

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**July 19, 2012**

SUBJECT: Conditional Use Permit and Class I Design Review for music-oriented community center, including retail store and daycare, at 2015 8<sup>th</sup> Avenue.

ATTENDEES: Applicants: Charles Lewis, Michael Cerbone, Patrick Schreck, Tim Parker, Anthony Yi, Thatch Moyle

Staff: Tom Soppe (Planning Department), Khoi Le (Engineering Division)

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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 site is a former church building that has been more recently used as a call center. Per Community Development Code Section 59.060, community centers, children's day care centers, and retail sales are all conditional uses in the Mixed Use zone where the site is located. Therefore the proposal requires Conditional Use approval. Design Review approval is required with any Conditional Use approval per Section 60.030(B). The site is also located in the Willamette Falls Drive Commercial District overlay zone.

Conditional Use criteria, in Section 60.070, mainly involve whether the use is appropriate for the community and whether the site is appropriate for the proposed use.

The applicant does not propose a new building or addition to the existing building but possibly plans to propose reconfiguration to the site's interior parking and circulation. The applicant also possibly plans to propose landscaping changes. The submitted conceptual plan shows a new connection to the parking lot driveway on the property to the west, which would eliminate approximately 4 parking spaces on site. Therefore Class I Design Review, specifically, is the type of Design Review approval required. Per Section

55.020, Class I Design Review is required for revised parking alignment, addition or reduction of parking spaces, revised circulation, and landscape plan modification. Note that while Section 46.140 exempts properties in the Willamette Falls Drive Commercial District overlay zone from minimum parking space requirements, Design Review is still required and any proposed parking spaces must still meet Chapter 46 dimensional requirements.

For non-residential sites, 54.020(E)(2) requires that a minimum of 20% of the site be landscaped, and 54.020(E)(3) requires internal parking lot landscaping and landscape buffers between parking lots and sidewalks. Therefore the site is non-conforming in terms of landscaping. The applicant discussed interest in landscape improvements. If the applicant plants new plants in areas currently designated for landscaping (that now have bark chips or other plants), this requires the response to 55.100(A)(10) but does not change the non-conforming aspects of the landscaping areas provided. If the applicant were to rearrange which areas of the site are provided for landscaping as part of a parking lot reconfiguration, or were to add areas provided for landscaping, this would require a permit to Enlarge/Alter a Non-conforming Structure. This is unless the addition of landscaping areas makes it so 20% of the site consists of landscaping areas. This is the case because the only way to alter a non-conforming aspect of the site without needing the permit to Enlarge/Alter a Non-conforming Structure is if the alteration itself meets the provisions of the code; see 66.080(B)(1). However if landscaped areas were to be either rearranged or added to in a way that required this permit, this would seem to meet the only criterion for said permit. The only criterion for said permit is 66.080(B)(2), which requires the proposal not worsen the non-conformity. If proposed changes would actually result in less area for landscaping, this would require both this permit and a variance, as the criterion of this permit would not be met, because decreasing the square footage of landscaping area would worsen the non-conformity.

Because the site is in the Willamette Falls Drive Commercial Overlay Zone, the application will have to be reviewed by the Historic Resources Advisory Board (HRAB) before the Planning Commission hearing. The HRAB does not have authority to approve or deny the project as this is the Planning Commission's authority, but they are required to review it and advise the Planning Commission as they see fit per the provisions of Section 58.090, the standards for development and remodels in this overlay zone. However the application does not need to respond to Section 58.090 criteria except for 58.090(C)(25) signs, since new signs are being proposed but changes to the landscaping and building are not proposed.

Per Subsection 85.170(B)(2)(c)(1)(C)(4) a traffic study is required for a new use if the access driveway does not meet spacing standards. Per 48.060(D)(1) the ingress/egress on Willamette Falls Drive must be 150 feet from the intersection of 10<sup>th</sup> Street because Willamette Falls Drive is an arterial. The driveway is less than 150 feet from this intersection. Therefore a traffic study is required to see how the particular mix of uses

proposed for this site would affect surrounding streets and intersections. The traffic study shall be done following the provisions of 85.170.

For ODOT's input on the 10<sup>th</sup>/8<sup>th</sup> intersection and other issues in the area, contact ODOT Senior Planner Marah Danielson at 503-731-8258 or [marah.b.danielson@odot.state.or.us](mailto:marah.b.danielson@odot.state.or.us).

### **Process**

Conditional Use and Class I Design Review approvals are required. This will be a Planning Commission decision due to the required Conditional Use approval, but the application should be presented for recommendation from the Historic Resources Advisory Board before the Planning Commission hearing.

A neighborhood meeting is required for a Conditional Use approval per 60.060(C). Contact Beth Smolens, President of the Willamette Neighborhood Association, at (503) 503-722-1531 or [willametteneighborhood@gmail.com](mailto:willametteneighborhood@gmail.com). 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 60.050, 55.090, and 58.090(C)(25) shall be responded to individually in a narrative. The criteria from Section 55.100 listed in 55.090(A)(1-2) do not apply to this project, so the applicant shall simply state that in their response to 55.090(A)(1) and (2). The applicant should also respond to 55.090(B). Per 55.090(A)(3) Planning can require response to additional sections of the approval criteria of 55.100, in addition to the particular criteria of 55.100 that require response by 55.090. Therefore the applicant shall also respond to the following criteria that relate to changes proposed at the site:

- 55.100(A)(7) Off-street parking and loading
- 55.100(A)(8) Access, egress, and circulation
- 55.100(A)(10) Landscaping
- 55.100(B)(7)(d-e) Pedestrian circulation in parking lots
- 55.100(H) Public transit; i.e. will the use increase trips? And is a proportional improvement to transit infrastructure or a new stop warranted?
- 55.100(I)(1) Streets- after completing the traffic analysis, but before the application, discuss with Engineering whether the results of the study might trigger any street improvements
- 55.100(L) Signs, assuming these will be proposed

Prepare the application and submit to the Planning Department with a signed application form. The deposit for Conditional Use Permit is \$4,500, plus a \$200 fee for

eventual final inspection. The deposit for Class I Design Review is \$2,100. **PLEASE NOTE that the deposits are initial deposits, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may be likely to occur.**

If the permit to Enlarge/Alter a Non-conforming Structure is needed due to the particulars of what is proposed for the landscaping, as discussed above, this would be another \$3,000 of initial deposit, and would require a narrative response to 66.080(B)(2).

Follow 60.060, 55.070, 58.070, and 85.170(B)(2) strictly and completely regarding submittal requirements (including plans, maps, etc.) that should accompany the narrative and the application form. 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 review meeting with the HRAB and a hearing with the Planning Commission. Staff will send out public notice of the Planning Commission 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.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

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.