

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
November 1, 2012

SUBJECT: Class II Parks Design Review, Historic Landmark, Willamette River Greenway and Flood Management Area permits for construction of a 62 X 33 foot “Carriage House” to be used for summer weddings and similar social functions at the McLean House property located at 5350 River Street.

ATTENDEES: Applicants: Kevin Pike, Mike Watters, Ken Worcester (Parks Director) Staff: Peter Spir (Planning Department)

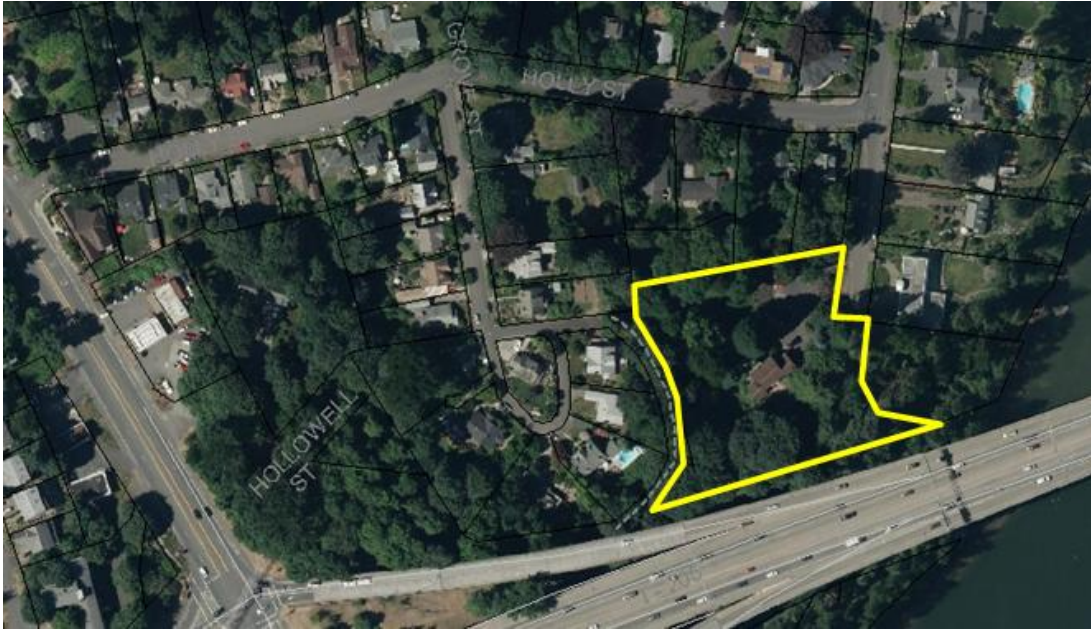
*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. **These comments are PRELIMINARY in nature.** Please contact the Planning Department with any questions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

PROJECT DETAILS AND BACKGROUND

The McLean House, located at 5350 River Street, was built in 1927 and is owned by the City of West Linn. The house and surrounding gardens have hosted weddings and similar functions for decades. It is managed and operated by the “Friends of the McLean House”.

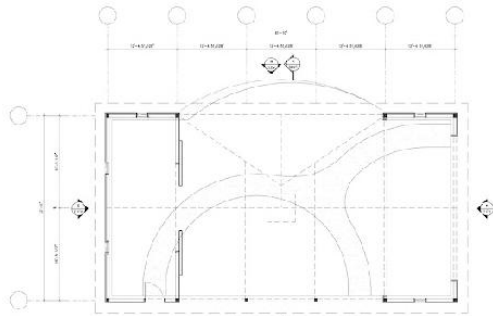
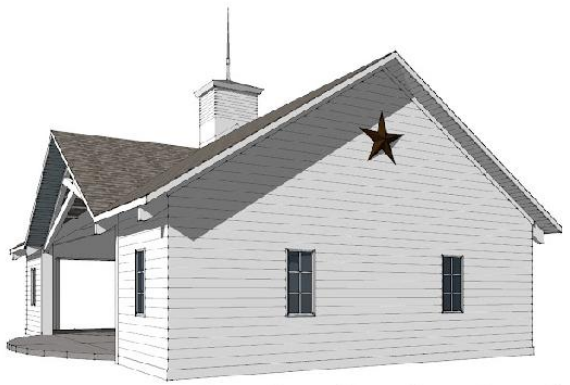


McLean House front elevation



The applicant proposes a 62 X 33 foot “Carriage House”, to expand available covered area for summer weddings and similar social functions. The proposed structure would be located on an existing patio area to the northwest of the McLean House.





OPTION 1



Proposed Carriage House design

HISTORIC LANDMARK STATUS

The McLean House is a designated historic landmark structure regulated by CDC Chapter 26: Historic Landmarks. City records offer the following as the basis for the designation:

Doctor Edward McLean built the McLean house in 1927 for his family. Dr. McLean and his wife Anne helped design and build this lovely modified colonial style, three-story home to suit the needs of their growing family. It included seventeen rooms, a full basement and attic, two fireplaces, and three full baths.

