



PLANNING COMMISSION PUBLIC HEARING

DATE: APRIL 7, 2010

FILE NO.: DR-09-11/VAR-10-01

**REQUEST: CLASS II DESIGN REVIEW FOR NEW CITY
PARK WITH CLASS II VARIANCE REQUESTED
FOR DRIVEWAY WIDTH**

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DEVELOPMENT REVIEW APPLICATION

DR-09-11
(VAR-10-01)

TYPE OF REVIEW (Please check all boxes that apply):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> One-Year Extension * |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> <u>Pre-Application Meeting</u> * |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Flood Plain Construction | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Hillside Protection and Erosion Control | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Historic District Review | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment * /** | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc |

Home Occupation / Pre-Application / Sidewalk Use Application * / Permanent Sign Review * / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT _____ * No CD required / ** Only one copy needed

Kim Worcester 22500 Salamo Rd West Linn 97068 (503) 723-2555

OWNER'S ADDRESS CITY ZIP PHONE(res.& bus.)

Mike Perkins 22500 Salamo Rd West Linn 97068 (503) 723-2554

APPLICANT'S ADDRESS CITY ZIP PHONE(res.& bus.)

CONSULTANT ADDRESS CITY ZIP PHONE

SITE LOCATION 2280 Rogue Way, West Linn, OR 97068

Assessor's Map No.: 21E35AL Tax Lot(s): 14800 Total Land Area: 2ac

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or grant may be reversed on appeal.. No permit will be in effect until the appeal period has expired.

4. **Four (4) 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.**

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.

SIGNATURE OF PROPERTY OWNER(S)
X [Signature] Date 2-17-10

SIGNATURE OF APPLICANT(S)
X [Signature] Date 2-17-10

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068; PHONE: 656-42185 FAX: 656-4106

Application for Design Review for

DOUGLAS PARK

Re-submittal: February 3, 2010

Originally submitted to
The City of West Linn, Oregon
October 29, 2009

Applicant:
The City of West Linn
Parks and Recreation Department
22500 Salamo Road
West Linn, Oregon 97068

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**INTRODUCTION
DEVELOPMENT TEAM**

Applicant:

The City of West Linn
Parks and Recreation Department
22500 Salamo Road
West Linn, Oregon 97068
Phone: (503) 557-4700
Fax: (503) 656-4106
Contact: **Ken Worcester, Director**

Property Owner:

The City of West Linn
Parks and Recreation Department
22500 Salamo Road
West Linn, Oregon 97068
Phone: (503) 657-0331
Fax: (503) 650-9041
Contact: **Chris Jordan, City Manager**

SUMMARY OF PROPOSAL

The Applicant is proposing to develop property owned by the City of West Linn into a public park, known as Douglas Park. The proposed park site contains 2.00 acres and is located in south central West Linn, in the Douglas Park subdivision.

The proposed Douglas Park design offers passive and active recreation opportunities to ensure the site's natural topography is maintained to the greatest degree possible while meeting the desired program elements. The program elements and site design were determined through the master planning process resulting in the "West Linn Park Recreation and Open Space Plan" and through an extensive public process to ensure that the future park will meet the community's needs. Specifically, the proposal includes a basketball court, a future public restroom, a play area including a "sprayground", a network of pedestrian paths, two small covered picnic areas and an open lawn area for active and passive recreation. The future public restroom is the only enclosed structure planned for the site. Finally, a total of 5 parking stalls will be provided in a small on site parking lot.

SITE DESCRIPTION

This site carries a designation of 'Parks' on the City of West Linn Zoning Map and Comprehensive Plan Map. The property is owned by the City of West Linn and is identified as a park on the "West Linn Park Recreation and Open Space Plan." Therefore, the proposed use is in compliance with these designations.

The site is bordered mostly by existing and future single family homes with public access via two sections of the property that border Haskins Road and Rogue Way

The site is an open vacant lot with no existing structures onsite. The site is mostly flat with a gentle slope east to west and the most drastic slope on the westernmost point, out of range of any major development. Elevation change over the majority of the site is approximately 40 feet, with the

highest elevation of 535 feet along the eastern border, and the lowest elevation of 495 feet tucked into a narrow point at the western boundary. Major natural features on the site include some large trees scattered throughout the site. The site drains westerly with much of the drainage flowing into adjacent properties. The site is currently mostly an open field with some trees.

COMMUNITY DEVELOPMENT CODE

CHAPTER 30 WETLAND AND RIPARIAN AREA PROTECTION

30.100 Approval Criteria

- A. The Planning Director or Planning Commission, as applicable, shall make findings with respect to the following criteria when approving, approving with conditions, or denying an application. The provisions of the following chapters shall be met as applicable:**
- 1. Chapter 27, Flood Hazard Construction.**
 - 2. Chapter 28, Willamette River Greenway.**
 - 3. Chapter 29, Tualatin River Bank Control.**
 - 4. Chapter 32, Natural Drainageway Protection. (ORD. 1425)**

Response: The subject site is not located within the 100-year flood plain or within proximity to the Willamette or Tualatin Rivers. Therefore, there are no applicable sections of Chapters 27, 28, 29 or 32.

- B. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives which reduce or minimize these impacts shall be selected.**

Response: There are no adverse environmental impacts associated with this site. Additional runoff from added hard surfaces will be collected and treated in an on-site stormwater detention facility. In addition, the parking area is planned to be constructed with permeable concrete.

30.130 Construction and Management Plan

- A. A construction plan shall be developed, including timetables and assurances for performance; and,**

Response: The City plans to begin construction of the park this winter with completion by summer of 2010. A detailed construction management plan shall be developed and submitted to the City of West Linn in conjunction with the City's review of construction documents.

- B. A management plan shall be developed for ongoing monitoring and maintenance, including assurances for performance.**

Response: The proposed Douglas Park will be included in the City's Park Maintenance Management System and therefore, ongoing monitoring and maintenance will be up to the City.

- C. **Assurances shall be established to rectify any mitigation actions which are not successful. This may include bonding or other surety.**

Response: The park will be constructed by the City of West Linn; therefore, all assurances for performance are the City's responsibility.

CHAPTER 31 EROSION CONTROL

31.060 Approval Criteria

The City Engineer or designee shall make a written finding, as applicable, with respect to the following criteria when approving, approving with conditions, or denying an Erosion Control Permit.

- A. **The Erosion and Sediment Control plan shall follow the guidelines of the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook* (Clackamas County Department of Utilities most current edition).**

Response: The Erosion and Sediment Control plan utilized the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook*. Therefore, this standard is met.

- B. **All developments shall be designed to minimize the disturbance of natural topography, vegetation, and soils.**

Response: The proposed park plan has been designed to minimize the disturbance of natural topography, vegetation and soils. The park features have been sited to avoid the desirable trees on site.

- C. **Designs shall minimize cuts and fills.**

Response: The design has minimal grading proposed.

- D. **The plan shall prevent erosion by employing prevention practices such as non-disturbance, construction phasing, seeding and mulch covers.**

Response: The applicant is proposing to use all appropriate erosion control devices and measures. The applicant proposes a phased construction to contain open ground to the playground/basketball/parking area through the wetter months, and grading of the open field to take place later in the spring.

- E. **The plan shall be designed to allow no more than 10 percent cumulative increase in natural stream turbidities, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction, or other legitimate activities, and that cause the standard to be exceeded, may be authorized provided all practicable turbidity control techniques have been applied.**

Response: There are no adjacent streams to the property. All adjacent properties and catchbasins will be protected with appropriate erosion control devices.

- F. **The applicant shall actively manage and maintain erosion control measures and utilize techniques described in the permit to prevent erosion and control sediment during and following development. Erosion prevention and sediment control measures required by the permit shall remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch, or other permanent soil stabilizing measure.**

Response: The applicant plans on seeding, mulching and planting the site as soon as possible after grading.

- G. **No mud, dirt, rock, or other debris shall be deposited upon a public street or any part of the public stormwater system, surface water system, Water Quality Resource Area, or any part of a private stormwater system or surface water system that drains or connects to the public stormwater or surface water system.**

Response: The Applicant will ensure that no mud, dirt, rock or other debris is deposited directly or indirectly on a public street or any part of the public stormwater system, surface water system, or Water Quality Resource Area.

