in the WRA on the Hood Street parcel by roughly 108 square feet. As noted above, proposing all or part compact spaces would require an application for a additional Class II Variance and a new public notice. Therefore it cannot be conditioned as part of the approval of this application. According to the applicant, requiring the reduction in parking space sizes would decrease the usefulness of the parking lot and result in a project that is not economically viable.



It is clear that the proposed 85-foot-long path providing direct access between the parking lot and library would be far more convenient for library staff and patrons than using existing and proposed sidewalks along the perimeter of the block (which would be 280 feet further) and, therefore, it is likely that an informal path would likely be formed by foot traffic if a formal path is not provided. Also if an approved plan were to not include this path, the exit from the lower level for disabled patrons would remain without a disabled-friendly egress from the rear sidewalk area behind the building (which would be needed when there is an emergency that keeps them from egressing via the elevator to the upstairs doors). Regardless of these issues, it is arguable whether the parking lot project would be economically viable absent the proposed path. If the Planning Commission determines that the path is needed, Condition of Approval 2(b) would require the path to be four feet wide instead of the proposed eight feet, in order to be the minimum intrusion into the WRA per Subsection 32.090(B)(2), consistent with CDC Sections 85.200(A)(16) and ADA requirements. If the Planning Commission finds that the path is not needed for the economically viable use of the subject parcels, alternative Condition of Approval 2 (b) calls for its removal from the plans. (See Staff Response 3 on page 17).

In order to avoid additional encroachment into the WRA transition area, the applicant requests a Class II Variance from Subsection 54.020(E)(3)(a) (and the table in 54.070) which requires that 5% or more of a parking lot interior be devoted to landscaping in parking lots with more than 10 spaces. Staff believes that the requested variance, which gives deference to the WRA, is appropriate. (See staff responses 117-122.) Giving deference to minimizing encroachment in the WRA when there are conflicting standards is consistent with Section 32.050(O), which allows reduction of building setbacks as necessary to provide for a 5,000 square foot buildable area on a lot impacted by WRA, rather than allowing further encroachment in the WRA.

The applicant also requests a Class II Variance to allow the parking lot driveway to be closer to an existing off-site driveway than allowed by CDC Section 48.025(B)(6) which requires new development to follow driveway spacing standards provided for in Transportation System Plan Table 8-3. That table requires 50 feet of space between driveways for new developments along local commercial streets. The driveway on the property to the south is located at the north edge of the property. Because of this, there is not 50 feet between that existing driveway and the proposed parking lot driveway without developing the parking lot driveway down the steep slope in the Maddax Creek ravine. Therefore the applicant requests a variance to allow spacing of approximately 24 feet between the proposed and existing driveway curb cuts (approximately 35 feet between centerlines). This would avoid locating the driveway to the parking lot further north which would cause major encroachment onto the steep slope that descends on site to Maddax Creek (see Exhibit PC-4, Slope Analysis Plan, Page 166 and Grading and Erosion Control Plan, Page 171).

As noted above, the applicant proposes 6,126 square feet of total ground disturbance on the Hood Street parcel, 5,611 of it in the transition and setback area of the Maddax Creek significant riparian corridor. The applicant proposes to mitigate for this proposed development in the transition area via off-site mitigation at Fields Bridge Park. (See Page 174 of Exhibit PC-4 for a map of this area.) Mitigation is also required for the proposed disturbance of the WRA transition area to accommodate the proposed path and retailing walls on the Burns Street parcel. Due to the abundance of blackberries on the slope near Maddax



Creek, the applicant's revegetation plan is proposed to be implemented along the creek as well as in proposed mitigation areas in Fields Bridge Park (see staff responses 40, 52). CDC Section 32.080(F) requires that the applicant document that revegetation and mitigation plantings survive for at least the first three years after completion of these plans (see staff response 62); so, proposed Condition of Approval 5 requires this.

The applicant proposes screening of the east side of the proposed parking lot from residences across the street (see Landscaping Plan on Page 166 of Exhibit PC-4). Other areas are blocked from view by existing vegetation or development. All trees further downslope from the proposed parking lot area are to remain, and none of the trees in the uphill area proposed for removal areas are considered significant by the City Arborist. To comply with Section 55.100(A)(5), which requires compliance with Chapter 42, Condition of Approval 4 requires street trees be planted that do not have branches between three and eight feet above the ground surface within Chapter 42's required clear vision triangles for on- and off-site driveways.

Section 32.080(C) requires that revegetation plan shrubs be at least 12 inches in height at the time of planting. 32.080(D) requires that revegetation plan trees be planted eight to 12 feet on center and that replacement plan shrubs be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. Condition of Approval 8 requires these items to be added to the revegetation and landscaping plans, with respect to the tree species requirements of 32.080(E).

Chapter 46 requires that spaces be painted and that wheel stops be installed. This is addressed by proposed Condition of Approval 6 (see staff responses 78 and 82). CDC Section 32.050(H) requires paths in WRA transition areas to be permeable and installed using low impact construction practices, so this is required by alternative Condition of Approval 2 (see Staff Response 40). That condition also requires the paths to be four feet wide to minimize impacts while meeting ADA minimum width requirements should the path be approved. (See staff responses 14, 26, 37, 133, and 134.) To fulfill Section 32.050(E), proposed Condition of Approval 3 requires the undeveloped transition areas of both parcels have a conservation easement with signage at the required intervals (see Staff Response 36). Related to 32.050(D), Condition of Approval 3 also requires a conservation easement be placed over all preserved areas in case ownership ever changes hands.

The parking lot is proposed to be lit and will be visible from the library building. Parking lot lighting design and location is proposed in the lighting plan, Sheet EL1, on Page 172 of Exhibit PC-4. Proposed Condition of Approval 7 ensures lighting will be deflected to only shine in the area of the development, and also ensures that lighting will cover the proposed path to the library and not just the parking lot and driveway. Much of it will also be visible from Hood Street through the driveway entrance and its adjacent required clear vision areas. This helps ensure line of sight in and out of the site as well.

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and, with the possible exception of the two requested variances related to development in excess of 5,000 square feet on each of the subject parcels, staff finds that there are sufficient grounds



for approval, subject to the following recommended conditions. Please see the following Addendum for details.

Public comments:

Alma Coston, 5798 Hood Street, summary of verbal comment, February 25, 2013:

There is a drainage problem east of the library building. Water collects from the library roof and runs downhill here into the ravine. Since the path and retaining walls are proposed here it is an opportunity to correct this situation.

RECOMMENDATION

Staff recommends approval of application DR-13-01/WAP-13-01/ VAR-13-03/VAR-13-04/MISC-13-01 subject to the following proposed conditions, and leaves the option to approve VAR-13-01 and VAR-13-02 (related to the variances for square footage of development on the Hood and Burns street parcels respectively) to the Planning Commission after hearing public testimony:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Site Plan, Sheet C2.1, dated September 1, 2012 located on Page 167 of Exhibit PC-4.
2. Paths.
 - a. The proposed path linking the parking lot with the proposed Hood Street sidewalk shall be four feet wide shall be composed of a permeable material. In the areas disturbed to construct this path, disturbed soils shall be restored to their original or higher level of porosity to regain infiltration and stormwater storage capacity.
 - b. The proposed path connecting the parking lot to the library, as shown on the applicant's Figure 31 on Page 145 of Exhibit PC-4, shall be composed of a permeable material. In the areas disturbed to construct this path, disturbed soils shall be restored to their original or higher level of porosity to regain infiltration and stormwater storage capacity.

(Alternative condition (b). If the Planning Commissions finds that the proposed path does not meets the applicable criteria, consider the following:) Eliminate the proposed path linking the library and the proposed parking lot and eliminate and/or reconfigure the associated retaining walls to impact as little square footage as possible.
3. Conservation Easement and Signage. A conservation easement shall be recorded that applies to both parcels north of where development exists and where it's approved by this decision . The easement shall include the City's standard conservation easement language for water resource area conservation easements (available from the Planning Department) which prohibits further development and protects native vegetation. The



easement shall include standard tree protection language as well. The edge of the conservation easement on all sides shall be marked with the City's standard permanent markers at 30-foot to 50-foot intervals and at all boundary direction changes. The north and east sides of the proposed mitigation area in Fields Bridge Park shall be similarly marked.

4. Street Trees and Clear Vision Area. The two proposed street trees shall only have branches greater than eight feet off of the ground at the time of planting.
5. Revegetation and Mitigation Plant Survival. The applicant shall provide a report three years after the revegetation and mitigation plans are implemented, documenting that 80% of the plants have survived. Dead plants shall be replaced as needed to maintain the minimum 80% plant survival at the end of three years.
6. Delineation of Parking Spaces.
 - a. Each parking space shall be clearly delineated using a permanent paint.
 - b. The applicant shall install in each parking space a wheel stop two feet back from the front of the parking stall that is at least four inches high.
7. Lighting on Site. All new outdoor lighting shall be designed and installed to keep light and glare onsite and not onto or across Hood Street. The lighting shall illuminate the proposed path (*if approved*) as well as the parking lot, without lighting the adjacent water resource area.
8. Revegetation Plan Tree and Plant Sizing and Spacing.
 - a. In addition to the vine maples proposed on the Landscape Plan, another type of native tree, acceptable to the City Arborist, shall be planted midway between the two vine maples that are furthest apart on the landscape plan.
 - b. Outside the driplines of existing trees, the proposed revegetation plants shall be planted four to five feet on center. Within the driplines of existing trees, the plants shall be planted in clusters of four or fewer plants.
 - c. Revegetation shrubs shall be at least 12 inches in height at the time of planting.

Notes to Applicant.

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.
- Check with the Building Division to see if a Geotechnical study is required, if not already required by above conditions.
- Additional Permits Required. Your project may require the following additional permits:
 - Public improvement permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov



- Public works permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
- Building permit, the final permit after others are completed and conditions of approval are fulfilled. Contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov.
- Final inspection: Call the Building Division's Inspection Line at (503) 722-5509.



ADDENDUM
PLANNING COMMISSION STAFF REPORT
March 13, 2013

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

I. Water Resource Area Hardship

32.090 REDUCTION IN STANDARDS FOR HARDSHIP

(...)

- B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted....

Staff Response 1: CDC 32.090(B) refers to lots located partially inside a water resource area, which describes both the lot proposed for the parking lot (Hood Street parcel) and the parcel containing the library (Burns Street parcel). The text of CDC 32.090 clearly states that the hardship provision should be applied to individual parcels instead of applying the provisions to the whole of a multiple-parcel site. Therefore, for the purposes of determining compliance with this subsection, the project site is being reviewed as two separate parcels:

- A. The Hood Street parcel (proposed to accommodate a new parking lot and associated walkway and retaining walls) –the request to develop 5,000 square feet of transition area under Subsection 32.090(B) and the request for a variance to Subsection 32.090(B) to exceed the 5,000 square foot limit of development within the transition area, for a total of 5,611 square feet; and
- B. The Burns Street parcel (containing the library and a proposed walkway and associated retaining walls) - request under hardship provision of 32.090(B) and a variance to 32.090(B) for additional development.

The following sections A-D analyze these requests.

A. *Hood Street parcel hardship request*

32.090 (B) Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:



1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.
3. The proposed reduction will comply with Chapter 31 CDC, Erosion Control.

Staff Response 2: Staff finds that the 12,612 square foot Hood Street parcel contains only 515 square feet (4.1%) in its southeast corner that is outside of the WRA transition area and the associated setback. Staff also finds that the lot was recorded in 1993 as part of Clackamas County Partition Plat PP1993-061. Therefore, staff determines that the lot meets the definition of a “lot located partially inside the water resource area.”

Staff Response 3: CDC 32.090(B)(1) requires the applicant to: 1) show that “no other application could result in permission for an economically viable use of the subject property,” and 2) list all uses allowed on the property.

The subject lot is the only vacant parcel near the existing library that can accommodate parking to address a parking deficiency for library staff and patrons. The City paid \$200,000 for the vacant lot, and the Public Works Department projects a total construction cost of approximately \$250,000. The Public Works Department has determined that the proposed project as designed, in terms of the configuration of spaces and the sizes and locations of retaining walls, is (by at least a small amount) the least costly option in terms of the project’s engineering cost, while both scenarios would likely have very similar construction costs. The total approximate cost for the City to develop the project as proposed is approximately \$450,000. That equates to a cost of approximately \$37,500 per each of the 12 proposed parking spaces. Looking at construction cost alone, the cost per space is approximately \$20,833.33. The average construction cost of a surface parking space in the U.S. was approximately \$2,000 as of 2008 (“Smarter Parking”, Nancy Schneider, January 2008, <http://www.sustainablecitynews.com/freeparking.html>), which is much less than what the City paid per space in acquiring the property. It is also much less than the projected per-space construction cost alone.

Since this is a public sector project, rather than a for-profit development, it can be a challenge to measure economic viability. With a public sector project, the benefit the public may reap from the development must be taken into account. In this case there is a parking shortage at the only library in the City, which likely prevents some people from using the library. The City’s total investment in the library itself is only economically viable, in terms of the public benefits reaped by this investment, if the library is sufficiently accessible to citizens. Therefore, the applicant considers the proposal to be minimally economically viable and necessary to address the parking deficiency for users of the library. Staff finds that a parking lot for an existing nearby public facility could be considered a minimal use, in terms of economic viability, considering the allowed uses in the district and the sale price of the commercially-zoned site.



The applicant explains how and why this proposal represents minimum economic viability in their Finding 17, as follows:

“The 12,612 square foot parcel includes 515 square feet at the southeast corner that are not within the WRA. ...The lot has considerable value since it is located adjacent to the library, within 50 yards of the West Linn Central Village Shopping Center and is zoned to allow a range of commercial, office and other uses. The list of “uses permitted outright” includes:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Medical and dental services.
8. Parking facilities.
9. Participant sports and recreation, indoor.
10. Personal services and facilities.
11. Professional and administrative services.
12. Utilities, minor.
13. Transportation facilities

Based on discussions with Metro staff and other jurisdictions, there is no definitive measure or definition of “economic viability” but certainly an asphalt parking lot must be regarded as being at the low or minimal end of economic viability when compared to the other, more profit motivated commercial or office uses listed above, and therefore should be allowed under this criteria. Usually something is only economically viable if the benefits/profits exceed the cost. The success of the parking lot will not be measured in terms of profits. It is unlike a business or most of the other permitted uses that would have to generate a certain amount of business to obtain enough revenue to justify putting money into the property to go through the land use process. Thus, it has the lowest threshold of what could be considered economically viable because it does not have to realize a profit to be economically viable.”

Subsection 32.090 (B)(2) above requires that development in WRA be the “ minimum necessary to allow economically viable use. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property.” Alternatives to the applicant’s proposal include reducing the proposed size of the parking lot, either by reducing the number or size of the parking spaces, and by eliminating the proposed path linking the parking lot with the library or reducing its width from eight to four feet. These possibilities are discussed below.

Number of parking spaces. The library has 35 spaces and 53 are required per the CDC. The library’s parking deficiency would not be satisfied even with the currently proposed addition of 12 full size spaces. The applicant states:



“Having established... that a non-profit public institution has the lowest threshold of what could be considered economically viable; the applicant notes that the disturbed area within the WRA constitutes 5,611 square feet which exceeds the hardship allowance of 5,000 square feet by 611 square feet. This additional 611 square feet of disturbance is needed to accommodate 12 full sized parking spaces, retaining walls and associated grading and other temporary site disturbance.”

Size of parking spaces. Subsection 46.150(A)(1) requires that 50% of required parking spaces be full-sized. The existing 35 space library parking lot has no full-sized spaces, other than disabled spaces. The applicant proposes 12 full-sized spaces to achieve greater conformance with the proportion of parking space sizes required by Subsection 46.150(A)(1). (Counting the disabled spaces and the proposed 12 full size spaces on the Hood Street parcel, 31.7% of the parking spaces would be full-sized.)

While the applicant’s proposal can be considered the minimum necessary to achieve better compliance with Subsection 46.150(A)(1), the proposal of a parking lot comprised of full-sized spaces does not appear to be the minimum necessary intrusion into the transition area. A possible alternative application that would have less impact on the WRA would be to request a variance from Subsection 46.150(A)(1) to allow compact rather than full sized spaces in the proposed parking lot. Staff finds that the proposed 12 full-sized spaces would result in development occupying 5,611 square feet of the transition area on the Hood Street parcel, while 12 compact spaces would occupy 4,681 square feet. This is a reduction of 930 square feet. Giving deference to minimizing encroachment in the WRA when there are conflicting standards seems consistent with Section 32.050(O), which allows reduction of building setbacks as necessary to provide for a 5,000 square foot buildable area on a lot impacted by WRA, rather than allowing further encroachment in the WRA.

However, the applicant has stated that “the parking situation has become untenable. In addition, the lack of full sized spaces makes it very difficult for library patrons to maneuver effectively.” (Exhibit PC-4, Applicant Submittal, Page 99). The applicant notes that the utility of the full size spaces is part of what makes this application economically viable, even though the cost per space is very high. The proposed parking lot and path connects to the children’s portion of the library; encouraging families to access the library is one of the very valuable public benefits of this project. Providing larger spaces to accommodate larger vehicles and space to enter and exit those vehicles makes the library easier to access. Further, the applicant noted that installing compact spaces would increase the nonconformity and would have therefore required a Class II Variance request to do so. It would however reduce encroachment by approximately 930 square feet, so by this count it would eliminate the need for the requested variance regarding the square footage of development on the Hood Street parcel. However, per Engineering staff the net grading area would remain approximately the same in both options due to steep slope, material and construction equipment used. The applicant has also stated that “[a]nything less than 12 spaces would diminish the usefulness of the parking lot to the extent that it would no longer be deemed economically viable given the purchase cost of the land and the cost to construct the lot” (Exhibit PC-4, Page 117). Further, developing new spaces smaller than full-sized would expand the development on this already non-conforming property in a way that does not remedy the non-conformity. Another possibility is to make the parking lot 50% full size spaces and 50% compact spaces, as it would not increase the non-conformity. That approach would reduce the development in the



WRA on the Hood Street parcel by roughly 108 square feet, or possibly more or less than this depending on whether and how the configuration of retaining walls would be engineered for this scenario.

The purpose of WRA restrictions is to protect valuable and scarce resources by minimizing disturbance of the WRA; however, this has to be balanced against the need of property owners' to make economically viable use of their property. According to the applicant's proposal, requiring the reduction would decrease the usefulness of the parking lot and result in a project that is not economically viable. There would be differences in effect on habitat (and potentially in water quality) between the compact spaces alternatives and the applicant's full-sized spaces proposal, since the latter involves more development down the top of the bank. Slope stability should be stable under either scenario due to the appropriate engineering methods and design employed.

Pathway width. At this point, it is arguable whether the parking lot project is not economically viable absent the proposed path linking the parking lot with the library. If the path were eliminated and the adjacent sections of the retaining walls appropriately eliminated and/or reconfigured, the amount in development in the WRA on the Hood Street parcel would be reduced by approximately 130 square feet (in addition to the difference within the Burns Street parcel where all 402 proposed additional square feet of development would be eliminated). Alternatively, the proposed path be reduced from eight feet to four feet in width per CDC 85.200(A)(16) (sidewalk width requirements for environmentally constrained areas) and still meet ADA requirements. Staff finds that the difference in path width would result in an approximately 92 square foot reduction in disturbance area within the Hood Street parcel. Staff concludes that a path, if approved, must not exceed four feet in width in order to be the minimum intrusion into the WRA per Subsection 32.090 (B)(2). This is addressed by one of the two recommended versions of Condition of Approval 2 above.

CDC 32.090(B)(3) requires that "[t]he proposed reduction will comply with Chapter 31 CDC, Erosion Control."

Staff Response 4: There will be no inter-basin transfer as runoff will permeate through the proposed permeable material. There will be no change to Maddax Creek. Staff finds that the criterion is met because all improvements will be designed by engineers, and the required erosion control measures will be in place prior to and during all phases of construction.

CDC 32.090 C: If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:

1. The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage course.

Staff Response 5: Staff finds that there are no wetlands on site, and no development is proposed within 15 feet of Maddax Creek. Staff also finds that the proposal complies with the minimum width of the water resource area's transition and setback because the closest point to the drainage course is approximately 60 feet from Maddax Creek, well more than 15 feet from Maddax Creek.



CDC 32.090(C)(2) requires: As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall revegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).

Staff Response 6: There is no mitigation area available on site that is outside the transition area; thus, off-site mitigation is proposed in Fields Bridge Park. See pages 119-125 of Exhibit PC-4 for the applicant's findings regarding mitigation. The revegetation requirements are discussed more fully below in the findings for CDC 32.070. Staff finds that the off-site mitigation of approximately 14,000 square feet is greater than the combined area of proposed new disturbance on both the Hood and Burns street parcels which totals 6,564 square feet. Therefore staff determines that this criterion is satisfied.

D. Any further reduction of the standards of this chapter shall require approval of a variance pursuant to Chapter 75 CDC.

Staff Response 7: Staff finds that the total proposed disturbance area is 5,611, which is more than 5,000 square feet. Therefore the applicant has requested a variance as discussed in this staff report.

B. Variance to 32.090(B) for the Hood Street Property

Staff Response 8: This section addresses each of the applicable criteria for granting of the variance.

CDC 75.060 APPROVAL CRITERIA. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

CDC 75.060(A). Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Staff Response 9: As previously noted, the Hood Street parcel contains approximately 12,612 square feet total, but only 515 square feet lie outside of the WRA transition area and setback. This is an exceptional circumstance that severely limits the utility of the lot for an economically viable use. As previously noted, 12 full-sized spaces are proposed because the existing library parking lot site has no full-sized spaces other than disabled spaces, contrary to Subsection 46.150(A)(1). Counting disabled spaces on the Burns Street parcel and the proposed spaces on the Hood Street parcel (the subject of this particular variance), 31.7% of



the parking spaces would be full-sized, getting the site as a whole much closer to the requirement that 50% of the spaces be full-sized per Subsection 46.150(A)(1). Per the applicant, a 12-space parking lot is the minimum that could be installed that would justify the cost of site acquisition and development. The exceptional and extraordinary circumstance, that is the amount of the site in the transition area, prevents the applicant from constructing the proposed 12 full-sized parking spaces within the 5,000 square foot disturbance limit under Subsection 32.090(B) and, which are according to the applicant, required for minimum economic viability and to satisfy the needs of patrons. However, as noted in Staff Response 3, the applicant would be able to build 12 compact spaces if a variance to Subsection 46.150(A)(1) were applied for and granted. The difference between a parking lot of 12 full-sized spaces and one of 12 compact spaces (approximately 930 square feet) is more than the square footage requested in the variance application .

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

Staff Response 10: Staff finds that the requested variance to the amount of developed square footage in the transition area on the Hood Street parcel relates to the basic property right to a) come as close as possible to the minimum amount of parking required and the minimum percentage of full-sized spaces required by Chapter 46, and b) to build enough parking spaces to justify the costs of site development for this minimally economically viable use of the parcel. While staff finds that b) is met, the discussion in Staff Response 3 indicates the requested variance would be unnecessary if compact spaces were used.

CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

Staff Response 11: As previously noted, the proposed variance is inconsistent with the 5,000 square foot limit on development in the WRA in Subsection 32.090(B). The applicant reports 12 new spaces are needed to make the project economically viable. The provision of 12 spaces could be accomplished with compact spaces, but that would require a variance to the parking requirements of Subsection 46.150(A)(1).

Below is a policy from the Comprehensive Plan pertaining to the requested variance.

Comprehensive Plan Goal 11 Public Facilities and Services, Library Policy 1
Provide for library services that meet the demands of users.

The applicant reports that there is demand by library users and staff for more parking spaces at the library. Some library users have larger vehicles. The only existing library parking spaces that are not disabled spaces are compact spaces.

Below are goals and policies from the Bolton Neighborhood Plan pertaining to the requested variance.



Policy 3.3 *Emphasize and accentuate buildings, public spaces, and landscaping within the Bolton Central Village over parking and service areas.*

Goal 4 *Preserve, acquire, and maintain natural areas within Bolton and allow public access to them.*

Goal 8 *Protect and enhance the natural environment of the Bolton Neighborhood.*

The proposal is arguably not compatible with the above goals and policies in that the proposed development would extend past the top of bank into the natural corridor of Maddax Creek, and that it proposes to place a parking lot along the street frontage of a commercial parcel in the Bolton Central Village area. However since the Community Development Code is in place to implement the goals and policies of the Comprehensive Plan and its neighborhood plans, the policies and goals themselves do not override how any given site has to meet each individual code section including those related to off-street parking minimums.

With that in mind, staff determines from the above analysis that the requested variance is compatible with the Comprehensive Plan and the Bolton Neighborhood Plan and finds and determines that the variance is otherwise compatible with other City documents and codes implementing these plans.

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

Staff Response 12: As previously noted, per the applicant a 12-space parking lot is the minimum that could be installed that would justify site acquisition and development costs. Most of the proposed development would be on land that has been graded and disturbed in the past. However that land is vegetated at this time. The applicant is allowed up to 5,000 square feet of disturbed area to develop a parcel that is mostly in the transition area of a creek, as is the case in this instance, which would have been feasible had compact spaces been proposed. However the library currently has no parking spaces that are full-sized except for disabled spaces. The applicant proposes 5,611 square feet of development in the transition area, as this is required for all spaces to be full-sized. Proposing all full-sized spaces would result in 31.7% of the library parking spaces, which bring the library closer to conformance with Chapter 46's requirement that 50% of the spaces be full-sized. If recommended Condition of Approval 2 is applied the disturbed area on the Hood Street parcel would be reduced to 5,481 square feet. This is the minimum variance to allow the library to have some full-sized non-disabled parking spaces for the first time. For all of the above reasons, staff finds and determines that the variance request is the minimum variance required to overcome the exceptional circumstances.

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

Staff Response 13: Staff finds that the parking spaces addressed by the variance have not been built at this time as they are being requested in this application; therefore staff determines that the circumstance does not arise from a violation.



CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

Staff Response 14: Staff finds that the parking spaces addressed by the variance are proposed on the subject property, and would be buffered from the residential property across the street. They are already buffered by the wooded Maddax Creek riparian corridor from residential properties to the north. Therefore, staff determines that this variance will not impose physical limitations of other properties or uses in the area, and will not impose any limitations on future use of any vacant or underdeveloped parcels nearby.

C. Burns Street Property Hardship

32.090(B). Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:

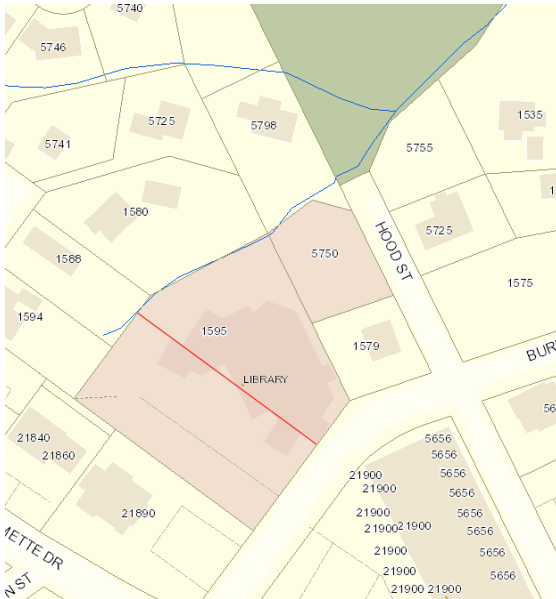
32.090(B)(1). Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.

32.090(B)(2). The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

32.090(B)(3). The proposed reduction will comply with Chapter 31 CDC, Erosion Control.

Staff Response 15: Staff finds that roughly 40% of the approximately 1.4-acre Burns Street parcel is not within the WRA. In addition, the lot was recorded prior to 2007, which is when Chapter 32 went into effect. Staff determines that 32.090(B) applies because approximately 60% percent of the parcel is in the WRA and the lot was recorded before 2007 as it was recorded as lots 2 and 3 of Moody Investment Company Plats of Holly Gardens in 1923; therefore, it meets the definition of a "lot located partially inside the water resource area." While the Burns Street parcel is two legal lots of record, the library building has been built over the line between the two legal parcels for many years, and the lots do not function independently. For this reason they will be analyzed as one lot of record. See below for where the historic lot line (shown in red) between lots 2 and 3 crosses the Burns Street parcel:





Source: West Linn GIS

CDC 32.090(B)(1) requires the applicant to: 1) show that there is “*no other application could result in permission for an economically viable use of the subject property,*” and 2) list all uses allowed on the property.

Staff Response 16: Staff finds that the Burns Street property is already used for the City’s only library. The need to add development to the already-non-conforming amount of developed transition area is related to the development of the Hood Street parcel as a parking lot serving the library. The only development proposed to be added to the Burns Street parcel transition area is a path linking the library to the proposed parking lot, and supporting retaining walls. The proposed path is the most direct connection between the two parcels as it is the only area atop the bank where the two border each other, and the Hood Street parcel is the only available area to construct new parking for the library. There is a rear lower level entrance/exit door to the library on the north side of the building. The proposed path would connect to an existing gravel path at the northeast corner of the library that then leads directly along the north edge of the building to this door. The alternative access from the proposed parking lot to the library would be to route people along the perimeter of the block, where they would enter at the front entrance. This would increase the walking distance from the parking space closest to the library from 85 feet (to the rear entrance) to approximately 365 feet (to the front). (Public sidewalks exist already along this entire route, except along the Hood Street parcel where the applicant proposes a sidewalk.) This approximately 280 foot difference in the length of the alternative routes could arguably justify the proposed 402 square feet of development that would be added to WRA on the Burns Street parcel, as it would make the proposed parking lot more convenient for library users. While at this point there does not appear to be clear justification that the proposed path is needed for the economically viability of the project, it is a logical connection that would be more convenient for library patrons.

The list of “uses permitted outright” includes:



1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Medical and dental services.
8. Parking facilities.
9. Participant sports and recreation, indoor.
10. Personal services and facilities.
11. Professional and administrative services.
12. Utilities, minor.
13. Transportation facilities .

The library will continue to be the only land use on the Burns Street parcel, and this use is permitted outright under “Cultural exhibits and library services.” As discussed above the applicant contends that the proposed path is needed to make proposed new parking lot economically viable.

CDC 32.090(B)(2) requires that “[t]he proposed intrusion is the minimum necessary to allow economically viable use of the subject property.”

Staff Response 17: Staff finds that the total disturbance area on the Burns Street parcel is 13,760 square feet and an additional 402 square feet of development in the WRA is proposed, for a total of 14,236. As discussed above, the use itself on the Burns Street parcel will not change, only the amount of development, and that would increase to the extent needed to connect to the proposed parking lot directly to the library. The proposed path alignment is the only possible connection on site between the two parcels as it is the only area atop the bank where the two parcels border each other, and the Hood Street parcel is the only available area to construct new parking for the library. The path takes the shortest route possible to make this connection (approximately 85 feet) and it would be as far away as possible from Maddax Creek. However, existing and proposed sidewalks on Hood and Burns streets would provide alternative access between the proposed parking lot and the library, but at greater distance -280 feet (365 feet overall).

At this point, while it is clear that a path would be far more convenient for library staff and patrons, and an informal path would likely be formed by foot traffic if the is not provided, it is arguable whether the parking lot project is economically viable absent the proposed path. If the path is deemed needed, Condition of Approval 2(b) would require the path to be four feet wide instead of the proposed eight feet, consistent with CDC 85.200(A)(16) and ADA requirements.

CDC 32.090(B)(3) requires that “[t]he proposed reduction will comply with Chapter 31 CDC, Erosion Control.”

Staff Response 18: There will be no inter-basin transfer as runoff will permeate through the proposed permeable material. There will be no change to the creek. Staff finds that the criteria is met because all improvements will be designed by engineers, and, if approved, the



proposed retaining walls on the slope will be reviewed during the building permit review by a geotechnical engineer. Also, the required erosion control measures will be in place prior to and during all phases of construction.

In addition to the approval criterion in CDC 32.050, a reduction in the Water Resource Area standards through the Hardship Provisions invokes the following standards of CDC 32.090(B) and 32.090(C):

- B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC.
(...)
- C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:
 - 1. The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage course.
 - 2. As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall revegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).

Staff Response 19: Staff finds that the total disturbance area is 13,760 existing plus 402 proposed for a total of 14,236, which is more than 5,000 square feet. This would be reduced by approximately 68 square feet if alternative Condition of Approval 2, which would reduce the Trail width from 8 to 4 feet, is applied).

CDC 32.090(C)(1) states: The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage course.

Staff Response 20: Staff finds that there are no wetlands on site, and no development is proposed within 15 feet of Maddax Creek. Staff determines that the proposal complies with the minimum width of the water resource area's transition and setback because the closest point to the drainage course is approximately 60 feet from Maddax Creek, which is more than 15 feet from Maddax Creek.

CDC 32.090(C)(2) requires: As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this



requirement, the applicant shall revegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).

Staff Response 21: There is no mitigation area available on site that is outside the transition area; thus, off-site mitigation is proposed in Fields Bridge Park. The revegetation requirements are discussed more fully below in the findings for CDC 32.070. Staff determines that this criterion is satisfied because the off-site mitigation of approximately 14,000 square feet is greater than the combined area of proposed new water resource area disturbance on both the Hood and Burns street parcels which totals 6,013 square feet.

D. Variance to 32.090(B) for the Burns Street Property

Staff Response 22: This section shall discuss each of the applicable criteria for granting of the variance.

CDC 75.060 APPROVAL CRITERIA. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

75.060(A). Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Staff Response 23: The applicant proposes to provide a pedestrian link between the proposed parking lot and the library it serves. The variance to add this path and associated retaining walls to the already-non-conforming level of development is related to the proposed trail alignment being the only area where the two properties border each other above the steep slope. Staff finds, therefore this circumstance is related to the natural features of the two parcels including their topography and location partially within the significant riparian corridor. Staff determines that this is an exceptional circumstance compared to other situations within the City where efficient, direct pedestrian connections can be implemented between a use and its required off-street parking.

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

Staff Response 24: As noted above, the proposed added development on the Burns Street property provides for a section of the proposed path and its associated retaining walls. As discussed in Staff Response 16, this path would provide a direct link between the proposed parking lot and an entrance to the library, rather than a much more indirect link off site along



public sidewalks. The difference between these two routes is roughly 280 feet. Most commercial and institutional properties in the OBC zone and in the Bolton Central Village area of the City enjoy the property right of a direct link between their required parking and their building or buildings. Staff determines that the requested variance preserves this property right for the applicant.

CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

Staff Response 25: As previously noted, the proposal is inconsistent the 5,000 square foot limit on development in the WRA in Subsection 32.090(B), it would result in a path atop a steep slope and supporting retaining walls along the slope. If approved, during the building permit process, the design of retaining walls would be reviewed by a geotechnical engineer to confirm that slope stability is not jeopardized. Below are specific goals from the Comprehensive Plan and Bolton Neighborhood Plan pertaining to this specific requested variance.

Comprehensive Plan Goal 11 Public Facilities and Services, Library Policy 1
Provide for library services that meet the demands of users.

The applicant reports that there is demand by library users and staff for more parking spaces at the library. Therefore the proposed parking lot meets the demands of users, as does the proposed 85-foot path between the lot and the library.

Bolton Neighborhood Plan Goal 7: Encourage pedestrian activity by providing sidewalks, crosswalks, pedestrian trails, connections, and shortcuts.

The granting of the requested variance would provide a pedestrian connection directly from the library to the proposed parking lot, consistent with the goal above. Staff determines from the above goal and policy analysis that the requested variance is compatible with the Comprehensive Plan and the Bolton Neighborhood Plan.

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

Staff Response 26: Staff finds that the proposed 8-foot-wide path to connect to the existing library building is wider than needed to connect the parking lot with the library. Alternative Condition of Approval 2 would require the path width to be four feet wide instead of eight feet wide as proposed consistent with CDC Subsection 85.200(A)(16)

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

Staff Response 27: Staff finds that the library was developed before the current limitations on transition area development were adopted in 2007. Therefore the circumstance relating to adding development to the parcel does not arise from a violation.



CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

Staff Response 28: The aspect of the applicant's proposal that requires this variance is the section of the path and the associated retaining walls on the Burns Street parcel. The path and walls are engineered to not have a negative effect on slope stability. Most of the tree canopy that screens the library property from residential properties across the Maddax Creek corridor will remain. The proposed development will not take place on other properties or affect access to other properties. Therefore staff determines that the requested variance will not impose physical limitations of other properties or uses in the area, and will not impose any limitations on future use of any vacant or underdeveloped parcels nearby.