The home was built with the finest craftsmanship the 1920's had to offer, including handcrafted woodwork, sculptured wallpaper, charming fixtures, spacious bedrooms, a sun drenched conservatory and a complete kitchen. The main stairway, including balustrade, doors, windows, sills, and all moldings are of native walnut.



Historical photo of McLean house with vegetable garden in the foreground

When planning his home, McLean chose a four-acre site on the beautiful Willamette River, overlooking Oregon City. He purchased the site in 1922 from the Moody Investment Company and developed it into an arboretum of grand trees, shrubs, a vegetable and flower garden, tennis court, pony barn, and plenty of room for the McLean children to explore with their friends.

Anne McLean eagerly participated in a variety of family and community endeavors, and she particularly enjoyed her rose garden. Today, the giant sequoias stand where the vegetable garden was. Of the original 4-acre site, 2.4 acres remain after the construction of the George Abernathy (I-205) Bridge

It is noted that historic landmark designation can be based on any of the following criterion:

- that the house embodies architecture representative of a particular period, style or includes distinctive design elements,
- that a historic personage lived there,
- that it was the site of a historic event,
- that it represents the work of a master builder/architect, or
- that it has yielded, or will likely yield, important historical information.

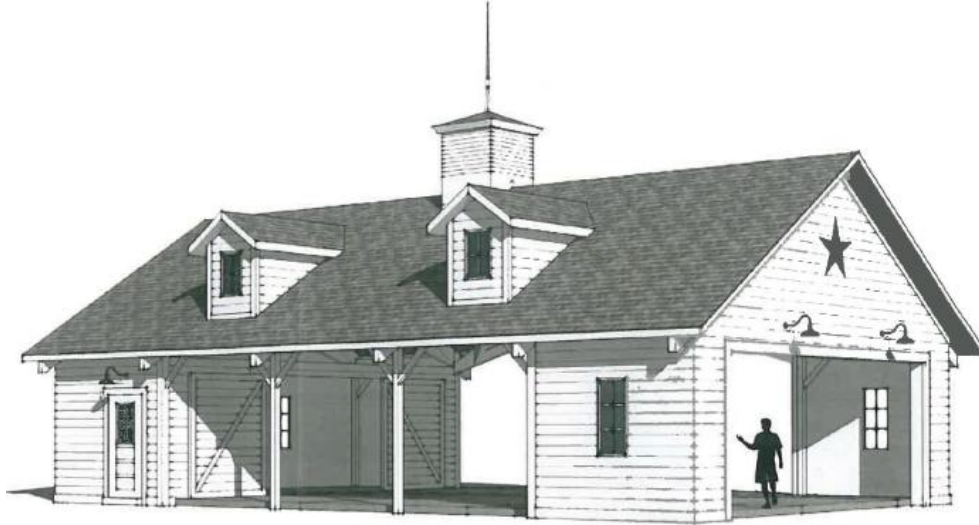
In the case of the McLean House, it was the first criterion: architecture- that justified, in large measure, its designation. (Staff notes that the landmark designation documents state that the property's association with Dr. McLean was also grounds for designation.)

Having established the basis for the historic landmark designation staff defers to Section 26.060(A) for an explanation as to why a permit is required for the Carriage House.

*It is the intent of this section to provide for an appropriate level of review for a proposed alteration to an historic landmark, and **proposed development on a site containing an historic landmark**, as well as to provide criteria ensuring effective and efficient review of such proposed alteration and development.*

Thus, a Historic Landmark permit is required because the proposed Carriage House represents development on a site containing a historic landmark. The initial hearing body will be the West Linn Historic Review Board. Their recommendation will then go to the Planning Commission for the final decision.

The fact that the historic designation was not based on the site means that some structures could be added to the site without compromising the basis of the historic designation. Staff would underscore the word “some structures” in that it is important that the McLean House maintain its status as the primary or principal structure on this property. By adding a 62 X 33 square foot X 24 foot tall Carriage House, the concern is that its height and size could compete with, or overpower, the principal structure.



Proposed Carriage House

ARCHITECTURE

Comparing the two structures, the McLean House’s footprint comprises approximately 1,849 square feet while the proposed Carriage House has a footprint of almost 2,046 square feet. Both structures have similar front elevation widths of 61 to 63 feet. The McLean House is two stories and 29 feet tall the Carriage House is just 1.5 stories and 24 feet tall plus an additional five foot cupola. So whereas they both share similar footprints, the taller height of the McLean house ensures that it will maintain its status as the principal structure. Staff also finds that the presence and mass of the Carriage

House is downplayed because the structure is tucked behind the McLean House as seen from River Street and the main parking lot.

The Carriage House's 2.5-3:1 height to width ratio of the windows matches period architecture and the proportions of the McLean House's windows. Windows will also be broken into multiple lights to match the McLean House. The dormers on the carriage house provide visual interest and relief from the large roof area.

