



**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**November 6, 2008**

**SUBJECT:** Non-Conforming Structure and Class I Design Review at 4835 Willamette Falls Drive.

**ATTENDEES:** Applicants: Mollie Plocher (2Hemispheres Inc.) Heather Gobert-Pomeroy (Windermere Realty); Staff: Peter Spir (Planning Department)

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*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. **These comments are PRELIMINARY in nature.** Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

**Project Details**

The house at 4835 Willamette Falls Drive is a historic landmark home and regulated by the provisions of Community Development Code (CDC) Chapter 26. That chapter establishes specific standards regarding any exterior remodels and additions to the house. Any remodel must be approved by the Clackamas County Historic Review Board (HRB). It is staff’s understanding that no exterior changes to the house itself are proposed thus no HRB involvement is required. What is driving this permitting process is the fact that the applicants are proposing to introduce an office business into this house which until now has been used as a residence. An office is an allowable use since the property and adjoining properties are zoned General Commercial (GC).

Although the GC zone allows a broad spectrum of uses either outright or by conditional use, the real determinant as to what kind of use can fit into this site is parking and the requisite maneuvering space required by the CDC.

Professional offices require one space per 350 square feet.

Additionally, every parking lot must include one or more ADA accessible parking space (18’L X 17’W including aisle)

Parking spaces are 8X16 for compact and 9X18 for full size spaces.

Maneuvering space for backing out of the stall has to be 23 feet deep.

The applicants have stated that they intend to use slightly under 1500 square feet of the house as a professional office. They propose to provide the requisite parking in the front lawn area. The parking lot could provide enough room for 6-7 parking spaces. The maneuvering space of 23 feet deep is largely satisfied by the existing parking area.

Class I Design Review (CDC Ch 55) is required to ensure that the parking lot is designed per the standards of CDC Chapter 46: Parking.

Access to the house via the gravel driveway is another issue. According to West Linn staff attorney this constitutes a legal non conforming structure by virtue of inadequate access. Therefore the provisions of CDC Chapter 66 must apply. In the event that the non-conforming structure permit is granted, the driveway can remain “as is”. No paving of the gravel driveway would be required especially given the expected low trip generation.

Staff notes that there is an oak tree of significance in the front yard. Fortunately it is located on the east side of the yard so that with careful construction methods, disturbance of the roots may be minimized and the tree.

It was also noted by the Building Official that up to 25% of the cost of improvements to the property and house (including a new parking lot) may be charged to increase ADA accessibility on the property and inside the house. All new construction must be to ADA standards and does not count to that 25% amount. Dave Davies, Building Official, can explain the details of these requirements. His phone number is 656-4211 or contact him at [ddavies@westlinnoren.gov](mailto:ddavies@westlinnoren.gov) .

The option of having a purchaser/owner live in the house and operate a home occupation is still viable. CDC Chapter 37 allows up to three non-resident employees. There would be no design review required for the parking area. Expansion of a non-conforming structure permit would still be required. However it would be a Planning Director’s decision and no hearing with the Planning Commission would be needed.

### **Process**

A neighborhood meeting is NOT required for your application pursuant to CDC Section 99.038.

Design Review for the parking lot would have to be applied for through the Planning Commission. There would also be an expansion of a non-conforming structure permit which would also go through the Planning Commission. These Planning Commission decisions will require a public hearing. If there are any modifications to the exterior of the house then a separate hearing and review by the Clackamas County Historic Review Board is required.

The first step is full and complete response to the submittal requirements and approval criteria of CDC Chapter 66 Non-Conforming Structures. The approval criterion is found in section 66.080(B)(2).

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

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 Section 99.060(B) is required subject to the following standards.*

*(ORD. 1192)*

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

Full written responses are required. N/A is not acceptable. The submittal requirements for a Class I Design Review are found in CDC 55.090. A site plan will be needed showing the proposed parking lot. This must be to scale (e.g. 1:20). Need to provide storm water treatment assuming less than 5,000 sq ft of impermeable surface is created. Contact Shaun Rohret re: storm treatment at 656-4211 or at [srohret@westlinnoregon.gov](mailto:srohret@westlinnoregon.gov). You may also want to discuss water permeable surfaces as an alternative to asphalt. This could reduce the need for water treatment and increase amount of rain water getting to the oak tree roots.

Please respond to the following approval criteria: CDC 55.100(C) “Compatibility” and (K) “Provisions for Persons with Disabilities”.

C. **Compatibility between adjoining uses, buffering, and screening.**

1. *In addition to the compatibility requirements contained in Chapter 24, 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.*
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 around.*
  3. *Roof top air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

**K. Provisions for persons with disabilities.**

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 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.*

Also the parking lot design must meet the standards of CDC Chapter 46: Parking. The specific dimensional standards for parking are found in CDC 46.150. Please be sure that your design meets the applicable standards.

**46.150 DESIGN AND STANDARDS**

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

A. *Design Standards:*

1. *"One standard parking space" means a minimum for a parking stall of 8 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 9 feet in width and 18 feet in length (9 X 18). When multi-family parking stalls back onto a main driveway, the stalls shall be 9 X 20.*

*(ORD. 1463)*

2. *Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and Section 46.150(B) and placed nearest to accessible building entryways and ramps.*
3. *Parking spaces located in the public right-of-way that require backing movements or other maneuvering within a street or right-of-way are permitted with City Engineer approval as is in the case of Willamette Falls Drive parking facilities.*
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.*

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.*
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. (ORD. 1463)*
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. (ORD. 1463)*
8. *Off-street parking spaces for single and two-family residences shall be improved with an asphalt or concrete surface, or a permeable parking surface designed to reduce surface runoff, to specifications as approved by the Building Official. Other parking facilities for two- and single-family homes that are to accommodate additional vehicles, boats, recreational vehicles, and trailers, etc. need not be*

- paved. All parking for multi-family residential development shall be paved with concrete or asphalt. Driveways shall measure at least 20 feet from the back of sidewalk to garage or the end of the parking pad to accommodate cars and sport utility vehicles without the vehicles blocking the public sidewalk. (ORD. 1463) (ORD. 1547)*
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.*
  10. *Access drives shall have a minimum vision clearance as provided in Chapter 42, Clear Vision Areas.*
  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 4 inches high located 2 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.*
  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.*
  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.*
  14. *Directional arrows and traffic control devices, which are placed on parking lots shall be identified and installed.*

You should also provide discussion of how the oak tree is to be preserved by careful construction techniques. N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with fees.

The fee is \$1200 for alteration of a non conforming structure (non-residential use) and \$850 for Class I Design Review. There is no refund of the fee even if the application is denied.

The City has 30 days to determine if the application is complete or not. Most applications are incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. Staff will schedule the Planning Commission hearing about 4-6 weeks after completeness determination. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

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

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Also note that these notes have a limited “shelf life” in that changes to the CDC standards may require a different design or submittal.