II. Chapter 32 Water Resource Area Protection

To comply with the Water Resource Area Protection Chapter, and meet all of the applicable approval criteria, the applicant must: A) comply with CDC 32.050, Approval Criteria, as modified by the Hardship Provisions discussed above, B) obtain a variance from CDC 32.050(M), C) comply with CDC 32.070, Mitigation Plan, and D) comply with CDC 32.080, Revegetation Plan Requirements.

A. CDC 32.050 Approval Criteria

Staff Response 29: The approval criteria for the site include the approval criteria of CDC 32.050 and the criteria required by the Hardship Provisions in CDC 32.090. CDC 32.050 states that "[n]o application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval."

This section addresses each of the applicable criteria.

CDC 32.050(A). Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor Inventory shall be used as the basis for determining existence of riparian corridors.

Staff Response 30: Staff finds that Maddax Creek is identified. The criterion is met.



CDC 32.050(B). Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.

Staff Response 31: The proposed parking lot and path would be made of permeable materials, therefore the natural drainage into the soil on site and towards Maddax Creek will not be diverted elsewhere. The proposed Hood Street improvements would drain into a raingarden in the right-of-way on the east side of the street, which would disperse in the direction of the Maddax Creek corridor, the natural direction for drainage to flow at this location. There will be no changes to the creek itself. Staff finds and determines that the criterion is met.

CDC 32.050(C). Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC [32.070](#) designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.

Staff Response 32: As proposed, development is mainly on top of the bank away from the sensitive slopes that descend to the creek. To achieve this, the applicant requests a variance to eliminate interior parking lot landscaping. An alternative would be to reduce the size of the parking lot, but even the proposed 12 spaces leave the library with a parking deficiency (see Staff Response 73). There is nowhere else on either of the two site parcels to accommodate more parking without developing more of the drainageway's steep wooded corridor north of the top of bank. As discussed in Staff Response 3, eliminating the proposed path and appropriately reconfiguring the associated retaining walls along the steep slope or narrowing the proposed path from 8 feet to 4 feet would reduce impact to the slope.

CDC 32.050(D). Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.

Staff Response 33: The site is already publicly owned, so no dedication is necessary. The applicant acknowledges that a document could be recorded designating the area north of the



proposed and existing development as a conservation area. Such a document should protect all of the areas of both parcels north of existing and proposed development. That way these areas would be permanently protected by a conservation easement even if either parcel is ever sold to a private entity for another use. Recommended Condition of Approval 3 would require a conservation easement be placed over all of these areas.

CDC 32.050(E). The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table:

Staff Response 34: The transition area on the Hood Street parcel encompasses most of the parcel except for the far southeast corner. Because of the inability to develop this parcel and stay outside the transition area, the applicant has applied under the hardship provisions of Section 32.090 (see staff responses 1-8 and 15-21). As previously mentioned, the library parcel on Burns Street also has new development proposed, a path to connect the proposed parking with the library. Because over 5,000 square feet have already been developed within the transition area on the Burns Street parcel, the applicant has applied for a variance to develop a portion of the proposed path on that parcel. See staff responses 22-28. The wording of Section 32.090 regards each parcel's ability to be developed, rather than a site as a whole, if a site consists of more than one parcel. Therefore, for the purposes of Chapter 32, the site is being reviewed as two separate parcels, a) the Burns Street parcel needing the variance for further development and b) the Hood Street parcel needing the hardship provision to be developed and, as proposed, a variance for square footage developed in the water resource transition area.

CDC 32.050(F). Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC [32.070](#) and a revegetation plan pursuant to CDC [32.080](#). The maximum disturbance width for utility corridors is as follows:
(...)

Staff Response 35: As proposed, the driveway to the parking lot, the parking spaces, the proposed retaining walls, and the improvements to the Hood Street right-of-way will be mostly in the transition area. No other practical alternative exists to develop this site, as the remainder of the site consists of the steep wooded hillside descending to Maddax Creek. The path proposed to link the parking and the library spans both parcels, where it would be as far as possible from the creek. No recreation facilities or utilities are planned. The applicant proposes off-site mitigation for all proposed development in the transition area. Therefore, staff determines that the criterion is met.

CDC 32.050(G). Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all



boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

Staff Response 36: Construction fencing will be installed per Section (G) along the edge of the construction area, near the top of bank and along Hood Street. Proposed Condition of Approval 3 requires that areas subject to conservation easements be marked with the permanent markers discussed in this criterion. Since the conservation easement required by Condition of Approval 3 includes all of the water resource and transition area to remain undeveloped, staff determines that the criterion is fulfilled upon the inclusion of Condition of Approval 3.

CDC 32.050(H). Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize low impact development (LID) construction practices.

Staff Response 37: No development on site including trails or paths is proposed within 15 feet of Maddax Creek. While the proposed path between the library and parking lot is over 60 feet from the creek, it is still within the transition area. The proposed path between Hood Street and the parking lot, along the driveway, is also within the transition area. Therefore this criterion pertains to the proposed paths. Proposed Condition of Approval 2 requires that the path between the library and the parking lot be eliminated from the plan, which would make this criteria moot except for the path proposed along the driveway between the parking lot and Hood Street. Therefore both Condition of Approval 2 and the alternative version allowing the path to the library require that paths be made of a permeable material and that disturbed soils be amended to their original or higher level of porosity to regain infiltration and stormwater storage capacity, fulfilling the low impact development requirements as they apply to the path. These conditions also require paths to be four feet wide to minimize impacts on the transition area. Staff determines that the criterion is fulfilled upon the inclusion of either version of Condition of Approval 2.

CDC 32.050(I). Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.

Staff Response 38: Proposed parking and path surfaces are permeable, so water will drain into the soil on site. Therefore there will be no inter-basin transfers or diversion from natural watercourses. There will be no change to the creek. All improvements will be designed involving engineers. Staff determines the above criterion is met.

CDC 32.050(J). Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction.



Staff Response 39: All required erosion control measures will be in place prior to and during all phases. Staff finds and determines that the criterion is met.

CDC 32.050(K). Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

Staff Response 40: For the area on site near Maddax Creek that is dominated by blackberries, the applicant proposes a revegetation plan per Finding 30 in the applicant's submittal (Page 123-4 of Exhibit PC-4). The applicant's Finding 30 states the following:

The mitigation will take place in Fields Bridge Park (Figure 13). The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of the edge of Maddax Creek will be undertaken to removal of non-native plants and replacement with native plant material (Figure 15).

The Fields Bridge Park Mitigation and Maddax Creek Re-vegetation Plans are similar and involve the following steps:

- A. Install fencing and erosion control measures along the edge or perimeter of the mitigation and re-vegetation areas per the Clackamas County Erosion Control Manual.
- B. Remove non-native plant material. (Stabilize embankments and hillside with BMPs of Clackamas County Erosion Control Manual.)
- C. Plant the following trees and shrubs (for every 1,000 square foot area) *:

Figure 15: On-site re-vegetation and off-site mitigation

- 2 Vine Maples 1" caliper (at least 10 feet apart)
- 1 Western Red Cedars 1" caliper (at least 20 feet apart)



- 20 Salal (three feet on center (OC)) (one gallon size)
- 20 Salmonberry (three feet on center (OC)) (one gallon size)
- 20 Maidenhair Fern (three feet on center (OC))
- 20 Red Columbine (three feet on center (OC))
- 20 Deer Fern (three feet on center (OC))

** Seasonal availability may require substitution of plants of equal quality and number. Mitigation at Fields Bridge may require wetland facultative or obligate plant material depending on the location.*

D. Plantings will be appropriate to cover the 6,013 square feet at Fields Bridge Park and a similar sized area adjacent to Maddax Creek on the parking lot tax lot for a distance of at least 10 feet from edge of stream. The table above provides the number of plants and trees appropriate for a 1,000 square foot area. For the Fields Bridge Park and Maddax Creek sites the planting amounts would be multiplied commensurate with the size of the project area.

E. Temporary irrigation from June 15th to October 15th for the three years following planting, excepting drought tolerant plants.

(end of Finding 30)

Staff Response 41: Staff finds and determines that this will result in achieving the standard of this criterion for the areas of the site to remain undeveloped.

CDC 32.050(L). Structural setback area. Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

Staff Response 42: The only new structures proposed on either parcel are the retaining walls. The Hood Street parcel is proposed to be developed under the hardship provisions of Section 32.090, which allow for development within the water resource transition area. The applicant has applied for a variance to further develop within the transition area (and therefore within this setback) on the Burns Street parcel. As the retaining walls and most of the rest of the proposed development will be within the transition area, it does not meet a structural setback that extends beyond the transition area. Therefore staff finds and



determines that this criterion cannot apply due to the development proposed and the related hardship provisions the applicant is applying under. However the 7.5 feet of structural setback is counted as part of the 5,611-square-foot transition area disturbance on the Hood Street parcel and is therefore proposed to be mitigated for in the mitigation plan. (The proposed new development on the Burns Street parcel is all below the top of bank and therefore not within the extra structural setback area specified by the above criterion.)

See the discussion above related to the hardship provisions as they relate to development on the Hood Street parcel.

CDC 32.050(M). Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.

Staff Response 43: No stormwater facilities are proposed on site as all proposed on-site development surfaces are permeable. Proposed new street and sidewalk surfaces in the Hood Street right of way will not be permeable, but the runoff water from these will be treated in a proposed raingarden. The raingarden is proposed in the right of way on the east side of Hood Street. It is proposed far enough south that it would not be located 25 feet into the transition area. In fact, the raingarden is proposed far south enough that it is not within the creek transition area as calculated under the provisions of 32.050(E) by staff analysis of City GIS maps. Staff finds and determines that the criterion is therefore met.

CDC 32.050(N). As part of any proposed land division or Class II design review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

The maximum required setback under any circumstance shall be the setback required as if the drainageway were already open.
(...)

Staff Response 44: There is a stormwater utility pipe under the site, but there are no piped or covered natural drainageways or creeks. Staff finds and determines that the criterion does not apply.

CDC 32.050(P). Storm drainage channels not identified on the Surface Water Management Plan Map, but identified through the development review process,



shall be subject to the same setbacks as equivalent mapped storm drainage channels.

Staff Response 45: No channels besides Maddax Creek and its tributary from the north have been identified on or near the site. The tributary is across Maddax Creek from the site, so it does not result in further setbacks on site. Staff finds and determines that the criterion does not apply.
(...)

B. 32.070 MITIGATION PLAN

A mitigation plan shall be required if any portion of the water resource area is proposed to be permanently disturbed by development.

CDC 32.070(A). All mitigation plans must contain an alternatives analysis demonstrating that:

CDC 32.070(A)(1). No practicable alternatives to the requested development exist that will not disturb the water resource area; and

Staff Response 46: All but 515 square feet of the southeast corner of the Hood Street parcel is within the water resource area. Also the only place to connect the proposed parking lot on this parcel with the library on the Burns Street parcel is through an area of the Burns Street parcel in the water resource area. Therefore staff finds and determines that there are no practicable alternatives that would not disturb the water resource area.

CDC 32.070(A)(2). Development in the water resource area has been limited to the area necessary to allow for the proposed use; and

Staff Response 47: The proposed parking lot needs to have 12 spaces to make it worth the price paid by the City for this site for a new library parking lot. This 12-space area needs the appropriate retaining walls, required five-foot buffer to the property to the south, and a pedestrian connection to the library itself. All proposed spaces are full-sized. While fewer square feet of development would be required to develop 12 compact spaces instead or a mixture of compact and full-sized spaces, the library currently has no full-sized parking spaces except for the disabled-only spaces. Therefore 12 full-sized spaces are proposed in the new lot, which still results in fewer than 50% of the library's spaces being full-sized. CDC Chapter 46 requires 50% of spaces to be full-sized. See Staff Response 3 for further discussion of whether proposed development is limited to the area necessary for the proposed use.

CDC 32.070(A)(3). An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.

Staff Response 48: The project is proposed in this configuration at this location as it is the only remaining area of the two-parcel library property that is not in the wooded creek corridor below the bank. Most of the parking lot is proposed atop the bank where there are not large trees, and where most of the proposed development area has previously been



graded by a former owner of the parcel. Staff finds and determines that this plan avoids many of the adverse impacts to the water resource area.

CDC 32.070(B). A mitigation plan shall contain the following information:

CDC 32.070(B)(1). A description of adverse impacts that will be caused as a result of development.

Staff Response 49: The applicant's mitigation plan contains the following statement (which is applicant's Finding 23 on Page 120 of Exhibit PC-4): "Adverse impacts associated with this application include the grading and construction of the 12-stall parking lot and retaining walls. There will be grading and construction of a path from the lot to the adjacent library. Hood Street will be repaved." Staff finds and determines that the applicant's mitigation plan contains a description of adverse impacts that will be caused as a result of development.

CDC 32.070(B)(2). An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the revegetation provisions of CDC [32.050\(K\)](#).

Staff Response 50: The applicant's Finding 24 on pages 120-1 of Exhibit PC-4 states the following:

The significance of impacts to the WRA is reduced by the fact that the area has not been in a natural state since it was graded about 10 years ago by the previous owner. Impacts are also minimized by the use of water permeable pavers, per the Metro "Best Management Practices" and avoiding a traditional storm water treatment system and outfall.

Adverse impacts are also being minimized by selecting a land use (parking lot) that is significantly less intense than other built uses. The parking lot will minimize load bearing on the hillside (compared to a multi-story building), which translates to less likelihood of slope failure or of eroded soils being carried into the stream.

The parking lot is built at grade so the visual presence and impact of multi-story development in the WRA is reduced, which should encourage its continued use as a wildlife habitat area/corridor. The applicant is also minimizing impacts by applying for a landscaping variance which allows the parking lot to be downsized by 120 square feet and thereby reduce the encroachment upon the WRA.

Mitigation for the parking lot, retaining walls, footpath and any other disturbed areas is required for both properties. Mitigation will be on a 1:1 basis, which means that for the combined 6,013 square feet of WRA transition, setback or riparian area that is disturbed or lost in the development of both properties (the parking lot, path, retaining walls, etc.), the applicant will re-vegetate or enhance 6,013 square feet at Fields Bridge Park under a program that the City Parks Department has successfully utilized in the past. 27



While mitigation will take place at Fields Bridge Park, on-site re-vegetation will include removing non-native plant material along Maddax Creek and replacing it with native plant material in a 4,000 square foot long corridor which exceeds the required re-vegetation.

In conjunction with the applicant's Finding 30 as excerpted above, staff finds that the applicant has sufficiently explained how adverse impacts will be avoided, minimized, and mitigated in relation to the provisions of Section 32.050(K) and other goals of this chapter.

CDC 32.070(B)(3). A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.

Staff Response 51: The owner, applicant, and ultimately responsible party is the City of West Linn. The applicant does not know who will be contracted to do the eventual work at this time.

CDC 32.070(B)(4). A map showing where the specific mitigation activities will occur.

Staff Response 52: The applicant has included a map on Page 174 of Exhibit PC-4 showing the specific section of water resource area in Fields Bridge Park where mitigation is proposed. Much of the proposed mitigation area is not within what constitutes the transition area setbacks for wetlands and creeks in Fields Bridge Park, However it is contiguous to proposed mitigation areas that are within 50 feet of wetlands. Essentially this adds to transition area within the park in a way that is not inconsistent with the CDC. Therefore this is acceptable as long as it is made clear to the public in the field that this is a water resource area not to be disturbed. For this reason, staff has included language in proposed Condition of Approval 3 requiring the north and east sides of the proposed mitigation area to marked with the signage that Section 32.050(G) requires for transition areas on development sites. This is proposed to be required on the north and east sides only as the south side of the proposed mitigation area borders the Tualatin River and the west side borders the existing water resource areas at Fields Bridge Park. Staff finds and determines that this requirement is met upon the inclusion of Condition of Approval 3.

32.070(B)(5). An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.

Staff Response 53: In applicant's Finding 26 on pages 121-2 of Exhibit PC-4 and further in the applicant's memo on Page 160 of Exhibit PC-4, the applicant provides an implementation schedule and timeline as requested. Monitoring will be done by ODFW as the mitigation will take place along the fish-bearing Tualatin River in Fields Bridge Park. City staff will also do appropriate monitoring and reporting. A contingency plan is not needed since this is primarily for projects with non-City applicants. The applicant requests a waiver from this



requirement. See staff's analysis of the waiver request on Page 92 of Exhibit PC-4; staff has found that this waiver is appropriate since the City is the applicant, and the City will carry out its own mitigation plan. Staff finds and determines that the criterion is met.

CDC 32.070(B)(6). Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.
(...)

Staff Response 54: The City is the applicant and property owner of both the project site and the site where mitigation will occur. Assurances are therefore not necessary.

CDC 32.070(C). Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:

1. On site, not within the water resource area, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K); or
2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).

The applicant shall prepare and implement a revegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

(...)

Staff Response 55: The area outside the existing transition area on site is largely developed, making on-site mitigation per Subsection (1) above not feasible. The applicant proposes to mitigate for this development via off-site mitigation at Fields Bridge Park, in unhealthy areas that are in the transition area setbacks from wetlands or expand the transition area into contiguous areas. See Page 174 of Exhibit PC-4 for a map of this area. The applicant provides the mitigation plan details in applicant's Finding 30 on pages 123-4 of Exhibit PC-4 and excerpted above. Staff determines that the criteria are met.

CDC 32.070(E). To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required.

Staff Response 56: Staff finds and determines that a mitigation area easement is not required, as the mitigation will occur in a City park.



C. 32.080 REVEGETATION PLAN REQUIREMENTS

Metro's Native Plant List is incorporated by reference as a part of this chapter, and all plants used in revegetation plans shall be plants found on the Metro Native Plant List. Performance standards for planting upland, riparian and wetland plants include the following:

CDC 32.080(A). Native trees and shrubs will require temporary irrigation from June 15th to October 15th for the three years following planting.

Staff Response 57: The applicant will provide temporary irrigation for three years following planting, as stated in Section E of the applicant's Finding 30. Staff finds and determines that the criterion is met.

CDC 32.080(B). Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.

Staff Response 58: The applicant will remove non-native vegetation before revegetating. Other noxious vegetation is not known on site besides any invasives. Staff finds and determines that the criterion is met.

CDC 32.080(C). Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

Staff Response 59: New trees are proposed to be one inch in caliper at the time of planting, and shrubs will be of the one-gallon variety. Condition of Approval 8 ensures that shrubs will be at least 12 inches in height at the time of planting. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 8.

CDC 32.080(D). Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.

Staff Response 60: The Oregon white oaks proposed next to the southeast, northeast, and southwest corners of the proposed parking lot are large enough to be planted by themselves, and are separated by proposed development from areas where other trees are proposed, so they cannot meet the requirements of being planted between eight to 12 feet on center. All of the proposed vine maples are within eight to 12 feet of other proposed vine maples, except for the fourth and fifth trees (as one moves from east to west across the applicant's Landscape



Plan). This gap is 16 feet wide, so another tree can be planted here and still be eight feet on center from the fourth and fifth vine maples. Condition of Approval 8 requires this.

The proposed shrubs are three feet apart, spaced evenly, on the Landscape Plan. However the criterion above requires them to be four to five feet apart or clustered in groups of up to four plants. It also requires that if the spacing standard instead of the clustering standard is used, the spacing start at the edge of the driplines of existing trees (with nothing planted under the driplines). The plants shall be spaced properly outside the driplines of the trees, and within the driplines of the trees the plants shall be placed in the aforementioned clusters so plants can be planted beneath the driplines. Condition of Approval 8 requires these stipulations as well. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 8.

CDC 32.080(E). Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same species.

Staff Response 61: Proposed shrubs consist of four species: sword fern, compact Oregon grape, tall Oregon grape, and longleaf Oregon grape. Staff finds and determines that the criterion is met as related to shrubs.

Nine trees are proposed but one more is being required by proposed Condition of Approval 8 to meet the spacing requirements of Section (D) immediately above. Therefore 10 trees will be planted, whereas only two species (Oregon white oak and vine maple) are proposed among the nine proposed trees. For this reason Condition of Approval 8 specifies that the additional tree be of a native species acceptable to the City Arborist. Staff finds and determines that the criterion is met as related to trees upon the inclusion of Condition of Approval 8.

CDC 32.080(F). The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three-year period.

Staff Response 62: Staff adopts the applicant's revegetation plan as submitted; staff also adopts the applicant's Finding 30 on Page 123-4 of Exhibit PC-4, which is reprinted on pages 34-35 of this staff report, above. Per the applicant's Finding 33 on Page 126 of Exhibit PC-4, the applicant is agreeable to a condition regarding assurance of plant survival per (F) above. This is proposed as Condition of Approval 5.

III. ZONING AND DESIGN REVIEW CRITERIA

A. *Chapter 21, Office Business Center*

CDC 21.030 PERMITTED USES

The following uses are permitted outright in this zone:
(...)



CDC 21.030(4). Cultural exhibits and library services.
(...)

CDC 21.030(8). Parking facilities.
(...)

Staff Response 63: Staff finds and determines that libraries and parking facilities are both permitted uses in this zone.

21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

CDC 21.070(A). Except as may be otherwise provided by the provisions of this code, the following are 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 35 feet.
3. The average minimum lot depth shall not be less than 90 feet.

Staff Response 64: The Hood Street Property has: a front lot line of 110.09 feet, an average minimum lot width of approximately 120 feet, and an average lot depth of 100.77 feet; therefore, staff finds and determines that the requirements of CDC 21.070(A)(1) through (3) are met for the Hood Street Property.

The Burns Street Property has: a front lot line of 189.54 feet, an average minimum lot width of approximately 250 feet, and an average lot depth of approximately 239 feet; therefore, staff finds and determines that the requirements of CDC 21.070(A)(1-3) are met for the Burns Street Property.

CDC 21.070(A)(4). The minimum yard dimensions or minimum building setback area from the lot line shall be:

CDC 21.070(A)(4)(a). For an interior side yard, seven and one-half feet.

Staff Response 65: No new buildings are proposed. The existing building is more than 7.5 feet from each side of the site. Staff finds and determines that the criterion is met.

CDC 21.070(A)(4)(b). For a side yard abutting a street, 15 feet.

Staff Response 66: No new buildings are proposed. The Hood Street frontage is the only area of the site where the side of the site borders a street. No building is proposed within 15 feet of this street, and the existing building is not within 15 feet of this street. Staff finds and determines that the criterion is met.



CDC 21.070(A)(4)(c). For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.

(...)

Staff Response 67: No new buildings are proposed, and the existing building is more than 25 feet from the residential zone to the rear of the Burns Street parcel (the residential zone's rear setback minimum is 20 feet). Staff finds and determines that the criterion is met.

CDC 21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

CDC 21.090(A). The following standards apply to all development including permitted uses:

(...)

CDC 21.090(A)(5). Chapter [42](#) CDC, Clear Vision Areas.

(...)

CDC 21.090(A)(7). Chapter [46](#) CDC, Off-Street Parking, Loading and Reservoir Areas.

CDC 21.090(A)(8). Chapter [48](#) CDC, Access, Egress and Circulation.

(...)

CDC 21.090(A)(10). Chapter [54](#) CDC, Landscaping.

CDC 21.090(B). The provisions of Chapter [55](#) CDC, Design Review, apply to all uses except detached single-family dwellings.

Staff Response 68: Staff determines that Class II Design Review per Section (B) applies because the project is for a parking lot and paths, not a detached single-family dwelling. The appropriate items under Section (A) are also provided for in the Design Review criteria under Section 55.100(A). Therefore, all of these criteria are addressed below. The criteria are met.

B. CHAPTER 55, DESIGN REVIEW

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.

Staff Response 69: Staff finds and determines that the criteria for CDC 55.100(A) are met because the findings below address each criteria.



CDC 55.100(A). The provisions of the following chapters shall be met:

CDC 55.100(A)(1). Chapter **33** CDC, Stormwater Quality and Detention.
(...)

Staff Response 70: The applicant proposes all new surfaces on site to be impervious, including brick pavers for the parking lot. The applicant proposes to use Uni Eco-Stone permeable interlocking concrete pavement. According to the brochure for this product the infiltration rates for ground paved with this product range from 500 inches/hour to over 2,000 inches/hour. According to infiltration tests done by Engineering staff the soil on site has an infiltration rate of Approximately 3.25 to 12 inches per hour. See infiltration test results on pages 185-6 of Exhibit PC-4. Oils and other materials that may collect on the parking lot but that need to be kept out of the undeveloped water resource area would permeate through the pavement as well and would infiltrate into the 11.5- to 12-inch-thick layer of gravel underneath the pavers. Installation and maintenance will be compatible with the Portland Stormwater Management Manual which is adopted by the Engineering Division.

Only the proposed Hood Street improvements in the right of way, including both street and sidewalk, will be impervious. As seen on the applicant's Site and Dimension Plan on Page 167 of Exhibit PC-4, the runoff from these areas will be treated in a raingarden proposed in the right of way east of the street pavement. This raingarden is proposed far enough away from the steep slope of the Maddax Creek corridor that it will not saturate any of the steep slope more than occurs now, and it therefore will not increase the potential of slope failure, per Engineering staff. Staff finds and determines that the criterion is met as treatment is provided to City standards for the only new impervious area proposed.

CDC 55.100(A)(5). Chapter **42** CDC, Clear Vision Areas.

Excerpted from Chapter 42:

CDC 42.020 CLEAR VISION AREAS REQUIRED, USES PROHIBITED

CDC 42.020(A). A clear vision area shall be maintained on the corners of all property adjacent to an intersection as provided by CDC **42.040** and **42.050**.

CDC 42.020(B). A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the street centerline grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.



(...)

CDC 42.040 COMPUTATION; STREET AND ACCESSWAY 24 FEET OR MORE IN WIDTH

The clear vision area for all street intersections and street and accessway intersections (accessways having 24 feet or more in width) shall be that triangular area formed by the right-of-way or property lines along such lots and a straight line joining the right-of-way or property line at points which are 30 feet distant from the intersection of the right-of-way line and measured along such lines.

CDC 42.050 COMPUTATION; ACCESSWAY LESS THAN 24 FEET IN WIDTH

The clear vision area for street and accessway intersections (accessways having less than 24 feet in width) shall be that triangular area whose base extends 30 feet along the street right-of-way line in both directions from the centerline of the accessway at the front setback line of a single-family and two-family residence, and 30 feet back from the property line on all other types of uses.

(...)

Staff Response 71: Plantings are proposed along the Hood Street frontage, and the applicant states that these will not be the type of plantings that will grow over three feet in height. Street trees are allowed to be three feet tall or higher, however, per Section 42.020(B), and are required by Subsection 54.020(E)(3)(d)(1). Oregon white oak trees are proposed for the trees in the front part of the Hood Street parcel, and these will function as the street trees since no planter strip is proposed. These will be within the driveway's clear vision triangle, so proposed Condition of Approval 4 requires them to have all branches over eight feet above the ground at the time of planting. With the inclusion of Condition of Approval 4, staff finds and determines that the proposal is in compliance with the clear vision triangle requirements for the intersections of driveways with streets in Chapter 42.

CDC 55.100(A)(7). Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Excerpted from Chapter 46:

CDC 46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE

(...)

CDC 46.070(B). Off-street parking spaces for uses not listed in subsection A of this section shall be located not farther than 200 feet from an entryway to the building or use they are required to serve, measured in a straight line from the building, with the following exceptions:

(...)



Staff Response 72: Staff finds and determines that the criterion is met because all proposed parking spaces are within 200 feet of the back entrance to the library.

CDC 46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

(...)

CDC 46.090(B). Public and semi-public buildings/uses.

(...)

CDC 46.090(B)(3). Library. One space per 400 square feet of reading area, plus 1 space per 2 employees.

CDC 46.090(B)(4). Religious institutions and community meeting rooms. One space for every 4 fixed seats or every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained (in main auditorium, sanctuary, or place of worship).

(...)

Staff Response 73: Staff adopts the applicant's calculations in the applicant's Finding 64 (Page 143 of Exhibit PC-4) as follows:

"Because the library has "several uses [that] occupy a single structure" by providing both reading areas and a community room, determining the number of parking spaces will require summing the minimum off-street parking space requirements for public buildings and community meeting rooms.

The applicant finds that 46.080(A) applies because the library combines reading areas and a community room. These areas need to be calculated separately and the appropriate amount of parking provided per 46.090(B) (3-4). An inventory revealed that reading areas comprise 7,359 square feet. That means that the applicant needs 18.3 spaces based on one space per 400 sq ft per space. The requirement of one space per two full time employees (FTEs) means that the 17 FTEs require 8.5 spaces.

The community room requires one space per 28 sq ft. At 728 sq ft., a total of 26 spaces are needed.

$18.3 + 26 + 8.5$ equals 52.8 spaces which are rounded up to 53 spaces.

The proposed 12 space parking lot plus the existing 35 spaces yields 47 spaces for a shortfall of six spaces."



Figure 22: Parking requirements

	Existing Parking	Number of spaces required by CDC	Additional Parking Required	Additional Parking being Proposed
Library Parking	35	53	18	12

(end of excerpt)

If the proposed 12-space parking lot is approved and constructed, there will still be a six-space deficit in required parking. However, the applicant has maximized the parking on the Hood Street parcel, consistent with the requirements of Chapter 32 as allowed by the related variances. The site is non-conforming and would remain so as proposed, however the proposal would improve rather than worsen the non-conforming situation. The applicant has requested approval to Enlarge/Alter a Non-Conforming Structure; see Staff Responses 147-149.

CDC 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.

(...)

Staff Response 74: This is not provided as part of either the existing or proposed parking lots as both are dead ends into the site. However staff finds and determines that the proposed parking lot does not worsen this non-conformity, as the non-conformity of not having such a driveway will remain. The applicant has applied for a permit to Enlarge/Alter a Non-Conforming Structure; see Staff Responses 147-149.

CDC 46.150 DESIGN AND STANDARDS

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

CDC 46.150(A). Design standards.

CDC 46.150(A)(1). "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet.



(...)

Staff Response 75: All 12 new parking spaces are proposed to be full-sized spaces. With the exception of the four disabled parking spaces, all of the existing 35 parking spaces are nine feet by 16 feet in size, so they are sized between the full-sized and compact parking space designations in this section. By default they then count as “compact” as they are not large enough to be considered full-sized, even though they are slightly larger than standard compact spaces. Therefore the percentage of parking spaces that are “full size” is not 50% and would not be 50% upon implementation of the proposal. It would however go up from 11.4% to 31.9%. The requested approval to Enlarge/Alter a Non-Conforming Structure in part relates to this parking expansion and how it would remain somewhat (if less) non-conforming. See Staff Responses 147-149.

CDC 46.150(A)(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.

Staff Response 76: The service drive will meet clear vision area requirements upon the implementation of proposed Condition of Approval 4. It is designed to facilitate the flow of traffic and its appropriate ingress and egress, to the extent this can be done on a small space where existing development forces the driveway to be a dead end. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 4.

CDC 46.150(A)(5). Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.

Staff Response 77: Staff finds and determines that each parking space will have clear access and will not require the moving of other vehicles to be accessed.

CDC 46.150(A)(6). Except for single- and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.

Staff Response 78: Proposed Condition of Approval 6 requires this space marking, which staff finds and determines to fulfill this criterion as it requires what is listed in this criterion.

CDC 46.150(A)(7). Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of City streets. The remainder of the areas used for parking may use a permeable paving surface designed to reduce surface runoff. Parking for public parks or trailheads may use a permeable paving surface designed to reduce surface runoff for all parking



areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve.
(...)

Staff Response 79: The proposed pavement for the parking area will be hardscaped, but permeable. Staff finds and determines that the proposal meets the criterion as it proposes a permeable concrete parking surface.

CDC 46.150(A)(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.

Staff Response 80: The parking lot is proposed to be paved and accessed by one driveway which is proposed to be framed by vegetation. Staff finds and determines that the vegetation will appropriately act as a barrier framing the driveway, and that the driveway's width as proposed will facilitate the flow of traffic and provide pedestrian and traffic safety.

CDC 46.150(A)(10). Access drives shall have a minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.

Staff Response 81: Staff finds and determines above under the discussion of Chapter 42 (under 55.100[A][5] discussion) that Condition of Approval 4 will make the proposal compliant with Chapter 42.

CDC 46.150(A)(11). Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Alternately, landscaped areas or sidewalks adjacent to the parking stalls without wheel stops shall be two feet wider.

Staff Response 82: All parking spaces are adjacent to the boundaries of the lot, so proposed Condition of Approval 6 requires these wheel stops. Staff finds and determines the application to be compliant with the criterion upon the inclusion of Condition of Approval 6.

CDC 46.150(A)(12). Off-street parking and loading areas shall be drained in accordance with plans and specifications approved by the City Engineer. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.

Staff Response 83: The proposed parking area will drain through its own permeable pavement material to City Engineering specifications. Therefore staff finds and determines the criterion is met.



CDC 46.150(A)(13). Artificial lighting on all off-street parking facilities shall be designed to deflect all light downward away from surrounding residences and so as not to create a hazard to the public use of any road or street.

Staff Response 84: Proposed Condition of Approval 7 requires lighting to deflect all downward light away from residences across Hood Street. The condition also requires the lights to not shine onto Hood Street itself. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 7.

CDC 46.150(A)(14). Directional arrows and traffic control devices which are placed on parking lots shall be identified and installed.
(...)

Staff Response 85: The applicant proposes the parking lot to have one straight accessway in and out, off of which all spaces are located. Therefore staff finds and determines that directional arrows and other traffic control devices are not necessary.

CDC 46.150(A)(17). The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.

Staff Response 86: The parking area is proposed to be flat. Materials will be permeable, so drainage will be into the soil and not across adjacent sidewalks or walkways. Staff therefore finds and determines that the criterion is met.

CDC 46.150(A)(18). Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. The defensible space of the parking lot should not be compromised.

Staff Response 87: Staff finds and determines that the criterion is already met on site; Burns Street is the main frontage of the site, and the existing parking lot comprises less than 50% of the Burns Street frontage.

CDC 46.150(A)(19). Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as:

- a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or
- b. Twelve spaces in a group with six spaces abutting together; or
- c. Two groups of twelve spaces abutting each other, but separated by a 15-foot wide landscape area including a six-foot-wide walkway.
- d. Parking areas improved with a permeable parking surface may be designed using the configurations shown in subsections (A)(19)(a), (b) and (c) of this section except that groups of up to 18 spaces are allowed.



(...)

Staff Response 88: Staff finds and determines that since the parking area is proposed to be permeable with 12 spaces (fewer than 18), it meets the particular criterion above due to the wording of Subsection (d). That being said CDC 54.020(D)(3)(a) requires all parking areas to have interior landscaping even if they comprise just one “group” of 12 permeable spaces. Therefore in proposing a parking area with no interior landscaping, the applicant has applied for a Class II Variance for CDC 54.020(D)(3)(a). See the discussion below regarding Subsection 54.020(D)(3)(a).

CDC 46.150(A)(21). The parking and circulation patterns are easily comprehended and defined. The patterns shall be clear to minimize traffic hazards and congestion and to facilitate emergency vehicles.

Staff Response 89: The parking and circulation patterns are easily to comprehend as this is proposed to be a straight, dead-end driveway from which all spaces take access. While the applicant proposes berms on the street frontage, the applicant states that these will not be over three feet tall in conjunction with the plantings in the same areas within the required clear vision triangles of Chapter 42. Staff finds and determines that the criterion is met.

CDC 46.150(A)(22). The parking spaces shall be close to the related use.
(...)

Staff Response 90: Staff finds and determines that the parking spaces are adequately close to the related use. The path provides a direct connection to the library on the adjacent parcel.

CDC 46.150(B). Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:

CDC 46.150(B)(1). Minimum number of accessible parking space requirements (see following table):

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN- ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED “WHEELCHAIR USE ONLY”
(...)			
51 – 75	3	1	–
(...)			



Staff Response 91: No new disabled spaces are proposed. The existing parking lot has four spaces, and a use such as this one with 51-75 required spaces requires only three spaces. Staff finds and determines that the criterion is already met on site.

CDC 46.150(B)(2). Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

(...)

Staff Response 92: All of the aforementioned existing disabled spaces in the existing Burns Street parcel parking lot are up against the curb by the main library entrance. All four of these spaces are also van-accessible. Staff finds and determines that the criteria are already met on site.

CDC 46.150(C). Landscaping in parking areas. Reference Chapter [54](#) CDC, Landscaping.

(...)

Staff Response 93: While landscaping is proposed to surround the parking area, the applicant requests a Class II Variance to omit interior landscaping. The applicant requests this variance since the proposal is for a small parking lot on a parcel mostly consisting of protected water resource area. Forgoing the provision of interior landscaping would allow the north boundary of the parking area to encroach less onto the water resource area. It also allows development to mainly stay on top of the bank instead of on the wooded slope. See Staff Response 116 related to the parking lot landscaping requirements of Chapter 54, and staff responses 120-122 related to the requested variance.

(End of Chapter 46 excerpt)

CDC 55.100(A)(8). Chapter [48](#) CDC, Access, Egress and Circulation.