At the pre-application conference it was stated that the large openings on three sides of the Carriage House would have sliding doors to enclose the interior space. This would help attenuate noise and/or allow the building to be used year round. The design of those sliding doors, which will occupy a large part of the three elevations, will need to be reviewed. Staff's concern is that they could create blank wall elevations unless windows or some other detail are introduced to break up the space.

The applicant has also provided a photomontage of the proposed Carriage House (below at right) with the McLean House shown at the left. Based on this representation, the Carriage House's style of architecture, roof pitch, horizontal siding and color choice is complimentary to the principal structure.





Please note that it is the applicant’s responsibility to check with the State Historic Preservation Office (SHPO) to determine if the addition of the Carriage House would compromise the McLean House’s bid for National Historic Register status. (Given that the site itself is not the basis for the original landmark designation; staff expects that SHPO will find that the addition will not be a deciding issue.)

CLASS II PARK DESIGN REVIEW

The McLean House site is also a designated city park (special use park facility). Additions or changes to parks require a permit pursuant to CDC Chapter 59: Park Design Review. Section 56.020(A) explains:

*This chapter applies to the development of all new parks and natural resource areas. It also **applies to changes including the introduction of new facilities** and major repairs at existing parks and natural resource areas. No work, except as exempted in CDC 56.025, may take place in these parks and natural resource areas without first obtaining a permit through this chapter and through the appropriate decision-making body.*

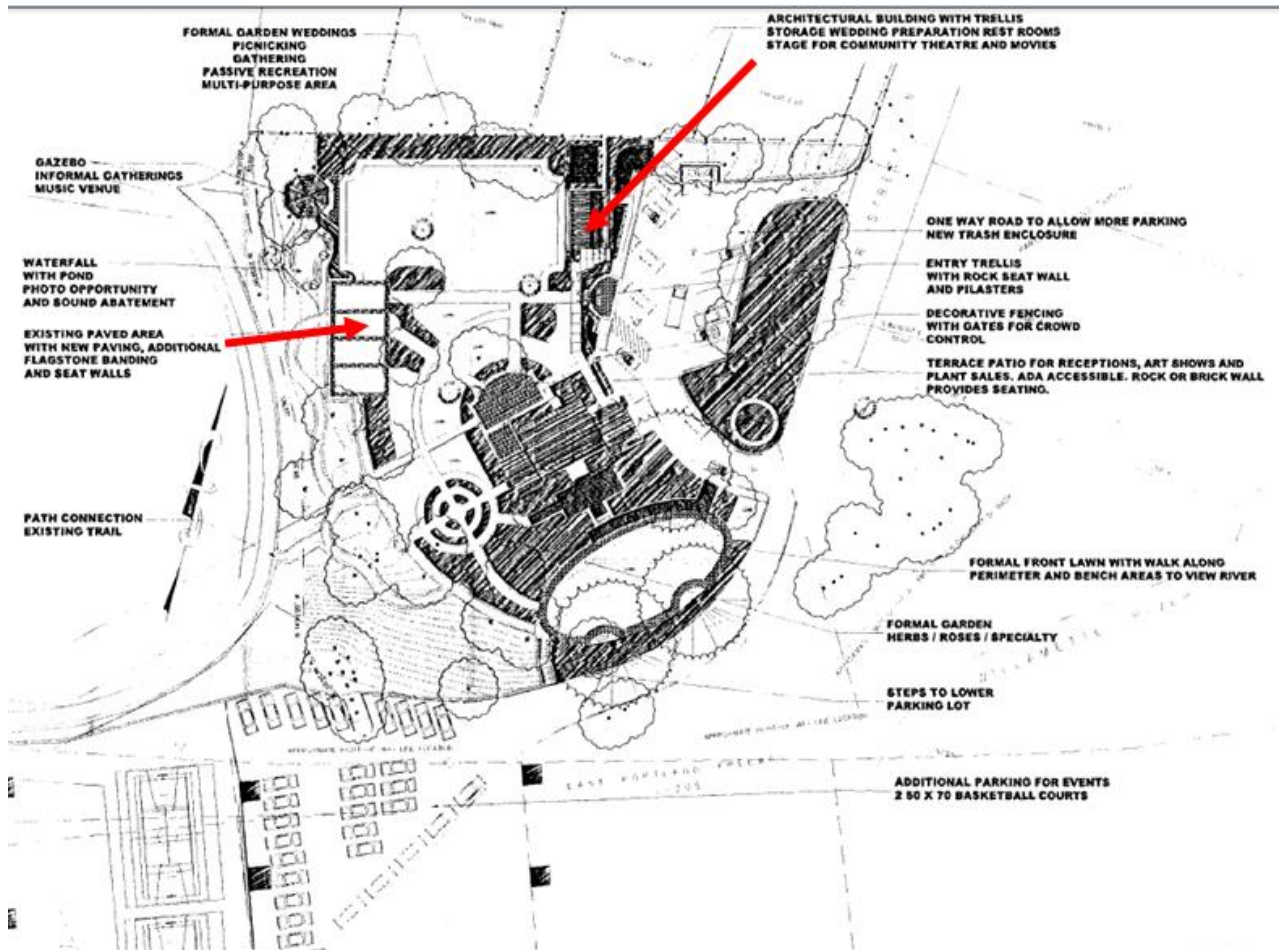
There are two types of parks design review, Class I or Class II. Class II design review is the more extensive review process and involves a hearing with the Planning Commission.