- H. **Projects with a minimum development size of one acre, including subdivisions, apartments, commercial and industrial, shall meet the following requirements:**
1. **The Erosion Prevention and Sediment Control plan is designed by a certified erosion control specialist; and,**
 2. **The developer enters into an agreement with the City stating that in the event an erosion emergency occurs and is not repaired within 24 hours of the time the City notifies the developer, the City may hire a contractor or employ City staff to repair the erosion problem and bill the developer 125% of the cost to the City.**

Response: The Erosion Prevention and Sediment Control plan was designed by a certified professional engineer and erosion control specialist. The developer is the City and all costs will be billed to the City in the case that there is an erosion control emergency. Thus, this standard is met.

31.070 Erosion and Sediment Control Design Standards

The following specific methods of soil erosion and sediment control shall be used during construction to control visible and measurable erosion. These methods shall be consistent with the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook* (Clackamas County Department of Utilities most current edition).

- A. All land area proposed for excavation, vegetation removal, soil stockpiling, or which will have exposed soil shall be considered part of the development site.
- B. May 1 through September 30, the duration of soil exposure shall be kept to a maximum of 21 days. All disturbed soil that remains exposed for 21 days or more during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following grading or construction, until soils are revegetated or otherwise stabilized.
- C. October 1 through April 30, the duration of soil exposure shall be kept to a maximum of 7 days. All disturbed soil that remains exposed for 7 days or more during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following grading or construction, until soils are revegetated or otherwise stabilized.
- D. During construction, runoff from the development site shall be controlled, and runoff and sediment resulting there from shall be retained on site.
- E. A stabilized pad of gravel shall be laid and maintained at all entrances and exits to any development site from which vehicular traffic may track soil or debris onto the public right-of-way. The gravel pad(s) shall be installed and inspected by city staff prior to any development or site preparation. No other vehicular entrance or exit may be used to access the development site.
- F. Gravel pads shall be maintained to function properly. If the gravel pad does not adequately remove dirt and mud from the vehicle wheels, such that mud tracking is evident off site, additional measures must be taken.
- G. Topsoil removed for development shall be stockpiled and reused to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary, to support revegetation. Soil shall be stockpiled outside of tree dripline, so as not to affect existing tree health.
- H. The owner shall be responsible for the prompt clean-up of all sediments that are carried onto any public or private streets, or onto adjacent property as soon as the owner becomes aware of such problems or within the time required by the City. The owner shall be responsible for cleaning and repairing streets, catch basins, drainageways, storm water drainage facilities, and adjacent properties contaminated or damaged by sediment. Failure to do so will be in violation of this Code.

Response: The methods to manage soil erosion and sediment control identified above will be followed as required. Please refer to the attached Erosion Control Plan which further details compliance with this section. Therefore, the standards set forth in this section have been met.

CHAPTER 33 STORM WATER QUALITY AND DETENTION

33.040 Approval Criteria

The Planning Director and City Engineer shall make written findings with respect to the following criteria when approving, approving with conditions, or denying applications for stormwater detention permits and stormwater quality permits.

- A. Stormwater quality facilities shall meet non-point source pollution control standards required by the Public Works Design Standards.

Response: Almost the entirety of the site will remain pervious after development and will drain consistent with current natural drainage patterns. The only portions of the site that will contain impervious surfaces are where the pathways and program elements are provided on the site. Pathways and the area containing the basketball court will generally contain asphalt or concrete and will sheet flow onto adjacent vegetated areas that will filter stormwater runoff. The only proposed enclosed structure, the public restroom building, will drain from the roof and then sheet flow across the adjacent asphalt and into the adjacent vegetated area that will filter stormwater runoff. The proposed parking area will be constructed from pervious concrete. Site runoff will be directed into an onsite detention pond.

- B. Design of stormwater detention and pollution reduction facilities and related detention and water quality calculations shall meet Public Works Design Standards and shall be prepared by a professional engineer licensed to practice in the state of Oregon.

Response: The proposed Douglas Park will include a 2,413 square foot detention pond immediately adjacent the parking lot. The detention facility has been designed in accordance with the City's Public Works Design Standards and was prepared by a licensed profession engineer.

- C. Soil stabilization techniques, erosion control, and adequate improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse unless no feasible alternatives exist. Interbasin transfers of storm drainage will not be permitted.

Response: Storm drainage will be diverted to a detention facility where treatment will take place before water is released downstream within the same drainage basin.

- D. Stormwater detention and treatment facilities shall encroach no further than 25 feet into the outside boundary of a water quality resource area. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.

Response: There are no known water quality resource areas on or near the site, therefore, the criterion does not apply.

- E. Stormwater detention and treatment facilities shall be vegetated with plants from the Metro's native plant list as described in Section 33.070.

Response: The stormwater detention facility will be planted in accordance with Metro's native plant list.

- F. Projects must either stockpile existing topsoil for re-use on the site or import topsoil, rather than amend subsoils. Soil amendments are allowed only where the applicant can demonstrate they are the only practical alternative for enabling the soil to support healthy plantings, promoting better stormwater treatment, or improving soil infiltration capacity (where appropriate).

Response: It is anticipated that existing topsoil will be stockpiled for reuse on the site. However, soil amendments will be used in specific areas where necessary to support specific plantings that are proposed there.

- G. Interim erosion control measures, such as mulching, shall be placed immediately upon completion of grading of the facilities.

Response: Any necessary interim erosion control measures shall be placed immediately upon completion of grading of the facilities. Therefore, the standard set forth in this section has been met.

33.060 Maintenance and Access Requirements

Maintenance and access requirements shall meet Public Works Design Standards.

Response: Maintenance and access requirements are proposed in compliance with the Public Works Design Standards.

33.070 Plant Material For Water Quality Facilities

Metro's native plant list is incorporated by reference as a part of this chapter. The applicant shall submit a detailed planting plan using species from Metro's native plant list. The intent of this plan is to establish native vegetation to protect against erosion and sediment infiltration. A mix of low maintenance trees, shrubs, and groundcover is preferred with an even distribution.

Response: Appropriate plants will be used.

- A. The planting plan shall be prepared by a professional landscape architect if the development site contains more than 5,000 square feet of impervious area. The planting plan shall include a table listing the scientific names, size, and quantity of plants.

Response: The plan will be prepared by a landscape architect.

- B. The plan shall include plant location, species, size, and quantity for stormwater detention and treatment facilities. Evergreen

trees shall have a minimum height of four feet and deciduous trees shall be at least one-inch caliper in size at the time of planting. Shrubs shall be a minimum of one gallon in size at the time of planting. Spaces shall be filled at mature growth but not so that over planting occurs and overcrowding results. Temporary irrigation systems or other means of ensuring establishment of the plantings must be specified.

Response: All landscaping proposed for the stormwater detention pond will comply with the provisions of this section. All evergreen trees will be at least four feet tall and all proposed deciduous trees will be one inch in caliper and shrubs are at least one gallon in size. Spacing has been incorporated into the plan to consider overcrowding. Some irrigation may be necessary to support the establishment of new plant material.

- C. **Plantings shall be designed to minimize or eliminate the need for herbicides, fertilizers, pesticides, or soil amendments at any time before, during, or after construction, or on a long-term basis. Plantings shall be designed to minimize or eliminate the need for frequent mowing and irrigation.**

Response: Native plants were chosen for the majority of the plant material in order to minimize the need for herbicides, fertilizers, pesticides or soil amendments. Also slow growth plant varieties have been chosen to reduce the need for frequent mowing and irrigation. Some soil amendments will be required in certain areas to ensure the adequate support of these plants.

- D. **The applicant is responsible for implementing the planting plan during the next fall or spring planting season following permit approval. Prior to planting, noxious vegetation shall be removed. All soil areas must be covered with specified plants and mulch to prevent erosion.**

Response: The Applicant understands that they will be responsible for implementing the planting plan during the next fall or spring planting season following permit approval. All noxious vegetation will be removed and soil areas will be covered with the plants and mulch specified in the planting schedule in order to prevent erosion. Therefore, the standard set forth in this section has been met.