Excerpted from Chapter 48:

CDC 48.025 ACCESS CONTROL

(...)

CDC 48.025(B). Access control standards.



(...)

CDC 48.025(B)(2). The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

Staff Response 94: There are no curb cuts on the Hood Street property. The parking lot design will not require vehicles to back onto a public street to leave or access the site. Staff finds and determines that the criterion is met.

CDC 48.025(B)(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.

(...)

CDC 48.025(B)(3)(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.

(...)

Staff Response 95: The proposal utilizes Option 3, access from a public street adjacent to the development parcel. It is not possible on site to conform to subsection (B)(6), so the applicant has applied for a Class II Variance to the standards referred to in subsection (B)(6). See the discussion on this directly below.

CDC 48.025(B)(6). Access spacing. The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

(...)

Staff Response 96: Subsection (6) refers to Table 8-3 in the TSP which requires new access points to be 50 feet away from existing access points on a local commercial street such as Hood Street. The other side of the street is residentially zoned, but local residential streets are subject to the same spacing standard. The access point for the property to the south is immediately south of the subject property. It is only about 50 feet from the south end of the



proposed parking lot parcel to the steep slope that descends to the creek. It would not be practical, and would be environmentally harmful to put a driveway entrance on the steep slope. Consequently, meeting the TSP Table 8-3 standard is not possible at this site. The applicant requests a Class II Variance to this standard, which is discussed directly below.

C.Variance to 48.025(B)(6)

Staff finds and determines that the requested variance to allow the driveway to be less than 50 feet from the existing off-site driveway to the south should be allowed, because it meets all the necessary criteria for approval of the variance. This section shall discuss each of the applicable criteria for granting of the variance.

CDC 75.060 APPROVAL CRITERIA. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

CDC 75.060 (A). Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Staff Response 97: The exceptional and extraordinary circumstances that warrant this variance relate to the topography of the site and the presence of the Maddax Creek significant riparian corridor. Development on the Hood Street parcel, for practical reasons and to avoid environmental impact, has to be within the area that is flatter and further from the creek than the wooded, steep areas down the bank. This causes the driveway to be located less than 50 feet from the driveway on the property to the south. This is the case whether the Hood Street parcel is developed as library parking, or another use. Therefore staff finds and determines that the criterion is met.

CDC 75.060(B). The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

Staff Response 98: Every parcel has the basic property right of vehicular access; the variance for driveway spacing is necessary to access the property at all, due to the small size of the area between the driveway to the south and the steep slopes further north. This is the case whether the Hood Street parcel is developed as library parking, or another use. The location of the driveway at the north end of the neighboring parcel causes the proposed driveway to be within 50 feet of this driveway, as this is the only area of the Hood Street parcel where vehicular access is feasible and not destructive to the riparian corridor. Staff finds and determines the criterion to be met as the driveway must be in its proposed location to ensure the basic property right of vehicular access.



CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

Below are specific goals from the Comprehensive Plan and Bolton Neighborhood Plan pertaining to this specific requested variance.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Scenic Environment Goal 1

Preserve and enhance scenic views and sites.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Natural Environment Goals 1-3

Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable scientific/ecological areas.

Protect sensitive environmental features such as steep slopes, wetlands, and riparian lands, including their contributory watersheds.

Preserve trees in park lands, natural areas, and open space wherever possible.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Natural Environment Policies 2-4, 6-8

Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.

Require that areas containing tree clusters, significant trees, and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion, and maintain water quality.

Restore, enhance, and expand the existing habitats found along rivers and streams, including planting native trees to reduce water temperatures.

Enhance and expand native vegetation, particularly native species, on hillsides and in natural areas to prevent erosion and improve wildlife habitat.

Comprehensive Plan Goal 6: Air, Water, and Land Resources Quality, Water Quality Goal 1

Maintain or improve the quality of West Linn's water resources.

Comprehensive Plan Goal 6: Air, Water, and Land Resources Quality, Water Quality Policy 2

Require that City construction projects, maintenance activities, and operating procedures be designed and operated so as to not degrade surface or ground water quality.

Comprehensive Plan Goal 7: Areas subject to natural disasters and hazards, Goal 1, Policies 1,4

Protect life and property from flood, earthquake, other geological hazards, and terrorists threats or attacks.



Require development and associated alterations to the surrounding land to be directed away from hazardous areas.

Promote slope and soil stability and the use of natural drainageways in areas with landslide potential by retaining existing vegetation in those areas to the greatest extent possible.

Comprehensive Plan Goal 11 Public Facilities and Services, Storm Drainage Policies 4, 6, 7

Seek alternatives to the use of impervious surfaces within areas of dense standing trees and shrubs next to natural drainage courses and in other natural areas.

Require that all construction practices for land development projects, private and public, be conducted in such a way as to avoid exposing cuts, grading areas, and trenches to stormwater so that soil erosion is minimized, and soil will not be washed into natural drainage areas.

Require that riparian vegetation along the streams and drainageways be maintained and preserved or re-established where necessary. In order to maintain or operate public facilities, selective cutting, trimming, and thinning will be allowed along waterways.

Bolton Neighborhood Plan Goal 3: *Preserve, acquire, and maintain natural areas within Bolton and allow public access to them.*

Bolton Neighborhood Plan Goal 8: *Protect and enhance the natural environment of the Bolton Neighborhood.*

Bolton Neighborhood Plan Policy 8.1: *Use existing natural drainageways for storm runoff and as natural area corridors through the Bolton Neighborhood.*

Bolton Neighborhood Plan Policy 8.2: *Maintain the green scenic backdrop of the Bolton neighborhood.*

Staff Response 99: Staff finds and determines that the requested variance regarding driveway spacing fulfills all of the above goals and policies related to preserving natural areas and keeping development off steep slopes. Staff finds and determines this because having the driveway towards the south end of the Hood Street parcel prevents having the driveway on the steep wooded slope further into the riparian corridor.

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

Staff Response 100: The proposed driveway location is the only location that would be functional for vehicular access at all, considering the narrow southern area of the parcel on which the applicant can locate vehicular access due to the steep slope (which is deeper into the water resource area to the north). Locating the driveway at this end of the site is necessary to ensure minimum impact on the riparian corridor, as the driveway would have severe effects on the corridor if it were proposed on the steep slope further north instead. Therefore staff finds and determines that the variance request related to the driveway spacing is the minimum variance.



CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

Staff Response 101: The development of the driveway is proposed at this time, as there is currently no driveway on site. Therefore staff finds and determines that the circumstance does not arise from a violation.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification. (Ord. 1442, 1999)

Staff Response 102: While the distance between the proposed driveway and the existing off-site driveway to the south is shorter than the TSP requirement, it does not impose limitations on the existing development or any potential redevelopment of the property to the south. Therefore staff finds and determines that the criterion is met.

(End of C. Variance to 48.020[B][6]; resuming of continuation of B. 55.100 criteria)

CDC 48.025(B)(7). Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Staff Response 103: The applicant proposes one access point on the Hood Street parcel, so staff finds and determines that the proposal minimizes the number of access points.

CDC 48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

(...)

(The below sections of 48.030 is required for non-residential projects as well per Subsection 48.040[A][3] below.)

CDC 48.030(E). Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:

(...)



Staff Response 104: Staff finds and determines that the criterion is met because hard surface permeable pavement is proposed. While the section only references multi-family projects, Subsection 48.030(A)(3) below states that this section and some of its subsections apply to all non-residential projects.

CDC 48.030(E)(3). Minimum vertical clearance of 13 feet, six inches.

Staff Response 105: Staff finds and determines that vertical clearance is not an issue because nothing is proposed above the parking lot or driveway.

CDC 48.030(E)(4). Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.

Staff Response 106: Staff finds and determines that the criterion does not apply because the driveway is not over 150 feet long. The entire lot is approximately 100 feet wide, so the driveway from Hood Street through the parking lot is less than this.

CDC 48.030(E)(5). The grade shall not exceed 10 percent on average, with a maximum of 15 percent.

(...)

Staff Response 107: Staff finds and determines that the criterion is met because, as shown on the applicant's grading plan, the proposed parking lot is quite flat and does not have a grade this high.

CDC 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:

CDC 48.040(A). Service drives for non-residential uses shall be fully improved with hard surface pavement:

Staff Response 108: Staff finds and determines that the applicant's proposal for permeable hardscape pavement meets this criterion.

CDC 48.040(A)(1). With a minimum of 24-foot width when accommodating two-way traffic;

Staff Response 109: Staff finds and determines that the criterion is met because the proposed parking lot driveway is 24 feet wide.

(...)

CDC 48.040(A)(3). Meet the requirements of CDC 48.030(E)(3) through (6).



See discussion above under CDC 48.030(E)(3) though (6).

CDC 48.040(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.

Staff Response 110: The proposed driveway does not intersect with an arterial street and therefore complies with CDC 48.030(A). It will not require vehicles to make a backward movement onto the street. Staff finds and determines that the criterion is met.

CDC 48.040(C). All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

(...)

Staff Response 111: CDC 46.130 provides for off-street loading spaces, but does not provide for a requirement of these spaces for this use. Therefore staff finds and determines that the criterion does not apply.

CDC 48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

CDC 48.060(A). Minimum curb cut width shall be 16 feet.

CDC 48.060(B). Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.

Staff Response 112: Staff finds and determines that these criteria are met because the proposed curb cut is 30 feet wide, so it is larger than 16 and smaller than 36 feet.

CDC 48.060(C). No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:

(...)

CDC 48.060(C)(6). On a local street when intersecting any other street, 35 feet.

(...)

Staff Response 113: The proposed curb cut is approximately 120 feet from the intersection with Burns Street, so staff finds and determines that the criterion providing for a minimum distance of 35 feet is met.



CDC 48.060(G). Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

(End of Chapter 48 excerpt)

Staff Response 114: As covered under the discussion of Chapter 42 above, clear vision area provisions are met upon the implementation of proposed Condition of Approval 4.

CDC 55.100(A)(10). Chapter 54 CDC, Landscaping.

Excerpted from Section 54.020(E):

CDC 54.020(E). Landscaping – By type, location and amount.

CDC 54.020(E)(2). Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.

Staff Response 115: Staff finds and determines that this criterion is met because approximately 37% of the total site will remain in its natural state as a riparian corridor, fulfilling the 20% landscaping minimum.

CDC 54.020(E)(3). All uses (residential uses (non-single-family) and non-residential uses):

a. The landscaping shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area. There shall be one shade tree planted for every eight parking spaces. These trees shall be evenly distributed throughout the parking lot to provide shade. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. The perimeter landscaping, explained in subsection (E)(3)(d) of this section, shall not be included in the 10 percent figure. Parking lots with 10 to 20 spaces shall have a minimum five percent of the interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the five percent. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one-third for the area with the permeable parking surface only.



(...)

Staff Response 116: The applicant requests a variance in lieu of fulfilling the landscaping requirements for the interior of a parking lot, for the purpose of preserving more transition area.

D.Variance to 54.020(E)(3)(a)

Staff finds and determines that the requested variance to omit interior parking lot landscaping should be allowed because it meets all the necessary criteria for approval of the variance. This section shall discuss each of the applicable criteria for granting of the variance.

CDC 75.060 APPROVAL CRITERIA. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

CDC 75.060 (A). Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

Staff Response 117: The exceptional and extraordinary circumstances that warrant the variance relate to the topography of the site and the presence of the Maddax Creek significant riparian corridor. The library property is unusual in that it is deficient in parking but cannot expand its existing parking lot due to the location of the steep slopes and creek. While the area proposed for a second parking lot is mostly within the creek transition area as well, this is the only undeveloped area of the property that is flat and wooded, and is the undeveloped area furthest from the creek. Since the library can only expand parking here but is still deficient in terms of the number of required spaces per Chapter 46, staff finds and determines that elimination of interior lot landscaping is justified to maximize spaces yet protect as much as possible of the water resource area and steep slopes.

CDC 75.060(B). The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

Staff Response 118: The library is non-conforming in that it does not meet Chapter 46 off-street parking minimum standards. It will still not have enough spaces if this proposal is implemented, but it will be closer to compliance. A basic property right of a non-residential use includes having sufficient parking for users; the variance for parking landscaping area allows for more parking spaces than would otherwise fit atop the bank. Staff finds and



determines that this variance request is therefore necessary to preserve as much as possible of the property right for a non-residential use to have sufficient parking for users.

CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

Below are specific goals from the Comprehensive Plan and Bolton Neighborhood Plan pertaining to this specific requested variance.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Scenic Environment Goal 1

Preserve and enhance scenic views and sites.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Natural Environment Goals 1-3

Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable scientific/ecological areas.

Protect sensitive environmental features such as steep slopes, wetlands, and riparian lands, including their contributory watersheds.

Preserve trees in park lands, natural areas, and open space wherever possible.

Comprehensive Plan Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, Natural Environment Policies 2-4, 6-8

Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.

Require that areas containing tree clusters, significant trees, and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion, and maintain water quality.

Restore, enhance, and expand the existing habitats found along rivers and streams, including planting native trees to reduce water temperatures.

Enhance and expand native vegetation, particularly native species, on hillsides and in natural areas to prevent erosion and improve wildlife habitat.

Comprehensive Plan Goal 6: Air, Water, and Land Resources Quality, Water Quality Goal 1

Maintain or improve the quality of West Linn's water resources.

Comprehensive Plan Goal 6: Air, Water, and Land Resources Quality, Water Quality Policy 2

Require that City construction projects, maintenance activities, and operating procedures be designed and operated so as to not degrade surface or ground water quality.

Comprehensive Plan Goal 7: Areas subject to natural disasters and hazards, Goal 1, Policies 1,4



Protect life and property from flood, earthquake, other geological hazards, and terrorists threats or attacks.

Require development and associated alterations to the surrounding land to be directed away from hazardous areas.

Promote slope and soil stability and the use of natural drainageways in areas with landslide potential by retaining existing vegetation in those areas to the greatest extent possible.

Comprehensive Plan Goal 11 Public Facilities and Services, Storm Drainage Policies 4, 6, 7

Seek alternatives to the use of impervious surfaces within areas of dense standing trees and shrubs next to natural drainage courses and in other natural areas.

Require that all construction practices for land development projects, private and public, be conducted in such a way as to avoid exposing cuts, grading areas, and trenches to stormwater so that soil erosion is minimized, and soil will not be washed into natural drainage areas.

Require that riparian vegetation along the streams and drainageways be maintained and preserved or re-established where necessary. In order to maintain or operate public facilities, selective cutting, trimming, and thinning will be allowed along waterways.

Bolton Neighborhood Plan Goal 3: *Preserve, acquire, and maintain natural areas within Bolton and allow public access to them.*

Bolton Neighborhood Plan Goal 8: *Protect and enhance the natural environment of the Bolton Neighborhood.*

Bolton Neighborhood Plan Policy 8.1: *Use existing natural drainageways for storm runoff and as natural area corridors through the Bolton Neighborhood.*

Bolton Neighborhood Plan Policy 8.2: *Maintain the green scenic backdrop of the Bolton neighborhood.*

Comprehensive Plan Goal 11 Public Facilities and Services, Library Policy 1
Provide for library services that meet the demands of users.

Staff Response 120: The variance for the elimination of interior parking lot landscaping helps fulfill these goals and policies by keeping proposed development away from the sloped, wooded areas of the banks and adjacent Maddax Creek. Parking is currently insufficient in comparison to the number of users that drive to the library. This variance would help the library provide for the demands of users as it would maximize the number of spaces that can be built in the areas of the site where topography allows feasible development, which are also the areas of the site where development would be least harmful to the environment. Upon the above goal and policy analysis, staff finds and determines that the variance is compatible with the Comprehensive Plan and Neighborhood Plan and does not find that there are other City codes or laws that it would violate.

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.



Staff Response 120: Per the applicant a 12-space parking lot is the minimum that could be installed that would justify the cost of site acquisition and development. Most of the proposed development is proposed on lands that have been graded and disturbed in the past. However these lands are vegetated at this time. The applicant is allowed up to 5,000 square feet of disturbed area to develop a parcel that is mostly in the transition area of a creek. The applicant proposes 5,611 square feet of development in the transition area of the Hood Street parcel, which in itself requires a variance to the 5,000 square feet limitation of Section 32.090(B) (see discussion above under Section 32.090[B]). Elimination of interior parking lot landscaping allows for 12 spaces to be built without significantly developing the steep wooded hillside that is further into the significant riparian corridor. While all proposed parking spaces are full-sized, this is proposed because the existing library parking has no full-sized spaces except for the disabled spaces, even though Chapter 46 requires that 50% of spaces be full-sized. This is the minimum variance to allow the library to have some full-sized non-disabled parking spaces. For all of the above reasons, staff finds and determines that the variance request is the minimum variance required to overcome the exceptional circumstances.

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

Staff Response 121: The development of the parking lot is proposed at this time. Therefore staff finds and determines that the circumstance relating to the need to build the parking lot without interior landscaping does not arise from a violation.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification. (Ord. 1442, 1999)

Staff Response 122: Granting this variance will only affect the number of spaces the applicant can fit into the property and/or the aesthetic nature of the parking lot itself; it will not impose physical limitations of other properties or uses in the area, and will not impose any limitations on future use of any vacant or underdeveloped parcels nearby. Therefore staff finds and determines that the criterion is met.

(End of D. Variance to 54.020[E][3][a]; resuming of continuation of B. 55.100 criteria)

CDC 54.020(E)(3)(d). A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking, loading, or service area or driveway is contiguous to an adjoining parcel, there shall be an intervening five-foot-wide landscape strip. The landscaped area shall contain:

- 1) Street trees spaced as appropriate to the species, not to exceed 50 feet apart on the average;



- 2) Shrubs, not to reach a height greater than three feet, six inches, spaced no more than five feet apart on the average; or
- 3) Vegetative ground cover such as grass, wildflowers, or other landscape material to cover 100 percent of the exposed ground within two growing seasons. No bark mulch shall be allowed except under the canopy of low level shrubs.

Staff Response 123: All of the proposed parking spaces are at least 10 feet away from the Hood Street right of way at all points of the frontage. The applicant's Landscape Plan provides two street trees less than 50 feet apart. Proposed plants are no more than five feet apart, and will remain as such in these areas of the site upon the implementation of Condition of Approval 8. The shrubs will not be of a type that will reach higher than three feet as this includes the clear vision area. Native vegetation will cover the ground as required by 3) above. Staff finds and determines that these criteria are met upon the inclusion of Condition of Approval 8.

CDC 54.020(E)(3)(e). If over 50 percent of the lineal frontage of the main street or arterial adjacent to the development site comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet in width and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. This extra requirement only applies to one street frontage.

Staff Response 124: Neither Burns nor Hood street is an arterial, but because Burns Street is a through street with more traffic than Hood Street, staff finds and determines that this criterion only needs to be applied to the existing Burns Street frontage. The Burns Street frontage already complies with this subsection as the existing parking lot comprises less than 50% of the lineal frontage along Burns Street. Therefore staff finds and determines that the criterion is met.

CDC 54.020(E)(f). A parking, loading, or service area which abuts a property line shall be separated from the property line by a landscaped area at least five feet in width and which shall act as a screen and noise buffer, and the adequacy of the screen and buffer shall be determined by the criteria set forth in CDC 55.100(C) and (D), except where shared parking is approved under CDC 46.050.

(End of Chapter 54 excerpt)

Staff Response 125: The south side of the parking lot will have a 5-foot-wide landscaped strip along the property line to the south, fulfilling Subsection (f) above.

CDC 55.100(B). Relationship to the natural and physical environment.

(...)

CDC 55.100(B)(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.

Staff Response 126: There are no heritage trees, and no trees proposed for removal are considered significant by the City Arborist; therefore staff finds and determines the criterion to be met.

CDC 55.100(B)(2)(a). Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.

Staff Response 127: The entire site is owned by the City. Therefore no dedication is necessary. Condition of Approval 3 requires a conservation easement protecting the riparian corridor and its trees from further development or removal, in case either or both of the parcels ever changes uses and is owned by another entity. Staff finds and determines the criterion is met upon the inclusion of Condition of Approval 3.

CDC 55.100(B)(2)(c). Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II



lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

Staff Response 128: The entire site is owned by the City. Therefore no dedication is necessary. Condition of Approval 3 requires a conservation easement protecting the riparian corridor and its trees from further development or removal, in case either or both of the parcels ever changes uses and is owned by another entity. Staff finds and determines the criterion is met upon the inclusion of Condition of Approval 3.

CDC 55.100(B)(2)(d). For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

Staff Response 129: Virtually all non-Type I and II lands will be developed, as all areas above the top of bank will be developed with existing building, proposed and existing landscaping, and proposed and existing parking area. Staff finds and determines that the criterion is met.

CDC 55.100(B)(3). The topography and natural drainage shall be preserved to the greatest degree possible.

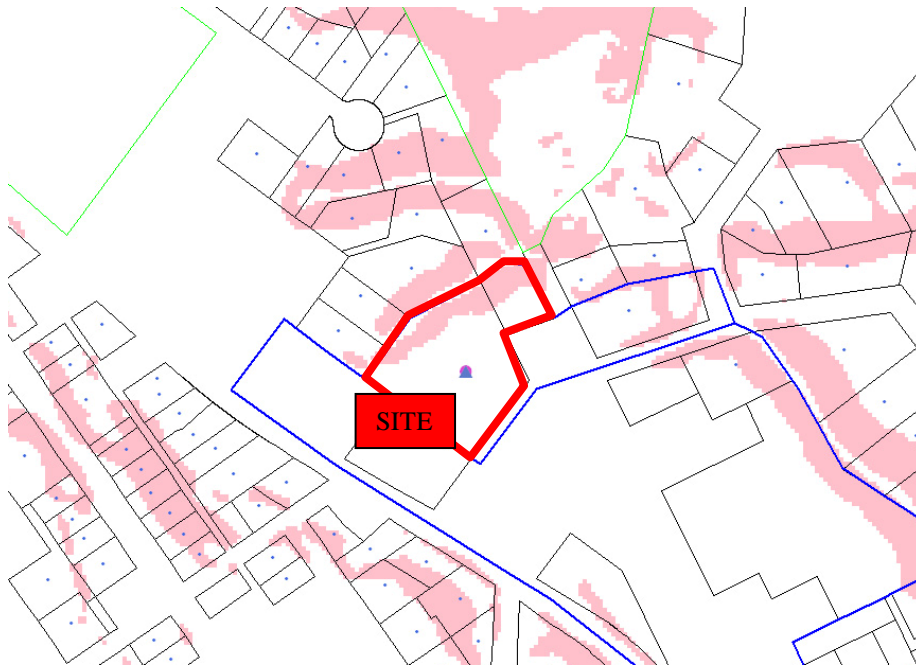
Staff Response 130: The areas of existing and proposed development on the site are mainly on a plateau south of the steep Maddax Creek ravine. Some short retaining walls will extend down the higher sections of the ravine's bank, to accommodate parts of the trail and small sections of the parking area which also extend beyond the top of bank. These are designed to affect the slope as little as possible. These blend into the topography of the slope more than having a taller single retaining wall. Since permeable materials are proposed, the natural drainage is preserved to the greatest degree possible. Staff therefore finds and determines that the criterion is met.

CDC 55.100(B)(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.

Staff Response 131: The most updated material related to the criterion is in the City's Natural Hazards Mitigation Plan. Map 16, Potential Landslides, in this plan shows the Oregon Department of Geology and Mineral Information (DOGAMI) potential landslide areas, none of which are on this site. Map 17 Landslide Vulnerability Analysis shows landslide hazard areas in the City. City GIS staff was able to provide a blow-up version of this map, which is included below, so the landslide hazard areas on the small site could be seen better than on the city-wide scale in the Natural Hazards Mitigation Plan. The only proposed structures are the retaining walls along the parking area and just north of the west end of the parking lot and adjacent path. The landslide hazard areas (shown in pink on the following map) are all within the northern half of the Hood Street parcel, and adjacent areas of the Burns Street parcel to the west. The proposed development including the walls is all within the southern half of the Hood Street parcel and adjacent areas of the Burns Street parcel to the west. Therefore there



is no overlap between the landslide hazard areas and the areas proposed for development of structures, so staff finds and determines that the criterion is met.



Excerpt of Map 17, Landslide Vulnerability Analysis, Page 52, West Linn Natural Hazards Mitigation Plan. Light pink represents landslide vulnerability areas.

CDC 55.100(B)(7). Transportation Planning Rule (TPR) compliance. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

- a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.

For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency. (...)



Staff Response 132: The library fronts to Burns Street, so the addition of a parking lot along the Hood Street frontage does not affect existing compliance with this subsection. Hood Street north of Burns Street, a dead end, has less traffic than the section of Burns between Hood and Willamette Drive. Therefore while the site contains two parcels facing two separate streets, the building itself is compliant with Subsection (7)(a) in that the building onto the through street with more traffic. Therefore staff finds and determines that the criterion is already met on site by the existing conditions on the Burns Street frontage.

CDC 55.100(B)(7)(d). Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.

Staff Response 133: The applicant proposes an eight-foot-wide path between the library and the proposed parking lot. The two alternatives presented under the Recommendation above for Condition of Approval 2 require this path to either be eliminated or to be four feet wide instead of eight feet wide. Although the above criterion states that six feet wide is the minimum, Section 32.050(H) allows for adjustments to sizes of paths to ensure they have the minimum impact to water resource areas. Four feet is the minimum path width that meets Americans with Disabilities Act (ADA) standards. The applicant proposes a path or paths contiguous to the driveway entrance, to connect the lot to Hood Street for pedestrians. These are required by subsection (7)(d) to be 8 feet wide as they would abut a vehicle travel lane. Condition of Approval 2 requires it to be four feet wide instead of eight feet wide using the same provisions. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 2.

CDC 55.100(B)(7)(e). Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.

Staff Response 134: The path proposed to connect the proposed parking lot with the library is placed as far away as possible from Maddax Creek, although it is within the transition area like most of the proposed development. As is the case with the rest of the proposed development within the transition area, it will be mitigated. The applicant proposes a path to connect the proposed parking lot with Hood Street, which will also be in the transition area. Both possible versions Condition of Approval 2 in the Recommendation section above require any approved path to be made of a permeable material and to be four feet wide (minimum ADA-compliant width) instead of eight feet wide to minimize transition area impacts; Chapter 32 allows widths otherwise required by the CDC to be minimized as legally allowed in order to minimize transition area impacts. The library path, if approved, will be clearly visible from



the parking lot and the existing library building area at the other end of the path. The path along the parking lot driveway will be short and will be easily visible from the parking lot and Hood Street. Staff concludes that the criterion will be met upon the inclusion of Condition of Approval 2.

CDC 55.100(C). Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:
 - a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
 - b. The size of the buffer required to achieve the purpose in terms of width and height.
 - c. The direction(s) from which buffering is needed.
 - d. The required density of the buffering.
 - e. Whether the viewer is stationary or mobile.

Staff Response 135: There are woods to the north, buffering the site from houses across the Maddax Creek corridor. The property to the south is screened by a row of tall arbor vitae on that site. The library building screens views from the west. This leaves the east side as an area that can be better screened. Residences in the R-10 zone are located across Hood Street to the east of the proposed parking lot. The applicant proposes vegetation and berms on the east edge of the property to screen the parking lot, and states that the berm in conjunction with the surrounding plantings will not be more than three feet tall within the required clear vision triangles of Chapter 42. Street trees are proposed as well along the east frontage of the parking lot, and Condition of Approval 4 requires these to have limbs that are all at least eight feet above the ground at the time of planting since the trees are proposed within the clear vision triangles. Staff finds and determines that the criteria are met upon the inclusion of Condition of Approval 4.

CDC 55.100(C)(2). On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- a. What needs to be screened?
- b. The direction from which it is needed.
- c. How dense the screen needs to be.
- d. Whether the viewer is stationary or mobile.
- e. Whether the screening needs to be year-round.

Staff Response 136: There are woods to the north, buffering the site from houses across the Maddax Creek corridor. The property to the south is screened by a row of tall arbor vitae on that site. The library building screens views from the west. This leaves the east side as an



area that can be better screened. Residences in the R-10 zone are located across Hood Street. The applicant proposes vegetation and berms along the Hood Street frontage to screen the parking lot, and states that the berm and surrounding plantings will not be more than three feet tall within the required clear vision triangles of Chapter 42. Street trees are proposed as well along the east frontage of the parking lot, and Condition of Approval 4 requires these to have limbs that are all at least eight feet above the ground at the time of planting since the trees are proposed within the clear vision triangles. Staff finds and determines that the criteria are met upon the inclusion of Condition of Approval 4.

CDC 55.100(D)Privacy and noise.

(...)

CDC 55.100(D)(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.

Staff Response 137: A new 12-space parking lot is not expected to generate noise in excess of Municipal Code standards. There are woods to the north, buffering the site from houses across the Maddax Creek corridor. The property to the south is screened by a row of tall arbor vitae on that site. The library building screens views from the west. This leaves the east side as an area that can be better screened. Residences in the R-10 zone are located across Hood Street to the east of the proposed parking lot. The applicant proposes vegetation and berms on the east edge of the property to screen the parking lot, and states that the berm and surrounding plantings will not be more than three feet tall within the required clear vision triangles of Chapter 42. Street trees are proposed as well along the east frontage of the parking lot, and Condition of Approval 4 requires these to have limbs that are all at least eight feet above the ground at the time of planting since the trees are proposed within the clear vision triangles. Staff finds and determines that the criteria are met upon the inclusion of Condition of Approval 4.

CDC 55.100(D)(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 138: The applicant has submitted a noise study that had previously been submitted for the Hood Street parcel when another development, also with 12 proposed parking spaces, was proposed on the parcel. This study, included on Pages 175-183 of Exhibit



PC-4, concluded that the use would not exceed 48 dBA which is below the lowest time-of-day-related DEQ noise limit standard (50 dBA). Staff finds and determines that the criterion is met.

CDC 55.100(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.

CDC 55.100(I)(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 139: The right-of-way on Hood Street is 40 feet wide, which is acceptable for a local street per Subsection 85.200(A)(2). Along the frontage of the proposed parking lot driveway, the sidewalk will be compatible in scale with the existing conditions to the south. The applicant proposes a 4-foot-wide curb-tight permeable pavement path will connect to the 4-foot-wide curb-tight impervious sidewalk to the south. This is proposed to connect to a walkway that enters the parking lot along the edge of the driveway. Street improvements south of the sidewalk include a 20-foot travel lane, which also meets Chapter 85 standards. North of the parking lot, the applicant plans no sidewalk and plans street improvements that are narrower (not more narrow than the existing street). This is allowed per Chapter 85 via and Engineering Division waiver. There is only one house on this side of Hood Street beyond where the sidewalk is proposed to end, so there is little need for greater street width or a sidewalk north of the parking lot anyway; for all practical purposes Hood Street becomes the driveway for the property to the north so the waiver is appropriate. Also the lack of improvement proposed north of the parking lot helps to minimize the impacts on the water resource area. If the undeveloped lot at 5755 Hood Street (currently the rear yard of the residence at 1535 Burns Street) is ever developed as a house, sidewalk would be required on the east side of Hood Street, so the 5755 lot would never necessarily need a sidewalk on the west side of Hood. The sidewalk proposed by the applicant would stretch north to the north end of the parking lot, and can serve the house at 5725 Hood Street. Additionally it is acceptable for the applicant to not propose pedestrian improvements north of the parking lot and to provide fewer street improvements here, as the public will not be using this part of Hood Street to access the parking lot from the rest of the city. Staff finds and determines that the criterion is met in that the applicant proposes street improvements that match existing conditions to the south and provides a street section consistent with Chapter 85 standards along the area in which the proposal has impact, while providing an acceptable amount of improvement along the area further north.

CDC 55.100(I)(2). Drainage. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine off-site impacts from a 25-year storm. The City Engineer shall adjust storm drainage facilities for applications which contain permeable parking surfaces based upon a quantitative analysis of the increased water retention and water quality characteristics of the permeable parking surface. Catch basins shall be installed and connected to pipelines leading to storm sewers or drainageways. All plans will then be reviewed by the City Engineer.

Staff Response 140: A registered civil engineer on City staff has prepared a plan consisting of all permeable material for the proposed on-site development. The Designer's Certification and Statement is included on Page 184 of Exhibit PC-4. Extra facilities are not needed for treatment and detention due to the permeable material proposed for the on-site improvements. See Staff Response 70 above for further detail on the permeability of this



material compared to the permeability of the soil on site per the applicant's tests. Street improvements will not be permeable, but will be treated by an appropriately sized raingarden proposed on the east side of the existing street pavement within the right of way. This will treat an amount of paved square footage that is equal to what is being added in square footage within the right of way. Staff finds and determines that the criterion is met.

CDC 55.100(J). Crime prevention and safety/defensible space.
(...)

CDC 55.100(J)(4). The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.

Staff Response 141: The parking lot will be lit and will be visible from the library building. Much of it will also be visible from Hood Street through the driveway entrance and its adjacent required clear vision areas. The applicant ensures that berms and plantings on the Hood Street frontage will not exceed three feet in height within the clear vision area, but does not address street trees. Condition of Approval 4 requires that that the street trees will have limbs eight feet above the ground or higher at the time of planting (also to be compatible with the clear vision area requirements). This helps ensure line of sight in and out of the site as well. The applicant's lighting plans shows that both the parking lot and the proposed path to the library would be lit. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 4.

CDC 55.100(J)(5). Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

Staff Response 142: The parking lot and paths will be lit, as shown on the applicant's lighting plan, and will be visible from the library building. Staff therefore finds and determines that the criterion is met.

CDC 55.100(J)(6). Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

Staff Response 143: Parking lot lighting will comprise two pole mounted lights directed towards the parking lot, and a low walkway light. These lights will be LED. LED lights are superior to sodium bulbs in terms of energy consumption, while achieving the same lighting effect. The applicant proposes them to be directed away from the water resource area to have minimal impact on the remaining wildlife habitat of the water resource area. Staff finds and determines that the proposal of LED lights directed only at the parking lot complies with the above criteria in terms of protection of habitat from lighting effects, and in terms of provided similar lighting effects to those of sodium bulbs via a more energy efficient technology. While lights will be directed away from the habitat area they also must be directed away from the residence across the street. Condition of Approval 7 ensures this will be done. Condition of



Approval 7 also ensures that lighting will illuminate the proposed path without illuminating the adjacent habitat area. Staff therefore finds and determines that the proposal fulfills every aspect of the above criterion upon the inclusion of Condition of Approval 7.

CDC 55.100(J)(7). Lines of sight shall be reasonably established so that the development site is visible to police and residents.

Staff Response 148: The parking lot will be lit and will be visible from the library building. Much of it will also be visible from Hood Street through the driveway entrance and its adjacent required clear vision areas. Proposed Condition of Approval 7 requires new lighting to be directed downward onto the new development only. Plantings on the Hood Street frontage will not exceed three feet in height within the required clear vision area except for street trees. Also, proposed Condition of Approval 4 ensures that the street trees will have limbs eight feet above the ground or higher at the time of planting (also to be compatible with the clear vision area requirements). This helps ensure line of sight in and out of the site as well. The applicant's lighting plan on Page 172 of Exhibit PC-4 shows that both the parking lot and the proposed paths would be lit. The photo below is taken from the west end of the Hood Street site where the path would start heading west from the parking lot to the building. It shows the windows and doors on the east side of the existing library building that provide library staff's and users' lines of sight onto the proposed parking lot and paths.



Staff finds and determines that the criterion is met upon the inclusion of conditions of approval 4 and 7.

CDC 55.100(K). Provisions for persons with disabilities.



CDC 55100(K)(1). The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.
(...)

Staff Response 147: All required ADA spaces are already provided for in the existing library parking lot off of Burns Street. See Staff Response 73. That being said, the applicant proposes the path from the library to the proposed parking lot to be ADA-accessible as well, although there will be no ADA spaces in the proposed lot. Staff finds and determines that the criterion is met for parking spaces via the existing conditions, and met for the path via the applicant's proposal.

CDC 55.100(M). Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.
(...)

Staff Response 146: As for non-City utilities, the only one the proposed development would need would be electricity for the proposed lighting. As for any electrical project in the City, the applicant will apply for an electrical permit with Clackamas County during the building permit stage. The parking lot will not be allowed to be operational without all such required building-stage permits. Staff finds and determines that the criterion is therefore met.

E. Chapter 66 Non-Conforming Structures Criteria

Staff Response 147: The library is non-conforming in part due to having inadequate parking per Chapter 46 and because the parcel containing the library itself has more than 5,000 square feet of developed transition area, making it non-conforming to 32.090(B).

The site is non-conforming to Section 46.120 in that it is a gathering place meant for more than 25 people to congregate at once, and that does not have a driveway allowing for consistent forward flow for picking up and dropping off passengers. Both the existing and proposed parking lots are dead ends instead.