Although there is no explicit declaration in the table from that chapter stating that new buildings must go through level II parks design review, the fact that a “10 percent increase in building size” or “development of a park or park facility” triggers that level of review indicates to staff that a level II parks design review is required.

Exemptions (CDC <u>56.025</u>)	Class I (CDC <u>56.020(C)</u>)	Class II (CDC <u>56.020(D)</u>)
Sidewalks, paths, sidewalks, walls and fences up to 200 feet long outside of the natural resource area (NRA).	Sidewalks, paths, sidewalks, walls and fences over 200 feet long and all those within NRA.	Development of a park or park facility and all other major construction projects.
Architectural or other “replacement in kind.” Substituting one sports program for another.	Addition or elimination of a park facility (e.g., baseball diamond).	Program changes to park that result in it being reclassified as a different type of park.
Color changes.	Additional playground equipment.	
Revisions to circulation and parking layout.	Ten percent increase or decrease in building size.	Over 10 percent increase in building size.

Chapter 56 Parks Design Review incorporates most of the approval criterion of Chapter 55 Design Review, with the principal difference being that the proposed improvements must be in agreement with the Parks Master plan.

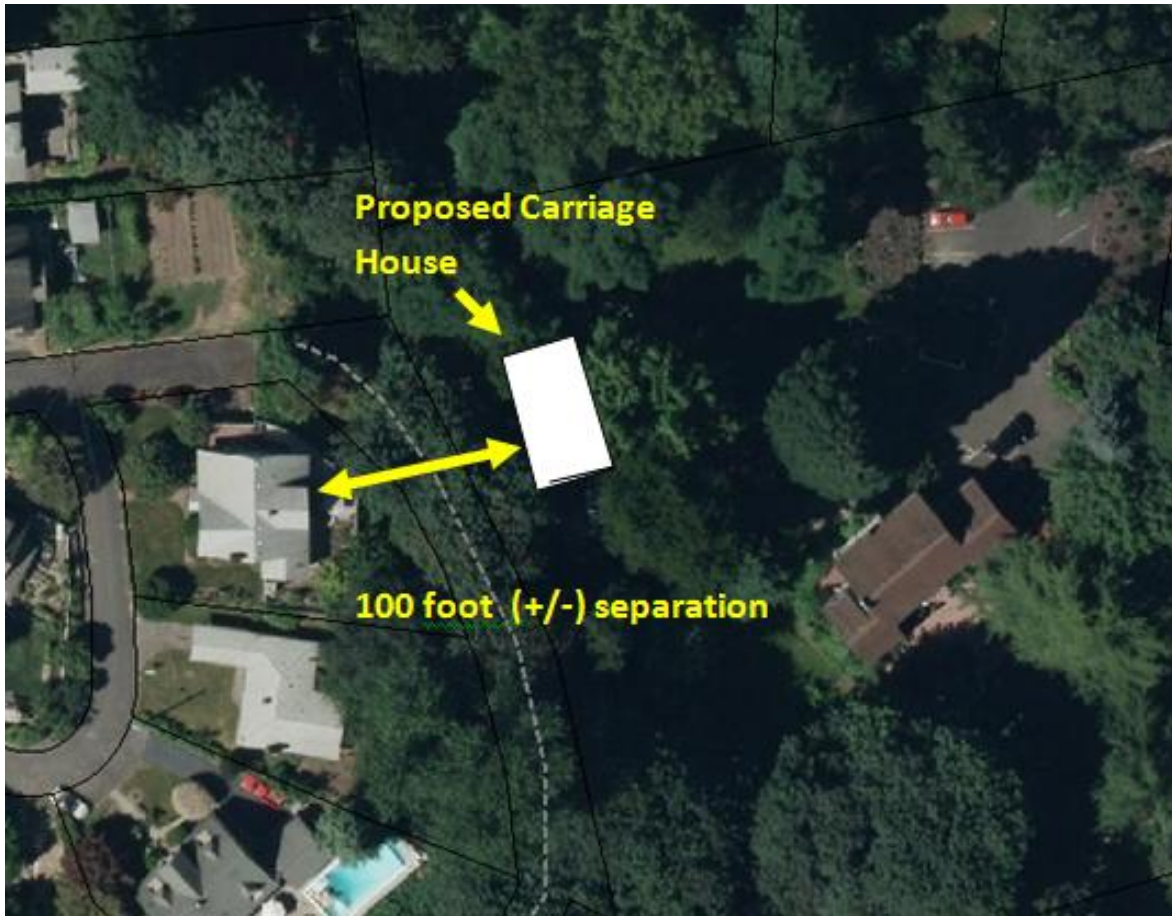
The Parks, Recreation and Open Space Master Plan, adopted in 2007, identifies McLean Park as a “Special Use Area” that is to be developed in the future consistent with the adopted McLean House Master Plan (2005). That 2005 plan envisioned the layout seen below with a new building on the north edge of the site offering rest rooms, storage, wedding preparation, and a stage for movies and a community theater. (This building could be considered as similar to the proposed Carriage House.) The plan also showed a gazebo at the northwest corner. The area being proposed for the Carriage House is shown with minimal improvements in the form of new pavers and no structure.



