

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
April 5, 2012

SUBJECT: Class II Design Review, Water Resource Area Permit, Class II Variance, Permit to Enlarge/Alter a Non-Conforming Structure, possible Lot Line Adjustment, and possible Class II Variances, for new City of West Linn Library parking facility at 5750 Hood Street, including pedestrian connection onto existing library parcel at 1595 Burns Street.

ATTENDEES: Applicants: Diane Satchwell (Library Department), Peter Spir (Planning Department), Ken Worcester (Acting Public Works Director)

Review Staff: Tom Soppe (Planning), Khoi Le (Engineering)

Neighborhoods: Sally McLarty & Alma Coston (Bolton NA), Alice Richmond (Parker Crest)

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 applicant, the City of West Linn Library, proposes a new parking lot adjacent to their parcel with the library building and existing parking lot, in the Bolton neighborhood. The library and its existing parking lot are on Burns Street. The parcel proposed for the parking lot is on Hood Street nearby, but the rear of this parcel borders the original library parcel by the side of the building. A different parcel under other ownership and containing a small office building lies at the northwest corner of Hood and Burns, and thereby separates the two library parcels along the actual street frontages.



View of site from Hood Street. Library is in the background to the left, stream corridor to the right.

Most of the parcel where the project is proposed is within the transition area of the significant riparian corridor Maddax Creek, which is along the north side of both library parcels, down a steep wooded bank. The majority of the proposed 12-space parking lot on this parcel would be in the transition area as measured 50 feet from the top of the bank (because this is further than 100 feet from the creek edge, which would otherwise be the minimum transition area measurement per 32.050[E]). This requires a Water Resource Area permit, employing the hardship provisions of Community Development Code (CDC) Section 32.090 as well as the standard criteria of Section 32.050.

The parcel is an existing lot of record recorded before the current Chapter 32 provisions were enacted, and parking facilities are a discreet permitted use in the OBC zone where the parcel is located. The CDC Chapter 2 definition of parking facilities does not exclude parking facilities for specific uses if they are on a different lot of record. So this is a discreet permitted use proposed for a discreet parcel of record, despite being proposed to serve the library specifically. Therefore it should be analyzed under the hardship provisions of Section 32.090 as its own parcel, not in combination with the adjacent library parcel and its existing encroachment onto the water resource area. Therefore up to 5,000 square feet of disturbance can be proposed on the parcel and can theoretically be approved there, without a variance application, per 32.090(B).

A pedestrian path would be needed to connect the lot with the rear of the library, and this would require development of a small area of by the northeast corner of the library (much of the library's current site, including this corner is within the currently defined transition area of the creek). Analysis of this area would be included in the Water

Resource Area permit, since it is within the transition area, even though it is not on the same parcel as the parking lot. This would be analyzed as part of the Water Resource Area permit since it is new development in the transition area, even if it does not increase encroachment. Since much of the northeast corner is gravel rather than vegetation or undeveloped area, the pedestrian connection within this existing library parcel might not increase encroachment.

Over 5,000 square feet of transition area is already developed on the existing library parcel, due to how far north the building and the existing parking lot extend. Therefore if vegetated area is developed on this parcel for the pedestrian connection, the parcel's existing encroachment of over 5,000 square feet would be increased. In this scenario, a Class II Variance to exceed 5,000 square feet per 32.090(D) would be required, even though this variance is not needed for the greater 3,793 square feet proposed on the parking lot parcel due to the language of 32.090(B). The fact that the proposed parking lot parcel is not yet developed prevents the need for a variance since the proposed development is less than 5,000 square feet within the transition area, but this development still must be justified economically and environmentally under 32.090. If encroachment is increased on the existing library parcel, the applicant will have to justify this under 32.090's criteria as well as the variance criteria of Chapter 75.

To achieve a recommendation of approval from staff, the application will need to show that the parking facility use on the Hood Street parcel is the use and size reflecting the minimum economic viability of the site. The need for the pedestrian connection to the existing parcel would need to be discussed in relation to both the hardship and variance criteria, should the variance be required.

Any improvements required in the right of way, such as street improvements on Hood Street, do not count towards the 5,000 square feet as they are not within a parcel, but must be revegetated and mitigated for if they are in the water resource transition area.



Top of bank, leading down to Maddax Creek in gully. Houses across the creek are in the background.

Per Subsection 46.090(B)(3), the required minimum off-street parking for a library is “One space per 400 square feet of reading area, plus 1 space per 2 employees.” The library therefore has a required minimum of 45 spaces, but since it is adjacent to transit this minimum can be considered 10% lower (41 spaces) per 55.100(H)(5). The library currently has 32 spaces, and the proposed 12-space parking lot would make this 44 spaces. In the context of the variance and the hardship provisions, the applicant should be prepared to justify why a lot with 12 spaces is necessary when most of those spaces would be within the transition area, in light of the fact that a 9-space lot would achieve the parking minimum. Alternately the applicant can propose a lot with just 9 parking spaces. The discussion of parking should also include discussion of the availability or unavailability of parking sharing agreements with surrounding commercial establishments, and may include possible vehicular access to the lot from the parking lot of the property to the south, as shown in the scenario represented by one alternative site plan presented by the applicant at the conference.