CDC 66.080(B). An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:



CDC 66.080(B)(1). If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code.

Staff Response 148: Several aspects of the proposed development do not meet the provisions of the code. For some of these, variances have been applied for; see the discussions of those throughout the staff report above. Another way in which the proposed development does not meet the code is that it still results in inadequate parking per Chapter 46, despite the addition of 12 more spaces.

CDC 66.080(B)(2). If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.

- a. The enlargement or alteration will not change the non-conformity; and
- b. All other applicable ordinance provisions will be met.

Staff Response 149: This is not a single-family residential proposal, so the Planning Commission is the review body.

The proposed pathway and retaining wall development area, adding 402 square feet of developed area to the Burns Street parcel, will otherwise meet the code, but will worsen the non-conformity as it adds to the already non-conforming amount of developed square footage in the Maddax Creek transition area. Because of this, the applicant has applied for a variance. See staff responses 22-29 regarding this variance request.

The proposed alteration to parking will decrease the non-conformity as it adds new spaces and brings the percentage of full-sized spaces much closer to the 50% required by Chapter 46. Staff finds and determines that the criterion is met as it relates to this non-conformity.

As for the non-conformity relating to not having a “consistent forward flow” driveway on site, proposing the second parking lot does not remedy this non-conformity. Neither the existing or proposed parking lot would meet this code section. However the implementation of the second lot also does not worsen the non-conformity, and it also might take pick-up and drop-off traffic pressure off of the existing driveway. Related to this, if there is a second lot where more spaces are available as proposed, this could reduce traffic conflicts in the existing lot’s driveway that occur between a) drivers seeking a parking space and b) drivers picking up and dropping off library users. Therefore staff finds and determines that for this non-conforming site condition, the criterion is met. The other non-conforming aspects of the proposal are remedied instead through the variance requests discussed above.

In all staff determines that = the criterion is met for all but one of the site’s non-conformities, and that for the remaining non-conformity the situation is addressed via the variance request discussed above.



**EXHIBITS PC-1 THROUGH PC-3
AFFIDAVIT AND NOTICE MAILING
PACKET, COMPLETENESS LETTER,
PLANNING DIRECTOR FINDINGS
REGARDING WAIVER REQUESTS**

FILE NUMBER: DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

REQUEST: CLASS II DESIGN REVIEW, WATER RESOURCE AREA APPROVAL, APPROVAL TO EXPAND/ALTER A NON-CONFORMING STRUCTURE, AND FOUR CLASS II VARIANCES FOR CONSTRUCTION OF A SECOND PARKING LOT FOR THE WEST LINN PUBLIC LIBRARY AND NEW PATH BETWEEN THE PARKING LOT AND LIBRARY, AT 1595 BURNS STREET AND 5750 HOOD STREET



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. DR-13-01 Applicant's Name COWL Co Lance Calvert
Development Name West Linn Public Library Parking lot: Path
Scheduled Meeting/Decision Date 3/13/13

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) 2/21/13 (signed) S. Shroyer
B. Affected property owners (date) 2/21/13 (signed) S. Shroyer
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) 2/21/13 (signed) S. Shroyer
E. Affected neighborhood assns. (date) 2/21/13 Bottom: Au (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) 2/28/13 (signed) S. Shroyer
City's website (posted date) 2/21/13 (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) 2/25/13 (signed) John Apple

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. DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday March 13, 2013, **starting at 7:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a new parking lot and paths at the West Linn Public Library at 1595 Burns Street/5750 Hood Street. Class II Design Review is required for a new parking lot. A Water Resource Area approval is required because most of the parking lot and the paths are in the significant riparian corridor setback from Maddax Creek. The applicant requests four Class II Variances as well. These are 1) to develop more than 5,000 square feet of water resource transition area on the 5750 Hood Street parcel; 2) to increase the already non-conforming amount of developed water resource transition area on the 1595 Burns Street parcel; 3) to forgo the development of interior parking lot landscaping in the proposed parking lot, and; 4) to construct a driveway that does not meet minimum Transportation System Planning requirements for distance from the driveway on the neighboring property. The library property is non-conforming in several ways including the amount of developed area in the transition area on the 1595 Burns Street parcel, so an approval to Enlarge/Alter a Non-Conforming Structure is also required.

Criteria for Design Review are found in Chapter 55 of the Community Development Code (CDC). Water Resource Area Protection criteria are found in Chapter 32. Variance criteria are found in Chapter 75. Criteria to Enlarge/Alter a Non-Conforming Structure are found in Chapter 66. 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 on tax lots 2200 and 2401 of Clackamas County Assessor's Map 2-2E-30BD and/or as required by Chapter 99 of the CDC.

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/1595-burns-street-class-ii-design-review-construct-second-parking-lot-and-path-west-linn--0>, 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, 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

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

FILE NO. DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

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SHAUNA SHROYER
Planning Administrative Assistant

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VILLASAN LLC
805 SW CALDEW DR
PORTLAND, OR 97219

WAGMAN GARY & SO YOUNG
19650 HIDDEN SPRINGS RD
WEST LINN, OR 97068

WAGNER DANIEL & HOLLY
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PO BOX 648
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WEAVER JAMES H & CONSTANCE
BERRY
5796 ROBERT MOORE ST
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WEST LINN SHOPPING CTR ASSOC LLC
19767 SW 72ND AVE STE 100
TUALATIN, OR 97062

WHITE DAVID E & JULIE KASSNER
5615 FIRST CT
WEST LINN, OR 97068

WILLHITE JEFFREY W
64761 KELLY CT
BEND, OR 97701

WOLFE TROY R & KRISTIN L
1492 BURNS ST
WEST LINN, OR 97068

PAT DUKE
WEST LINN PUBLIC LIBRARY
1595 BURNS ST
WEST LINN, OR 97068

PETER SPIR
CITY OF WEST LINN
22500 SALAMO RD
WEST LINN, OR 97068

KHOI LE
CITY OF WEST LINN
22500 SALAMO RD
WEST LINN, OR 97068

LANCE CALVERT
CITY OF WEST LINN
22500 SALAMO RD
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
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WEST LINN OR 97068

BETH SMOLENS
WILLAMETTE NA PRESIDENT
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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

OREGON DIVISION OF STATE LANDS
ATTN: TAMI HUBERT
775 SUMMER ST NE
SALEM, OR 97301

US ARMY CORPS OF ENGINEERS
ATTN: BILL DAVIS
PO BOX 2946
PORTLAND, OR 97208

DR-13-01

MAILED
2-21-13 SS



CITY OF West Linn

January 31, 2013

Pat Duke
West Linn Public Library
1595 Burns St.
West Linn, OR 97068

SUBJECT: DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

Dear Pat:

The library originally submitted this application on January 3, 2013. Planning and Engineering staff find the application is complete.

As the declaration of completeness is within the first 30 days after submittal (January 31, 2013), the City now has 120 days from this declaration (until May 31, 2013) to exhaust all local review per state statute. In the near future staff will schedule a Planning Commission hearing for this application. 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 if you have any questions or comments.

Sincerely,

Tom Soppe
Associate Planner

c: Peter Spir, Associate Planner

c: Lance Calvert, Public Works Director

c: Sally McLarty, Bolton NA President, 19575 River Rd., #64, Gladstone, OR 97027

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CITY OF West Linn

For staff report DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01:

Waiver for requirements of Sections 55.100(A)(2-4), (6), (9), 55.100(B)(5-6), (B)(7)(b, c, and f-j), (E-I), (L-O), and 55.100(B)(3, 11), 55.150(A)(1), and 32.070(B)(5), for above file.

The below staff findings regard the requested waiver from the requirement of said sections by the applicant, requested under the provision of Section 99.035(B). This section states the following:

B. 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; or
2. The Planning Director finds that a specific approval standard is not applicable to the application.

Finding 1:

Subsection 55.100(A)(2) requires Class II Design Review applications to respond to Chapter 34 regarding accessory structures and uses. There are no accessory uses or structures on site or proposed by this application. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 2:

Subsection 55.100(A)(3) requires Class II Design Review applications to respond to Chapter 38 which addresses modified setbacks allowed for some sections of buildings. The existing building setback is compatible with the existing zoning, and the application does not propose any additions

to the building or any new buildings. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 3:

Subsection 55.100(A)(4) requires Class II Design Review applications to respond to Chapter 40. This chapter has been repealed. Ostensibly this criterion could be interpreted to now require a response to Chapter 41, which Chapter 40's provisions were combined with. The provisions of this chapter regard building height. No new buildings or additions to the existing building are proposed by the application. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 4:

Subsection 55.100(A)(6) requires Class II Design Review applications to respond to Chapter 44 Fences. The application does not propose any new fences or changes to existing fences. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 5:

Subsection 55.100(A)(9) and Section 55.100(L) require Class II Design Review applications comply with sign-related CDC criteria. The application does not propose any new signs or changes to existing signs. Staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 6:

Subsections 55.100(B)(2)(c-f) provide criteria related to significant tree removal areas as these areas relate to density calculations, street improvement areas, and grading areas. The grading and street improvement areas will not affect significant trees, and no significant trees are proposed for removal on site. No streets are being extended onto the site or anywhere else as part of this application. Density calculations relate to achieving Metro goals for residential density. The non-residential proposal is not in residential zoning, and no residences are being added or removed. For all of these reasons staff finds and determines that the waive to these criterion is appropriate as the approval standards are not applicable to the application.

Finding 7:

Subsections 55.100(B)(5-6) and 55.100(B)(7)(b, c, and f-i) provide for building placement, building entrance placement, and architecture criteria. The application does not propose any new buildings or changes to the existing building. Staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 8:

Subsection 55.100(B)(7)(j) provides for placement of parking spaces near trailheads. Parking spaces are proposed in the application, but there are no trailheads in the area. Staff finds and



CITY OF West Linn

determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 9:

Sections 55.100(E-F) only apply to multi-family projects. This is a library parking lot project, not a multi-family project. Staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 10:

The criteria of Section 55.100(G) provide for the demarcations among public, semi-public, and private spaces within a site. The site is owned by the City and has no spaces that are specifically off-limits to the public. Therefore staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 11:

The criteria of Section 55.100(H), per Subsection (H)(1) are only applicable to sites that abut a public transit route. The site does not abut a public transit route. Therefore staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 12:

The applicant has requested a waiver from Section 55.100(I) but has responded to subsections (I)(1) and (I)(2) in the application, which are appropriate to the proposal as these address street improvements and storm drainage. Staff interprets the applicant's request as intending to request a waiver from subsections (I)(3-5). These three criteria provide for municipal water, sanitary sewers, and solid waste and recycling storage areas respectively. The proposal does not change the provision of or need for any of these, and does not propose development that would require further provision of these services on site. Therefore staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 13:

Section 55.100(M) provides for the provision of new off-site non-municipal utility lines to serve development on-site. The proposed changes to the site do not require new off-site non-municipal utility lines. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 14:

Section 55.100(N) provides for wireless communications facilities. There are none of these on site, and none are proposed in the application. Staff finds and determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Finding 15:

Section 55.100(O) is only applicable to commercial, multi-family, and office projects, per Subsection (O)(1). This is an application for a parking lot on a public library site. Staff finds and determines that the waiver to these criteria is appropriate as the approval standards are not applicable to the application.

Finding 16:

Subsection 55.110(B)(3) requires a slope range map with several slope percentage categories. The applicant provides a slope map that shows the 0-25% slope lands and the lands with over 25% slope. The criteria of Chapter 32 breaks land in and nearby water resource areas into just these two slope categories. The other criteria that apply to the application also do not require staff to analyze the project with regard to a more detailed delineation of slope than this. Staff finds and determines that the waiver of the specific information required in Subsection 55.110(B)(3) is appropriate as the specific information is not necessary to properly evaluate the application.

Finding 17:

Subsection 55.110(B)(11) requires ambient noise levels to be shown on the existing conditions map. The applicant requests a waiver and contends this is not needed as ambient noise levels on the site are provided in Table III of the applicant's submitted Noise Study. This table is found on Page 171 of Exhibit PC-4. Staff finds and determines that the waiver of the specific information required to be on the existing conditions map by Subsection 55.110(B)(11) is appropriate as this specific information is found elsewhere in the submittal; the specific information is not necessary to be shown on this map to properly evaluate the application.

Finding 18:

Section 55.120(K) requires a building's windows and doors to be shown on the site plan for a Design Review application. The applicant requests a waiver from this requirement, stating that this is meant for new buildings. The application proposes no new buildings or additions onto the existing library building. However since the requirement does not specify that it is only meant for new buildings or additions, staff still finds that it is appropriate for an application such as this where only a parking lot and path are proposed to be new on site. For example complying with this requirement shows which windows and doors look out onto the proposed parking lot and path area, helping staff find whether criteria such as 55.100(J)(7) regarding lines of sight are fulfilled. But to the waiver request's credit, there are other ways to determine how the existing windows and doors relate to the proposed parking lot and path area. On Page 76 of the staff report staff has included a photo showing which windows and doors look out onto this area, helping determine that Subsection 55.100(J)(7) is indeed complied with by the application. The photo therefore contains specific information that has allowed staff to properly evaluate the application. For this reason staff can find that the waiver is appropriate as the specific information required for the site plan by Section 55.120(K) is not necessary to properly evaluate the application.



CITY OF West Linn

Finding 19

Subsection 55.150(A)(1) requires the landscape plan to show a preliminary underground irrigation system. None such system is planned as the proposed plants are drought tolerant. The Parks and Recreation Department will hand water the plants as needed during the first two years, per the applicant. Staff finds that the waiver is appropriate the required information is not applicable to the application.

Finding 20

While the applicant has complied with other items listed in Subsection 32.070(B)(5), the applicant requests a waiver from the requirement for a contingency plan for the mitigation plan. Staff finds that contingency plans are required by this section so staff can enforce or otherwise ensure the fulfillment of proposed mitigation plans for projects that have applicants that are not the City government itself. The City will follow its own mitigation plan as the plan will be monitored and completed by City staff. Staff determines that the waiver to this criterion is appropriate as the approval standard is not applicable to the application.

Therefore, concluding from the staff findings above, I grant the requested waivers of the requirements under the provisions of Section 99.035(B).


JOHN SONNEN, PLANNING DIRECTOR


DATE

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EXHIBIT PC-4

APPLICANT'S SUBMITTAL

FILE NUMBER: DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

REQUEST: CLASS II DESIGN REVIEW, WATER RESOURCE AREA APPROVAL, APPROVAL TO EXPAND/ALTER A NON-CONFORMING STRUCTURE, AND FOUR CLASS II VARIANCES FOR CONSTRUCTION OF A SECOND PARKING LOT FOR THE WEST LINN PUBLIC LIBRARY AND NEW PATH BETWEEN THE PARKING LOT AND LIBRARY, AT 1595 BURNS STREET AND 5750 HOOD STREET



WEST LINN LIBRARY PARKING LOT

Class II Design Review, Class II Variances, Water Resource Area, and Expansion/Alteration of a Non- Conforming Structure Land Use Review

Submitted by City of West Linn





Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656.4211 • Fax 503.656.4306 • westlinnoregon.gov

Copy

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S)	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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 type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input checked="" type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input checked="" type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extrajurisdictional 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.

Site Location/Address: 5750 HOOD STREET. 1595 BURNS STREET.	Assessor's Map No.:
	Tax Lot(s): 2401, 2200
	Total Land Area: 73,617 SF.

Brief Description of Proposal: 12 FULL SIZE PARKING LOT.

Applicant Name: DIANE SATCHWELL (please print) Address: 1595 BURNS STREET. City State Zip: WEST LINN, OR 97068	Phone: 503-742-8584 Email: DSATCHWELL@WESTLINN.OREGON.GOV
Owner Name (required): CITY OF WEST LINN (please print) Address: 22500 SALAMO RD. City State Zip: WEST LINN, OR 97068	Phone: Email:
Consultant Name: CITY OF WEST LINN - PUBLIC WORKS (please print) Address: 22500 SALAMO RD. City State Zip: WEST LINN, OR 97068	Phone: 503-722-5516 Email: L.CALVERT@WESTLINN.OREGON.GOV

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.

<u>[Signature]</u> Applicant's signature	<u>10-15-2015</u> Date	<u>[Signature]</u> Owner's signature (required)	<u>10-15-2015</u> Date
---	---------------------------	--	---------------------------

WEST LINN LIBRARY PARKING LOT

Class II Design Review, Class II Variances, Water Resource Area, and Expansion/Alteration of a Non-Conforming Structure Land Use Review

Submitted by City of West Linn

PROPOSAL:

Construct a 12 space parking lot adjacent to, and northeast of, the City of West Linn library to address the parking shortage. Construct a footpath connecting the proposed parking lot with the library lower floor.

APPLICANT:

Owner Representative:
Project Manager:
Project Planner:
Project Designer:

City of West Linn

Diane Satchwell, Library Director
Lance Calvert, Public Work Director
Peter Spir, Associate Planner
Khoi Le, Development Engineer

PROJECT LOCATION:

5750 Hood Street and 1595 Burns Street

LEGAL DESCRIPTION:

Assessor's Map 22E30BD Tax lot 2401 and 2200

SITE AREA:

Tax lot 2041: 12,612 square feet (Proposed Parking)
Tax lot 2200: 61,010 square feet (Existing Library)

ZONING:

Office Business Center (OBC)

ZONING OVERLAYS:

Water Resources Area (WRA), Riparian Corridor

COMPREHENSIVE PLAN:

Commercial

PERMITS REQUESTED:

Class II Design Review (CDC Chapter 55)

Water Resource Area (CDC Chapter 32)

Class II Variances (4) (CDC Chapter 75)

Expansion/Alteration of a Non-Conforming Structure (3) (CDC Chapter 66)

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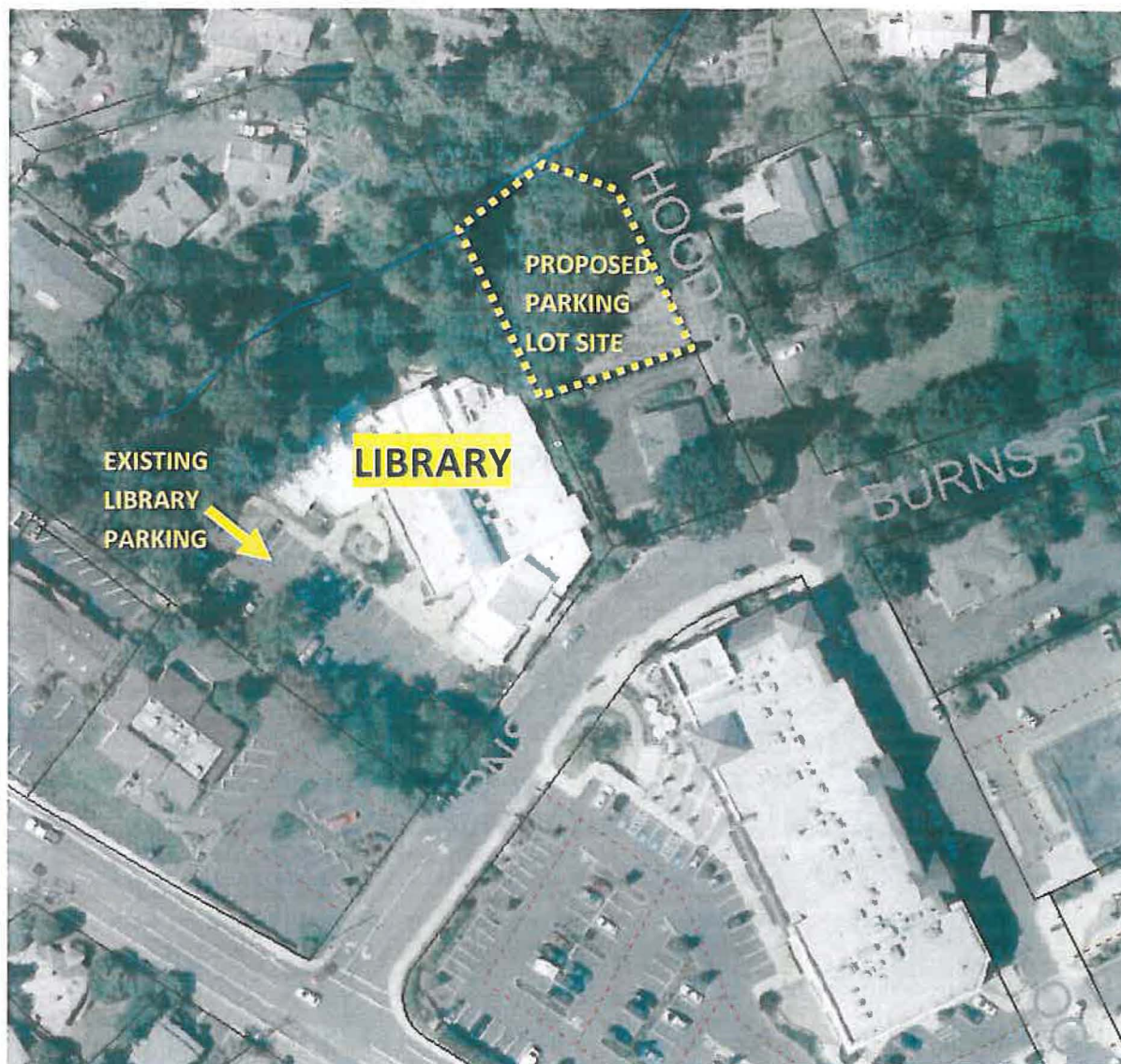


Figure 1: Site Overview

Background

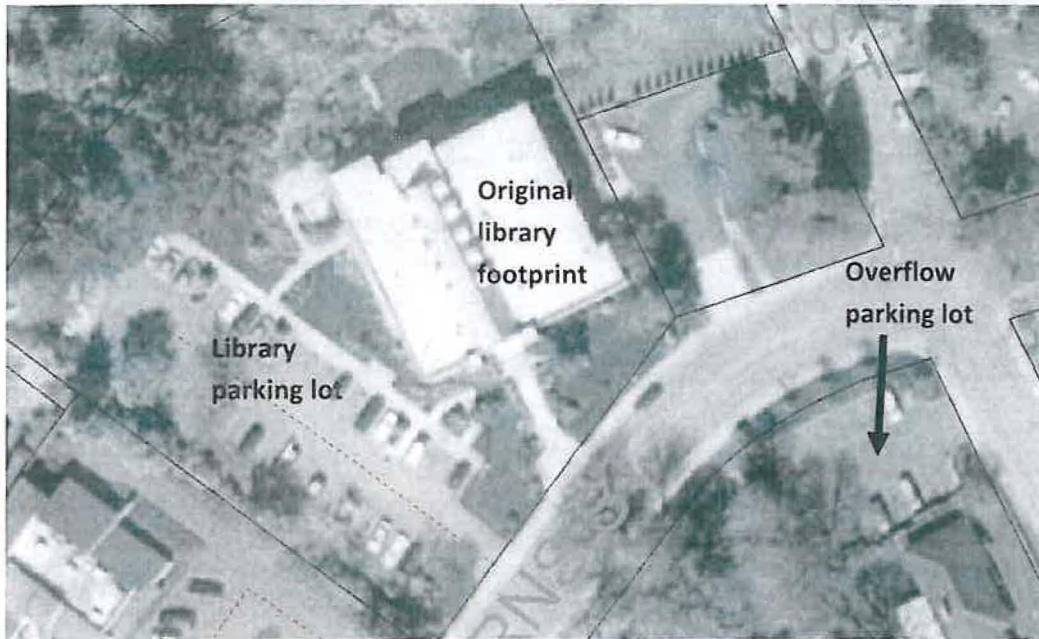
The perennially flowing Maddax Creek is the dominant natural feature of the library and parking lot properties. Maddax Creek runs along the north edge of these properties and is contained within a well defined forested ravine. The regulatory provisions associated with such streams dominate the review of this application.

The West Linn library was built in 1989 (DR-88-25) with a parking lot to the west comprising 35 spaces (Figure 1). From the onset, the number of parking spaces was below the minimum required due to the use of exemptions built into the Community Development Code (CDC) that

allow a 10% parking reduction for proximity to transit and another 10% reduction if a significant tree is saved. While this technically addressed the Community Development Code's (CDC) approval criteria and was approved by the Planning Commission, from a functional "real world" standpoint, the library suffered from inadequate parking from the onset.

In 1989, (DR-89-35) the library attempted to correct the parking shortfall by applying for a permit to construct a 16 stall parking lot across the street at the southwest corner of Hood and Burns Street. With that approval, the library had sufficient parking (Figure 2).

Figure 2: 1996 photo of original library footprint, parking lot and overflow parking lot



In 2001, a major addition was proposed to the front and rear of the library (DR-01-08). The addition was approved and, again, the parking was found to meet the CDC standards. Parking was tight but the overflow parking lot on leased land across Burns Street from the library made the parking situation tenable. When the West Linn Central Village Shopping Center was developed, the lease was terminated, the overflow parking lot was eliminated and the library lost 16 parking spaces. Since that date, the parking situation has become untenable. In addition, the lack of full sized spaces makes it very difficult for library patrons to maneuver effectively.

In 2011, to address the lack of parking, the library purchased a 12,612 square foot parcel east of the library to add needed parking spaces. At present, the library needs 53 spaces. The library has 35 compact parking spaces, including three ADA spaces, for a shortfall of 18 spaces.

Twelve full sized parking spaces are proposed in this application.

In addition to an inadequate supply of parking spaces which makes the library a non-conforming structure, the library was also found to be non-conforming since 50 percent of the parking spaces are supposed to be compact; the other 50 percent, full sized. (All the parking spaces are compact.) Non-conforming status is also based on the fact that the library building significantly encroaches into the WRA.

The property that is being proposed for the parking lot is zoned Office Business Center (OBC) which allows parking lots outright with design review and other permits as required. The library property, which will host a small section of the footpath from the parking lot plus some retaining walls, is also zoned OBC and is an outright permitted use too. The property to the south of the proposed parking lot is zoned OBC whereas properties to the east and north are zoned R-10 (single family residential-10,000 square foot minimum lot size).

Proposal

The proposal is to construct a 12 full sized space parking lot on a 12,612 square foot parcel adjacent to and northeast of the City of West Linn library (Figure 3). Vehicular and pedestrian access to the parcel would be from Hood Street. Other improvements include a pedestrian and ADA accessible path to the library from the parking lot and the construction of street improvements in the Hood Street right of way (ROW). Storm water detention/treatment facilities are not required in the parking lot since it will be constructed of water permeable pavers. The majority of the improvements will be on tax lot 2401 with just a 25 foot long section of path extending onto the library property (tax lot 2200) and some retaining walls. Seven land use permits are required: design review, water resource area permit, four class II variances, and an alteration/expansion of a non-conforming structure permit.

Design Review

Class II Design Review is required. Design review examines the proposal in terms of resource protection, conformance with the Transportation Planning Rule, pedestrian facilities, defensible space, screening, compatibility with adjacent uses, parking, landscape design, etc. The applicable chapter is CDC Chapter 55.

Water Resource Area permit

Maddax Creek runs along the north edge of the properties on a west to east axis. Because the majority of the parking lot, associated retaining walls and grading is within the Maddax Creek Water Resource Area (WRA), a WRA permit is required. The WRA permit is also

required to consider the 25 foot long path section, retaining walls and grading in the WRA on the library property. The applicable chapter is CDC Chapter 32. The WRA comprises the creek itself, the adjacent ravine, plus the associated 50 foot transition and 7.5 foot setback as measured from the top of the (ravine) slope. The WRA also includes the riparian corridor which extends 100 feet from the edge of the creek. All but 515 square feet of the parking lot property is within the WRA (Figure 4).

The applicant will be building most of the parking lot in the previously disturbed or graded areas that exist behind or above the top of the ravine rising out of the drainageway. Northern portions of the parking lot, retaining walls and the footpath will all be built in undisturbed areas of the WRA. This activity will result in loss of WRA compensated by on-site re-vegetation with native plants and off-site mitigation.

Class II Variances (4)

Four Class II Variances are required. The variances are to seek relief from the following CDC provisions:

1. Section 54.070 requires that at least five percent (179 square feet) of the 3,583 square foot interior of parking lots for 10-25 cars be landscaped. The required landscaping may be reduced by one-third per 54.020(E) (3) (a) if water permeable pavers are used. Therefore, the variance request means that 120 square feet ($179 \times .666$) of interior landscaping would be eliminated.
2. Section 32.090(B) allows up to 5,000 square feet of the library property in the WRA (tax lot 2200) to be disturbed. Already, the library encroaches 13,750 square feet into the WRA. The proposed 25 foot long connective path and retaining walls will disturb 402 square feet. A Class II Variance is required, per section 32.090(D), to allow that 402 square foot encroachment.
3. Section 32.090(B) allows up to 5,000 square feet of the parking lot property in the WRA (tax lot 2401) to be disturbed. The proposed parking lot and associated retaining walls will encroach 5,611 square feet into the WRA which will exceed the 5,000 square foot limit by 611 square feet. A Class II Variance is required, per section 32.090(D), to allow that 611 square foot encroachment.

4. Section 48.025(B) (6) requires that the access standards of the Transportation System Plan (TSP) be applied. The TSP requires 50 feet between driveways and the proposed driveway will be 40 feet from an existing driveway on the law office property to the south.

Alteration/Expansion of a Non-Conforming Structure

The library is a “non-conforming structure” on three counts:

1. Per section 46.090(B) (3), the library should have 53 spaces and it only has 35 spaces. The 12 new spaces will not be enough to meet code but will move the library into greater conformance.
2. The CDC requires a 50/50 split of compact and full sized spaces. Section 46.150(A) (1) states that *“One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet).* The existing library parking stalls only qualify as compact spaces since they measure 9 X 16 feet. Currently, there are no full sized 9 X 18 foot full sized spaces at the library parking lot.
3. CDC section 32.090(B) requires that development on lots partially in the WRA shall not disturb more than 5,000 square feet of the WRA, including access roads and driveways. The existing library, the west parking lot and the rear patio area already represent 13,760 square feet of disturbed area within the WRA transition and setback. Because a new 25 foot long footpath and retaining walls will encroach 402 square feet into the WRA, an “alteration/expansion of a non-conforming structure” permit is required. Chapter 66 requires that changes to non-conforming structures cannot increase the non-conformity. The applicant acknowledges that this request represents a small 2.9 percent increase in the non-conformity. To address this, a Class II variance is being applied for to allow the change or increase in non-conformity.

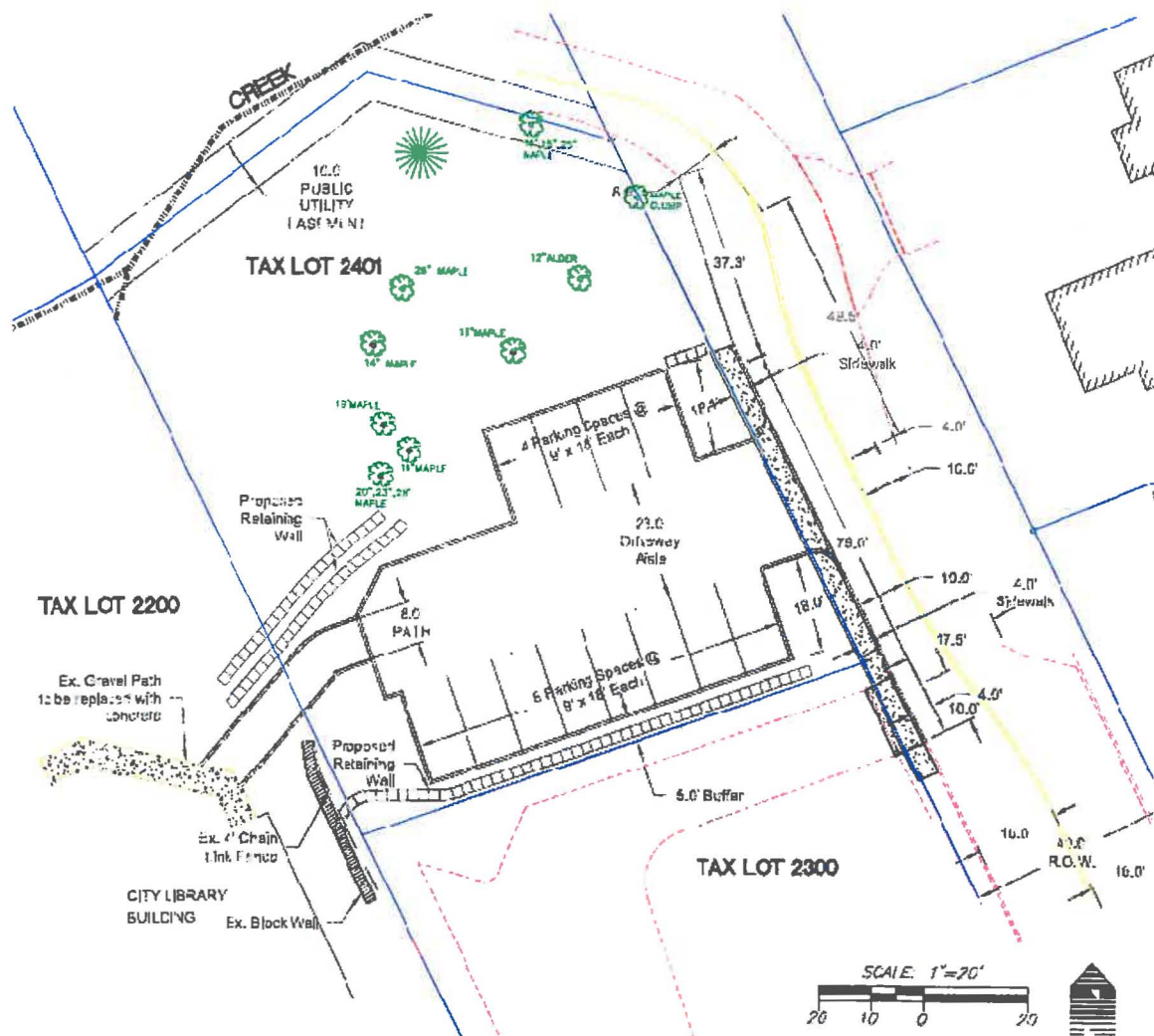


Figure 3: Proposed Parking Lot Design

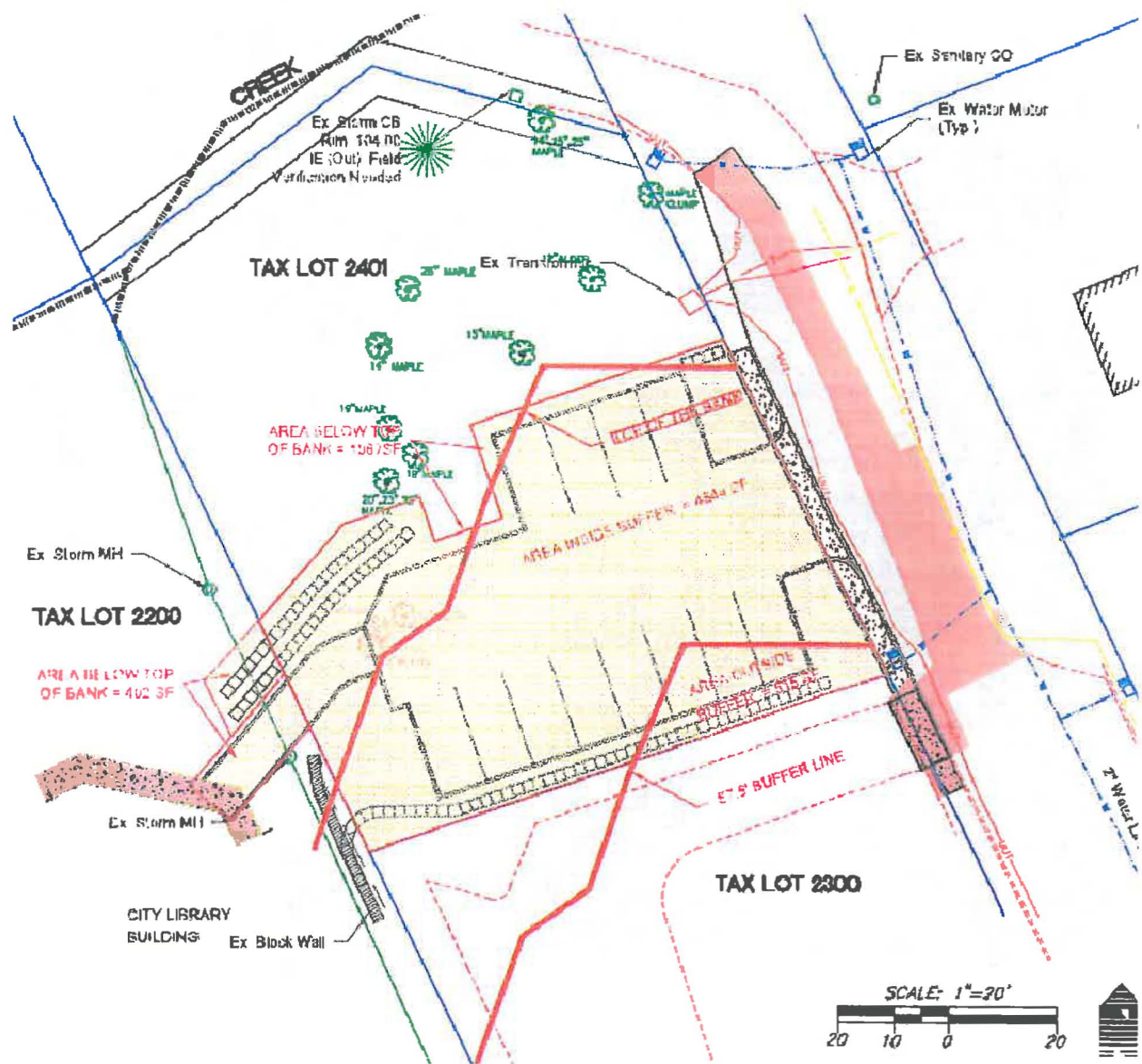
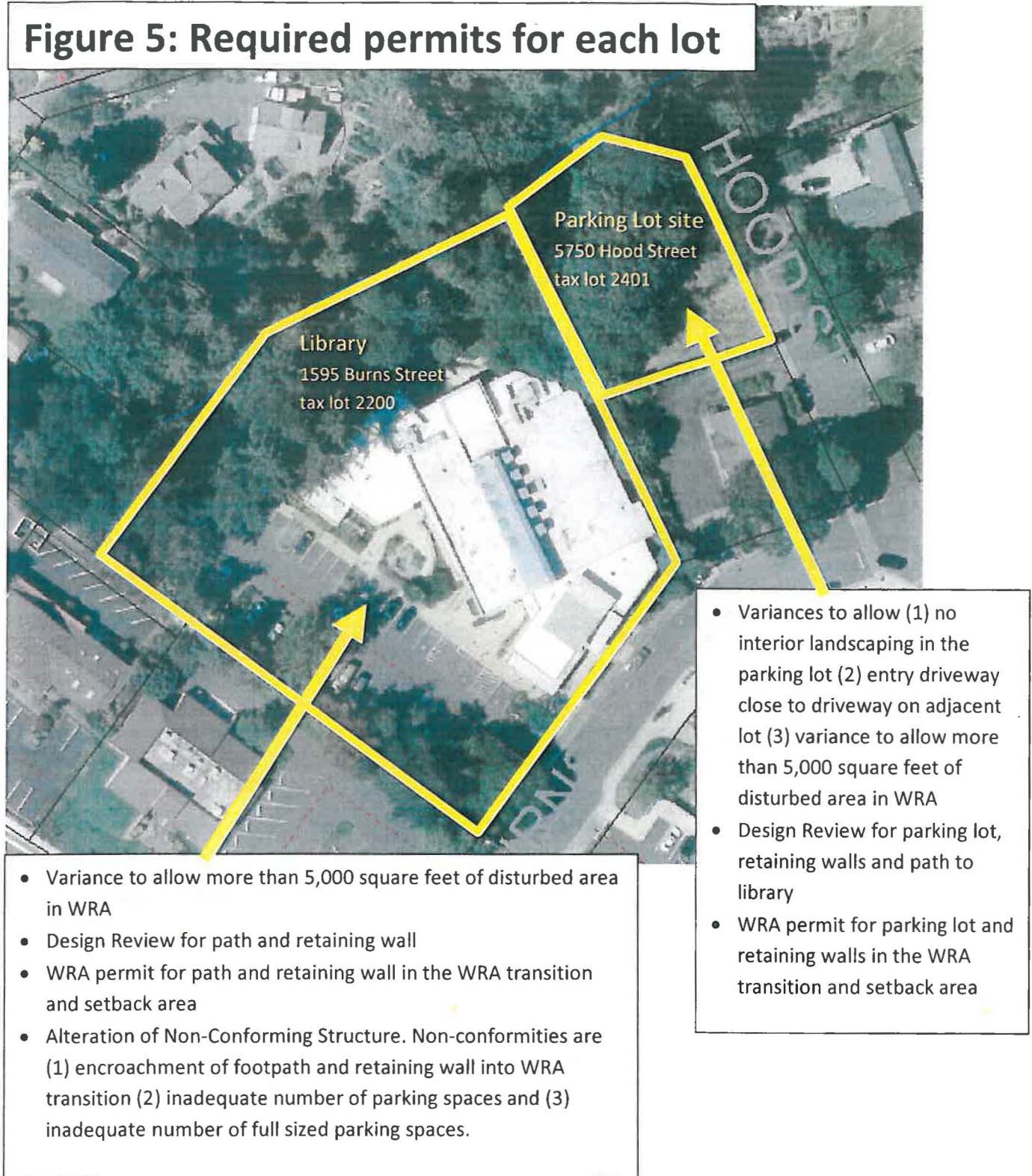


Figure 4: Water Resource Area (WRA) Transition and Setback Boundary indicated by the 57.5 foot buffer line

Figure 5: Required permits for each lot



Applicant's Responses to the Approval Criteria

Water Resource Area Permit

CDC 32.050 APPROVAL CRITERIA

No application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval.