McLean House Master Plan (2005)

Although the location of the large accessory structure proposed in the master plan has been moved, staff finds that both locations have similar, potentially adverse, impacts on neighboring homes in terms of noise and glare. What makes the proposed location more attractive is that the Carriage House is pushed behind the McLean House so that it doesn't compete architecturally for attention. In contrast, the 2005 plan's accessory structure was close to the point of access to the site and would have competed with the McLean House. The 2007 Parks Master plan notes that special use facilities should make provision for parking and other functional requirements. The 2005 McLean House plan anticipated that need by showing additional parking on property to the south of the developed park area.

Parks Design Review approval criteria also includes section 56.100(F) "Compatibility between Adjoining Uses". This is an area of concern for staff in that the Carriage House is proposed to be about 100 feet from the back of homes on Grove Street. It is assumed that many of the weddings/social functions will go until 10pm. And, with three of the Carriage House's sides open, it is staff's expectation that noise will impact these homes/homeowners.



NOISE

At the very least, the applicant should anticipate having to conduct a noise study to demonstrate compliance with Oregon DEQ daytime and nighttime standards. The study would be conducted by an Oregon licensed acoustic engineer.

Staff acknowledges that ambient noise is generated by I-205 traffic but notes that different noise sources can produce different readings. Traffic produces low frequency noise while speeches, conversations, music, etc. produce high frequency noise. Staff also recognizes that the Carriage House could actually contain some of the noise.

GLARE

Glare from the Carriage House and the future parking lot area is also a concern. A photometric study may be required unless the applicant can make a clear demonstration that no off site glare will occur. It should also be noted that the concern about lighting will also extend to potential glare towards the river and associated riparian areas.



Proposed Carriage House footprint on existing patio area with the neighbors 100 feet away

PARKING

The need for parking to keep pace with facility/building expansion was referenced in the 2007 Parks Master Plan. Staff counted 12 full sized spaces plus one ADA space. Since the spaces were all full sized, the mix of 50% compact at 8 X 16 feet and 50% full sized at 9 X 18 feet was not met. The one ADA space was correctly dimensioned.

The required parking is per section 46.090(C) (8) "*Convention, trade or banquet center*" which requires one space per every three people allowed by the TVFR Fire Marshall's occupancy/capacity permit in that building. The McLean House permit is for 70 people (standing). Twenty-three 23 spaces are required. With only 13 spaces, the McLean House is ten spaces shy of the parking requirement. Consequently, the McLean House is a non-conforming structure due to an inadequate number of parking spaces and improperly dimensioned spaces. It is also non-conforming due to inadequate interior landscaping in the parking lot.

The Carriage House will add to that parking requirement. The applicant will have to provide the City with correspondence from the Fire Marshall confirming an allowable capacity for the Carriage House. (**The Tualatin Valley Fire and Rescue (TVFR) contact is Drew DeBois at 503-259-1404 Drew.DeBois@TVFR.com** .) Based on the occupancy, the city will establish a parking requirement for the Carriage House. (It would be reasonable to expect a number close to 23 spaces being required for the Carriage House since its footprint is similar to the McLean House.) The applicant will then have to provide that parking plus any required parking lot landscaping, lighting and pedestrian connections to the McLean House.

The use of on street parking on River Street is permissible for active or passive oriented parks (see section 46.090(B) (10) (11)) where there is at least 300 feet of ROW adjacent to the park. At this location, there is only 105 feet of adjacent ROW so it cannot be counted towards the required parking.



Main parking area

Potential parking area north of I-205 bridge/ROW would be in the WRG and FMA. Building a 24 foot wide access driveway would be a challenge.



The area that is expected to be used to address the parking requirement extends south of the McLean House to the “shadow” of the I-205 Bridge. (The area under the bridge is ODOT ROW and cannot be used to satisfy parking requirement without their permission.) This area is in the Willamette River Greenway’s (WRG) Habitat Conservation Area and within the Flood Management Area’s (FMA) 100-year floodplain. WRG and FMA permits will be required if a parking lot is proposed in that area. This area would also require extensive grading and construction for a parking lot and access driveway to be built per CDC Chapter 46 and 48. (Alternately, the applicant could apply for a Class II Variance to waive the additional parking facilities and/or a variance to allow a narrower access driveway etc. The chances of a successful variance are poor.)

Additional ADA accessible parking will be required per section 46.150 (B). Section 56.100(K) (8) also requires consideration of access per Chapter 48.

ACCESS

The site is served by only one point of ingress/egress: River Street. For most purposes, the paved width of 24 feet is adequate but for emergency/fire purposes, the pavement width may not.