- E. **Plantings shall be incorporated into a Public Improvement Guarantee agreement, which includes a maintenance bond as required by CDC Section 91.010(C). The maintenance bond is required for any project involving stormwater quality and detention facilities.**

Response: The site is owned by the City and is already under public ownership. Planting will be maintained by the City Park Maintenance and Operations Department; therefore, the City will be able to ensure that this work occurs.

CHAPTER 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.040 Approval Standards

Approval shall be based on the standards set forth in this chapter and Chapters 48, Access and Circulation; 52, Signs; and 54, Landscaping. (ORD. 1463)

Response: The required number of off street parking spaces is proposed for this park in a small parking lot inside the park boundary.

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. (ORD. 1463)

Response: Does not apply

- B. To calculate building square footage as a basis for determining how many parking spaces are needed, the area measured shall be gross floor area under the roof measured from the faces of the structure, including all habitable floors and excluding only space devoted to covered off-street parking or loading.

Response: The existing building proposed is a public restroom and is not a primary park use; therefore, no additional parking is required to serve this building.

- C. Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales, and distribution employees, during the largest shift.

Response: The proposed park will not have active employees on-site and will not require designated employee parking spaces. Employees of the City Park Maintenance and Operation

Department will periodically visit the site for park clean-up and maintenance activities, but will not require regular use of parking spaces to perform their duties.

- D. **Fractional space requirements shall be counted as a whole space.**

Response: All fractional spaces were counted as a whole space for the purposes of parking space calculation.

- E. **Parking spaces in the public street shall not be eligible as fulfilling any part of the parking requirement except open space/park areas with adjacent street frontage.**

Response: There are no proposed on street parking spaces.

- F. **When an office or commercial development is proposed which has yet to identify its tenants, the parking requirement shall be based upon the "office" or "general retail" categories, respectively.**

Response: The subject application does not include any office or commercial components; therefore, this section is not applicable.

- G. **As permitted uses are replaced with new permitted uses within an existing commercial or business center, modification of the number of parking spaces relative to the new mix of uses is not required unless other modifications of the site which require design review approval pursuant to Chapter 55 are proposed. (ORD. 1463)**

Response: The site is not within an existing business or commercial center; therefore, this section is not applicable.

46.090 Minimum Off-Street Parking Space Requirements

- B. **Public and Semi-public Buildings/Uses:**
 1. **Hospitals/nursing facilities. One space for each 3 beds + 1 space per 2 employees. (ORD. 1463)**
 2. **Lodge, fraternal and civic Spaces to meet the combination assembly (except senior center of uses, Section 46.070(A). and community center). (ORD. 1408)**
 3. **Library. One space per 400 square feet of reading area, plus one space per two employees.**
 4. **Religious institutions and One space for every 4 fixed seats or community meeting rooms. 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).**
 5. **Museum, art gallery. One space for each 500 square feet of floor area, plus 1 space for each 2 employees.**

6. Primary school, middle school, One space for every Employee, or equivalent private or plus 1 space for each 1000 parochial school. square feet of floor area.
7. Senior high, college, or commercial 0.2 spaces per staff and student. trade school, or equivalent private (ORD. 1463) or parochial school.
8. Day care, kindergarten, or pre- One space per employee, plus one school facilities. space for every 300 sq. ft. of floor area.
9. Youth center or community center. One space per 200 sq. ft. of covered floor area and drop-off facilities where required by CDC Section 46.120.
10. Passive parks, open space areas. One space per five acres to one space per acre unless the open space area is abutting a street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed. (ORD. 1499)
11. Active parks, playgrounds. Two to five spaces for each acre of active use area other than athletic fields. If the park is abutting the street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed, on-street parking may reduce the amount of required off-street parking by up to one-half. (ORD. 1499)
12. Athletic field (baseball, soccer, etc.) 40 spaces per athletic field. If the park has at least 300 lineal feet of street frontage where parking is allowed, on-street parking may reduce the amount of required off-street parking by up to one-half. (ORD. 1463)
13. Boat ramp. 40 spaces per launch ramp (50% at 9'X20'; 50% at 10'X40' marked "trailers only").
14. Senior center. One space per 150 sq. ft. and drop-off facility per CDC Section 46.120.
15. Trailhead. Four spaces (includes one handicapped space).
 - (a) On-street parking may substitute for the required off-street parking provided it is contained within the roadway frontage of trail land area; and,
 - (b) Vehicles must be able to approach and leave the trailhead parking area in both directions of travel without having to use driveways as turnaround areas. (ORD. 1391)

Response: The proposed Douglas Park site plan includes a mix of both active and passive uses. Applying the more stringent, active use parking requirement (2-5 spaces per acre of active use area per 46.090(B)(11)) to this two acre site, results in a minimum off-street parking requirement of 4 spaces. Because the proposed site plan includes an off-street parking lot with 4 stalls this criterion is met.

- F. **Maximum parking.** While it is important to establish minimum standards to ensure that adequate parking is available, it is equally important to establish maximum parking standards to reduce paved impermeable areas, to reduce visual impact of parking lots, and to encourage alternate modes of transportation. For these reasons, parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum by more than 10 percent except by variance. (ORD. 1463)

Response: The minimum number of required parking spaces is proposed.

- G. **Parking reductions.** CDC Section 55.100(H)(5) explains reductions of up to 10 percent for development sites next to transit stops and up to 10 percent for commercial development sites adjacent to large multi-family residential sites. (ORD. 1463)

Response: Parking reductions are not requested as part of this application. The plan for the site meets the minimum parking requirements for the site.

- H. **For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The car pool/van pool spaces shall be clearly marked "Reserved - Car pool/Van pool Before 9 a.m." (ORD. 1425)**

Response: The park will only require periodic maintenance by City employees. None of the uses in the park require daily or regular employee shifts. Employee parking is not required on the site.

- I. **Existing developments along transit streets or near transit stops may redevelop up to 10 percent of the existing parking spaces to provide transit oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities. (ORD. 1425)**

Response: The site has not yet been developed and thus is not an existing development. Therefore the criterion is not applicable.

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.

Response: Does not apply.

46.140 Exemptions To Parking Requirements

To facilitate the design requirements of Chapter 58, properties in the Willamette Falls Drive Commercial District/Overlay Zone, located between 10th and 16th Streets, shall be exempt from the requirements for off-street parking as identified in this chapter. Any off-street parking spaces provided shall be designed and installed per the dimensional standards of this Code. (ORD. 1463)

Response: The site is not located in the Willamette Falls Drive Commercial District/Overlay Zone. Therefore the exemption standards set forth in this section do not apply to this site.

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)

Response: All of the proposed parking stalls are standard size.

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.

Response: One disabled, van accessible stall has been provided consistent with current federal dimensional standards and Section 46.150 (B), as demonstrated below. The disabled parking space is located immediately adjacent to the trail entrance to the park, offering the best available access to the park features.

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.

Response: All of the proposed parking is in an off street parking lot.

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.

Response: No service drives are proposed on the site; therefore, this standard is not applicable.

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.

Response: Each parking space will have clear access.

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)

Response: All parking and traffic areas will be clearly marked.

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)

Response: The proposed parking surface is permeable concrete.

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. (ORD. 1463)

Response: No single-, two- or multi-family components are proposed with the park plan. Therefore, the standard does not apply.

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.**

Response: The access drive will meet all of these requirements.

10. **Access drives shall have a minimum vision clearance as provided in Chapter 42, Clear Vision Areas.**

Response: The access drive meets the Clear Vision requirements of Chapter 42 by containing the entire clear vision triangle (30' north and south along Rogue Way measured from the driveway centerline, and 30' west of this intersection with Rogue Way) within the front setback of adjacent properties.

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.**

Response: Wheel stops will be provided.

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.**

Response: Permeable concrete and a stormwater detention pond are proposed to handle runoff.

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.**

Response: No lighting is proposed.

14. **Directional arrows and traffic control devices, which are placed on parking lots shall be identified and installed.**

Response: The parking and access areas will be correctly marked.