A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor Inventory shall be used as the basis for determining existence of riparian corridors.

FINDING 1: The Surface Water Management Plan identifies Maddax Creek as the water resource area at this site. Maddax Creek is identified on the application submittal maps. There are no wetlands at this site or on adjacent properties according to West Linn's adopted Local Wetland Inventory (LWI).

CDC 32.050(B) Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.

FINDING 2: Maddax Creek, and the existing natural drainageway below top of bank, will be the main form of conveyance of stormwater generated by this application. The storm water from the parking lot and driveway will drain through the water permeable pavers (Figure 6) into the soil below and then gradually filter into the creek or local aquifers.

By using water permeable pavers no storm water treatment or detention facilities are required. The use of water permeable pavers is also recommended by Metro as a best management practice in WRAs. No access for maintenance is needed. No alternate storm facilities are proposed by the West Linn Surface Water Management Plan.



Figure 6: Example of water permeable paver

CDC 32.050(C) Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.

FINDING 3: Because all but 515 square feet of the proposed parking lot property is within the WRA, there is no way to develop this parcel in even a modest fashion and still avoid all environmental impacts on the WRA. This application proposes to minimize the impacts by making use of a previously disturbed area for most of the project. About ten or more years ago, the prior owner(s) of the property graded the property above the top of bank. That work is easily noted in site visits (see Figure 7) because they excavated a bowl area with distinct cuts.

By directing development to the previously disturbed area, encroachment upon the natural portions of the WRA will be minimized but not eliminated. To accommodate a 12 space parking lot, the applicant needs to encroach 1,965 square feet below the top of bank into the WRA. Most of this work involves retaining walls needed to support the parking lot and the footpath to the library.



Figure 7: Previously Disturbed Area of the WRA

Minimizing spatial impacts extends into other areas too. For example, the use of water permeable pavers for the parking lot allows for the elimination of space consuming storm water facilities and the impact associated with a single storm water discharge point. Allowing the storm water to percolate slowly through pavers and the soils of the hillside before it gets to the creek or recharges the local aquifer represents the use of appropriate technology to protect the WRA.

This application's parking lot design will minimize impacts on the WRA even further by pursuing a variance from the "five percent" landscaping requirement. Section 54.070 calls for landscaping to be installed in the interior of the parking lot to the extent that it represents five percent of the area of the parking lot. If approved, the variance will reduce the 3,583 square foot parking lot area by 120 square feet. Five percent of the 3,583 square foot parking lot is 179 square feet which is reduced by one-third to yield 120 square feet. The "one-third" reduction is per section 54.020(E) (3) (a) which gives credit for parking lots that use water permeable pavers.

(The applicant had also considered a variance from the provisions of Section 54.020(E) (3) (f) which requires that parking lots have a five foot wide landscaped strip abutting property lines (not ROW). The idea was to eliminate the landscape strip along the south property line. But by pushing the parking lot up to the south property line the roots of an existing row of Arbor Vitae along that lot line would be seriously damaged. To avoid that, the variance was not applied for. Yet another alternative, installing smaller compact parking spaces, would have reduced the encroachment by 300 square feet but it would have increased the non-conformity of the library in terms of the 50/50

parking space mix. Having no full sized spaces would also create challenges for drivers of larger vehicles.)

Off-site mitigation will be undertaken on a square foot to square foot basis at Fields Bridge Park while on-site re-vegetation will focus on the removal of non-native/invasive plants and the planting of native plants in a 4,000 square foot area adjacent to Maddax Creek. *(Per section 32.020(D)(7), vegetative improvements (replacing non-native/invasive plants such as blackberries, with native plants) are exempt from a WRA permit.)*

A mitigation and re-vegetation plan has been prepared to address the parking lot and other development in the transition and setback areas.

CDC 32.050(D) Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.

FINDING 4: Since the City already owns this parcel, no dedication is needed.

CDC 32.050(E) The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the table in figure 8:

Figure 8: Required Widths of Setback and Transition Area

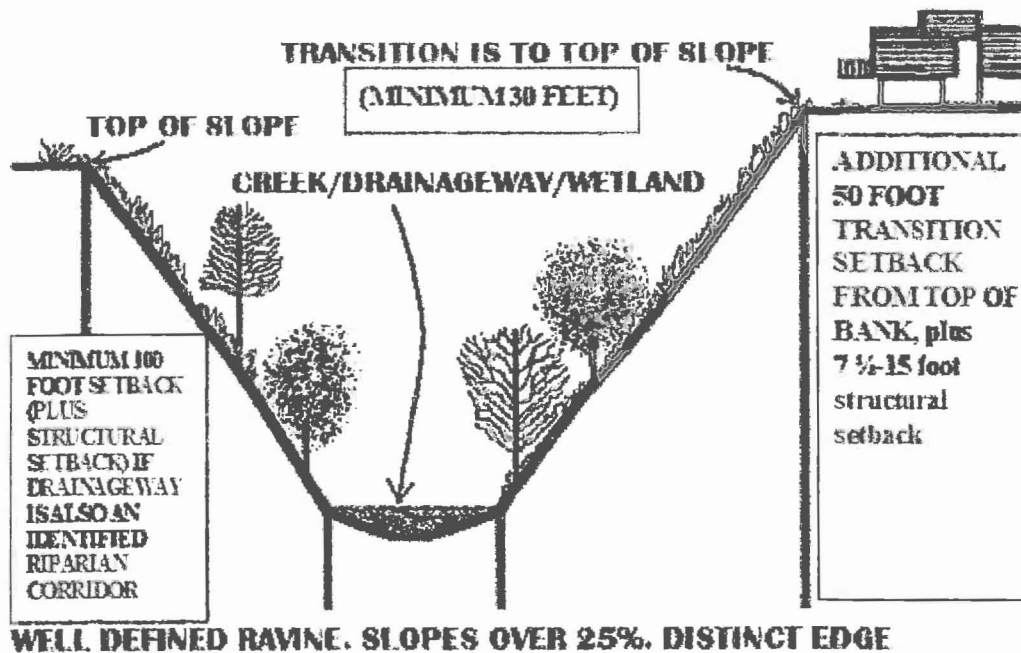
Protected Water Feature Type (See Chapter 02 CDC, Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on Each Side of the Water Feature
Wetland, Major Drainageway, Minor Drainageway	$\geq 25\%$ to a distinct top of ravine ¹	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level Delineated edge of wetland 	Distance from starting point of measurement to top of ravine ¹ (30 feet minimum), plus an additional 50-foot setback, plus structural setback.

Riparian Corridor	any	• Edge of bankful flow or 2-year storm level	100 feet or the setback required under major and minor drainageway provisions, whichever is greater, plus structural setback

Where the protected water feature is confined by a ravine or gully, the top of ravine is the location where the slope breaks at least 15 percent and the slope beyond the break remains less than 25 percent for at least 50 feet.

At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon the width of the property, the width of the protected corridor will vary.

Figure 9: Required transitions for ravines over 25% slope



FINDING 5: The Maddax Creek drainageway is a “well defined ravine” based on site visits and topographic contour maps. It is also designated as a riparian corridor according to the LWI and the City’s GIS maps. The 50 foot transition area is measured from the top of bank as shown in the illustration above. Because the front of any potential building on this lot would face towards Hood Street, the side of the building would face the drainageway. Therefore, a 7.5 foot side yard setback is required towards the drainageway, not a 15 foot rear setback. The combined 57.5 foot transition and setback (50+7.5) is shown in figure 4. The WRA encompasses not only

the stream area and ravine but also the transition and setback areas as well as the riparian corridor. The riparian corridor measures 100 feet from the edge of Maddax Creek.

CDC 32.050(F) Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:

- 1. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- 2. For upgrade of existing utility facilities, no greater than 15 feet wide.*
- 3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.*

FINDING 6: This proposal will not traverse Maddax Creek or the WRA therefore the criterion is not applicable.

CDC 32.050(G) Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

FINDING 7: Temporary construction fencing will be installed, per code, along the edge of the construction area below the top of bank and along Hood Street.

CDC 32.050(H) Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize low impact development (LID) construction practices.

FINDING 8: The eight foot wide ADA/foot path from the parking lot to the library will be 70 feet from Maddax Creek; therefore the criterion's 15 foot setback is met. There is very little existing vegetation in the area proposed for the path. The exception is a small non-significant tree, which will be removed and replaced with landscaping

material appropriate to a WRA. Water permeable pavers will be used for the footpath to comply with low impact development construction practices.

CDC 32.050(I) Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.

FINDING 9: Rain water in the parking lot and footpath will drain through the pavers into the soil and gradually discharge into the drainageway and creek or filter into the local aquifer. There will be no storm water facilities at this site. Storm water on Hood Street will be directed down the street to an existing storm water catch basin near the creek. Storm drainage will not be diverted from its natural watercourse and there will be no inter-basin transfers of storm drainage. Erosion control measures shall be put in place prior to any site clearing and construction.

CDC 32.050(J) Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction.

FINDING 10: All required COWL erosion control measures shall be in place prior to and during site work, such as grubbing, grading and parking lot construction.

CDC 32.050(K) Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

FINDING 11: The applicant acknowledges that the WRA on the library parking lot property has been "disturbed" since the area behind the top of bank was graded about ten years ago. This "disturbed" area in the WRA comprises 4,544 square feet. As a result, only 63.6 percent of the WRA has a combination of native trees, shrubs, and groundcover while the required amount is 80 percent of the WRA. The existing "non-disturbed" area already has 100 percent tree canopy coverage so no trees are

required in the re-vegetation. Figure 10 explains the required re-vegetation and mitigation square footage. (The applicant has added the library property's 402 square foot disturbed area to address that lot as well.)

Figure 10: Square footage details

Total square footage of parking lot (PL) property	12,612 square feet
Pre-existing graded "disturbed" areas of parking lot (PL)	4,544 square feet
Total pre-existing graded area + area to be developed below top of bank of PL	5,611 square feet
Total area of PL WRA requiring 80% re-vegetation	12,097 X .8= 9,677 square feet
Area of existing PL WRA that already meets the vegetative standards	6,486 square feet
Area of PL required to be vegetated to meet 80% requirement	9,677 – 6,486 = 3,191 square feet
Area required to be vegetated to meet 80% requirement (both the PL and library properties)	3,191 + 402 (library disturbance below top of bank) = 3,593 square feet
Area required to be mitigated for (both the PL and library properties)	5611 + 402 = 6,013 square feet

The re-vegetation can be accomplished on-site. The applicant finds that the area below the top of bank is in relatively good condition to the extent that native plant material dominates and a 100 percent tree canopy exists. There are, however, some non-native/invasive plants along the creek. The applicant shall remove non-natives (blackberries, etc.) along the north edge of the parking lot and library properties along Maddax Creek. That works out to 400 feet long X 10 feet wide for 4,000 square feet, which exceeds the 3,593 square foot requirement. Once the non-native plants have been removed in that area they will be replaced with native plant material and trees (as needed) appropriate to site conditions per Figure 11:

Figure 11: Required Plant List*

• 20 Vine Maples 1" caliper (at least 10 feet apart)
• 10 Western Red Cedars 1" caliper (at least 20 feet apart)
• 80 Salal (three feet on center (OC)) (one gallon size)
• 80 Salmonberry (three feet on center (OC)) (one gallon size)
• 80 Maidenhair Fern (three feet on center (OC))
• 80 Red Columbine (three feet on center (OC))
• 80 Deer Fern (three feet on center (OC))

* Seasonal availability may require substitution of plants of equal quality and number.
The number of trees and plant material are intended for a 4,000 square foot area.

It is noted that section (K) also requires mitigation for all portions of the WRA that will be permanently modified, built upon or where land contours are disturbed. That mitigation will be addressed off-site and is responded to later in this submittal under Findings 29-32.

CDC 32.050(L) Structural setback area. Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

FINDING 12: Chapter 2 defines a structure as “*Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having such location, including buildings, fences, towers, utility equipment, utility poles, flag poles, signs, porches, pools, carports, platforms, walks, staircases, driveways and other similar objects, but not including fixtures or equipment attached to structures (e.g., antennas, lights).*” By that definition, the proposed parking lot and path are structures and these provisions apply.

The majority of the parking lot is in the WRA transition and setback. The closest that the parking lot structure will get to Maddax Creek is 38 feet which exceeds the minimum 15 foot distance required by this criterion and the hardship provisions of section 32.090(B).

The applicant will be applying for a hardship permit and an additional Class II Variance to allow this encroachment into the transition and setback. (The applicant is also proposing to minimize encroachment into the WRA by pursuing a variance from landscaping requirements to pull the parking lot south, away from the ravine.)

CDC 32.050(M) Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.

FINDING 13: No new storm facilities are proposed, so this criterion does not apply. On-site runoff will be handled by infiltration; meanwhile, off site runoff on Hood Street will feed into an existing storm catch basin.

CDC 32.050(N) As part of any proposed land division or Class II design review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

- 1. The ability of the reopened storm channel to safely carry storm drainage through the area.*
- 2. Continuity with natural contours on adjacent properties.*
- 3. Continuity of vegetation and habitat values on adjacent properties.*
- 4. Erosion control.*
- 5. Creation of filters to enhance water quality.*
- 6. Provision of water temperature conducive to fish habitat.*
- 7. Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.*
- 8. Consistency with required site mitigation plans, if such plans are needed.*

The maximum required setback under any circumstance shall be the setback required as if the drainageway were already open.

FINDING 14: There are no buried storm water pipes on this property, therefore the criterion does not apply.

CDC 32.050(O) The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.

FINDING 15: Parking lots are already allowed to be as close as 10 feet from a non-arterial ROW like Hood Street so the reduction offered in this criterion is not necessary or applicable.

CDC 32.050(P) Storm drainage channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels. (Ord. 1545, 2007)

FINDING 16: Site analysis shows that no previously unidentified drainageway exists at the site; therefore the criterion does not apply.

CDC 32.090 REDUCTION IN STANDARDS FOR HARDSHIP

The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be reduced. Reductions are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief.

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:

- 1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.*

FINDING 17: The 12,612 square foot parcel includes 515 square feet at the southeast corner that are not within the WRA. Since 96.0 percent of the parcel is in the WRA it meets the definition of a "lot located partially inside the water resource area" per section 32.090(B). The lot has considerable value since it is located adjacent to the library, within 50 yards of the West Linn Central Village Shopping Center and is zoned to allow a range of commercial, office and other uses. The list of "uses permitted outright" includes:

- 1. Business equipment sales and services.**
- 2. Business support services.**
- 3. Communications services.**
- 4. Cultural exhibits and library services.**
- 5. Family day care.**
- 6. Financial, insurance and real estate services.**

7. Medical and dental services.
8. Parking facilities.
9. Participant sports and recreation, indoor.
10. Personal services and facilities.
11. Professional and administrative services.
12. Utilities, minor.
13. Transportation facilities

Based on discussions with Metro staff and other jurisdictions, there is no definitive measure or definition of "economic viability" but certainly an asphalt parking lot must be regarded as being at the low or minimal end of economic viability when compared to the other, more profit motivated commercial or office uses listed above, and therefore should be allowed under this criteria. Usually something is only economically viable if the benefits/profits exceed the cost. The success of the parking lot will not be measured in terms of profits. It is unlike a business or most of the other permitted uses that would have to generate a certain amount of business to obtain enough revenue to justify putting money into the property to go through the land use process. Thus, it has the lowest threshold of what could be considered economically viable because it does not have to realize a profit to be economically viable.

CDC 32.090(2) The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

FINDING 18: Having established in finding 17 that a non-profit public institution has the lowest threshold of what could be considered economically viable; the applicant notes that the disturbed area within the WRA constitutes 5,611 square feet which exceeds the hardship allowance of 5,000 square feet by 611 square feet. This additional 611 square feet of disturbance is needed to accommodate 12 full sized parking spaces, retaining walls and associated grading and other temporary site disturbance. Anything less than 12 spaces would diminish the usefulness of the parking lot to the extent that it would no longer be deemed economically viable given the purchase cost of the land and the cost to construct the lot.

The applicant will also be applying for a variance to accomplish the task of minimizing impacts to the WRA. The variance is to eliminate landscaping in the interior of the parking lot. This will reduce the footprint of the parking lot by five percent or 179 square feet.

The applicant is aware that the property occupied by the library already exceeds the 5,000 square foot allowance too. It was built prior to the CDC Chapter 32 provisions and is non-conforming for that reason. The library property will see 402 square feet of encroachment into the WRA for a footpath and retaining wall and is pursuing a Class II Variance for that purpose.

CDC 32.090(B) (3) *The proposed reduction will comply with Chapter 31 CDC, Erosion Control.*

FINDING 19: All required erosion control measures (e.g. silt fences, vegetative matting, seeding etc.) shall be in place prior to, and during, site work.

CDC 32.090(C). *If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:*

1. *The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage course.*

FINDING 20: The proposed minimum setback from the parking lot and retaining walls to Maddax Creek will be 37 feet, which exceeds the allowed minimum distance of 15 feet.

CDC 32.090(C)(2) *As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be re-vegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall re-vegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).*

FINDING 21: The applicant supports the requirement that re-vegetation and mitigation should be undertaken on a square foot to square foot or 1:1 basis to compensate for the 6,013 square foot disturbance of the WRA.

Figure 12:

Area required for mitigation for both the parking lot and library properties	5,611 + 402 = 6,013 square feet
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The applicant notes that the criterion requires that the mitigation be undertaken in an area of the library properties that is not in the WRA. The criterion also states that in the event that the 1:1 re-vegetation cannot be met due to insufficient non-WRA lands, then all non-WRA lands must be re-vegetated. The only non-WRA land on the parking lot site is the 515 square feet at the southeast corner of the parking lot. Meanwhile the library site's non-WRA area is fully built out with a library and parking lot. There is no space available on the library property.

The applicant also notes that this provision for on-site mitigation is contradicted by language in section 32.050(K) which requires mitigation per section 32.070. Section 32.070(C) (2) "Mitigation Plan" specifically allows off-site mitigation.

To address this criterion, the applicant proposes to provide both on site re-vegetation and off-site mitigation. Off-site mitigation will be on a 1:1 basis (6,486 square feet) at Fields Bridge Park on the Tualatin River. For re-vegetation, the applicant is proposing to remove non native vegetation in the WRA along Maddax Creek and replant a 4,000 square foot area with native plants. (That exceeds the required re-vegetation by 407 square feet.) The 4,000 square foot re-vegetation will be more useful to the health of the Maddax Creek WRA and its viability as a riparian corridor than alternative solutions like planting just 515 square feet per code.

At both the on-site re-vegetation area and the off-site mitigation area, the standards of section 32.070 and 32.080 will be met.

32.070 MITIGATION PLAN

A mitigation plan shall be required if any portion of the water resource area is proposed to be permanently disturbed by development.

A. *All mitigation plans must contain an alternatives analysis demonstrating that:*

- 1. No practicable alternatives to the requested development exist that will not disturb the water resource area; and*
- 2. Development in the water resource area has been limited to the area necessary to allow for the proposed use; and*
- 3. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.*

FINDING 22: Other than allowing no development, there are no alternatives that could result in zero disturbance of the WRA since 96 percent of the parcel is within the WRA. Considering the range of permitted uses in the OBC zone, a parking lot must be regarded as a relatively benign choice or alternative. A building would be necessary for all of the other uses , which would require the full range of utilities and parking as well.

Fewer parking spaces could have been proposed, but this amount (12) was the minimum that could be installed that would justify the cost of site acquisition and development. The decision to develop this number of spaces is reasonable because most of the development (75%) will be on lands that have been previously graded and disturbed over ten years ago. The applicant is utilizing all of the previously disturbed area to reduce impacts, and it has limited the number of spaces to the minimum that is economically viable even though additional spaces are in great demand.

By utilizing this previously disturbed area, the applicant is avoiding or minimizing disturbance to the natural WRA. The decision to use water permeable pavers, per the Metro "Best Management Practices," and avoid a traditional storm water treatment system and outfall also demonstrates the applicant's efforts to minimize impacts.

CDC 32.070(B) A mitigation plan shall contain the following information:

- 1. A description of adverse impacts that will be caused as a result of development.*

FINDING 23: Adverse impacts associated with this application include the grading and construction of the 12-stall parking lot and retaining walls. There will be grading and construction of a path from the lot to the adjacent library. Hood Street will be repaved.

CDC 32.070(B)(2) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the re-vegetation provisions of CDC 32.050(K).

FINDING 24: The significance of impacts to the WRA is reduced by the fact that the area has not been in a natural state since it was graded about 10 years ago by the previous owner. Impacts are also minimized by the use of water permeable pavers, per the Metro "Best Management Practices" and avoiding a traditional storm water treatment system and outfall.

Adverse impacts are also being minimized by selecting a land use (parking lot) that is significantly less intense than other built uses. The parking lot will minimize load bearing on the hillside (compared to a multi-story building), which translates to less likelihood of slope failure or of eroded soils being carried into the stream.

The parking lot is built at grade so the visual presence and impact of multi-story development in the WRA is reduced, which should encourage its continued use as a wildlife habitat area/corridor. The applicant is also minimizing impacts by applying for a landscaping variance which allows the parking lot to be downsized by 120 square feet and thereby reduce the encroachment upon the WRA.

Mitigation for the parking lot, retaining walls, footpath and any other disturbed areas is required for both properties. Mitigation will be on a 1:1 basis, which means that for the combined 6,013 square feet of WRA transition, setback or riparian area that is disturbed or lost in the development of both properties (the parking lot, path, retaining walls, etc.), the applicant will re-vegetate or enhance 6,013 square feet at Fields Bridge Park under a program that the City Parks Department has successfully utilized in the past.

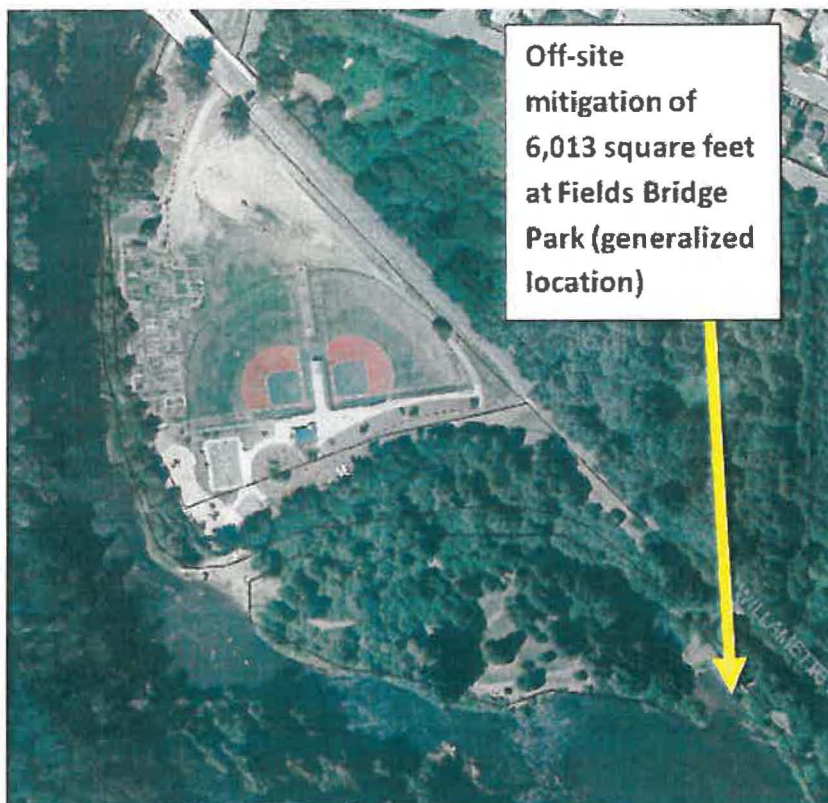
While mitigation will take place at Fields Bridge Park, on-site re-vegetation will include removing non-native plant material along Maddax Creek and replacing it with native plant material in a 4,000 square foot long corridor which exceeds the required re-vegetation.

CDC 32.070(B)(3) A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.

FINDING 25: Owner: City of West Linn (COWL), Applicant: COWL, Contractor: not bid yet

CDC 32.070(B) (4) A map showing where the specific mitigation activities will occur.

Figure 13: Off-Site Mitigation



CDC 32.070(B) (5) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.

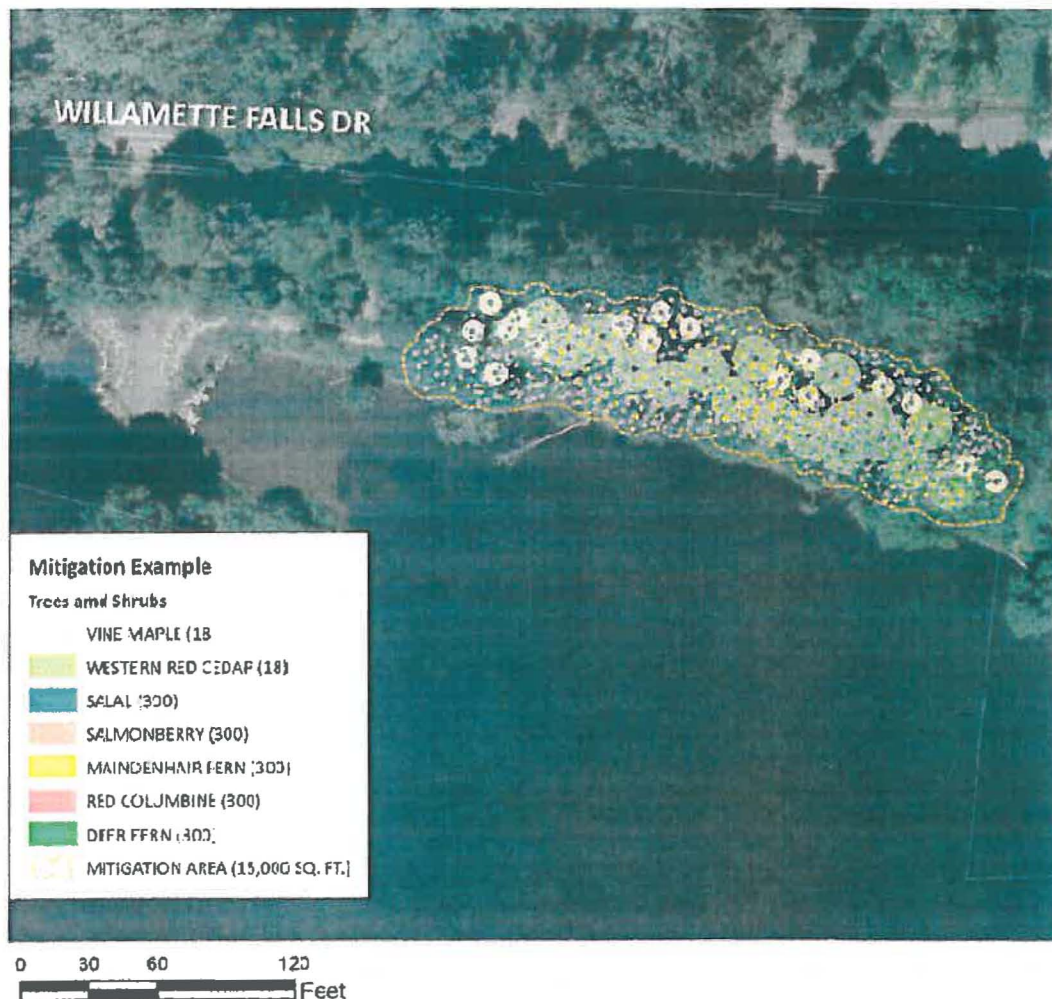
FINDING 26: The applicant anticipates that the application will be approved in March 2013. The pre-construction phase should take six weeks. The construction project

should also take six weeks including improvements to Hood Street for a completion date in June 2013. Mitigation will commence upon completion of the project and after the Department of State Lands (DSL) has approved the plan. It should be completed two months after completion of construction. Erosion control measures would remain in place from initial site preparation, to the completion of mitigation. No in-stream work will occur. Monitoring of the mitigation will be done by DSL where needed.

CDC 32.070(B) (6) Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.

FINDING 27: The City will complete the mitigation as conditioned.

Figure 14: Mitigation plan with specific location



(Correction: Mitigation area in legend should read "6,013 square feet")

CDC 32.070(B) (7) Evidence that a Joint Permit Application (to the U.S. Army Corps and/or DSL) if impacts to wetlands are greater than 0.10 acres has been submitted and accepted for review.

FINDING 28: No wetlands are involved in this application so this criterion does not apply. However, permitting at the mitigation site may be required.

CDC 32.070(C) Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:

- 1. On site, not within the water resource area, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K); or*
- 2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).*

FINDING 29: Mitigation is required for the 5,611 square feet of disturbance associated with the parking lot, retaining walls and footpath on tax lot 2401 and the 402 square feet of disturbance associated with the footpath on tax lot 2200. Mitigation will be on a 1:1 basis which translates to a total of 6,013 square feet. (The 1:1 ratio is explained in section 32.070(C) above.)

Mitigation will take place in Fields Bridge Park per 32.070(C) (2) above. The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of 4,000 square feet of property along the edge of Maddax Creek will be undertaken to remove non-native plants and replace them with native plant material.

CDC 32.070(C) The applicant shall prepare and implement a re-vegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

FINDING 30: The mitigation will take place in Fields Bridge Park (Figure 13). The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of the edge of Maddax Creek will be undertaken to removal of non-native plants and replacement with native plant material (Figure 15).

The Fields Bridge Park Mitigation and Maddax Creek Re-vegetation Plans are similar and involve the following steps:

A. Install fencing and erosion control measures along the edge or perimeter of the mitigation and re-vegetation areas per the Clackamas County Erosion Control Manual.

B. Remove non-native plant material. (Stabilize embankments and hillside with BMPs of Clackamas County Erosion Control Manual.)

C. Plant the following trees and shrubs (for every 1,000 square foot area) *:

Figure 15: On-site re-vegetation and off-site mitigation

• 2 Vine Maples 1" caliper (at least 10 feet apart)
• 1 Western Red Cedars 1" caliper (at least 20 feet apart)
• 20 Salal (three feet on center (OC)) (one gallon size)
• 20 Salmonberry (three feet on center (OC)) (one gallon size)
• 20 Maidenhair Fern (three feet on center (OC))
• 20 Red Columbine (three feet on center (OC))
• 20 Deer Fern (three feet on center (OC))

*** Seasonal availability may require substitution of plants of equal quality and number. Mitigation at Fields Bridge may require wetland facultative or obligate plant material depending on the location.**

D. Plantings will be appropriate to cover the 6,013 square feet at Fields Bridge Park and a similar sized area adjacent to Maddax Creek on the parking lot tax lot for a distance of at least 10 feet from edge of stream. The table above provides the number of plants and trees appropriate for a 1,000 square foot area. For the Fields Bridge Park and Maddax Creek sites the planting amounts would be multiplied commensurate with the size of the project area.

E. Temporary irrigation from June 15th to October 15th for the three years following planting, excepting drought tolerant plants.

CDC 32.070(D) The mitigation plan for any wetland area to be disturbed shall be (1) prepared and implemented with the guidance of professionals with experience and credentials in wetland areas and values, and (2) be consistent with requirements set forth by regulatory agencies (U.S. Army Corps and/or DSL) in a joint permit application, if such an application is necessary for the disturbance. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

1. *As close to the development site as is practicable above the confluence of the next downstream tributary, or, if this is not practicable,*
2. *Within the watershed where the development will take place, or as otherwise specified by the City in an approved wetland mitigation bank.*

FINDING 31: There are no wetlands being disturbed by this proposal so no wetland mitigation is required per (D).

CDC 32.070(E) To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required.