The applicant will need to obtain positive comments from the TVFR Fire Marshall regarding access. Alternately, the applicant may have to anticipate installing fire sprinklers in the Carriage House and/or the imposition of other conditions.

Section 56.100(H) requires adequate streets. The River Street ROW is 50 feet with a paved street width of 24 feet. There are no sidewalks in this neighborhood. Chapter 96 requires applicants to install necessary street improvements at the direction of the City Manager or designee (City Engineer) to the degree that nexus and proportionality allow. The applicant should consult with the City Engineer to determine what will be required.

Maintaining the existing trail route from River Street to Territorial Road will be required.



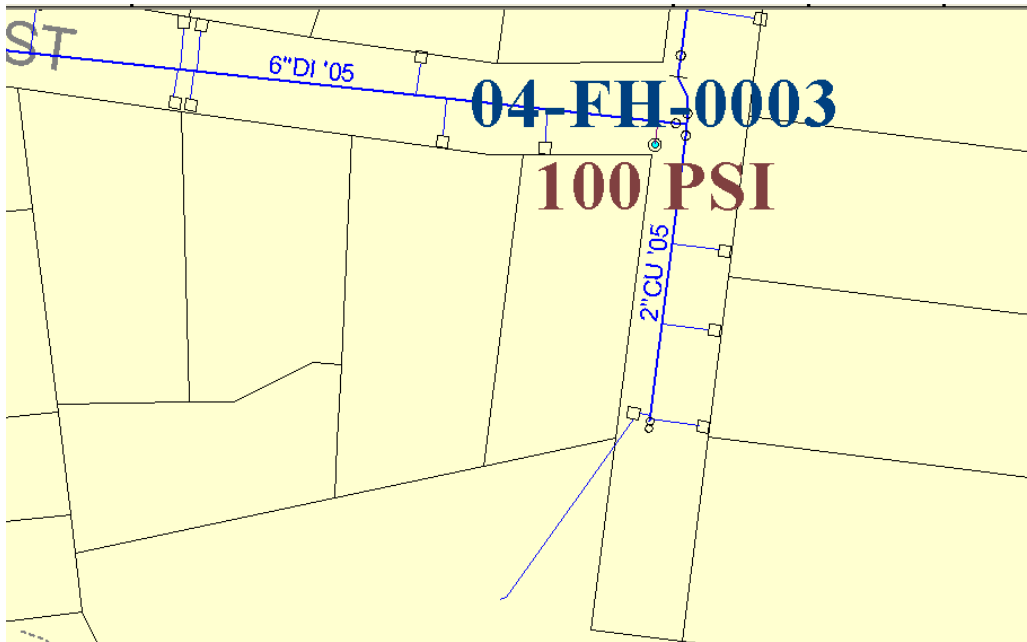
River Street (24 feet wide) with McLean House property on the left

OTHER

Section 56.100(G) relating to “Crime prevention and safety/defensible space” is especially applicable in the required parking areas given the fact that many of the activities will be after dusk. Lights will have to be installed in the parking lots and along the pedestrian routes between the parking lot, the McLean House and the Carriage House.

Although not a part of the Parks Design Review approval criteria, the Planning Director will require that the applicant demonstrate that facilities are adequate for the proposed

use including water supply. The nearest fire hydrant is at the corner of Holly Street and River Street. The city's GIS map states that there is 100 PSI at the hydrant. The water line from the hydrant to the McLean House is a two-inch line. The applicant will need to demonstrate that the two-inch line will provide adequate fire flow to the proposed Carriage House. **The Tualatin Valley Fire and Rescue (TVFR) contact is Drew DeBois at 503-259-1404 Drew.DeBois@TVFR.com**



Water lines (in blue) with hydrant at the intersection. Two-inch line shown.

NON-CONFORMING STRUCTURE

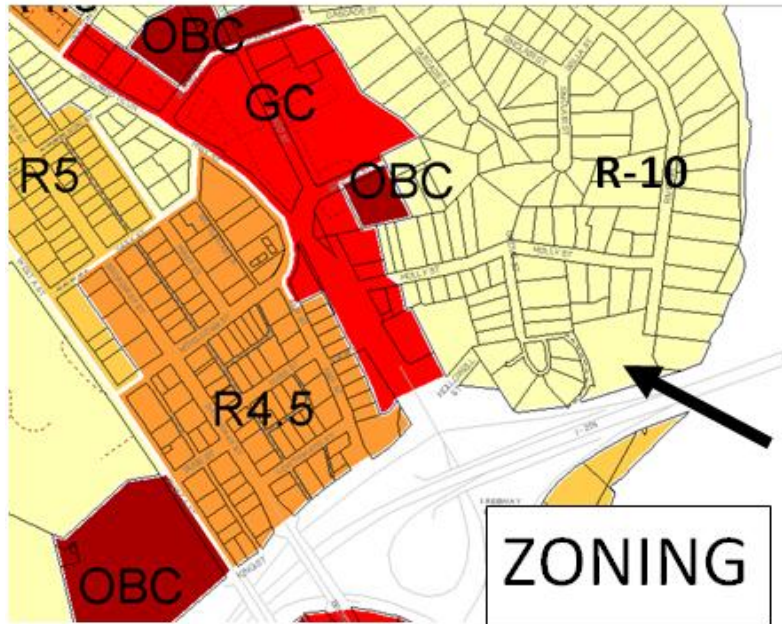
The McLean House is a non-conforming structure by virtue of inadequate parking, parking dimensions and parking lot landscaping.