15. **The maximum driveway grade for single-family housing shall be 12 percent. Deviations for steep lots may be approved by the Planning Director. Where a driveway is approved for grades greater than 12 percent, the last 16 feet in front of the garage must maintain a maximum grade of 12 percent. The grade break at the bottom of driveways where they meet the public sidewalk or street, shall allow for a smooth transition (e.g., one percent). (ORD. 1463)**

Response: Single-family housing is not proposed with this application. Therefore, the criteria set forth in this section does not apply.

16. **Visitor or guest parking must be identified by painted "GUEST" or "VISITOR."**

Response: The site is proposed to be a public park with equal access for all members of the public. Differentiation between guests and visitors is unnecessary.

17. **The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.**

Response: The proposed parking has less than a 5% grade.

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., 1-foot high berm) plus landscaping. The defensible space of the parking lot should not be compromised.**

Response: The parking lot entrance is a "flag lot" situation, so this requirement does not apply.

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: (ORD. 1463)**
- 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 a, b, and c, above except that groups of up to 18 spaces are allowed. (ORD. 1463)

Response: There are only 4 spaces planned, so this requirement does not apply.

20. Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas (an example in multi-family housing: between recreation center, swimming pool, manager's office, park or open space areas, parking lots, etc.) within a development, between adjacent developments and the new development, as feasible, and between major buildings/activity areas within the development and adjacent streets and all adjacent transit stops. Internal parking lot circulation and design should maintain ease of access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture, (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.) and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.

Response: Does not apply.

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.

Response: The parking and circulation patterns are simple layouts and clearly defined.

22. The parking spaces shall be close to the related use.

Response: The parking spaces are adjacent to the active park features.

23. Permeable parking spaces shall be designed and built to City standards. (ORD. 1463)

Response: All City construction standards will be met.

- 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 is more stringent:
- 1. Minimum number of accessible parking space requirements (see following table):**

Response: According to the table in this section, one accessible parking space is required and is provided on the attached site plan. Therefore, the standard set forth in this section has been met.

- 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.**

Response: The accessible parking space is the closest one to the park features.

- 3. Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.**

Response: The proposed space meets both ADA vertical and horizontal slope standards. Therefore, this standard has been met.

- 4. Where any differences exist between this section and current federal standards, those standards shall prevail over this Code section.**

Response: The Applicant understands that where differences exist between this section and current federal standards, those standards shall prevail over this Code section.

- 5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide. The van stall shall have an adjacent 8-foot wide aisle. All other accessible stalls shall have a 6-foot wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.**

Response: The one disabled parking space provided is a van accessible space and has been designed to the standards stated above. The stall is 8 feet wide with a 96-inch access aisle, as shown on the Site Plan, Exhibit A. Therefore, this standard is met.

C. Landscaping in Parking Areas: Reference Chapter 54, "Landscaping."

Response: Please refer to the responses provided to Chapter 54 in this narrative for demonstration of compliance with the applicable standards.

D. Bicycle Facilities and Parking:

1. Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan.
2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclist's locks securing the frame and both wheels. The bicycle parking shall be no more than 50 feet from the entrance to the building, well lit, observable, and properly signed.
3. Bicycle parking must be provided in the following amounts: (See table on the next page.)

Response: Park uses are not identified in the table referred to in this section. However, a total of 6 bicycle spaces will be provided in close proximity to the basketball court. Bike parking will be a secure stationary rack that the bicycles can be locked to. Therefore, the requirement is met.

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.080 Bicycle and Pedestrian Circulation

- A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)**

Response: Multi-family dwellings are not proposed as part of this application. Nevertheless, a trail system is being provided on-site connecting open spaces and recreation facilities of different areas throughout the park. The trails on-site will be mostly 8-feet wide and some 5 feet wide and composed of asphalt, a durable all-weather material.

- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in Section 85.200(A)(3)(e) of this Code.**

Response: A subdivision is not proposed as part of this application. Therefore, the standard does not apply.

- C. **Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to provisions of Chapter 55, Design Review. (AMENDED PER ORD. 1463; 10/00)**

Response: The site is not a commercial or industrial site. Thus, the criterion does not apply.

CHAPTER 54 LANDSCAPING

54.020 Approval Criteria

- A. **Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three 2-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.**

Response: Every effort has been made by the Applicant to preserve quality on-site vegetation and to incorporate it into the development plan. However, most of the site is an open field and the applicant proposes to heavily plant the perimeter of the site with trees and shrubs for screening purposes. In addition, landscape beds near the playground will be heavily planted with trees and shrubs. All desirable species trees will be kept and have been incorporated into the design. In all, the proposed design plans to add significantly more vegetation than what is currently there.

- B. **To encourage tree preservation, the parking requirement may be reduced by one space for every significant tree that is preserved in the parking lot area for a maximum reduction of 10 percent of the required parking. The City Parks supervisor or arborist shall determine the significance of the tree and/or landscaping to determine eligibility for these reductions.**

Response: There are no trees in the proposed parking area.

- C. **Developers must also comply with the Municipal Code chapter on tree protection.**

Response: All significant trees are being protected.

- D. **Heritage trees. Heritage trees are trees which, because of their age, type, notability, or historical association are of special importance. Heritage trees are trees designated by the City Council following review of a nomination. A heritage tree may not be removed without a public hearing at least 30 days prior to the proposed date of removal. Development proposals involving land with heritage tree(s) shall be required to protect**

and save the tree(s). Further discussion of Heritage trees is found in the Municipal Code.

Response: There are no Heritage trees present on the site. Therefore, this criterion does not apply.

E. Landscaping - by type, location and amount.

1. Residential uses (non-single family). A minimum of 25 percent of the gross area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under Section 55.100. Parking lot landscaping may be counted in the percentage.

Response: No residential uses are proposed on the site therefore, the standard does not apply.

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.

Response: Far greater than 20% of the site will be landscaped.

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 Section 54.020(E)(3)(d), shall not be included in the 10 percent figure. Parking lots with 10-20 spaces shall have a minimum 5 percent of interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the 5 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.(ORD. 1463)

Response: The proposed plan meets this requirement.

- b. The landscaped areas shall not have a width of less than five feet.

Response: The proposed plan meets this requirement.

- c. The soils, site, proposed soil amendments, and proposed irrigation system shall be appropriate for the healthy and long term maintenance of the proposed plant species.

Response: The proposed plan meets this requirement.

- 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, wild flowers, 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.

Response: Does not apply

- 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., 1-foot high berm) plus landscaping. This extra requirement only applies to one street frontage.

Response: Does not apply

- f. A parking, loading, or a 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 Section 55.100(C) and (D) except where shared parking is approved under Section 46.040. (ORD. 1408)

Response: Does not apply.

- g. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Response: The proposed plan meets this requirement.

- h. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation.

Response: The proposed plan meets this requirement.

- i. Outdoor storage areas, service areas (loading docks, refuse deposits, and delivery areas), and above-ground utility facilities shall be buffered and screened to obscure their view from adjoining properties and to reduce noise levels to acceptable levels at the property line. The adequacy of the buffer and screening shall be determined by the criteria set forth in Section 55.100(C)(1).

Response: There are no outdoor storage or service areas located on the site. Therefore, the criterion does not apply.

- j. Crime prevention shall be considered and plant materials shall not be located in a manner which prohibits surveillance of public and semi-public areas (shared or common areas).

Response: Areas that are newly landscaped do not contain a plant mixture that will impede views into the site. Therefore, the proposed landscaping will not further prohibit surveillance of the site from what is already possible. Therefore, this criterion has been met.

- k. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.

Response: Irrigation systems will be required for all landscaping introduced to the site. However, landscaping introduced to the site will require minimal irrigation as the majority of

species proposed are native. Any irrigation systems will be located away from pedestrian circulation on the site and will be placed so as to promote proper maintenance. Therefore, this standard has been met.

- 1. For commercial, office, multi-family, and other sites, the developer shall select trees that possess the following characteristics:**
 - 1) Provide generous "spreading" canopy for shade.**
 - 2) Roots do not break up adjacent paving.**
 - 3) Tree canopy spread starts at least six feet up from grade in, or adjacent to, parking lots, roads, or sidewalks unless the tree is columnar in nature.**
 - 4) No sticky leaves or sap dripping trees (no honey dew excretion).**
 - 5) No seed pods or fruit bearing trees (flowering trees are acceptable).**
 - 6) Disease resistant.**
 - 7) Compatible to planter size.**
 - 8) Drought tolerant unless irrigation is provided.**
 - 9) Attractive foliage or form all seasons.**

Response: The proposed plan meets this requirement.