FINDING 32: The mitigation area (Fields Bridge Park) is already owned by the City, as is the area adjacent to Maddax Creek.

32.080 REVEGETATION PLAN REQUIREMENTS

Metro's Native Plant List is incorporated by reference as a part of this chapter, and all plants used in revegetation plans shall be plants found on the Metro Native Plant List. Performance standards for planting upland, riparian and wetland plants include the following:

- A. *Native trees and shrubs will require temporary irrigation from June 15th to October 15th for the three years following planting.*
- B. *Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.*
- C. *Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*
- D. *Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.*
- E. *Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same species.*

F. The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three-year period. (Ord. 1545, 2007)

FINDING 33: The Re-vegetation Plan outlined in Finding 30 exceeds the re-vegetation standards. The applicant is agreeable to a condition addressing CDC 332.080(F) above.

VARIANCES, CLASS II

All variances are subject to the approval criteria in CDC 75.060:

75.060 APPROVAL CRITERIA

The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria is not met.

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

C. The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

D. The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

F. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

VARIANCE 1:

The applicant is applying for a Class II Variance, which would waive approval criteria relating to the requirement that five percent of the interior of the parking lot be landscaped pursuant to CDC 54.070(6). If approved, the variance will reduce the 3,583 square foot parking lot area by 120 square feet. That number is arrived at by the following method. Five percent of the 3,583 square foot parking lot is 179 square feet. Section 54.020(E)(3)(a) allows a further landscape reduction as follows: *“Non-residential parking areas paved with a permeable parking surface may reduce the required minimum (5%) interior landscaping by one-third for the area with the permeable parking surface only.”* Since the parking lot will use permeable pavers, the interior landscaping may be reduced by one-third to yield 120 square feet.

Figure 16: 54.070 SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
6. Percentage of 10 – 25 car parking lot to be landscaped (excluding perimeter).	5%

*

CDC 75.060(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

FINDING 34: The topographic limitations of the WRA and Maddax Creek, specifically the steep ravine, represent the extraordinary circumstances that are unique to streamside properties. The lot to be developed for parking is almost completely inside the WRA, a fact that the applicant has no control over. Only a small 515 square foot triangle of land at the southeast corner of the lot, representing four percent of the lot, is outside of the WRA.

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

FINDING 35: The Chapter 54 requirement that five percent of the parking lot be landscaped was established to distribute shade trees throughout larger parking lots with attendant micro-climate benefits (cooling), trap windblown particulate matter, and to create a more visually appealing hardscape. By eliminating the five percent landscaping (179 square feet minus the one-third reduction for permeable pavers = 120 square foot reduction) the applicant is able to make the parking lot smaller and thus reduce the impact on the WRA.

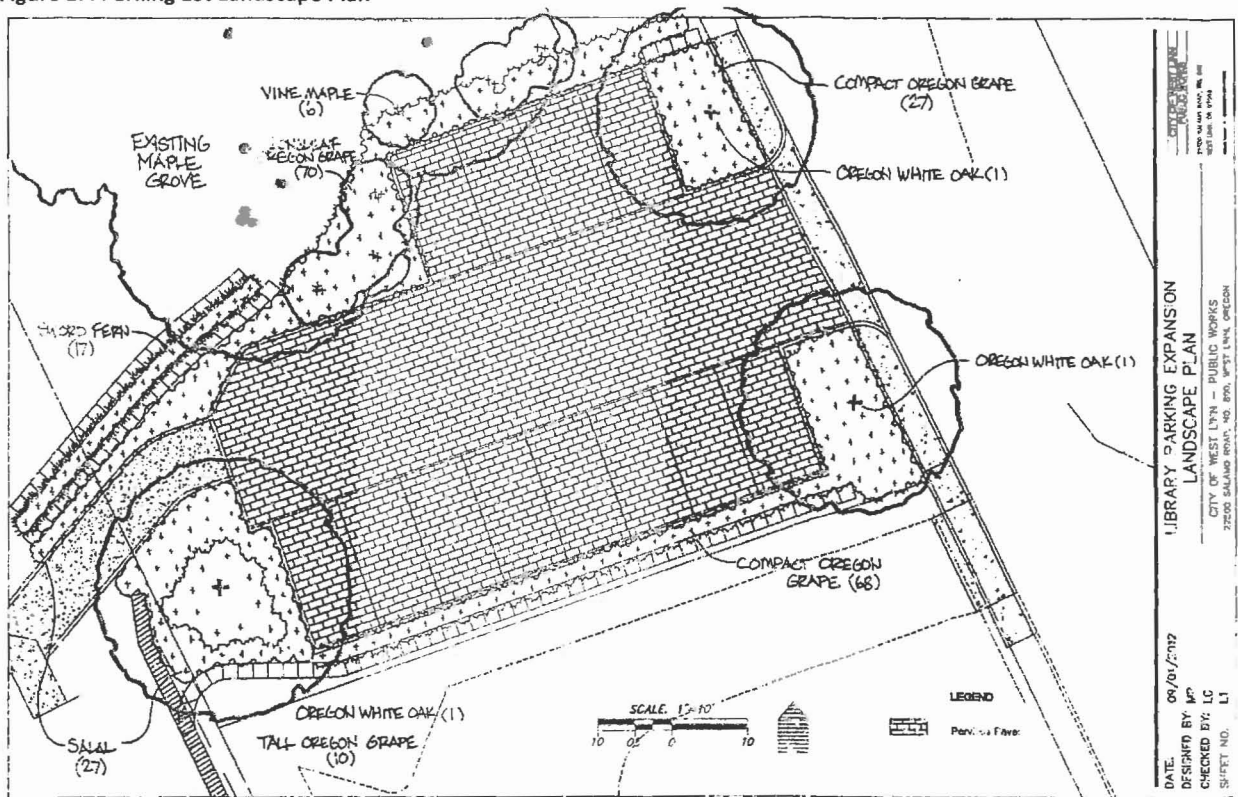
By approving the variance, the applicant will be able to develop the site to accommodate a modest level of development substantially the same as development on nearby properties in the WRA and minimize impacts on the WRA. The applicant finds that three properties in the WRA to the east are fully built out with single family homes. There is a home 70 feet to the north of Maddax Creek (5798 Hood Street), completely within the WRA, while the existing library to the west encroaches 13,750 square feet into the WRA. Thus, being able to develop at this location would be consistent with the type of development on nearby properties. Also, failure to approve the variance would result in loss of applicant's right to develop because the applicant believes a parking lot is the minimal economically viable use.

CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

FINDING 36: By waiving the internal landscaping, the net result will not be noticeable since the parking lot is surrounded by a row of existing 15 feet tall arbor vitae to the south. These trees will provide year round screening and shade for the south tier of parking during the summer. There is also a very effective canopy of existing trees to the west and north that overhang the parking lot from the WRA.

The additional native landscaping around the perimeter of the parking lot (see Figure 17), including the three Oregon White Oak trees, Salal, Sword ferns, Oregon grape and vine maples, will provide additional shade, screening from the east (Hood Street) and integrate with the native vegetation in the WRA.

Figure 17: Parking Lot Landscape Plan



By eliminating interior landscaping, the parking lot can be pulled away from the WRA and the project becomes less impactful on the WRA, its topography, habitat areas and vegetation. This agrees with several comprehensive plan policies:

Goal Five Natural Environment (Goal 2) requires: "Protect sensitive environmental features such as steep slopes, wetlands and riparian lands, including their contributory watersheds."

Policy 4 requires: "...that areas containing tree clusters, significant trees and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion and maintain water quality."

Policy 5 requires: "Preserve important wildlife habitat by requiring clustered development...."

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

FINDING 37: The applicant finds that the elimination of 120 square feet of parking lot landscaping is the minimum variance appropriate to accommodate a functional parking lot and at the same time respect the WRA.

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 38: Maddax Creek and the WRA represent the extraordinary circumstances at this site. There have been no violations of the CDC that led to these circumstances.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

FINDING 39: Approval of the variance to eliminate 120 square feet of interior parking lot landscaping will not impose physical limitations nor represent any future limitation on the use of nearby properties. The perimeter landscaping on either side of the entry driveway will be per the landscaping standards of CDC Chapter 54 and provide at least partial screening of this site from the home across the street. The forested canopy and understory of the WRA to the north will mitigate noise and glare produced by the parking lot activity while the mature row of arbor vitae will continue to provide a very effective screen. The WRA canopy will overhang and shade the north portions of the parking lot while the arbor vitae will shade the southern half of the parking lot.

VARIANCE 2:

The hardship provisions of section 32.090(B) allow up to 5,000 square feet of the library property in the WRA (tax lot 2200) to be disturbed. Already, the library has exceeded the maximum hardship allowance of 5,000 square feet since it encroaches 13,750 square feet into the WRA. The only way to add the 25 foot long connective path and retaining walls, which will disturb an additional 402 square feet, is by Class II Variance per section 32.090(D) which states: "Any further reduction of the standards of this (WRA) chapter (including the hardship provisions) shall require approval of a variance pursuant to Chapter 75 CDC."

This variance will allow the additional 402 square foot encroachment into the WRA on the library property (tax lot 2200).

CDC 75.060(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

FINDING 40: The steep topography of Maddax Creek represents the extraordinary circumstances that are unique to this site. The library was legally built prior to contemporary WRA standards to the extent that it is setback only 20 feet from the top

of the ravine. To add any improvements at the rear of the library, no matter how modest they may be, triggers a variance from the 5,000 square foot limit.

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

FINDING 41: The applicant considers a footpath providing pedestrian and ADA access between the library and the parking lot to be a reasonable expectation and important property right particularly for the benefit of disabled patrons. Specifically, ADA access to the lower floor of the library is limited in that users must rely on an elevator from the main floor. At the present time, if the elevator is inoperable, there is no ADA access to the lower floor of the library. Whereas grades make construction of direct ADA access from the main parking lot west of the library to the lower floor at a maximum five percent grade difficult if not impossible; a pathway from the lower level to the proposed east parking lot would meet allowable ADA grades and require less distance travelled.

A final point: the hardship provisions of section 32.090 are intended provide for a minimal economic use of the property such as a parking lot. If the variance is denied the parking lot would have no functional access or value relative to the library and its economic use would be reduced to zero.

CDC 75.060(C). The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

FINDING 42: The purpose of the WRA chapter is to protect a natural resource. Some of the area that will be encroached upon for the footpath is already disturbed so approving the variance will not be detrimental to the resource. The use of water permeable pavers means that rain water will slowly filter through soils with no adverse modification upon area drainage or runoff.

By allowing development in an already disturbed area and using best management practices, the project becomes less impactful on the WRA which agrees with the following plan policy:

Goal Five Natural Environment (Goal 2) requires: "Protect sensitive environmental features such as steep slopes, wetlands and riparian lands, including their contributory watersheds."

Construction of the pathway serves the following Comprehensive Plan policies:

Goal 12: Transportation Pedestrian Policy 1(b) "Promote a comprehensive cohesive network of pedestrian paths, lanes and routes that accomplishes the following objectives: provides connections to schools, recreation facilities, community centers, and transit facilities."

"(c) Use off-street pedestrian "short-cut" pathways to provide routes where physical constraints or existing development preclude the construction of streets with sidewalks."

"(d) Provide safe, secure and desirable walkway routes...."

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

FINDING 43: The applicant finds that the 402 square foot disturbance to accommodate a water permeable eight foot wide footpath and part of two small retaining walls is the minimum needed for those uses. At present, disabled individuals can only access the library's lower floor by elevator. If the elevator is not working, or there is a power failure, there is no way for disabled individuals to access, or more importantly, evacuate the lower floor. This path will provide ADA accessibility from the lower floor to the proposed parking lot. The eight foot width is considered a reasonable and safe width for ADA accessibility as well as parents pushing strollers. The applicant would also point out that much of the disturbance is occurring in previously graded and disturbed areas.

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 44: The limitations that the Maddax Creek WRA impose on this lot and its development represent the extraordinary circumstances. There have been no violations of the CDC that led to these circumstances. The original placement of the library building was legally done at a time when the setback requirements from WRAs were significantly less.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

FINDING 45: The variance, which will allow development of an eight foot wide footpath and two small retaining walls, will not impose physical limitations nor represent any future limitation on the use of nearby properties. The footpath area is 140 feet from the nearest house across the forested ravine and virtually invisible given the dense canopy of trees and understory.

VARIANCE 3:

Section 32.090(B) allows up to 5,000 square feet of the parking lot property in the WRA (tax lot 2401) to be disturbed. The proposed parking lot and associated retaining walls will encroach 5,611 square feet into the WRA which will exceed the 5,000 square foot limit by 611 square feet. A Class II Variance is required, per section 32.090(D), to allow the 611 square foot encroachment.

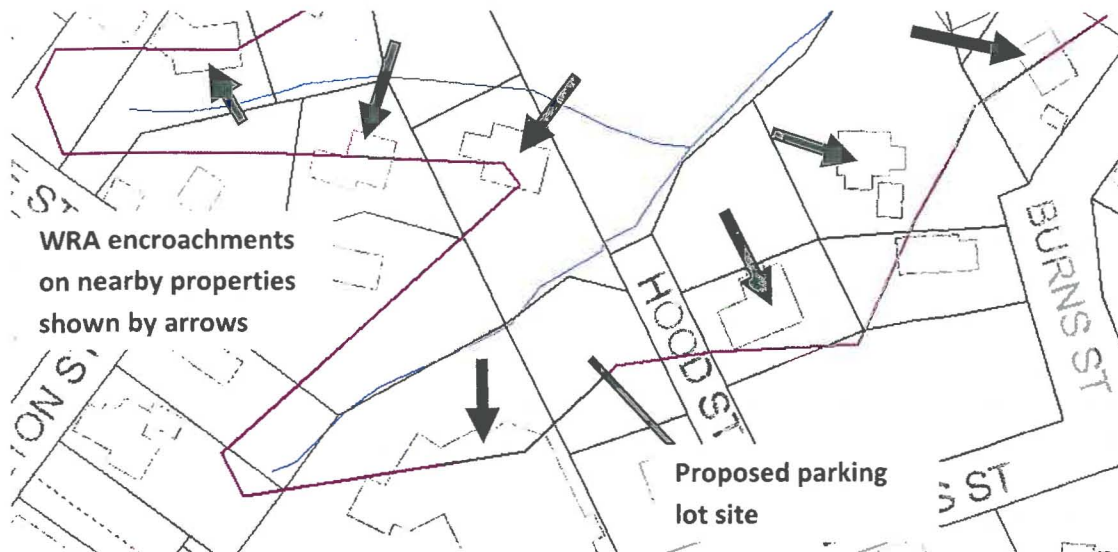
CDC 75.060(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

FINDING 46: The topographic limitations that the steeply embanked Maddax Creek WRA impose on the parking lot property represent the extraordinary circumstances at this site. This property was significantly graded and modified about ten years ago but the disturbed area is still too small to accommodate any reasonable use (such as a parking lot) without encroaching further into the WRA. Any improvements on this lot are bound to trigger a variance from the 5,000 square foot limit.

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

FINDING 47: By approving the variance, the library will be able to build much needed parking. The modest level of development is substantially the same, or less than, development on nearby properties in the WRA. The parking lot is the minimal economically viable use; therefore, if the variance is not allowed and the use cannot be accommodated there will be no opportunity to use or develop this land. There are other nearby properties that encroach into the WRA even more, and some of those properties have been developed much more extensively than the applicant is requesting. The applicant finds that three properties to the east of Hood Street are inside the WRA transition and setbacks and within the riparian corridor (Figure 18). Each of those properties is fully built out with single family homes plus accessory structures and uses. The house at 5798 Hood Street is 70 feet to the north of Maddax Creek and completely inside the WRA transition and setbacks and within the riparian corridor while the existing library to the west encroaches 13,750 square feet into the WRA.

Figure 18: Properties already in WRA



CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

FINDING 48: The purpose of the WRA chapter is to protect the natural resource. Most of the area that will be encroached upon for the parking lot is already graded and disturbed to the extent that approving the variance will not have a significant impact on the resource. The use of water permeable pavers in the parking lot also means that rain water will slowly filter through soils and there will be no adverse modification of area drainage or runoff.

By allowing encroachment in an already disturbed area, minimizing the parking lot dimension by a variance and by using best management practices, the project will be compatible with the WRA. This agrees with the following plan goal and recommended action measure:

Goal Five Natural Environment (Goal 2) requires: *“Protect sensitive environmental features such as steep slopes, wetlands and riparian lands, including their contributory watersheds.”*

Goal Five Natural Environment (Recommended Action Measure 10) requires: *“Develop and incorporate a set of guidelines and habitat friendly development practices into the City’s Community Development Code and encourage their use for all development located within the wildlife habitat areas inventory or any other lands with significant environmental constraints.”*

Finally it should be noted that that this property was graded and significantly modified about 10-15 years ago to the extent that it contributes very little to the function and value of the WRA. That previously disturbed area of this property comprises 5,059 square feet. In that context, the applicant finds that an additional disturbance of 611 square feet would not be materially detrimental to the WRA.

CDC 75.060(D) The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

FINDING 49: The applicant finds that the 611 square foot disturbance (beyond the 5,000 square foot allowance) to accommodate a parking lot and associated retaining walls is the minimum needed for those uses. The applicant stated previously that a parking lot constitutes a minimal economic use of the site compared to other, more intense uses. Also, the applicant finds that the development of 12 spaces represents the least number of spaces that can justify the cost of the lot, construction and associated re-vegetation/mitigation. An option to build 16 foot deep compact parking spaces instead of 18 foot deep full sized ones was discussed earlier in the process but was subsequently rejected. The reasons included (1) the modification would only save 280 square feet (2) the experience of Library staff with the existing parking lot is that an all compact parking lot functions very poorly with inadequate space for larger vehicles to maneuver and turn around, and (3) the fact that the library is non-conforming by virtue of failure to meet the 50/50 split of compact and full sized spaces (all spaces are now compact) meant that full sized parking spaces were required to avoid worsening the non-conformity. The applicant has applied for the variance to reduce parking lot landscaping as a way to minimize the encroachment.

CDC 75.060(E) The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 50: The limitations that the Maddax Creek WRA impose on this lot and its development represents the extraordinary circumstances that are unique to streamside lots. There have been no violations of the CDC that led to these circumstances.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

FINDING 51: The variance will not impose physical limitations nor is it expected to limit future use of nearby properties. Admittedly, traffic will increase on Hood Street over current levels but not to the extent that it will exceed the street's ability to function as a local street. The applicant notes that traffic will only be generated during library hours. Turnover of spaces is expected to be low with peak periods occurring at opening and closing of the library as employees arrive and depart. The

treed and vegetated berm in front of 5725 Hood Street should mitigate both glare and noise associated with the use of the parking lot (Figure 19). Screening to the north will be accomplished by the heavily forested WRA tree canopy and understory while the arbor vitae trees to the south will continue to be effective.

VARIANCE 4:

Section 48.025(B) (6) requires that the access standards of the Transportation System Plan (TSP) be applied. The TSP requires 50 feet between driveways and the proposed driveway will be 40 feet from an existing driveway on the law office property to the south.



Figure 19: Law office driveway shown with the proposed library parking lot site to the right of the arbor vitae hedge.

CDC 75.060(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

FINDING 52: The proposed parking lot property (Tax lot 2401) is a legal lot of record. It has 110 feet of frontage on Hood Street for access but the northern half of the frontage is in the Maddax Creek WRA and comprises steep slopes. That leaves only 52 feet of the southern portion of the frontage with grades flat enough to accommodate an access driveway. The CDC has established dimensional standards for access driveways. The only possible location to access a double row parking lot is 35 feet from the south property line. The existing driveway on the property next door (to the south) is five feet from the common property line or 40 feet from the proposed

driveway (see photograph above). The TSP requires 50 feet of separation between driveways.

The steep slope on the northern portion of the Hood Street ROW and the presence of the WRA represent the extraordinary circumstances that are unique to this site over which the applicant has no control.

CDC 75.060(B) The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

FINDING 53: Access to property is a basic property right. All other lots in this area enjoy access.

CDC 75.060(C) The authorization of the variance will not be materially detrimental to the purposes and standards of this code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

FINDING 54: The purpose of the TSP's 50 foot separation of driveways is to address public safety concerns and to minimize vehicular conflicts. When driveways are too close to each other, the chance for conflicts between vehicles entering and exiting those driveways increases. Having too many driveways along the street frontage heightens the level of unpredictability and creates hazards for motorists, bicyclists and pedestrians. Conversely, fewer access points and placing access points further apart creates an environment of greater predictability and safety. Those concerns increase as the classification of the street increases from local to arterial status. However in this case, Hood Street is a local street, the speed limit is 25 mph and it is a dead end which means that the safety concerns of the TSP that established the 50 foot separation are not as valid. The applicant explored the feasibility of having a single joint driveway with the law office to the south but grade differences made that impossible (the library lot elevation is three to four feet below the law office property.) The applicant sees nothing detrimental to the TSP or any other City code or provision by allowing the reduced separation.

By allowing the driveway at the proposed location and not pushing it further into the WRA, the Comprehensive Plan's Transportation element (Goal 12) is served:

Goal 1(f) "Provide a transportation system for the City of West Linn that respects and preserves the natural environment on both a neighborhood and City-wide basis."

Goal Five Natural Environment (Goal 2) requires: *"Protect sensitive environmental features such as steep slopes, wetlands and riparian lands, including their contributory watersheds."*

Access to this lot also agrees with the CDC Access chapter's purpose and applicability sections:

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.

CDC 48.020(B) *All lots shall have access from a public street or from a platted private street approved under the land division chapter.*

CDC 75.060(D) *The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.*

FINDING 55: The applicant finds that positioning the driveway 40 feet, instead of 50 feet from the existing driveway on the law office property is necessary to accommodate a standard parking lot design per CDC Chapter 46, Parking, and also be respectful of the site constraints imposed by the WRA. If the applicant had proposed only a 45 foot separation, the additional fill needed to extend the parking lot into the WRA would have had significantly greater impacts on the WRA with no appreciable increase in vehicular safety on Hood Street.

The applicant has already made the case that a parking lot constitutes a minimal economic use of the site compared to other, more intense uses. Also, the applicant finds that the development of 12 spaces represents the least number of spaces that can justify the cost of the lot, construction and associated re-vegetation/mitigation. An option to build 16 foot deep compact parking spaces instead of 18 foot deep full sized ones was discussed earlier in the process but was subsequently rejected. The reasons included (1) the modification would only save 280 square feet (2) the experience of Library staff with the existing parking lot is that an all compact parking lot functions very poorly with inadequate space for larger vehicles to maneuver and turn around, and (3) the fact that the library is non-conforming by virtue of failure to meet the 50/50 split of compact and full sized spaces (all spaces are now compact) meant that full sized parking spaces were required to avoid worsening the non-conformity.

The applicant has also shown a commitment to minimize the disturbance in other ways by applying for a variance to eliminate the interior landscaping.

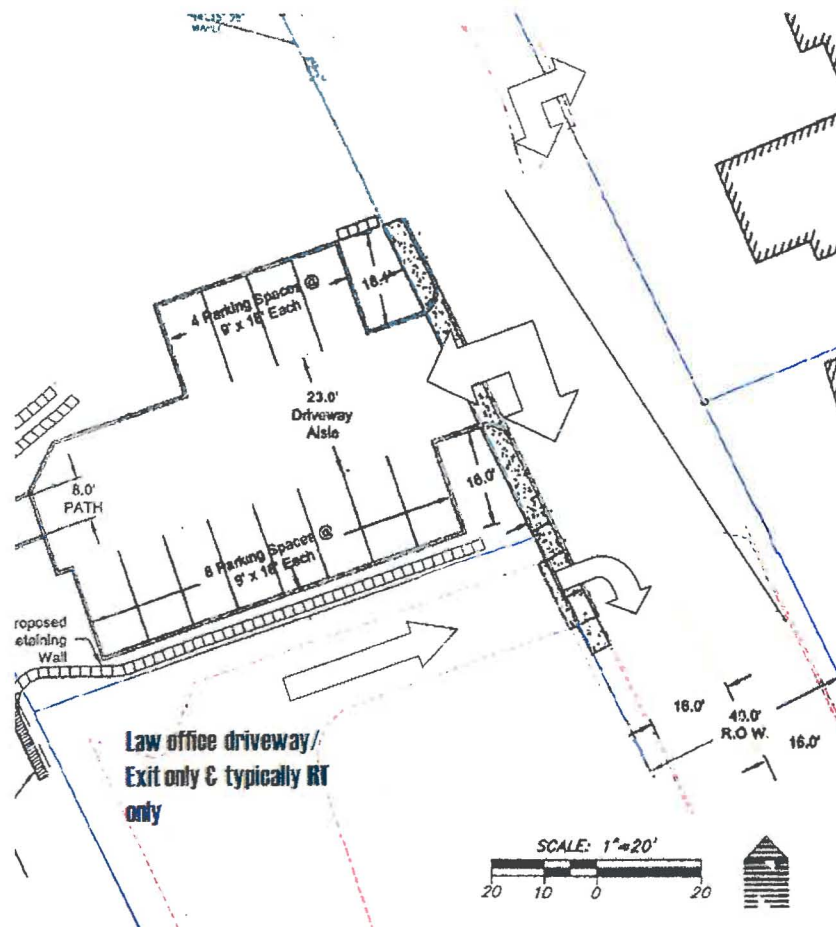
CDC 75.060(E). The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 56: The limitations that the Maddax Creek WRA impose on this lot and its development represent the unique extraordinary circumstances. There have been no violations of the CDC that led to these circumstances.

CDC 75.060(F) The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

FINDING 57: The variance to place the driveway ten feet further south will not impose physical limitations nor represent any future limitation on the use of nearby properties.

Figure 20: Turn movements at driveways



Admittedly, traffic will increase on Hood Street over current levels but not to the extent that it will exceed the street's ability to function as a local street. The driveway from the parking lot will maintain a clear vision triangle per CDC Chapter 42. The law office and the library parking lot will be the main trip generators on Hood Street; but virtually every vehicle leaving the law offices exits by turning right (southbound) so it is expected that there will be few conflicts between vehicles exiting or entering the parking lot, the law offices or the residences on Hood Street (Figure 20).

The location of the driveway will also not limit the use or enjoyment of the home across Hood Street since there is a heavily treed/landscaped berm in front of the house which will screen any headlight glare from the driveway (see figure 28).

DESIGN REVIEW

Pursuant to CDC 55.085(B): "[t]he Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C)." CDC 99.035(B) states that a specific approval standard can be waived if the Planning Director determines that "specific information is not necessary to properly evaluate the application," or if the "specific approval criteria is not applicable to the application."

FINDING 58: Consistent with the standards of section 55.085, the applicant requests the following waivers from 55.100(A) because either: 1) the information is not necessary to evaluate the application, or 2) the approval criteria is not applicable:

- 1. Waiver is requested for 55.100(A) (2) (Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses) since no accessory structures are proposed. Therefore, the criteria are not applicable.*
- 2. Waiver is requested for 55.100(A)(3) (Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.) relating to additional yard area for structures since the parking lot is not a structure and the existing library already meets the required setbacks. (See "Zoning" discussion.) Therefore the criteria are not applicable.*
- 3. Waiver is requested for 55.100(A) (4) (Chapter 40 CDC, Building Height Limitations, Exceptions) since no new buildings are proposed with this application.*
- 4. Waiver is requested for 55.100(A) (6) (Chapter 44 CDC, Fences) since there are no fences proposed in this application.*
- 5. Waiver is requested for 55.100(A) (9) (Chapter 52 CDC, Signs) since no signs are part of this application.*

6. Waiver is requested for Sections 55.100(B)(5-6)(7b.c,f-j), (E-I), (L-O) relating to Architecture, Multi-family, Commercial and Office projects since no buildings are proposed and sections L-O which relate to Signs, Utilities, Wireless Communication Facilities (WCFs) and Refuse facilities do not apply since no signs, utilities, refuse facilities or WCFs are proposed.

7. Waiver is requested for Section 55.120(L) relating to mailbox locations, since none are proposed with this application and it is therefore not applicable.

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.

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

1. Chapter 33 CDC, Stormwater Quality and Detention.

FINDING 58 Chapter 33, Storm Water, requires compliance with City of West Linn Public Works Design Standards so as to demonstrate, among other things, that the project will properly control erosion during and after construction and not adversely modify the drainageway or the stability of the slope. The proposal will use water permeable pavers to allow the water to infiltrate the site and either recharge the local aquifer or slowly work into the creek. No on-site detention/treatment is required. Storm water on Hood Street will use an existing storm water catch basin.

2. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

FINDING 59: No accessory structures are proposed so this criterion does not apply.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

FINDING 60: Setbacks and yard area requirements apply to structures. Since none are proposed, this criteria does not apply.

4. Chapter 40 CDC, Building Height Limitations, Exceptions.

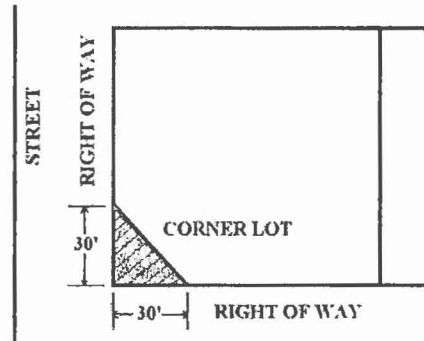
FINDING 61: No buildings are proposed so this criterion does not apply.

5. Chapter 42 CDC, Clear Vision Areas.

FINDING 62: Chapter 42, Clear Vision Area, provisions apply at the entry driveway from Hood Street. The height of the landscaped berm and associated plant materials

will not exceed three feet above the driveway grade nor will there be any other impediments to meeting the clear vision standards, as shown in Figure 21, which is for driveways measuring 24 feet or more in width.

Figure 21: Clear Vision Area



6. Chapter 44 CDC, Fences.

FINDING 63: No fences are proposed so this criterion does not apply.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Chapter 46: OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

The parking requirement is based upon the sum requirements of the separate uses per section 46.080(A), which reads:

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

A. Where several uses occupy a single structure or parcel of land or a combination of uses are included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the "retail-bulky" calculation for the sales area and the "service and repair" calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the "general retail store" calculation for the grocery store, the "restaurant" calculation for the restaurant, and the "medical/dental clinics" calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.

FINDING 64: Because the library has “several uses [that] occupy a single structure” by providing both reading areas and a community room, determining the number of parking spaces will require summing the minimum off-street parking space requirements for public buildings and community meeting rooms.

CDC 46.090(B) (3) Library One space per 400 square feet of reading area, plus 1 space per 2 employees.

CDC 46.090(B) (4) Religious institutions and community meeting rooms: One space for every 28 square feet where no permanent seats or benches are maintained.

The applicant finds that 46.080(A) applies because the library combines reading areas and a community room. These areas need to be calculated separately and the appropriate amount of parking provided per 46.090(B) (3-4). An inventory revealed that reading areas comprise 7,359 square feet. That means that the applicant needs 18.3 spaces based on one space per 400 sq ft per space. The requirement of one space per two full time employees (FTEs) means that the 17 FTEs require 8.5 spaces

The community room requires one space per 28 sq ft. At 728 sq ft., a total of 26 spaces are needed.

18.3 + 26 + 8.5 equals 52.8 spaces which are rounded up to 53 spaces.

The proposed 12 space parking lot plus the existing 35 spaces yields 47 spaces for a shortfall of six spaces.

Figure 22: Parking requirements

	Existing Parking	Number of spaces required by CDC	Additional Parking Required	Additional Parking being Proposed
Library Parking	35	53	18	12

8. Chapter 48 CDC, Access, Egress and Circulation.

FINDING 65: The access driveway off Hood Street is 24 feet wide which meets the minimum dimensional standard for two way driveways. The interior maneuvering aisle is 23 feet wide which meets the minimum aisle dimension. In other words, the parking lot is configured consistent with the CDC. On the subject of a traffic impact analysis (48.025(B) (1)), the City Engineer has determined that a traffic impact analysis is not warranted based on the following facts:

(1) The library parking lot is expected to attract longer term visits (e.g. library employees) while the west parking lot is expected to attract shorter term visits. This will translate into lower trip generation on Hood Street.

(2) Hood Street is a dead-end with only six properties accessing it.

(3) The other properties are occupied by low trip generators (e.g. three single family homes and one small 1,600 square foot law office building)

(4) There is a four way traffic stop at the Hood Street and Burns Street intersection which effectively modulates the speed and flow of traffic.

Regarding consolidation of driveways (48.025(B)(2)(8)), the applicant contacted the owners of the law offices south of the proposed parking lot with an eye to constructing a shared two way driveway on Hood Street. Although the owners were receptive, further study revealed that it would mean the complete removal of the arbor vitae along the common property line. It would also require considerable grading of the library parking lot. The resultant design would also produce at least two fewer parking spaces for the library and eliminate one to two spaces on the law office property. For those reasons, the consolidation option was rejected. (The applicant notes that this section allows separate and direct access to Hood Street as proposed and that a shared driveway is just listed as an option.)

9. Chapter 52 CDC, Signs.

FINDING 66: No signs are proposed so this criterion does not apply.

10. Chapter 54 CDC, Landscaping.

FINDING 67: The proposed landscaping will attractively screen the site and provide effective seasonal shade. Perimeter landscaping to the south and east is being provided per code 54.020(E) (3) (b) (d) in terms of width of the landscaping and also the appropriate distribution of trees and plants. The landscape plan's exclusive use of native vegetation will meet the requirements of this chapter and also integrate effectively with an existing arbor vitae hedge along the south property line and the WRA's forest canopy which will extend over the northern edge of the parking lot.

The requirement that five percent of the interior of the parking lot shall comprise landscaping (54.070(6)) will not be met so that the parking lot's footprint is reduced which in turn means that the parking lot will be less intrusive upon the WRA. The applicant has applied for a class II variance to waive the interior parking lot landscaping requirement.

54.020(E) (2) requires that 20% of the total site shall comprise landscaping. Over 50% of the site, mostly below the top of bank towards Maddax Creek is left in a natural state, so the criterion is met.

CDC 55.100(B) (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.

FINDING 68: No buildings are proposed, so this criterion does not apply.

CDC 55.100(B)(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.

a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B) (2) (b) of this section. Exemptions of subsections (B) (2) (c), (e), and (f) of this section shall apply.

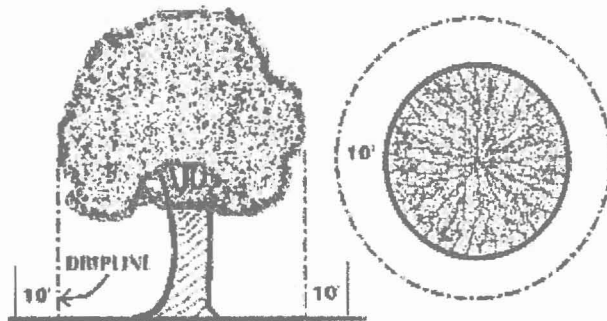


Figure 23: PROTECTED AREA = DRIPLINE + 10 FEET

FINDING 68: Virtually the entire site comprises Type I and II lands so 55.100(B)(2)(b) is not applicable since it applies to the development of non-Type I and II lands. (There are no trees in the non-Type I and II lands.) The City Arborist has visited the site and determined that there are no significant trees in the footprint of the proposed parking

lot, footpath, retaining walls and adjacent areas that will be disturbed during construction. There are no heritage trees on this property.

The only trees impacted by this project will be a small tree cluster at the northwest corner of the parking lot which may be removed to accommodate ADA grades for the footpath connecting with the library. These trees were not considered significant by the City Arborist.

CDC 55.100(B) (3) The topography and natural drainage shall be preserved to the greatest degree possible.