Despite the fact that this accessory structure is expanding the functionality of the site and activity, Chapter 66: "Expansion/Alteration of a Non-Conforming Structure" only applies to additions or enlargements to the original McLean House building itself. Therefore, Chapter 66 does not apply to the Carriage House.

ZONING

The zoning at the site (tax lot 1300) is R-10 (single family residential/10,000 square feet minimum lot size) which allows "community recreation" outright. The Carriage House qualifies as "community recreation" which is defined as: "*Recreational, social, or multi-purpose uses typically associated with parks, play fields, or golf courses.*" There is a 20

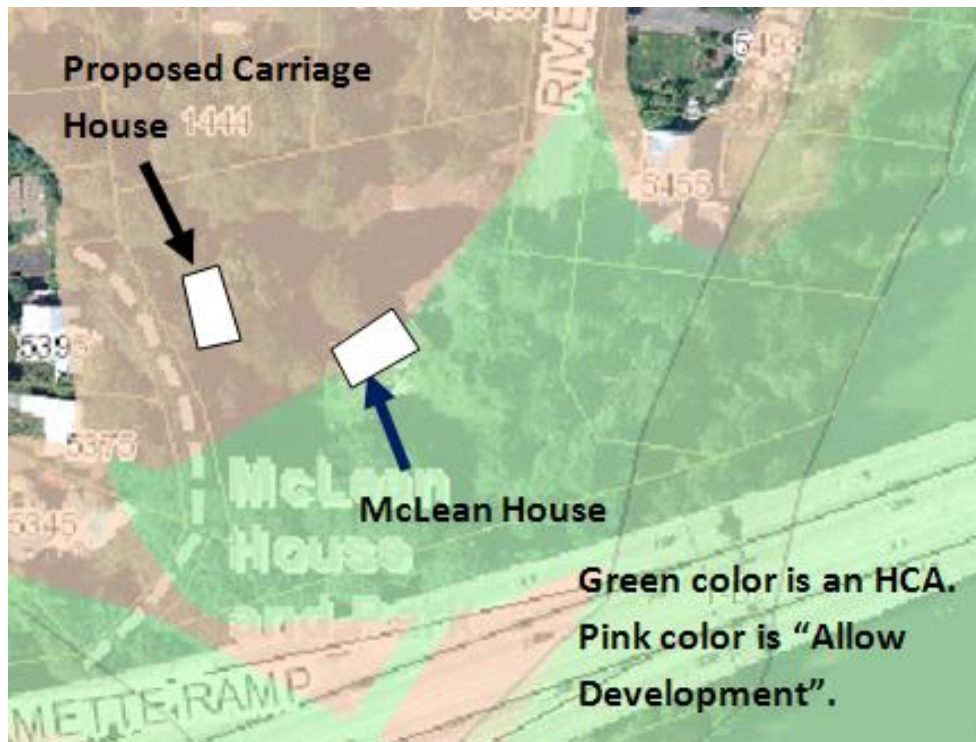
foot rear setback from the Carriage House towards Grove Street property line. The property south of the McLean House Park is in the I-205 ROW and is currently unzoned.



ENVIRONMENTAL ISSUES

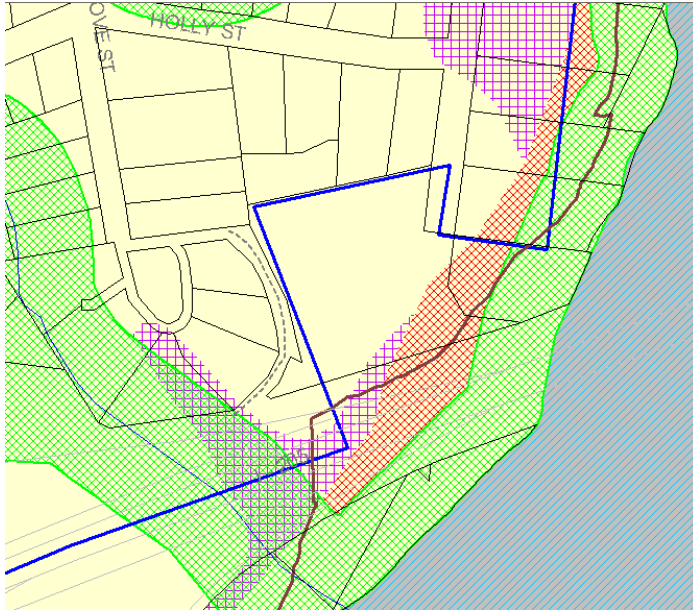
Although the property is within the Willamette River Greenway (WRG), the proposed Carriage House is located outside of Habitat Conservation Areas (HCAs) and, as such, is exempt from the WRG permit. The exemption is explained in section 28.040(S):