- n. Plant materials (shrubs, ground cover, etc.) shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage, staggered flowering periods, and avoidance of nuisance plants (Scotch broom, etc.).**

Response: The proposed plan meets this requirement.

F. Landscaping (trees) in new subdivision.

- 1. Street trees shall be planted by the City within the planting strips (minimum six-foot width) of any new subdivision in conformity with the Street Tree Plan for the area, and in accordance with the planting specifications of the Parks and Recreation Department. All trees shall be planted during the first planting season after occupancy. In selecting types of trees, the City Arborist may determine the appropriateness of the trees to local conditions and whether that tree has been overplanted, and whether alternate species should be selected. Also see Section 54.040(C)(12).**
- 2. The cost of street trees shall be paid by the developer of the subdivision.**
- 3. The fee per street tree, as established by the City, shall be based upon the following:**

- a. The cost of the tree;
- b. Labor and equipment for original placement;
- c. Regular maintenance necessary for tree establishment during the initial two-year period following the City schedule of maintenance; and,
- d. A two-year replacement warrantee based on the City's established failure rate.

Response: A subdivision is not proposed with this application, therefore, this criteria does not apply.

54.030 Planting Strips For Modified and New Streets

All proposed changes in width in a public street right-of-way, or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. This ordinance requires any multi-family, commercial, or public facility which causes change in public right-of-way or street improvement to comply with the street tree planting plan and standards.

Response: Modifications to an existing street or construction of a new street are not part of the park plan. The criteria do not apply.

54.040 Installation

- A. All landscaping shall be installed according to accepted planting procedures.
- B. The soil and plant materials shall be of good quality.
- C. Landscaping shall be installed in accordance with the provisions of this code.
- D. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.

Response: The proposed plan meets this requirement.

54.050 Protection of Street Trees

Street trees may not be topped or trimmed unless approval is granted by the Parks Supervisor or, in emergency cases, when a tree imminently threatens power lines.

Response: Topping or trimming of street trees are not proposed with this application. Therefore, the criterion does not apply.

54.060 Maintenance

- A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a

healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Response: The site is owned by the City and upkeep of landscaping will be the responsibility of the Parks Operations and Maintenance Department. The Department will maintain the park as long as the property is under City ownership. Maintenance will include refuse removal, fertilization and mowing of turf areas and repairs to irrigation systems, among other things.

- B. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:**
- 1. It will not interfere with the maintenance or repair of any public utility;**
 - 2. It will not restrict pedestrian or vehicular access; and,**
 - 3. It will not constitute a traffic hazard because of reduced visibility.**

Response: The City Parks Operations and Maintenance Department will ensure that landscaping is adequately maintained so as not to interfere with public utilities, restrict pedestrian or vehicular access or constitute a traffic hazard.

54.070 Specification Summary

Response: All landscaped areas have been designed to adhere to the provisions of this code and the specification summary of this section. No parking lot areas front on right-of-way in the proposed Site Plan, therefore landscaping is not required along the right of way area. Much more than twenty percent (20%) of the area is being landscaped as required for non-residential developments. Finally, no off-street parking areas are proposed, therefore landscaping is not required in parking areas.

CHAPTER 56 PARKS AND NATURAL AREA DESIGN REVIEW

56.015 Definitions

There are eight categories of park and natural resource facilities as established in the Parks Master Plan. The categories are:

- 1. Active-oriented parks**
- 2. Passive-oriented parks**
- 3. Mini-parks**
- 4. Special use areas**
- 5. Linear parks/open space**
- 6. City beautification areas**
- 7. Pathways and trails**
- 8. Natural resource areas**

Response: The proposed park is classified as “active-oriented park” according to the Parks Master Plan. The park plan includes a playground, half court basketball pad, “sprayground” water play feature, two small picnic shelters, and an open turf field, which satisfy the master plan requirement.

56.020 Applicability

A. 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. CDC Chapter 55, Design Review, shall not apply to park development or structures or facilities in parks. Unless specifically exempted by this chapter, all relevant CDC chapters shall apply.

Response: Because this application involves the development of a new park, the proposal is subject to the provisions of this chapter.

B. There are two classes of Park Design Review--Class I and Class II. Class I Park Design Review applies to minor changes to park facilities. It is reasonable and appropriate that a simpler but more focused set of standards shall apply. Class II Park Design Review applies to the development of any new park or significant changes to an existing park or natural area. The specific submittal standards and approval criteria are explained in Sections 56.070 through 56.100.

Response: The proposal is for the development of a new park, thus Class II Design Review criteria shall apply to this application.

D. Class II Design Review. The following is a non-exclusive list of Class II Parks Design Review activities or facilities:

1. Site preparation for, and/or development of a new park or natural area.
2. Outward expansion of an existing park or natural area.
3. Addition or reduction of more than 10 percent of total square footage of an existing building, including any dimensional change if it would result in encroachment towards a natural resource area.
4. Any program change that results in a change in the function and classification of the park or resource area (e.g., from active park with playing fields to passive park with no playing fields. Any change that puts park program at odds with, or in violation of, Parks Master Plan).
5. Any change or proposed development, which by its scale or scope of work, requires that a full and comprehensive review be undertaken in the public forum. See "Exemptions" for buildings over 10,000 square feet.

Response: The application includes the development of a new park and natural area. Additionally, the scale and scope of work of the development will require a full and comprehensive

review be undertaken in a public forum. Thus, the application qualifies as a Class II Parks Design Review.

56.060 Phased Development

The applicant may elect to develop the site in phases, also known as stages. The applicant shall delineate the boundaries of the phases on a map and provide a narrative that explains what improvements or facilities can be expected with each phase and when development for each phase is to be initiated. The decision-making authority must approve phased development with a clearly stated timeline for each phase, per the provisions of Section 99.125. Once work on a phase is initiated by the approved timeline, it is not necessary that all the work of that phase be completed by the timeline date so long as reasonable progress is being made.

Response: The park is not planned for phased construction. All work will be completed in a single phase that includes: the playground/parking/basketball area, which comprises approximately 1/3 of the total site, and the open turf area that occupies approximately 2/3 of the site area. Construction is expected to begin as soon as this winter and is expected to be complete by this fall (2010).

56.070 Submittal Requirements

- A. The design review application shall be initiated by the Parks Director.
- B. A pre-application conference shall be a pre-requisite to the filing of an application.

1. The Planning Director shall explain the applicable policies, ordinance provisions, opportunities and constraints, which may be applicable to the site and type of proposed development. The Planning Director shall determine which class of park design review is required.

2. The following subjects shall be reviewed at the pre-application conference:

- a. Identification of the proposed park classification (e.g., active- or passive-oriented park).
- b. The appropriate facilities and programs that should be provided according to the park classification.
- c. The physical and visual accessibility of the site.
- d. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.
- e. Consideration of buffers, screening, or direction of lighting.
- f. The natural features on the site: topography, drainage courses, microclimate vegetation, and soil conditions and stability.
- g. The availability of utilities (on site and off site).
- h. Vehicular access, trip generation, and potential traffic problems.
- i. The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.
- j. Conditions placed on previous applications.
- k. Review submittal requirements.
- l. Preferred architectural design and building orientation.
- m. Location of planned activity areas to satisfy functional needs of the park.

3. A pre-requisite to the filing of an application for a new park or resource area/open space under Class II Parks Design Review is that the Parks Director must demonstrate that the adopted community planning process for parks has been followed. Alternately, the Parks Director will hold a meeting with the respective City recognized neighborhood association, per CDC Section [99.038](#), at which time the Parks Director will present the proposal and receive comments. No neighborhood meeting is required for a Class I Design Review.
4. The applicant shall submit a completed application form.
5. The applicant shall provide the submittal for either a Class I or II Park Design Review as explained in Sections [56.075](#) or [56.080](#) below.