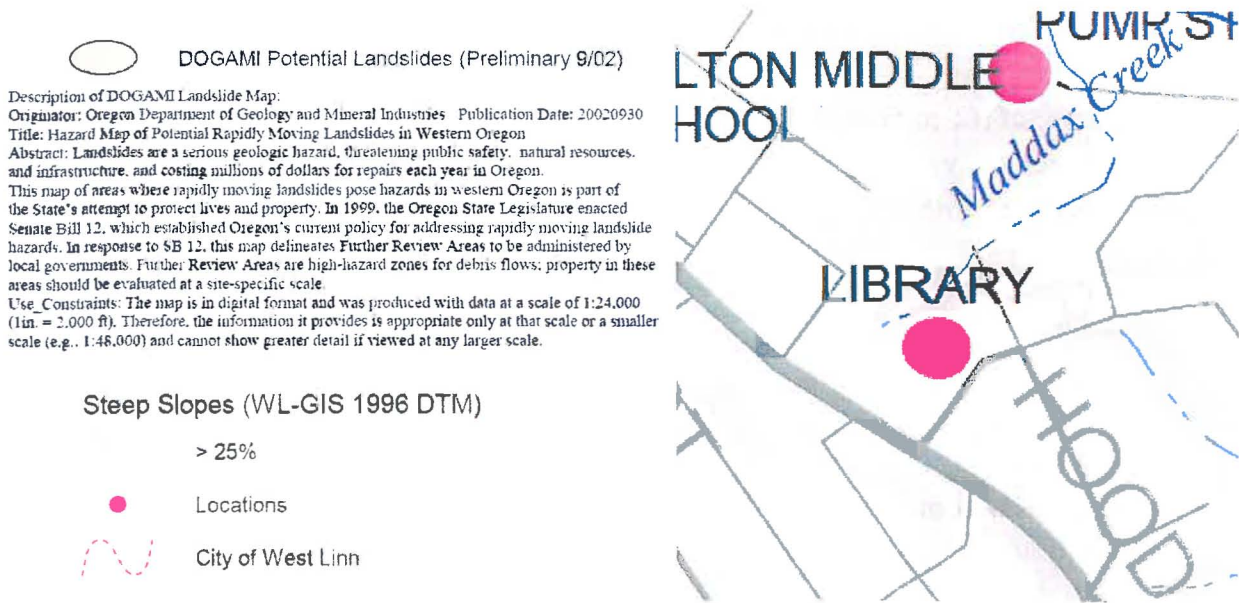
FINDING 68: The area above the top of bank comprises a previously graded and disturbed area. This is where the parking lot will go. A small portion of the parking lot and associated retaining walls will extend up to 20 feet beyond the top of bank down towards Maddax Creek. The disturbance of this portion of WRA will be limited to 1,469 square feet. The creek and the majority of the site will not be modified.

CDC 55.100(B) (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.

FINDING 69: On the subject of site hazards, the applicant sees none at this site. Referencing the Oregon Department of Geology and Mining Industries (DOGAMI) map (Figure 25) which shows landslide potential and steep slopes the applicant finds that no landslide potential exists at this site (no brown areas are mapped near the library). The DOGAMI map also identifies slopes over 25% (shown in pink) which have implications only as far as erosion and identifying the rear portion of the site as a ravine.

Erosion control measures will be in place to avoid excavated or disturbed soils from sluffing down the hillside towards Maddax Creek, 70-80 feet from the construction activity.

Figure 25: DOGAMI map



Section 55.100(B) (7) (a) "Transportation Planning Rule (TPR) Compliance" requires that facilities for the automobile be placed behind or to the side of the businesses or uses they are intended to serve.

FINDING 69: The proposed parking lot is located to the side of the library so it meets the criterion. Section 55.100(B) (7) (d-e) requires that parking lots accommodate pedestrians with pathways linking the parking lot to their destination. The proposed design accomplishes that with an eight foot wide pathway to the rear of the library. It will be ADA compatible and constructed of a water permeable pavers. Pedestrians would also be able to access the library via the Hood Street sidewalk to Burns Street. A sidewalk along the south edge of the entry driveway connecting the parking lot with Hood Street is an appropriate refuge for pedestrians so they can stay out of the driveway and avoid vehicles.

CDC 55.100(C) and (D) "Compatibility between Adjoining Uses, Buffering and Screening" and "Privacy and Noise," respectively require that the parking lot impacts be successfully mitigated when the site is near residential development. Typical parking lot impacts include engine noise, door slamming, human voices and headlight glare during winter months and evenings.

FINDING 70: The home on the east side of Hood Street (5725 Hood Street) is 75 feet from the parking lot driveway and is the one most likely impacted by parking lot activity (conversations, headlight glare and noise of car engines and car doors closing).



Figure 26: Surrounding area photo

To address this, the applicant would defer to the noise study for this property conducted in July 2007 by Elki Lahav PE., Principal Acoustic Engineer. At that time, an office building with 12 parking spaces was being applied for. The 2007 footprint was comparable to the proposed library parking lot. The access driveway was in the same location. With a similar number of parking spaces and lack of change in the immediate area, it is reasonable to conclude that the 2007 study's findings would still be applicable. Mr. Lahav determined that the proposed development would not exceed the City's noise standards. Table IV of the 2007 report determined that the sound of a parking or idling car, as measured at 70 feet from the car, which is the distance to the nearest house at 5725 Hood Street, will be 43-48 dBA which would be well below the 55 dBA allowed per DEQ between 7am-10pm.

Figure 27: DEQ noise standards

7am – 10 pm

L₅₀ – 55 dBA

L₁₀ – 60 dBA

L₁ – 75dBA

10 pm – 7am

L₅₀ – 50 dBA

L₁₀ – 55 dBA

L₁ – 60 dBA

These are the Oregon DEQ noise standards (OAR Div. 35)

To further mitigate noise and glare, the parking lot will have a landscaped 10-foot wide berm along Hood Street. This should reduce many of the impacts. Concerns for

residents of 5725 Hood Street are also addressed by the fact that there is an existing three to four foot high berm on that property which runs along the edge of the paved portion of Hood Street (see photo below looking east from the proposed parking lot driveway). The berm hosts a dense screen of coniferous and deciduous trees to the extent that, particularly in summer months, the house is not visible. Please note the row of arbor vitae on the left side of the photos below (Figure 28) which extends across most of the home's front elevation.

Figure 28: Photos from parking lot driveway towards 5725 Hood Street, hidden behind treed berm.



The buffering to the south, towards the professional law offices, would be mitigated by the existing arbor vitae screen shown in Figure 29 below.



Figure 29: Row of Arbor Vitae along the south property line of the proposed parking lot

The buffering to the north is provided by the WRA itself. There are 110 and 140 feet of dense forest canopy and understory between the parking lot and homes at 5798 Hood Street and 1580 Bolton Street respectively (Figure 30).



Figure 30: Vegetative screen in the WRA to the north of the proposed parking lot

A secondary consideration is that this parking lot, because of its location, would be less attractive to most library visitors when compared with the existing parking lot which is the first lot that library visitors see as they turn off Willamette Drive. The proposed lot is also further from the main library entrance. Consequently, this parking lot would probably be more popular among staff, who would presumably be at the library for up to eight hours between opening and closing hours. The latest closing time is Monday to Wednesday at 8pm.

Lower turnover should translate into fewer trips and reduced noise and glare.

CDC 55.100(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.

FINDING 71: The applicant is requesting, per this section, that the City Engineer allow for minimal improvements with a half street limited to the frontage of the parking lot so as to reduce impacts in the WRA. The applicant proposes a 20 foot wide paved street width adjacent to the parking lot. The frontage adjacent to the parking lot would also include a curb and four foot wide sidewalk. Apart from pedestrian facilities in the Hood Street ROW, the applicant will provide a pedestrian link/refuge adjacent to, and south of, the access driveway (Figure 31).

North of the parking lot towards the WRA, there would be no curb or sidewalk and the 20 foot street width would taper to the width of the existing 12 foot wide driveway width that serves 5798 Hood Street at the bottom of the hill. By using reduced widths and eliminating curb and sidewalk north of the parking lot, the applicant can properly address the various comprehensive plan policies which seek to minimize development within the WRA.

South of the parking lot frontage, the proposed street, curb and sidewalk improvements will tie into the existing curb and sidewalk adjacent to the law offices.

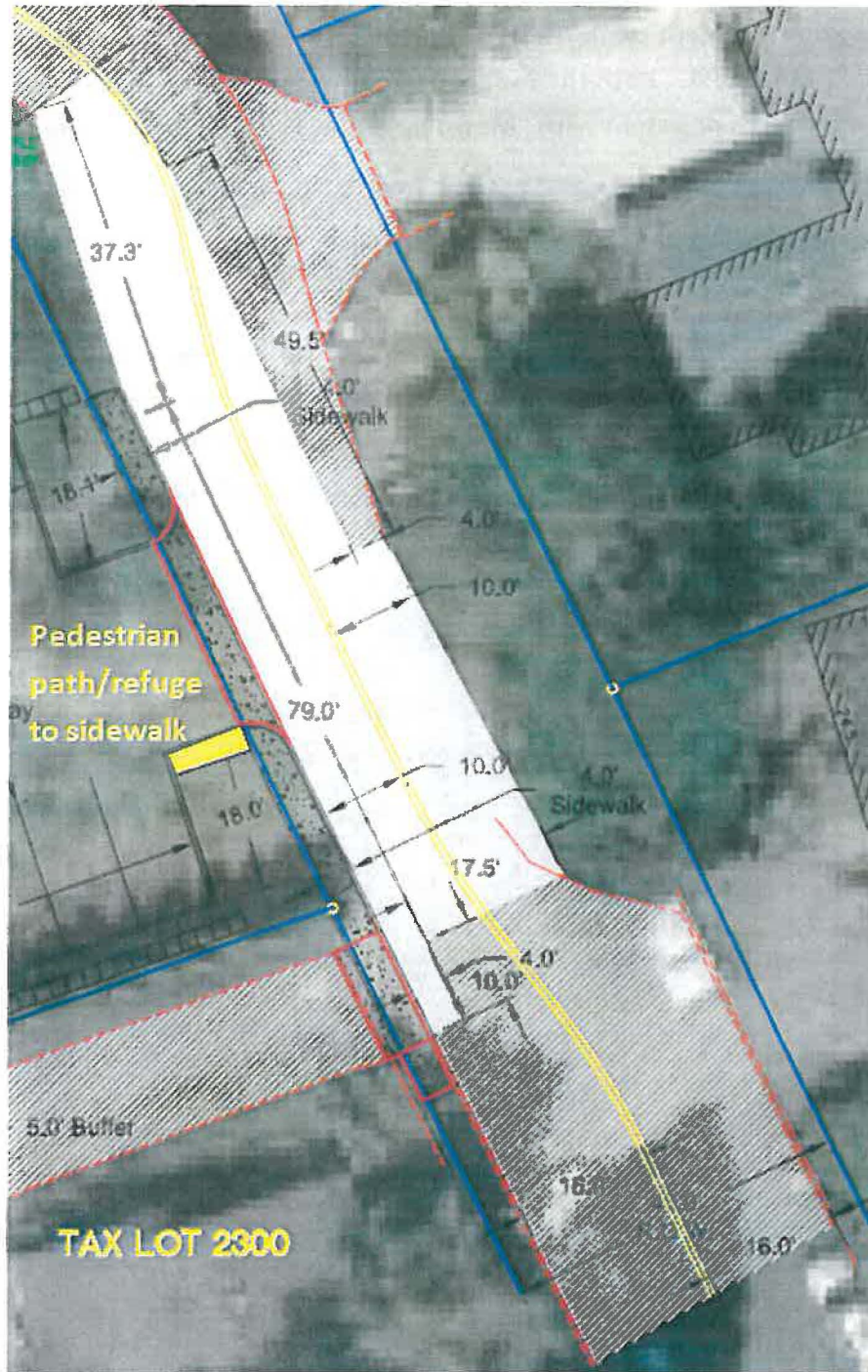


Figure 31: Hood Street proposed improvements

On site storm drainage will be handled by the use of water permeable pavers which will allow infiltration into the ground below. No detention or treatment is required. Storm water in the Hood Street ROW will be collected by an existing storm water catch basin at the base of the hill. Additional storm water runoff associated with new impermeable surfaces in Hood Street will be compensated for by the design and

construction of a water treatment swale/rain garden on the east side of the Hood Street ROW outside of the WRA. Both the reduced street width and the method of addressing storm water are consistent with "Metro's Habitat Friendly Development Practices."

CDC 55.100(J) "Crime Prevention and Safety/Defensible Space" requires good lines of sight into the parking lot from abutting properties and streets.

FINDING 72: Whereas a previous criterion sought to screen the site; this criterion encourages the opposite through the elimination of barriers and improving visual access. Fortunately, the applicant can rely on excellent lines of sight from the two floors of windows in the library's reading areas which will look out onto the parking lot (see Figure 32).



Figure 32: Surveillance from library's northeast corner windows towards parking lot

From the south, surveillance is poor given the screen of arbor vitae. Notwithstanding the fact that the arbor vitae are on the law office property, they cannot, per the City Arborist, be trimmed without increasing the chances of their mortality. Surveillance from the east is marginal since the berms and landscaping on both sides of the street will obscure the parking lot from residents of 5725 Hood Street. Meanwhile, the

parking lot will be almost invisible to homeowners north of the site given the WRA's vegetation.

Parking lot lighting will comprise two pole mounted lights directed towards the parking lot and a low walkway light (Figure 33). These lights will be LED and directed away from the WRA so as not to disturb habitat areas.

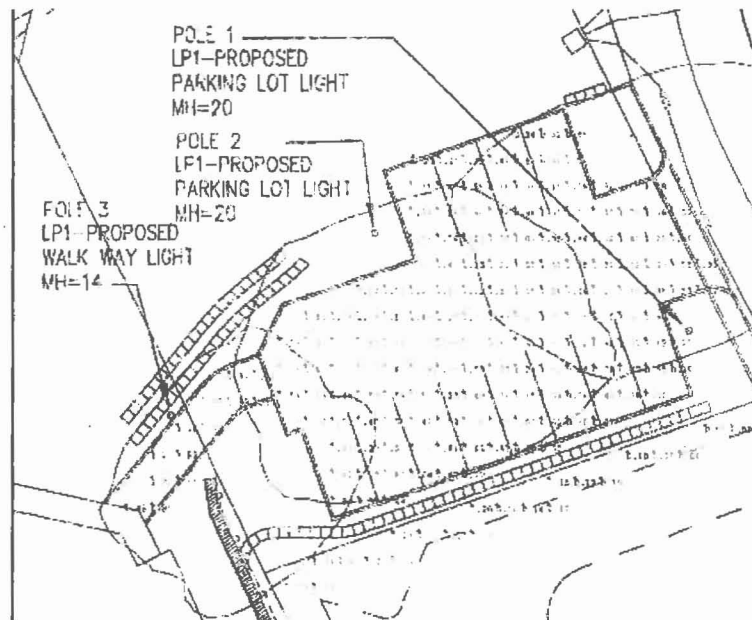


Figure 33: Photometric drawing with proposed light locations shown

CDC 55.100(K) "Provisions for Persons with Disabilities" requires ADA accessible facilities.

FINDING 73: An ADA and pedestrian path from the parking lot to the library will be provided consistent with this section. The applicant considers a footpath providing ADA access between the library and the parking lot to be an important acknowledgement of the needs of disabled patrons. Currently, ADA access to the lower floor of the library is limited in that users must rely on an elevator from the main floor. If the elevator is inoperable, there is no ADA access to the lower floor of the library. Whereas grades make construction of direct ADA access from the main parking lot west of the library to the lower floor at a maximum five percent grade difficult if not impossible; a pathway from the lower level to the proposed east parking lot would meet allowable ADA grades and require less distance travelled.

Alteration/Expansion of a Non-Conforming Structure Permit

CDC 66.080(B) (2) states:

If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC 99.060(B) is required subject to the following standards.

- a. The enlargement or alteration will not change the non-conformity; and*
- b. All other applicable ordinance provisions will be met.*

FINDING 74: The intent of this chapter, and specifically (a) above, is to make sure that changes to non-conforming structures do not worsen the non-conformity. Ideally, structures will be altered to bring them into full conformance with the code or, at least, closer towards that goal.

The library is a “non-conforming structure” on three counts:

1. Per section 46.090(B) (3), the library should have 53 spaces and it only has 35 spaces. The 12 new spaces will not be enough to meet code but will move the library into greater conformance.
2. The CDC requires a 50/50 split of compact and full sized spaces. Section 46.150(A) (1) states that *“One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet).* The existing 35 library parking stalls only qualify as compact spaces. The 12 new full sized parking spaces will not be enough to meet the 50/50 split standard but will move the library to greater conformance.
3. CDC 32.090(B) requires that development on lots partially in the WRA shall not disturb more than 5,000 square feet of the WRA, including access roads and driveways. The existing library, the west parking lot and the rear patio area already represent 13,750 square feet of disturbed area within the WRA transition and setback. Because a new 25 foot long footpath and retaining wall will encroach 402 square feet into the WRA, an “alteration/expansion of a non-conforming structure” permit is required. The applicant notes that this request could be considered redundant since a Class II variance is also being applied for to allow the encroachment as well.

The applicant finds, regarding the inadequate parking, that the additional 12 parking spaces will bring the total up to 47 which will move the library towards conformance with the 53 parking space requirement. Thus, the additional parking will help satisfy 66.080(B) (2) (a).

The applicant finds, regarding the inadequate mix of compact and full sized parking spaces, that the additional 12 full sized parking spaces will move the library towards greater conformance with the required 50/50 dimensional mix. Specifically, 12 of the 47 parking spaces will now be full sized which means that over 25 percent will be full sized compared to zero percent today. Thus, the additional full sized parking will help satisfy 66.080(B) (2) (a).

Regarding the non-conformity associated with 13,750 square feet of encroachment into the WRA, the additional encroachment comprises 402 square feet for the footpath to the parking lot and a portion of two small retaining walls. The area is partially disturbed by previous development.

The applicant acknowledges the fact that the non-conformity associated with the library's encroachment into the WRA will increase slightly (2.9%) by this development. To address that increase, a Class II Variance has been applied. Assuming the variance is approved, the requirements of the section 66.080(B) (2) (a) will be met.

By meeting the criteria of the land use permits associated with this application, the applicant will satisfy all other applicable CDC provisions as required by section 66.080(B)(2)(b).

Conformance with the underlying Office Business Center (OBC) zone standards

21.030 PERMITTED USES

The following uses are permitted outright in this zone:

- 1. Business equipment sales and services.*
- 2. Business support services.*
- 3. Communications services.*

4. *Cultural exhibits and library services.*
5. *Family day care.*
6. *Financial, insurance and real estate services.*
7. *Medical and dental services.*
8. *Parking facilities.*
9. *Participant sports and recreation, indoor.*
10. *Personal services and facilities.*
11. *Professional and administrative services.*
12. *Utilities, minor.*
13. *Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009)*

FINDING 75: The two properties are zoned OBC. The library is a permitted use according to section 21.030(4) and the proposed parking facilities are allowed by 21.030(8).

21.070 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 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 35 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 an interior side yard, seven and one-half feet.*
 - b. *For a side yard abutting a street, 15 feet.*

c. For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.

5. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

6. The maximum lot coverage shall be 50 percent.

7. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

FINDING 76: The applicant finds that the parking lot is not a building, as defined by CDC Chapter Two, "Definitions," wherein a building is "*any structure used or intended for supporting or sheltering any use or occupancy.*" Per that definition, a parking lot is not a building. Consequently the building setbacks do not apply. That having been said, the decision making body has the authority under Chapter 55.100(C) to require setbacks as needed to adequately buffer the use from adjacent uses.

The library meets the OBC setbacks. The rear setback varies between 66-80 feet which exceeds the required 20 foot rear setback. The library's side yard setbacks of eight feet to the east and 90 feet to the west exceed the 7.5 foot setback. The front setback on Burns Street is 11 feet which falls between the minimum setback of zero feet and the maximum setback of 20 feet.

The library lot coverage is 26.2 percent which is under the maximum 50 percent amount. (Parking lots are not calculated in the lot coverage but if it did it would be well under the 50% lot coverage.) The library is 24 feet tall which is below the maximum 35 foot height.

Appendices:

Noise Study (2007)

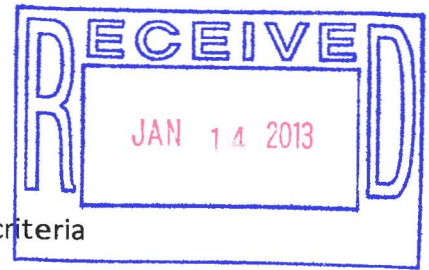
The applicant is submitting a stamped acoustic engineer's study from 2007 to satisfy the submittal requirements of section 55.120(M) based on the fact that the proposed use in the 2007 study was an office building with a 12 space parking lot that used a similar footprint to this application's 12 space parking lot. Site conditions have not changed since 2007.

Applicant note: References to the "Coston Building" in this noise study refers to the proposed office building and 12 space parking lot at the proposed library parking lot site (tax lot 2401)

To: Tom Soppe, Associate Planner

From: Peter Spir, Associate Planner

Subject: Addendum to satisfy submittal requirements and approval criteria



Date: January 14, 2013

32.060, 75.070: Engineering has responded by adding the applicant's phone number to the cover sheet (sheet 1 of 8).

32.060(B) (1) Engineering has modified their slope analysis map (sheet 3 of 8) identifying the dark grey areas as "greater than 25%". (Not 10-25% and 25%+)

32.060(B) (5): Calls for an implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. The section also requires that "all in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods."

The Engineering Department has responded by providing a tentative timeline/construction schedule. Once Planning Commission approval is given the project will go through a pre-construction design phase followed by a bid phase. Following that will be site preparation (including grubbing, grading, installation of erosion control measures) and construction of the parking lot, driveways, and paths. Concurrent with the construction, on-site re-vegetation and off site mitigation will take place. No in-stream work is proposed. All work is expected to be completed per accepted COWL Engineering standards within six months of approval by the Planning Commission.

Throughout the site preparation and construction process monitoring will be carried out by the COWL Engineering and Planning staff. Ensuring compliance with the approved off site mitigation plan will be carried out by the COWL arborist and planning staff in consultation with the Department of State Lands.

The applicant requests a waiver of the contingency plan requirement on the grounds that the city is the applicant and is bound to the completion of this task. A contingency plan is therefore not needed.

The Engineering Department has revised the Site Plan (sheet 4 of 8) to show the transition and setback lines

55.100(B) (2) (c-f): A waiver is requested from these provisions on the grounds that (c) relates to street stub outs and the extension of streets onto the subject property. No streets are proposed to extend onto this property. (Hood Street ROW stubs out at the property to the north-east (tax lot 800).) A waiver from (d), which relates to housing density, is appropriate since no housing is proposed. (Even if it did apply, this section excuses Type I and II lands which encompass over 95% of this property.) A waiver from (e) is requested since that applies to the extension of arterials or collectors onto the property and none are proposed. A waiver from (f) is requested since it applies to grading in areas with significant trees. The City Arborist determined that there are no significant trees in the proposed graded areas.

55.100(I) (2): Engineering responded by providing a statement that the 25 year storm runoff from the parking lot will not adversely impact the property including the stability of the sloped areas.

55.100(J) (6): The positioning of the three light poles in the small parking lot will produce overlapping illumination at seven feet above grade for the entire lot. Whereas on site illumination will be effective in meeting code, the photometric study shows that beyond the edges to the parking area and pathway the light quickly diminishes to the extent that the natural WRA is shielded from lights.

55.100(J) (7): The lines of sight from the library into the parking lot are excellent given the second floor windows, shown in figure 32, which overlook the proposed parking lot. Additional windows on the ground floor will also look out on the pathway area. The three proposed light fixtures, shown in the photometric drawing (figure 33), will illuminate the walkway from the library, the main body of the parking lot and the south east corner including the exit driveway and sidewalk on Hood Street. Reference to the photometric drawing shows good overlapping illumination levels throughout the parking lot with appropriate light diminution at the north edge adjacent to the WRA. Surveillance can occur from Hood Street; although, given the low traffic volume on that street and dense vegetative screening towards the house across the street, it is not expected to represent the main source of surveillance.

55.110(B) (3): A waiver is requested from the slope range provisions of Chapter 55 based on the fact that protection of the WRA and associated slopes is effectively provided by Chapter 32 which requires just two slope categories: 0-25% and over 25%. Additional slope breakdowns would not provide any greater protection of the resources.

3. A slope analysis which identifies portions of the site according to the slope ranges as follows:

a. Zero to 15 percent;

- b. Sixteen to 25 percent;
- c. Twenty-six to 35 percent;
- d. Thirty-six to 50 percent;
- e. Greater than 50 percent.

55.110(B) (5) and (B) (8) (c): Engineering has responded by showing Maddax Creek on Sheets 2, 4, 5, 6, 7 and 8 of 8.

55.110(B) (11): The applicant requests a waiver to showing ambient noise levels on the existing conditions map since it is already provided in a noise study prepared by Elki Lahav, Principal Acoustic Engineer. In Table III (see addendum, page 4 of 9), Mr. Lahav reports an ambient L50 noise level of 52 which is below the DEQ 7am to 10pm standard of 55, an L10 of 45 which is below the DEQ standard of 60 and an L1 of 51 which is below the DEQ standard of 70. Finding 70 also discusses noise levels.

55.110(B) (13): Engineering has responded by adding a Type I and II lands table on the Slope Map (Sheet 3 of 8). The applicant requests that the Type I and II lands be combined rather than broken down separately. The map includes a table with the square footage of these Type I and II lands and also as a percentage of the total site square footage.

55.120(A) (B) (G): Engineering has responded by creating a new map "Site Dimensions Plan" (sheet 7 of 8) which shows the project site and all adjacent parcels with the buildings overlay as well as the dimensions of the project site property lines.

55.120(K): The applicant requests a waiver of this provision since it is intended to apply to new buildings. No buildings are proposed. The purpose of this provision is to identify lines of sight/surveillance. That issue is addressed above and in finding 72.

55.150(A) (1): A waiver is requested from irrigation plans since the proposed native plants are drought tolerant. No irrigation is proposed. The parks department will hand water plants during the first two years as needed.

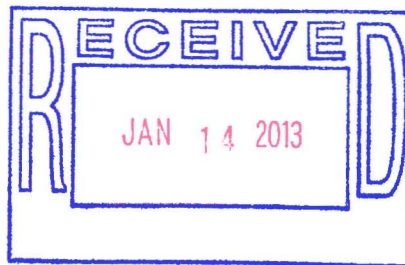
Designer's Certification and Statement

I hereby certify that the Stormwater Management design for the City of West Linn Library Parking Expansion is designed in accordance with the City of West Linn Public Works Design Standards and Standard Construction Specifications.

Storm run-off generated from this development is either collected and treated in a water quality facility, or reduced through the use of permeable pavers.

Type of Facility	Additional Area (square foot)	Method of Stormwater Management
Parking/Pathway	4,298	Impervious Reduction - Pervious Pavers
Street Improvement	1,101	Simplified Calculation – Rain Garden

Khoi Q. Le, P.E.
Development Engineer
City of West Linn – Public Works Department
January 11, 2013





CITY OF WEST LINN, OREGON LIBRARY PARKING EXPANSION PROJECT NUMBER CIP-1202

SEPTEMBER 2012

Index of Drawings

- 1 of 8 Cover Sheet
- 2 of 8 Existing Conditions Plan
- 3 of 8 Slope Analysis Plan
- 4 of 8 Site Plan
- 5 of 8 Demolition Plan
- 6 of 8 Disturbed Area Plan
- 7 of 8 Dimensioning Plan
- 8 of 8 Grading and Erosion Control Plan
- L1 Landscape Plan
- L2 Mitigation Plan
- EL1 Lighting Plan

Applicant Information

Applicant:	City of West Linn
Owner Representative:	Diane Satchwell, Library Director
Project Manager:	Lance Calvert, Public Works Director
Project Planner:	Peter Spir, Associate Planner
Project Designer:	Khol Le, Development Engineer
Phone:	503-723-2539
Fax:	503-656-4106
Email:	pspir@westlinnoregon.gov



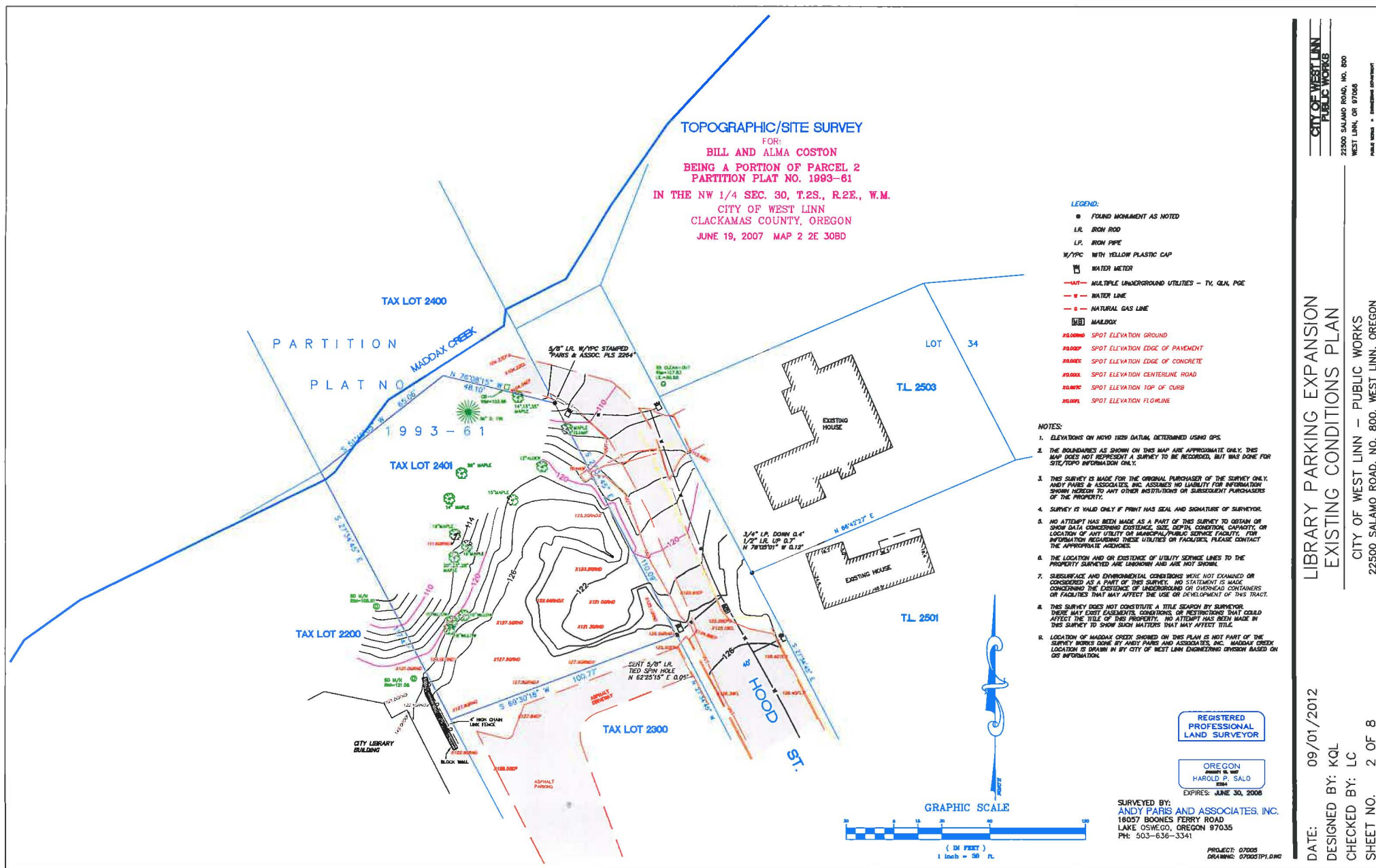
Location Map
NTS

CITY OF WEST LINN
PUBLIC WORKS
22500 SALAMO ROAD, NO. 800
WEST LINN, OR 97068
PUBLIC WORKS • ENGINEERING DEPARTMENT

LIBRARY PARKING EXPANSION
COVER SHEET

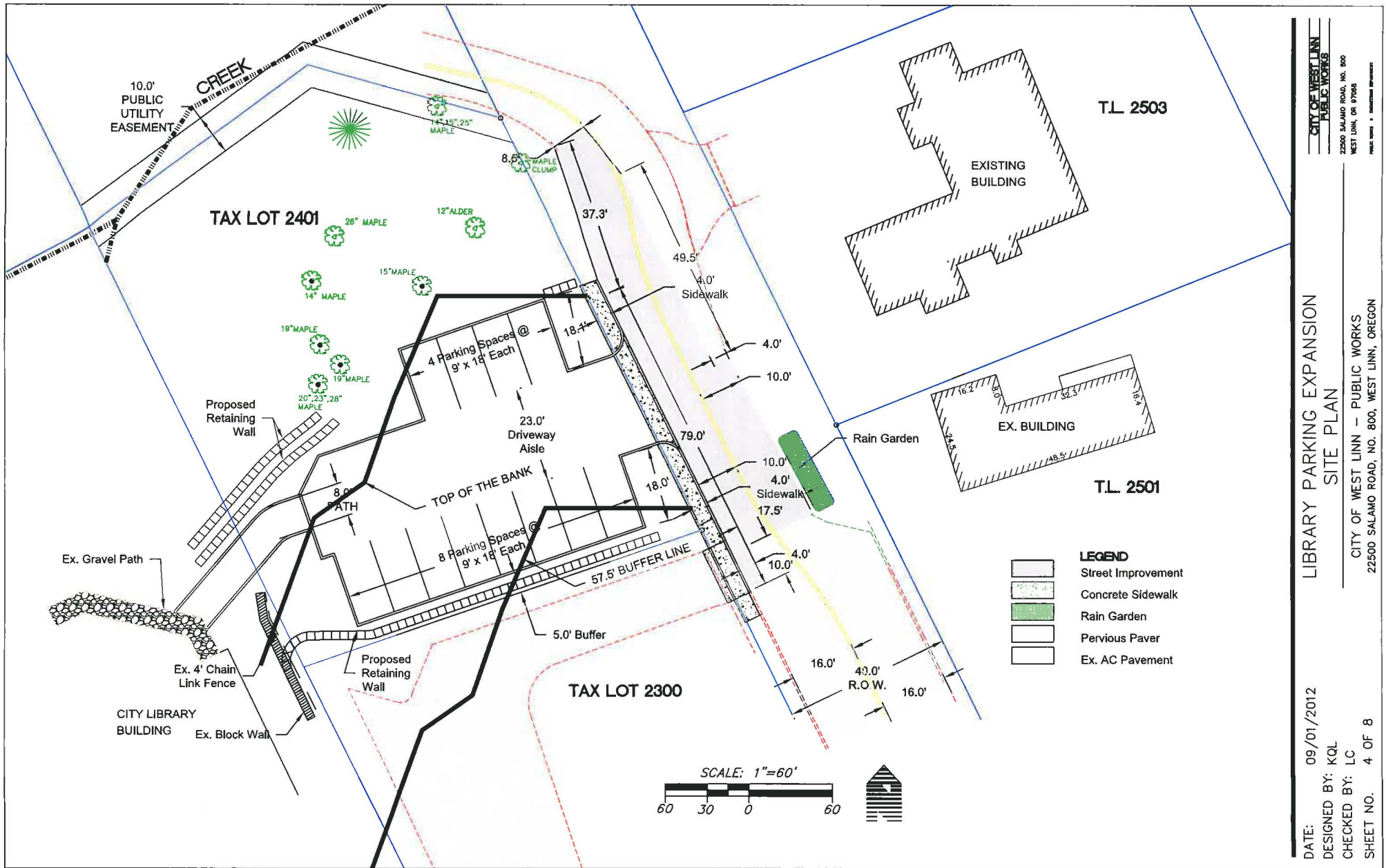
CITY OF WEST LINN — PUBLIC WORKS
22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