Mitigation and revegetation plans, for disturbed areas of the transition area, will be required as well as part of the Water Resource Area permit. Mitigation refers to one-to-one square footage transition area restoration to make up for permanently disturbed transition area that would result due to the approval, such as for the areas where parking spaces and aisles would be located. A revegetation plan is for areas that become temporarily disturbed during construction but that can be restored to their natural state after construction is over. See 32.070 and 32.080 respectively. The applicant shall respond to these (and to 32.050 criteria) in a narrative, as well as comply

with these sections in the mitigation and revegetation plans. On-site mitigation is only allowed in areas that are contiguous to, but not in, a site's transition area boundaries. This will not be possible on site due to the non-transition areas on site (southeast corner area) being proposed for parking lot development as well. Mitigation will not be available on the existing library parcel either, due to how the entire non-transition area of this parcel is developed with the library and existing parking lot. The Library should coordinate with the Parks Department for off-site mitigation opportunities.



Arborvitae screens next property to south, library is on right.



West end of property connects to rear sidewalk of library. Presumably the applicant would propose a pedestrian connection here in the actual application.

As new parking lot the application also requires Class II Design Review approval as a major change to a currently undeveloped site.

Shown on the site plan is a lot line adjustment with the property owner south of the proposed parking lot parcel, which is possibly needed to fit the proposed parking spaces and a 5-foot landscape strip (required by 54.020[E][3][f]) within the City property. According to the applicant this may not be needed however.

Another possible variance discussed was the elimination of the 5-foot required landscape strip. This would allow the parking spaces to be pushed further south away from the top of the bank, affecting less of the transition area.

Another possible proposal that would be covered under the Design Review part of the application is the possibility of a new emergency generator at the northeast corner of the existing library building, and the generator's possible new fencing. Since the entire rear 100 feet of the existing library parcel is within the creek transition area, the addition of the generator and fencing in this rear area would also be analyzed under the Water Resource Area permit, unless it is attached to the side of the building and protrudes 10 or fewer feet further east than the existing building (see Exception 32.020[D][8][a][1] in Chapter 32).

Chapter 66 provides for permits to enlarge or alter a non-conforming structure. Since the library is currently non-conforming in terms of parking requirements as discussed

above, it is considered a non-conforming structure. The proposed parking lot would provide enough parking for the library to become conforming in terms of parking, but in the meantime the proposal is considered to be a proposed alteration to a non-conforming structure. Subsection 66.080(B) states that an enlargement or alteration to a non-conforming structure is permitted without the related permit if the enlargement or alteration meets all CDC provisions in of itself. This proposal does not, as demonstrated by the need for the use of the special hardship provisions of Chapter 32 since Chapter 32 is otherwise not met by the proposal. Therefore this proposal does also require the Permit to Enlarge/Alter a Non-Conforming Structure.

Engineering Notes

STREET IMPROVEMENT

Provide street improvement along the frontage of the property on Hood consists of the followings:

- 16' wide asphalt concrete pavement structural improvement
- Curb and a minimum 4' wide concrete sidewalk improvement

STORM DRAINAGE IMPROVEMENT

Provide storm-water treatment facility when creates more than 500 square feet of new impervious area. Provide storm-water detention facility when creates more than 5000 square feet of new impervious area.

WATER IMPROVEMENT

No water service proposed for the development. Thus no water improvement is required.

SANITARY SEWER IMPROVEMENT

No sanitary sewer service proposed for the development. Thus no water improvement is required.

Process

Water Resource Area, Class II Design Review, Permit to Enlarge/Alter a Non-Conforming Structure are required. Class II Variance and Lot Line Adjustment applications are potentially required, depending on how the eventual site plan accommodates the landscape strip to the south and the pedestrian connection between the two parcels.

A neighborhood meeting is not required for any of these applications for a new public library parking lot, but these are always encouraged by staff anyway in order to solicit public suggestions and let the neighborhood know about the applicant's plans. Contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or gbryck@easystreet.net. Follow the provisions of 99.038 precisely, including regarding what needs to be submitted with the application regarding the meeting. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The criteria of 32.050, 32.070, 32.080, 32.090, 66.080(B), and 55.100 shall be responded to in a narrative. The criteria of 85.210 shall also be responded to if a Lot Line Adjustment is needed. The criteria of 75.060 shall be responded to if a variance or variances are also needed.

N/A is not an acceptable response to the approval criteria.

Deposits and fees for the required applications are as follows:

- Deposit equal to 4% of construction value for Class II Design Review (assuming construction value is less than \$500,000, if over that the deposit is 4% of construction value plus \$4,000)
- \$1,850 deposit plus \$250 inspection fee for Water Resource Area permit
- \$1,900 deposit for Class II Variance if needed
- \$1,200 deposit for a Permit to Enlarge/Alter a Non-Conforming Structure for a non-single family building
- \$800 fee for Lot Line Adjustment, if needed

If an additional Class II Variance is needed such as for the possible elimination of the landscape strip on the south side of the parking lot site plan, this would be another \$950 deposit.

PLEASE NOTE that the above deposits are initial deposit charges, and staff time is charged against the deposit account. It is common for the processing of applications to consume more staff time than deposits cover, and therefore additional billing may be likely to occur.

Prepare the application and submit to the Planning Department with deposit fees and signed application form. Follow 55.070, 32.040, and 75.050 (if variance applied for) strictly and completely regarding submittal requirements (including plans, maps, etc.) that should accompany the narrative and the application form. Also, submit a CD containing all application files.

Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

Once the submittal is deemed complete, the staff will schedule a hearing with the Planning Commission and will send out public notice of the hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

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

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. Thus, there is no "shelf life" for pre-apps.