Response: The submittal requirements of Section 56.070 have been satisfied. A pre-application conference took place on June 18, 2009; in attendance were the Applicant (Ken Worcester), City of West Linn Planning Staff (Peter Spir), and City of West Linn Engineering Staff (Khoi Le).

The Parks Director held three separate public meetings to gather input on the project beginning Tuesday, March 18, 2008. The announcement for these meetings are attached to this file as submittal documentation.

56.100 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 parks design review application.

- A. **Park classification.** The proposed park and park programs shall conform to, and agree with, the Parks Master Plan and the parks definitions of section 56.015. Re-classifying the purpose of a park and the programs shall require an amendment to the Parks Master Plan.

Park facilities that are not discussed in the Parks Master Plan shall be classified using the criteria of CDC 56.015 and the Parks Master Plan. Once the classification is made, the approval criteria shall take into consideration those program needs and the standards for the specific park type and evaluate the application accordingly.

Response: The proposed park is classified as an “active-oriented” park, and has been planned as such.

- B. **Visual and physical accessibility.** Many of the City’s parks suffer from inadequate visibility such as Sunburst Park and North Willamette Park, surrounded as they are by housing. Increased frontage on streets allows greater use of on-street parking and less park space being used for parking. The surrounding streets also provide transitions between on and off-site activities as discussed in section 56.100(C)(5). Physical access is also facilitated by having good cognitive locations that can be safely accessed by bike paths and sidewalks. Improved

visual access amplifies the investment and positive benefits of parks in that many people who do not stop the car and actually use the park, derive emotional benefits by exposure to scenes of open space, trees, and grass fields in a world increasingly dominated by built environments.

Response: The size, physical configuration and situation of the site proposed for Douglas Park is a result of the approved Douglas Park subdivision (SUB 06-09). While the merits of this site's visual and physical accessibility may be subject to debate based on its relatively narrow connections to the public right of way, West Linn Planning staff concede that a variance from this criterion is not necessary as, "...it cannot be assumed to be incompliant with these criteria.") (Memo re: Planning Director interpretation of 56.100(b) and 56.100(G)(6-7) January 20, 2010). This site has been chosen and the land purchased by the city. This criterion is met.

C. Relationship to the natural environment.

- 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 the direction of the City Manager.**

Response: Per discussion with City Staff, there are no heritage trees present on the site. Therefore, the criteria do not apply.

- 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 2(a-c) below. It is important to acknowledge that all trees are not significant.**
 - a. Areas of the park that include non Type I and II lands shall protect all heritage trees, all significant trees through the careful layout of streets, building pads, playing fields, and utilities. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (b) below. Exemptions of subsection (c) below shall apply.**

Response: All significant trees will be saved. The trees slated for removal are problem species like cottonwood and locust.

- b. Areas of the park that include Type I and II lands shall protect all heritage, significant and nonsignificant trees. Groundcover, bushes etc. shall be protected and may only be disturbed to allow the construction of trails or accessing and repairing utilities. Exemption of subsection (c) below shall apply.

Response: There are no Type I and Type II lands on the subject site. Therefore, this criteria is not applicable.

- 3. In the case of natural resource areas, the topography shall be preserved to the greatest degree possible. Conversely, in non-natural resource areas, it is recognized that in order to accommodate level playing fields in an active-oriented park, extensive grading may be required and the topography may be modified.

Response: There are no natural resource areas on the site. The site is relatively flat and minimal grading will be required.

- 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.

Response: The structures planned for the park include a restroom facility and picnic area. All of the structures are located on relatively flat topography in stable areas where the soil is not subject to slumping and sliding as shown on the Preliminary Site Plan, Exhibit A. Thus, this criterion has been met.

- 5. The park shall be designed in such a way as to take advantage of scenic views and vistas from the park site, as long as such views can be obtained without eliminating significant trees or other natural vegetated areas.

Response: A viewpoint has been proposed for the southwest corner of the site, which has a limited view of the Tualatin River valley to the west.

D. Facility design and relationship to the human environment

- 1. Architecture. Whereas most park buildings are small in size and compatible with existing structure(s) on site and on adjoining sites, the possibility of larger facilities exists. 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 is especially relevant when the building is near the perimeter of the park. However, certain uses, by virtue of their functional and spatial requirements, are large and can never be made visually equal or even compatible with nearby homes. Such uses shall not be prohibited from locating at active-oriented park facilities on architectural grounds so long as the applicant's architect has broken down the building's horizontal plane into smaller visual components and stepped down the building at the end closest to the offsite structure(s). "Smaller visual components" shall be defined as changes in the horizontal plane every 100 feet created by indentations or pop-outs at least three feet in depth. "Stepping down" shall be defined as bringing the park building's end section that is closest to off-site dwellings to half the distance between the highest ridgeline of the park structure and the highest ridgeline of the nearest off-site structure. In those cases where visual component breakdown or stepping down is not feasible, the applicant may rely on transitions in terms of distance as reasonable mitigation between on and off-site buildings. An appropriate minimum distance to achieve mitigation shall be either 150 feet or an existing public right-of-way.

Response: The only buildings proposed on the site are the restroom building and the small picnic shelters, which will be approximately 100-200 square feet in size. The restroom building will be made of CMU material and will be consistent in design with other restroom facilities at other park locations. The picnic shelters will be open timber structures with metal roofs.

2. Material. Park structures shall emphasize natural material: such as exposed timbers, wood with brick and stone detail. Colors are subdued earth tones: grays, brown, off-whites, black, slate, and greens.

Response: The picnic shelters will be made mostly of wood. The restroom building will be made of gray CMU material, designed to match buildings of similar use in other West Linn Parks. Thus, the criteria set forth in this section has been met.

3. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (e.g., average range of human perception). For large buildings, defined as over 1,000 square feet and less than 10,000 square feet in size, human scale shall be accommodated by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, visual breaks (exaggerated eaves, indentations, belly boards, ledges, cornices, awnings, engaged columns, etc.)

in the facades of buildings, both vertically and horizontally, but particularly within the first 10 to 15 feet as measured vertically.

Response: The restroom building and picnic shelters will be one-story structures approximately 100-200 square feet and is; therefore, designed to be a human scale. Thus, the criteria set forth in this section have been met.

4. **Transparency.** For all enclosed buildings in the park, with the exception of public restrooms, storage and utility buildings, the main/front building elevation shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting building elevation, allow natural/ambient interior lighting and enhance defensible space. One side elevation shall provide at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100- foot long building elevation shall have at least 60 feet (60% of 100) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to a building elevation(s), the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations in addition to any transparency required by a side elevation, and vice versa. The transferred transparency is not required to be at pedestrian level and may be incorporated into clerestories or dormers. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

Response: The restroom building will be used as public restrooms and is; therefore, not required to contain windows. The picnic shelters are an open design.

- E. **Transportation Planning Rule (TPR) compliance.**
The TPR is a state requirement to reduce dependence upon the private automobile, reduce the total number of vehicle miles traveled and reduce carbon monoxide emissions. One way this can be achieved is by providing greater connectivity within the city from one neighborhood to the next so that circuitous, fuel consuming trips are reduced. Where park space is bisected by a planned arterial connector as identified in the City's Transportation Master Plan, then that arterial shall be constructed as part of the park project. Where proposed collector or local streets are shown on the Transportation Master Plan or where existing roads stub out adjacent to the

parks property, the road shall also go through, except in those cases where one of the following criteria is met:

1. The road will eliminate or adversely affect the functional value of the park (e.g., it would go through the only reasonable location for a planned soccer field).
2. The road will adversely affect the quality or quantity of a natural resource area/open space (e.g., construction of the road will require grading or fill in the resource area, the increased traffic associated with the road will diminish the restorative, contemplative, and natural interpretative opportunities associated with the resource; the impact of the traffic, such as noise, pollutants, and glare, will make the area less attractive as a wildlife habitat or corridor, and/or have adverse environmental impacts on the resource, etc.).
3. The road will be in conflict with the city charter languages.

Response: There are no planned roads through the property.

F. Compatibility between adjoining uses.

1. On-site screening from view from adjoining properties of such things, as service and storage areas 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.
 - f. Consideration shall be given to the proper screening of lights so that no off-site glare is produced.