In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas Not Designated as HCAs" and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

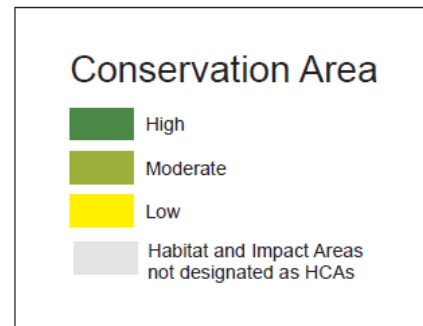


Although the proposed footprint of the Carriage House is also outside of the 1996 flood boundary and the 100-year flood boundary, if the applicant constructs parking and driveway improvements in the area south of the McLean House and inside the boundaries of the McLean House property, a WRG permit and Flood Management Area (FMA) permit would very likely be required since most of those areas are in the high/moderate HCA and/or in the 100 year floodplain and 1996 flood boundary.

Most of the area within the I-205 ROW south of the McLean House Park is in the WRG since it is within a High HCA. (see map above)



100 year floodplain is identified by the orange pattern above
The 1996 flood is the brown line



The property hosts a number of significant trees. Some are very close to the proposed site although none are in the footprint of the proposed structure. Tree protection measures will have to be in place for the construction and adjacent work/storage areas.

The City Arborist should be consulted as to the probable impacts of the proposed development.

PROCESS

A Historic Landmark permit and a hearing before the Historic Review Board are required. The submittal requirements are found in section 26.090. However, the only approval criterion is for new construction of single family homes (section 26.060(D)). Because this is not a single family home, none of the approval criterion applies and no further attention to this chapter is required. It is expected that the Historic Review Board will be considering the potential impact of the Carriage House on the McLean House's Historic Landmark designation and offering recommendations to the Planning Commission regarding the design of the Carriage House.

A Parks Design Review permit is required. The submittal requirements are in section 56.070 and 56.080. The applicant may ask for a waiver (per section 56.085) of the site analysis submittal requirements but only if it can be shown that the application will not require any modification of the site (e.g. grading etc.). The approval criterion is in section 56.100. The applicant should respond to all criteria. N/A is not an acceptable response to the approval criteria.

Whereas the contextual architectural standards of Chapter 26 do not apply, the contextual design standards of 56.100(D) (1) are applicable:

“Larger buildings are defined as those over 1,000 square feet and under 10,000 square feet in size. In those cases, contextual design is required. “Contextual design” means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure. Also important is breaking the larger building into smaller visual components so that the mass of the building is not so apparent.”

This provision will allow the Planning Commission (and staff) to weigh the proposed design against the architecture of the McLean House and any other nearby homes or structures.

The Planning Director will require demonstration that there is adequate fire flow/water supply for the Carriage House per section 56.085(A).

The Willamette River Greenway (WRG) permit submittal requirements are found in section 28.090. The approval criterion is in section 28.110(A) (C) (D) (L-Q) (T) (U).

The Flood Management Area (FMA) permit's submittal requirements are found in section 27.050. The approval criterion of section 27.060, 27.070, and 27.120 apply to parking and driveway areas.

A neighborhood meeting is not required for this project since public uses are exempt per section 99.038. Nonetheless, neighborhood meetings are always encouraged by staff. If the applicant chooses to have a neighborhood meeting, contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or gbryck@easystreet.net. In voluntary situations, the exact protocols of section 99.038 do not have to be followed.

The deposit for the Class II Parks Design Review permit is four percent of construction value (CV) with a 1,000 dollar minimum deposit for projects with a CV less than 100,000 dollars and a maximum deposit of 8,000 dollars for projects with a CV between 100,000 and 500,000 dollars. Projects with a CV over 500,000 dollars are required to pay a deposit fee of 4,000 dollars plus 4% of the CV to a maximum deposit of 20,000 dollars. There is a design review inspection fee of 300 dollars. The Historic Landmark deposit fee is the same as the design review fees above. Both fees will be charged.

A WRG permit has a deposit fee of 1,700 dollars. An FMA permit has a deposit fee of 1,050 dollars.

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 the deposits cover, and therefore additional billing is likely to occur. The *fees* are not refundable regardless.

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.

Prepare the application and submit to the Planning Department with all deposit fees and a signed application form.

Once the submittal is deemed complete, the Planning Director will send out public notice of the Historic Review Board (HRB) hearing. Once the HRB hearing and recommendations are complete, the Planning Commission hearing will be noticed and held to decide the Class II Parks Design Review, Willamette River Greenway and Flood Management Area permits. The Planning Commission decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

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

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, in cases where the CDC is significantly amended or the proposal sees significant change, a new pre-application conference shall be required. In any case, 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.