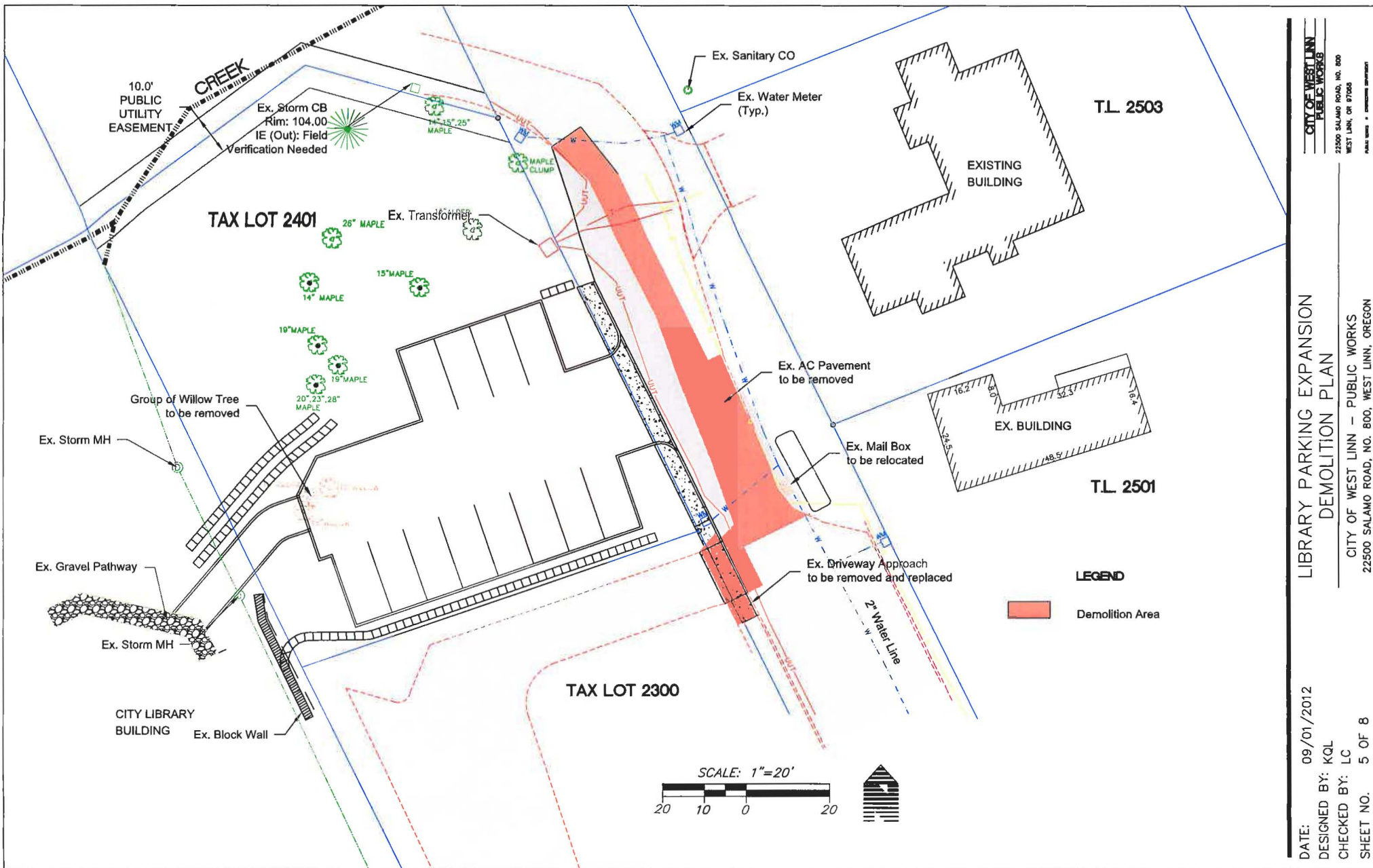
DATE: 09/01/2012
DESIGNED BY: KQL
CHECKED BY: LC
SHEET NO. 1 OF 8

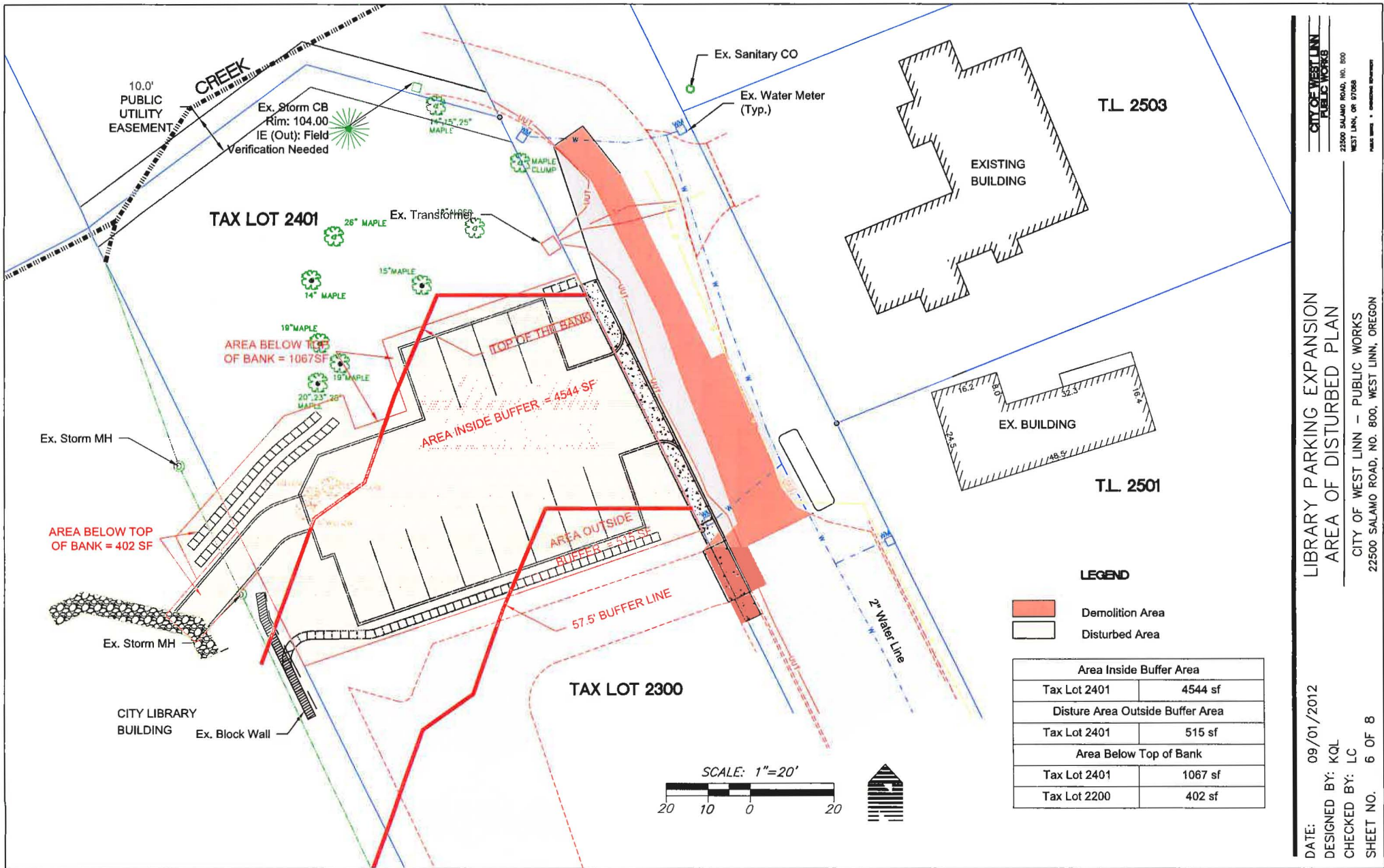


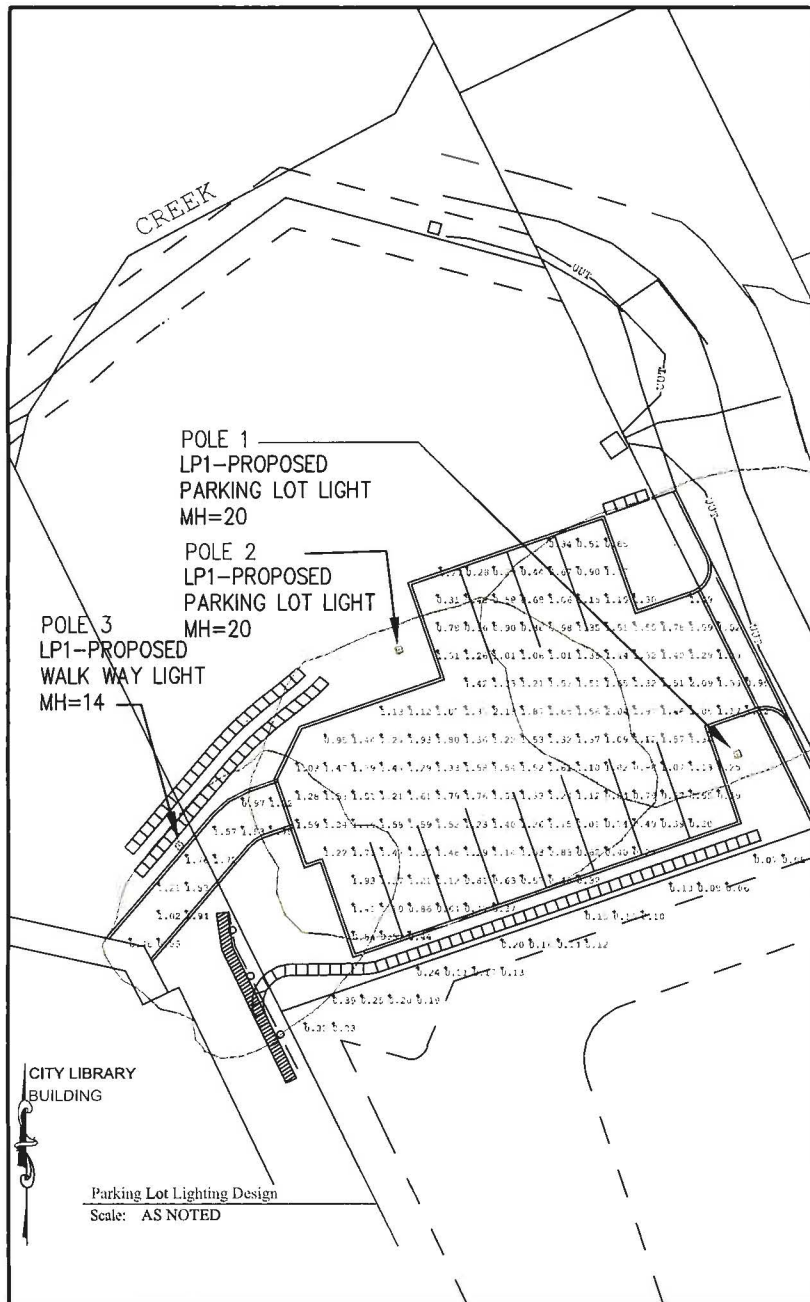


Type I and II Land Area	
Tax Lot 2401	6375 sf
Tax Lot 2200	9175 sf
Parcel Area	
Tax Lot 2401	12692 sf
Tax Lot 2200	60984 sf
Ratio Type III/ Over Total Area	
Tax Lot 2401	50.47%
Tax Lot 2200	15.04%
Combine Ratio Type III/ Over Total Area	
Combine Ratio	21.12%









OFFSITE PRIVATE LIGHT POLLUTION		
LOCATION	THRESHOLD	MAXIMUM SPILL OVER
OFFSITE	THRESHOLD	< 0.5 FC
ONSITE	ACHIEVED	0.30 FC

LUMINAIRE SCHEDULE							
PROJECT: LIBRARY PARKING EXPANSION							
QTY	LABEL	DESCRIPTION	MH	WATTS	INITIAL LUMENS	AFM	ARRANGEMENT
2	LP1-PARKING LOT LIGHT	MIL COOPER "TORNITE" LUMINAIRE MOUNTED ON A METAL POLE WITH SPILL LIGHT ELIMINATOR DISTRIBUTION	20	100	6100	0.067	SINGLE
1	LP2-WALK WAY LIGHT	MIL COOPER "TORNITE" LUMINAIRE MOUNTED ON A METAL POLE WITH SPILL LIGHT ELIMINATOR DISTRIBUTION	14	70	5700	0.067	SINGLE

NUMERIC SUMMARY							
PROJECT: LIBRARY PARKING EXPANSION							
LABEL	CHLC TYPE	UNITS	AVG	MAX	MIN	AVG/AM	
PARKING LOT	ILLUMINANCE	FC	1.18	2.13	0.27	4.37	
WALKWAY	ILLUMINANCE	FC	1.37	1.84	0.48	2.85	

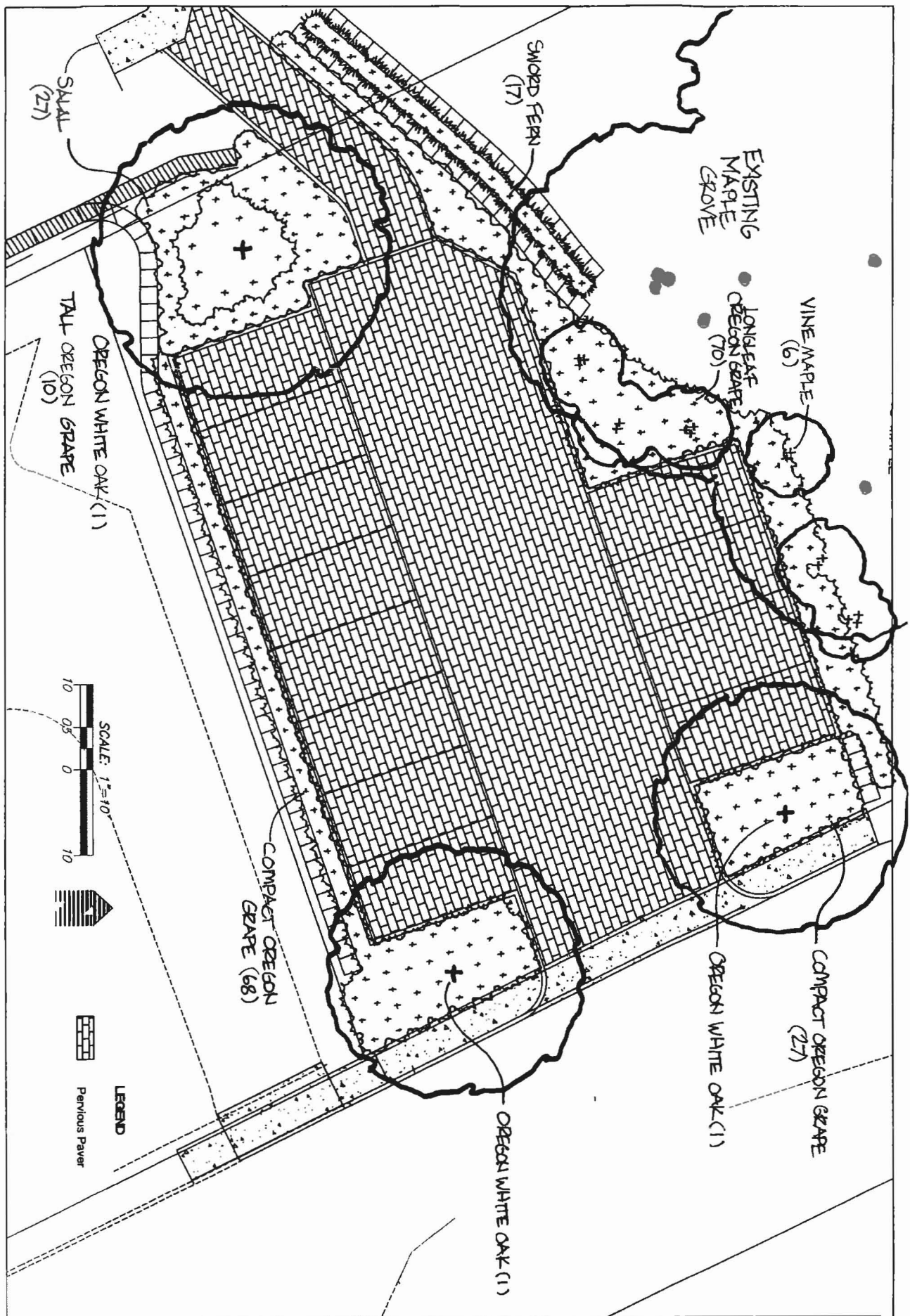
Northstar Electrical Contractors
10450 S.W. Cople Road, Suite 107
Tualatin, Oregon 97062-7111
Phone 503-612-0840
Fax 503-612-0891
Email: info@northstar-elect.com

LIBRARY PARKING
EXPANSION
WEST LINN

REV. DATE NO. REV. DESCRIPTION

Title: STREETLIGHTING
Designed by: Adam Suminski
Checked by: Ken Murphy
Date: 8/30/2012

DWG. NO.
EL1

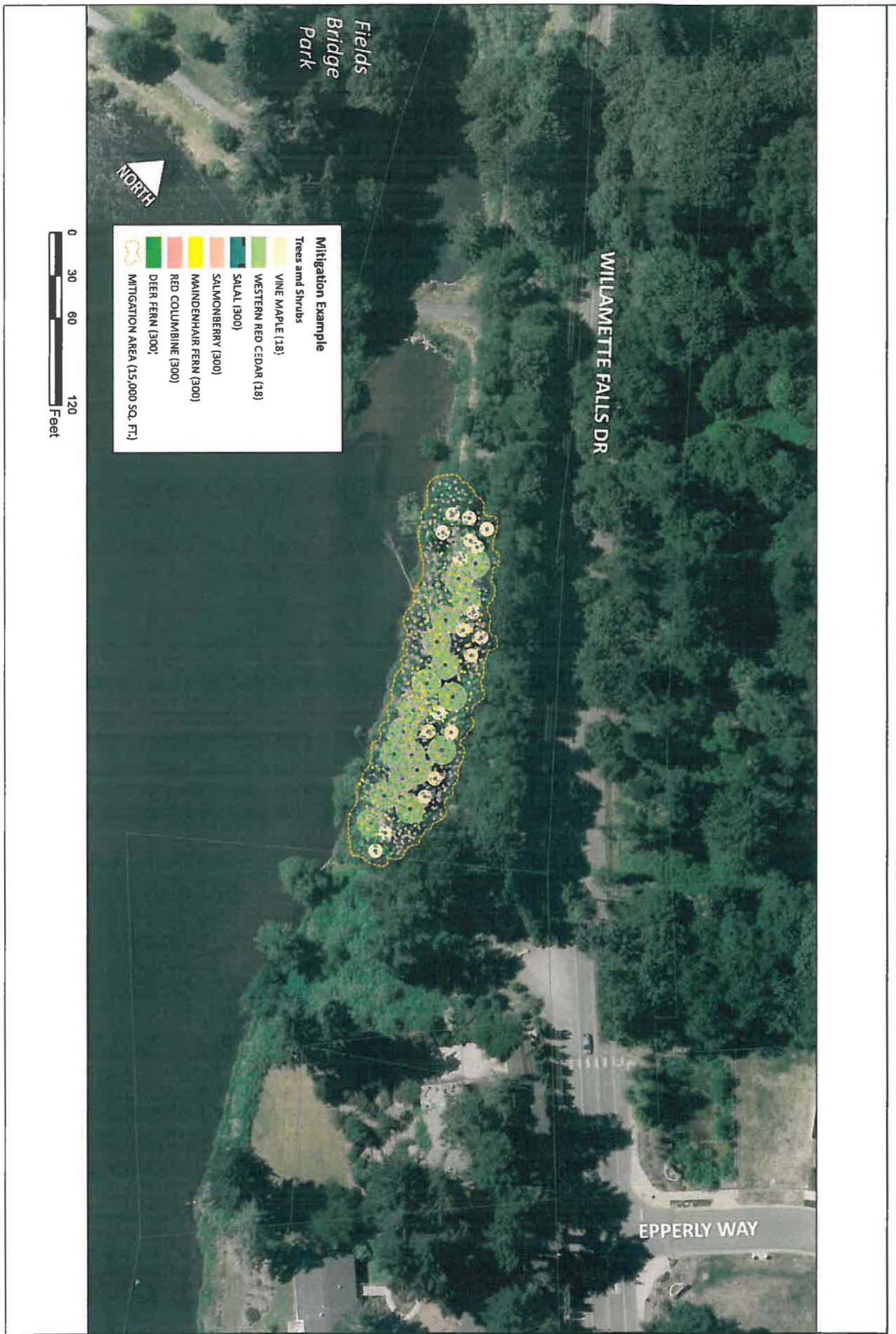


DATE: 09/01/2012
 DESIGNED BY: MP
 CHECKED BY: LC
 SHEET NO. L1

LIBRARY PARKING EXPANSION LANDSCAPE PLAN

CITY OF WEST LINN - PUBLIC WORKS
 22500 SALAMAND ROAD, WEST LINN, OREGON

CITY OF WEST LINN
 PUBLIC WORKS
 22500 SALAMAND ROAD, NO. 300
 WEST LINN, OR 97068
 FIELD NAME - BENTON COUNTY



DATE: 09/01/2012
 DESIGNED BY: MP
 CHECKED BY: LC
 SHEET NO. L2

LIBRARY PARKING EXPANSION OFFSITE MITIGATION PLAN

CITY OF WEST LINN - PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

CITY OF WEST LINN
PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800
 WEST LINN, OR 97068
 PUBLIC WORKS • ENGINEERING DEPARTMENT



A ACOUSTICS
1801 SW GARDLEY TER
PORTLAND, OR 97209-7041
TEL: 503 609 9720
info@aaoustics.com

July 9, 2007

Mr. Tony Yarguen
Yarguen Architect LLC
6663 SW Beaverton Hillsdale Hwy. #136
Portland, Oregon 97225

Re: Coston Building Development, Acoustical Evaluation

The Coston Building to be constructed on a site bounded by Hood Street to the East, the Heritage Building to the South (1579 Burns Street), the West Linn Library to the West, and a creek to the North. (see maps below)

The City of West Linn requires a noise study as per Community Development Code (CDC) Chapter 55. This report provides said study.

On 1:00 PM July 2, 2007 A Acoustics conducted sound data collection to establish existing ambient sound levels. The data collection site, 5750 Hood Street West Linn Oregon 97068, is indicated on Map I below.

This report contains findings and analysis of the measured sound data together with analysis of acoustical impacts and compliance with acoustical regulations for the project during the construction phase and during normal operation after completion.

Noise Regulations

This project is subject to two different City of West Linn regulations: Development Code, and Municipal Code (see details below). The latter is more restrictive. It is recommended that a conservative design criterion should comply with both standards.

Development Code

This project is subject to the City of West Linn Community Development Code section 55.100(D): "Privacy and noise", (<http://www.ci.west-linn.or.us/Services/Planning/CDC/CommDevCode/CDC-Ch.55.pdf>). This code includes tables on page 55-26 (ORD. 1442): allowable sound levels. These limits are shown in Table I below:

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Table I
West Inn Community Development Code section 55.100(D)
Page 55-26 (ORD. 1442)
Allowable Sound Level Within 25 Feet of a Dwelling

Statistical Noise	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
L_{50}	55 dBA	50 dBA
L_{10}	60 dBA	55 dBA
L_{01}	75 dBA	60 dBA
Impulse Sound	100 dB	80 dB

L_{50} , L_{10} , and L_{01} are the sound levels in dBA, which are reached or exceeded 50%, 10% and 1% of the measurement time, respectively.

Municipal Code

City Municipal Code #5.487 "Sound Level and Noise" applies after completion of the project to the operation of the finished development. City Municipal Code #5.487 can be found at: <http://www.ci.west-linn.or.us/Information/CityDocuments/MunicipalCode/Ch05rev05-05.pdf>

The following Table II shows the maximum sound levels allowable at the property line.

Table II
Allowable Sound Level at Noise Sensitive Use Property Line

Statistical Noise	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
L_{50}	55 dBA	45 dBA
L_{10}	60 dBA	50 dBA
L_{01}	70 dBA	55 dBA
Impulse Sound	95 dB	80 dB

Data collection

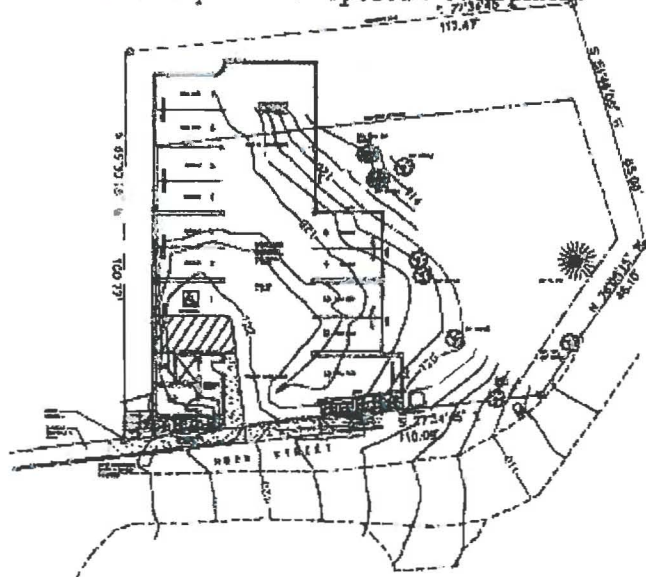
A precision sound pressure level meter (Type I) was placed at the recording location, at 5750 Hot Street. (see Map I). Sound data together with a calibration signal were recorded on to an acoustical computer. Observations of ambient and other noise sources such as wind, traffic and other pertinent factors were noted during the data collection intervals. Data was computer time-stamped at one-second intervals.

Data collection occurred between 1:00 p.m. and 1:16 p.m. July 2, 2007. Skies were clear, air temperature 82° F, and the loudest ambient sound was from vehicular traffic.

MAP I
Aerial Photo with Sound Recording Location



MAP II
Site Map of the Proposed Development



Coston Building, Acoustical Evaluation

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Findings

Table III is a summary of the study results:

TABLE III

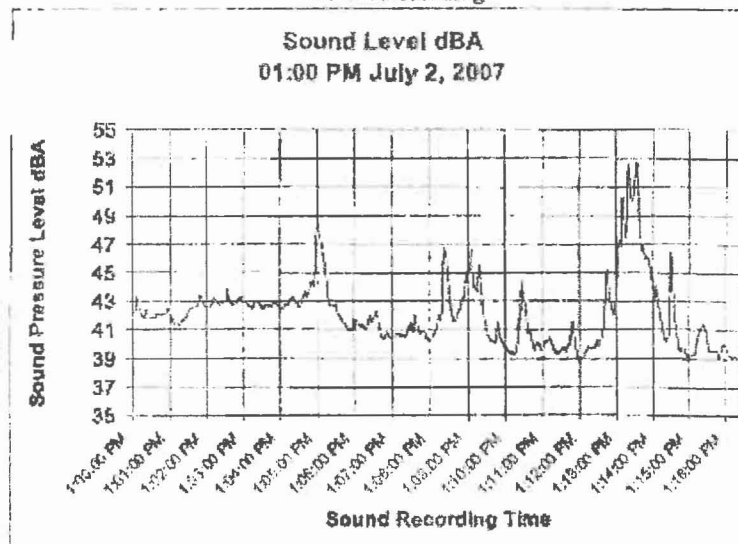
RECORDING NUMBER	ALLOWABLE DAYTIME SOUND LEVEL (TABLE II)			RECORDED AMBIENT SOUND LEVEL		
	L ₅₀	L ₁₀	L ₀₁	L ₅₀	L ₁₀	L ₀₁
1	55 dBA	60 dBA	70 dBA	52 dBA	45 dBA	51 dBA

Table III shows that the existing ambient sound levels at the collection station do not exceed sound level limitations for "noise sensitive use".

The following graphs depict sound level data for analysis for the measurement interval using two graphical representations of the data:

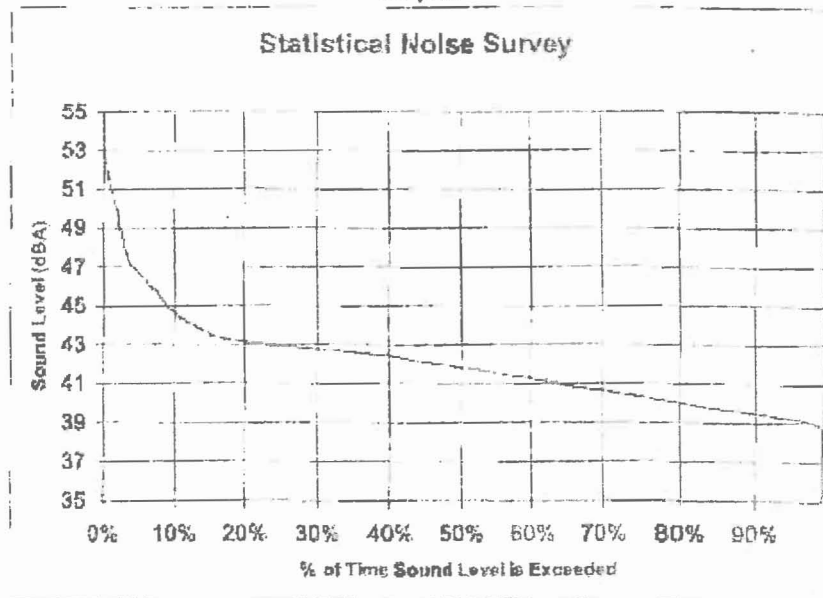
1. Graph 1 shows the sound level as recorded. The X-axis is time of the sound measurement and the Y-axis is sound level in dBA.
2. Graph 2 shows the same data with data points sorted according to sound level and plotted against the percentage of the time period during which each sound level occurred. The X-axis is the percent of the measurement time and the Y-axis is sound level in dBA. This representation of the sound data is necessary to calculate the L₅₀, L₁₀ and L₀₁ values. For example the L₅₀ value is the sound level, in dBA, which was reached or exceeded during 50% of the measurement time period.

Graph 1
Sound Recording



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Graph 2



"Noise Sensitive Use" Sites

After development there will be three "noise sensitive use" sites:

- 1) House at 1575 Burns Street
- 2) House at 5725 Hood Street
- 3) West Linn Library

PREDICTED SOUND LEVELS

Sound sources associated with the new development may include:

1. Traffic pattern changes on Holly Streets
2. Parking lot sound, Automobiles driving, idling, Car doors closing
3. HVAC condenser
4. Truck mounted carpet-cleaning equipment servicing the development
5. Parking lot sweepers
6. Garbage trucks
7. Delivery trucks
8. Construction activity (during construction only)
9. Maintenance activity
10. Tenant activity

Maximum speed of parking cars is approximately 10 mph. Sound at this speed, including idling, is between 65 dBA to 60 dBA at a distance of ten feet from the car. Sound levels

decrease with distance from the vehicle. Table IV shows expected sound levels of a car at different distances.

Table IV
Expected Sound Level in dBA of an Idling or Parking Car

DISTANCE FROM THE CAR IN FEET	10	30	50	70	80	100	120
SOUND LEVEL IN DBA	69-65	50-55	46-51	43-48	42-47	40-45	38-43

Car parking and idling sound may reach the house at 1575 Burns Street at a level of 50 dBA.

The proposed development includes office use expected to be open from 7:00 AM to 6:00 PM Monday through Friday. Daytime sound from cars in the parking lot will be about the same as the existing ambient sound levels. Normal sound from vehicles on "commercial property" is exempt from sound limitation by city code.

Cleaning crew vehicles may arrive and leave during nighttime periods as defined by City code. Sound from these vehicles will predominately occur in the range of 38 to 43 dBA and are within the city code nighttime standard for hourly L_{50} .

The impact sound of car doors closing will reach the property line of the home on 1575 Burns Street at 80 dB. City code maximum for impact sound is 95 dB (peak meter response) for daytime and 80 dB for nighttime.

HVAC equipment is a source for outdoor sound emission. The Heritage Building, south of this proposal, (1579 Burns Street) has HVAC condenser equipment facing the proposed Coston Building. Additionally the West Linn Library also emits HVAC sound in the direction of the proposed building.

HVAC condensers serving this project may be placed South, West or North (along the creek) to comply with impact to sound sensitive sites. Acoustical engineering design review of the proposed HVAC system should be conducted prior to any installation to insure that the equipment will operate within acoustical code limits. Some equipment may not meet code for this project. It is recommended that acoustical engineering be coordinated with HVAC design to avoid costly retrofit modifications for code compliance.

Truck or van mounted carpet cleaning equipment is another potential sound source. Sound from the open doors of a carpet cleaning truck or van will be approximately 72 dBA at 50 feet for water-cooled equipment and 79 dBA at 50 feet for air-cooled equipment. Sound will be 10 dBA lower on the non-open door side of the vehicle. Open doors will usually face the building being cleaned to facilitate hoses entering the building. Sound from some vehicle-mounted carpet cleaning equipment parked on Hood Street may exceed the sound level maximums for daytime and/or nighttime for sound reaching the two houses on East of Hood Street. It is recommended that either a quiet truck-mounted or inside-building system be used to comply with sound code.

Parking lot cleaning of this project may cause temporary sound impact for the West Linn Library. Since parking lot cleaning usually occurs during nighttime hours when the Library is closed, this sound will not impact the Library operation.

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Garbage trucks generate short-term high noise levels and may cause temporary sound impact for the house on Hood Street. Limitation of sound from garbage collection is exempted by city code if it occurs during weekday, daytime hours and weekends and federal holidays from 8:00 AM to 5:00 PM. It is recommended that garbage service near the house on Hood Street be scheduled during the exempt time periods.

Delivery trucks for the development include medium sized trucks, and UPS/FedEx type trucks servicing the retail and office spaces. Sound from the medium sized and package car trucks are expected to be consistent with the normal sound of parking lot usage. It is recommended that delivery and shipping be scheduled during the exempt time periods.

It is expected that normal tenant activity by retail and office tenant use including sound from customers and office clients will occur predominately indoors and comply with the normally accepted trade practices for office and retail operations. These sounds are expected comply with City code for normal operational hours. Unusually noisy tenants such as certain manufacturing or amplified music venues may exceed sound limitations. Lease restrictions and appropriately designed tenant improvements can be effective in tenant sound emission compliance.

Construction Period Sound

New construction sound may include the following:

1. Removal of existing structures and waste material.
2. Grading
3. Material delivery
4. Construction tools, vehicles, and activities.

Much of construction sound comes from engines (mostly diesel) providing operating power and compressed air. Table V shows expected noise levels at a distance of 50 feet from construction equipment. Not all equipment listed in Table V will be used in the construction.

Sound from construction is specifically exempted from limitation by city code if such sound occurs during weekday daytime hours or Saturdays between 9:00 AM and 5:00 PM. It is recommended that construction sounds be scheduled to occur during the exempted time periods.

A23

July 10, 2007

Table V
Construction Equipment and the Expected Sound at 50 feet

		NOISE LEVEL (dBA) AT 50 FT					
		60	70	80	90	100	110
EQUIPMENT POWERED BY INTERNAL COMBUSTION ENGINES	EARTH MOVING	COMPACTORS (ROLLERS)		H			
		FRONT LOADERS					
		BACKHOES					
		TRACTORS					
		SCAPERS, GRADERS					
		PAYERS			H		
		TRUCKS					
	MATERIAL HANDLING	CONCRETE MIXERS					
		CONCRETE PUMPS			H		
		CRANES (MOVABLE)					
		CRANES (DEPRICK)			H		
	STATIONARY	PUMPS	H				
		GENERATORS					
		COMPRESSORS					
IMPACT EQUIPMENT		PNEUMATIC WRENCHES					
		JACK HAMMERS AND ROCK DRILLS					
		PILE DRIVERS (PEAKS)					
OTHER		VIBRATOR					
		SAWS					

Note: Based on Limited Available Data Samples

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A Acoustics

July 10, 2007

CONCLUSION

Employing the recommendations, and assumptions contained in this report, the sound impact from this development will comply City of West Linn Community sound regulations.

If you have any question please call us at (503) 977-2690.

Sincerely,
A ACOUSTICS

Elki M. Lahav
Elki M. Lahav, P.E.
Principal Acoustical Engineer



Coston Building, Acoustical Evaluation

Page 9 of 9

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CITY OF West Linn

Designer's Certification and Statement

I hereby certify that the Stormwater Management design for the City of West Linn Library Parking Expansion is designed in accordance with the City of West Linn Public Works Design Standards and Standard Construction Specifications.

Storm run-off generated from this development is either collected and treated in a water quality facility, or reduced through the use of permeable pavers.

Type of Facility	Additional Area (square foot)	Method of Stormwater Management
Parking/Pathway	4,298	Impervious Reduction - Pervious Pavers
Street Improvement	1,101	Simplified Calculation – Rain Garden

Khoi Q. Le, P.E.
Development Engineer
City of West Linn – Public Works Department
January 11, 2013



City of West Linn

INFILTRATION TEST RESULTS

Property Address: 5750 Hood Street
West Linn, OR 97068

Project Name: West Linn Library Parking Expansion

Purpose: Stormwater Management Design

Equipment Used: Auger, Shovel

Method: Simplified Approach Open Pit Infiltration Test

Date: 02/13/2013

Time: 10:45 AM

Weather: 46° F – Dry – Cloudy

Depth of Hole: 48"

Depth of Water: 6"

Water Level: 42"

Time Start	Time Increment	Test 1	
		Total Depth	Infiltration
11:00 AM			
11:01 AM	1'	45"	3"
11:02 AM	1'	45"	0"
11:03 AM	1'	45"	0"
11:13 AM	10'	46"	1"
11:23 AM	10'	47"	1"
11:33 AM	10'	48"	1"

Infiltration: 6" in 33 minutes



City of West Linn

Time Start	Time Increment	Test 2	
		Total Depth	Infiltration
12:15 PM			
12:25 PM	10'	43.5"	1.5"
12:45 PM	10'	44.5"	1"
1:05 PM	10'	45.5"	1"
1:15 PM	10'	46"	0.5"
1:25 PM	10'	46.25"	0.25"
1:35 PM	10'	46.50"	0.25"

Infiltration: 4.5" in 60 minutes

Time Start	Time Increment	Test 1	
		Total Depth	Infiltration
1:40 PM			
1:50 PM	10'	43"	1.0"
2:00 PM	10'	43.75"	0.75"
2:10 PM	10'	44.25"	0.5"
2:20 PM	10'	44.75"	0.5"
2:30 PM	10'	45.00"	0.25"
2:40 PM	10'	45.25"	0.25"

Infiltration: 3.25" in 60 minutes