Response: No onsite storage facilities are proposed with the application. Therefore, the criteria set forth in this section are not applicable.

2. Roof top air-cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

Response: No roof top heating or cooling systems are being proposed. Therefore, the criteria set forth in this section is not applicable.

G. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.

Response: The only enclosed building on the premises will be the restroom building. The restroom building is not required to have windows per Section 56.100(D)4. Thus, the standard does not apply.

2. **The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime, to enhance public safety and away from natural resource areas to minimize disturbance of wildlife.**

Response: No lighting is proposed in conjunction with this application. Therefore, this standard has been met.

3. **Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as large parking lots, stairs, ramps, and abrupt grade changes during hours of intended use or operation.**

Response: The park hours will be from sunrise to sunset. Therefore, lighting will not be necessary in pedestrian areas because the park is not open during the night when lighting would be needed. Therefore, the criteria set forth in this section is not applicable.

4. **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 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 omnidirectional.**

Response: The park hours will be from sunrise to sunset. Therefore, lighting will not be necessary in pedestrian areas because the park is not open during the night when lighting would be needed. Therefore, the criteria set forth in this section is not applicable.

5. **Playing fields and court areas shall not be illuminated unless they are separated from nearby homes by adequate distance and/or screening. Adequate distance shall be at least 150 feet. Adequate screening shall be on or off-site fences, walls, terrain variation or vegetation. (trees, etc.)**

Response: No lighted playing fields or courts are proposed with the application. Therefore, the criteria set forth in this section is not applicable.

6. **Lines of sight shall be reasonably established so that the park and its facilities are visible to police and nearby residents.**

Response: The park is surrounded by existing housing on all sides. There will be good visibility to a majority of the park facilities from the parking lot.

7. **Large or visually inaccessible parks should ensure that at least some emergency vehicle access is provided to the park's interior.**

Response: Most of the sidewalks in the park are proposed to be 8 feet wide and will accommodate emergency and maintenance vehicles.

8. **Closure times may be posted and/or gates may be installed at city parks to discourage their use at night if necessary for crime prevention and/or public safety.**

Response: The park will be open from sunrise to sunset. The hours of operation for the park will be posted throughout the park at various locations.

9. **Park landscaping shall accommodate safety concerns with appropriate use of plant types and ease of maintenance.**

Response: The landscaping being introduced to the site will be spaced so that line of sight is not obstructed, thereby increasing safety. Since the Parks Department maintains its own parks, low maintenance plants are almost exclusively used in all parks.

H. Public facilities.

1. **Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to City's Improvement Standards and Specifications. In determining the appropriate sizing of the street, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists and in keeping with the character of the neighborhood. 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.**

Sidewalks shall be installed per Sections 85.200(A)(16) and 92.010(H). Both chapters allow reduced sidewalk widths to accommodate topographic limitations or to preserve trees. Streets shall be installed per Chapter 85 standards.

Response: No new streets are proposed as part of this application. Therefore, the standards set forth in this section do not apply.

2. **Parking lots. CDC Section 46.090 explains the parking requirements for the various categories of parks and open space areas. City squares, malls or plazas are exempt from the parking requirements of Chapter 46.**

Reduced parking requirements are explained in Section 56.170. Except for areas accommodating ADA disabled parking and ADA access, parking lots may be constructed with grasscrete.

Response: The parking requirements have been met.

- I. **Paths and trails. Paths and trails connect the various activity areas within the park. They can also serve as part of a greater system of connective trails from one neighborhood or destination to another.**

Response: An on-site system of trails and pedestrian paths has been included in the design of the park. The trails connect the different activity areas within the park, as well as, connecting with offsite sidewalks.

Just like streets, there is a hierarchy of paths and trails.

1. **Paths that connect the right-of-way and/or parking lot with the main activity area(s) of the park need to accommodate pedestrians, bicyclists, and persons with disabilities (as grades allow). The path shall be paved and 5 to 8 feet wide. Lesser dimensions are allowed where topography and trees limit width. The grade shall be kept to fewer than five percent where the terrain allows. The path may be illuminated if the facility is programmed for night use.**

Response: All paths in the park are proposed to be 5 feet or 8 feet wide and all are at 5% or less grade.

2. **Paths that provide a link through the park to neighborhoods on either side must be recognized for their value in addressing the TPR, particularly in those cases where connecting roads through the park or natural area are not provided per Section 56.100(C)(6). These trails or paths may be paved, 5-8 feet wide and may be illuminated. Narrower path sections are permitted in response to topography and to preserve trees. Illumination is especially important for this group if these paths are used by early morning and early evening bicycle and pedestrian commuters. Directional signs are needed for this type of trail and user group.**

Response: There are no TPR connections through the park.

3. **Smaller or reduced width paths, within park boundaries, can be built to link lesser activity areas or areas of attraction. Walkers, cyclists, or runners who do multiple loops for exercise often use these paths. These paths may be crushed gravel or paved and at least six feet wide.**

Response: No reduced width paths are proposed in the park. All paths will be 5 or 8 feet wide and will either be asphalt or concrete material.

4. **Nature trails are typically three to six feet wide, gravel, hog fuel, or packed earth. These trails are especially attractive to persons seeking quieter parts of the park for natural interpretation or solitude. Other user groups often use them for exercise loops. Trails and footbridges in natural areas should be designed to minimize disturbance of significant resources. Limiting access to creek beds, potentially erosive slopes, or wetlands by humans and dogs is an important measure if habitat or resource protection is to be addressed. At least initially, the use of these trails by all user groups should be encouraged. Changes or restrictions to some user groups shall be based on empirical observations at that specific site.**

Response: No nature trails are proposed in the park. The park is currently an open field with no outstanding natural features.

5. **Disabled access paths allow disabled persons to access specific activity areas in the park at grades that meet ADA standards. Many parks have special disabled access paths with interpretive areas and viewpoints to allow visual, if not physical, access to natural resource areas. Usually, these paths are 50-200 meters long, 8 feet wide, and clearly identified.**

Response: The entire park is ADA accessible.

6. **Paths or trails that link parks, schools, neighborhoods, and the community and even integrate with adjacent cities or regional trails may be paved, 5-10 feet wide. The paths or trails should follow easily identified cognitive routes with good surveillance and defensible space.**

Response: The onsite paths will provide connection to adjacent sidewalks and provide a route through the park.

7. **All paths and trails shall be clearly identified with signs. They shall be laid out to attract use and to discourage people from cutting across landscaped areas or impacting environmentally sensitive areas.**

Response: A series of directional and informational signs will be placed on the trail system.

- J. **Provisions for persons with disabilities. The needs of a person with a disability shall be provided for. Accessible routes shall be**

provided between parking lot(s) and principal buildings and 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. All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

Response: All park facilities will be ADA accessible.

- K. Miscellaneous criteria. Selected elements of the following chapters shall be met. It is not necessary to respond to all the submittal standards or approval criteria contained in these chapters, only those elements that are found to be applicable by the Planning Director at the pre-application conference pursuant to CDC Chapter 99.030(B) and (C):**
1. Chapter 33, Storm Water Quality and Detention.
 2. Chapter 34, Accessory Structures.
 3. Chapter 38, Additional Yard Area Required.
 4. Chapter 40, Building Height Limitations and Exceptions.
 5. Chapter 42, Clear Vision Areas.
 6. Chapter 44, Fences & Screening Outdoor Storage.
 7. Chapter 46, Off-Street Parking and Loading.
 8. Chapter 48, Access.
 9. Chapter 52, Signs.
 10. Chapter 54, Landscaping. In addition, landscape plans shall incorporate plants which minimize irrigation needs without compromising recreational facilities or an attractive park environment.

Response: With specific regard to Chapter 42, clear vision areas are maintained. The clear vision area created as a result of the proposed accessway to Tract A (proposed site of Douglas Pak) of the Douglas Park subdivision does not encroach beyond the 15-foot front yard setback of the two adjoining properties; therefore, no planting, fence, wall, structure or temporary or permanent obstruction (except for occasional utility pole or tree) exceeding three feet in height will be located in this area. (See Clear Vision Plan for Detail).

CDC 48.040(A)(3) requires that non-residential uses comply with sections 48.030(E)(4) and 48.030(E)(6) which specifies minimum access requirements for emergency vehicles where access driveways exceed 150-feet in length. Because the access driveway proposed for Douglas Park will be less than 150-feet (105-feet) these criteria do not apply.

CDC 48.060(D) requires a minimum distance between two adjacent curb cuts on the same side of a public street under the following circumstances:

1. On an arterial street a minimum distance of 150-feet;
2. On a collector street a minimum distance of 75 feet; and,
3. Between any two curb cuts on the same lot on a local street a minimum distance of 30 feet.

Because this application proposes only 1 curb cut from Tract A to Rogue Way (a local street, as shown in Figure 8-1 of the West Linn Transportation System Plan), this criterion does not apply.

A variance from the access width requirements of CDC Section 48.040(A)(1) is requested to accommodate an access drive originating from the narrow Rogue Way frontage of Tract A. See response to Chapter 75 for a discussion of the variance request.

56.120 The Site Plan

The site plan shall be at the same scale as the site analysis (Section 56.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, section lines, corners, and monuments.
- C. Streams and stream corridors.
- D. Identification information, including the name and address of the owner/applicant and project designer and a lineal scale and north arrow.
- E. The location, dimensions, and names of all:
 - 1. Existing and platted streets and other public ways and easements on adjacent property and on the site;
 - 2. Proposed streets or other public ways, easements, on the site.
- F. The location, dimensions, and setback distances of all:
 - 1. Existing structures, improvements, and utility facilities on adjoining properties;
 - 2. Existing structures, improvements, and utility facilities to remain on the site;
 - 3. Proposed structures, improvements, and utility facilities on the site.
- G. The location and dimensions of:
 - 1. The entrances and exits to the site;
 - 2. The parking and circulation areas;
 - 3. Loading and service areas for waste disposal, loading, and delivery;
 - 4. Pedestrian and bicycle circulation areas;
 - 5. All utilities; and,
 - 6. Sign locations.
- H. The location of areas to be landscaped.
- I. The location and type of outdoor light with specific consideration given to crime prevention.
- J. Submit an engineering noise control plan by a licensed acoustical engineer to satisfy the noise standards as identified in Section 55.100(D), in cases where proposed land use can reasonably be expected to generate noise. A reasonable alternative to commissioning a noise study to determine the noise levels of, for example, children's soccer league, would be to either locate the potential noise source away from residential properties, to limit activity hours and/or not provide illuminated playing fields or ball courts.

Response: All of the abovementioned site plan elements have been included on the submitted site plan drawing except those specifically exempted (i.e. noise control plan, sign ordinance).

56.130(C) Grading Plan

- C. A registered civil engineer shall prepare a plan and statement that 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 the off-site impacts from a 25-year storm.

D. Storm detention and treatment plans may be required.

E. Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.

Response: A registered Civil Engineer has reviewed the Douglas Park grading plan and finds that no adverse impacts from increased intensity of runoff off-site will result. The Douglas Park Storm Drainage Report and grading plan provide the empirical data to support these findings.

56.150 The Landscape Plan

A. The landscape plan shall include the following:

- 1. Existing trees, shrubs, plants and groundcover that will be retained as well as an indication of those trees and landscaping that will be removed.**
- 2. Generalized landscape plan showing areas to be landscaped in the new park plan. Showing that an area will be planted with shrubs or evergreen groundcover is sufficient. (It is not necessary to provide plant detail; for example, 5-gallon ferns at four feet on center, etc.)**
- 3. Statement that the landscaping will be irrigated.**
- 4. The location of buffering or screening materials (e.g., fences).**
- 5. The location of playing fields (identify type of activity, if known), picnic shelters, play areas, etc.**
- 6. Building and pavement outlines.**

B. The landscape plan shall be accompanied by:

- 1. Planting schedule.**
- 2. Supplemental information as required by the Planning Director or City Arborist.**

Response: The landscape plan is included in the Douglas Park site plan. See site plan for additional details. The landscape plan satisfies the criteria listed in this section.

56.170 Exceptions to Underlying Parking Provisions

The Planning Director may grant up to a 50 percent exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as one of the following criteria is met:

- 1. There is an opportunity for shared parking and there is written evidence that the property owners are willing to enter into a legal agreement; or,**
- 2. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.**

Response: Exceptions to parking standards are not requested by the Applicant.

CHAPTER 75 VARIANCE

75.010 Purpose

The purpose of this chapter is to provide standards for the granting of variances from the applicable zoning requirements of this Code where it can be shown that, owing to exceptional and extraordinary circumstances related to a specific piece of property, the literal interpretation of the provisions of applicable zone would create a burden upon a property owner with no corresponding public benefit, except that no use variance shall be granted. (ORD. 1442)

75.060 The 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.

1. 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 ordinance, topography, or other circumstances over which the applicant has no control.

Response: The configuration of this property is the result of a recently approved Planned Unit Development in which the City desired to purchase this tract for park use. Because of its desire to purchase the most level and usable area of the site, the City allowed for the creation of a 32-lot residential subdivision that included two tracts, in the existing layout; one tract was designed as a stormwater detention facility (Tract B) and the other – Tract A (the site of the proposed Douglas Park) – included only 20-feet of frontage along Rogue Way.

Tract A also has access to Haskins Road via a smaller, 19.5-foot frontage. In theory, a 15-foot wide, one-way access drive could enter Tract A from Haskins Road and exit the proposed park site onto Rogue Way, however, the shape of Tract A would require this access drive to cut through the center of the park and would result in a space with virtually no value for either active or passive recreational use.

CDC Section 48.040(A)(1) requires that non-residential accessways which accommodate 2-way travel have a minimum width of 24-feet; 4-feet wider than the Tract A frontage with Rogue Way. A variance from the access width requirement is being requested to accommodate access and egress to the required 5-lot parking area. The exceptional or extraordinary circumstance in this situation does not apply to other properties in the vicinity and is a result of the size and shape of Tract A.

2. 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.

Response: The access width variance being requested is necessary to provide access to the 5 off-street parking spaces that are required per CDC 46.090(B)(11). The City purchased this park with the explicit intent to use it as an active oriented recreation facility. Other properties in the vicinity enjoy access to the public right-of-way.

3. 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.

Response: The authorization of this variance will not be detrimental to the purposes and standards of this Code. On the contrary, authorization of the requested variance will serve many of the City's aspirations as expressed in: The CDC, the West Linn Comprehensive Plan ("Provide all citizens with a range of recreational opportunities; Provide park and recreation opportunities convenient to each of West Linn's neighborhoods; Assure the availability and the reasonable accessibility of recreational lands and facilities to all West Linn residents;" West Linn Comprehensive Plan 2008, PR-2)), and the Parks, Recreation and Open Space Plan ("West Linn residents recognize that parks and open space add to the quality of life and are essential components for a livable city. Parks and recreation also contribute to health and wellness, build stronger families, and reduce social service and justice costs. Creating places to recreate and enjoy nature will provide a number of benefits to the entire community." (Parks, Recreation and Open Space Plan 2008, p.1)). The use of this park as an active-oriented recreation facility is complimentary to the spirit of these goals and policies.

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

Response: The specific variance request is to reduce the 24-foot access width (required per 48.040(A)(1)) to 14-feet, from the frontage on Rogue Way a distance of 6-feet southwest of the Rogue Way frontage (measured perpendicular to the frontage). Beyond the 6-foot distance, the access would gradually widen to 22 feet through the parking area as shown in the attached site plan.

5. The exceptional and extraordinary circumstance does not arise from the violation of this ordinance.

The exceptional circumstance is a result of an approved land use decision which is beyond the control of the applicant.

**6. 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)**

Response: The variance will not impose physical limitations on other properties or uses in the area now or in the future. The impact is confined to a small portion of Tract A.

CONCLUSION

Compliance with all applicable criteria for development of a park containing wetland areas and having limiting topographical constraints affecting road standards have been demonstrated in this

narrative. The Applicant respectfully requests approval of this application for Class II Park Design Review, and Class II Variance for the subject site.