

WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
CUP-10-01/DR-10-02/VAR-10-03/MISC-10-05

In the matter of a Conditional Use, Class I Design Review, Class II Variance and Expansion of A Non-Conforming Structure to construct a 1,100 square foot library addition and Amphitheater at Cedaroak School

At their meeting June 16, 2010, the West Linn Planning Commission held a public hearing to consider the request by the West Linn-Wilsonville School District to expand the Cedaroak School library by 1,100 square feet. They also propose a small amphitheater at the northwest corner of the school. It will be used for outdoor classes and activities. An existing courtyard, will be partially displaced by the 20 X 52 foot library addition. The area around the library will be enhanced by extensive landscaping, additional trees and a water treatment swale.

An addition to a school in the R-10 zone requires a Conditional Use Permit (CUP). A Class I Design Review is required based on the fact that CDC 55.020(7) states that Class I Design Review is appropriate in cases where there is less than a five percent addition to the total square footage of the public building. (The library addition is less than five percent of the total school square footage.) An expansion of a Non-Conforming Structure permit is required since the school is deficient in parking (autos and bikes). The applicant applied for a Class II Variance to allow the continued use of, and an addition to, a facility that has deficient parking.

The approval criteria for CUP and Design Review are found in Community Development Code (CDC) Chapter 60 and 55 respectively. The approval criteria for a Class II Variance and Expansion of a Non-Conforming Structure are found in CDC Chapters 75 and 66 respectively. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Peter Spir, Associate Planner. Tim Woodley of the West Linn-Wilsonville School District and Karina Ruiz of DOWA Architects testified on behalf of the applicant.

Public testimony was heard from Kevin Bryck expressing interest in an interpretative plaque at the corner of Trillium and Cedaroak Drives as well as improved line of sight at that intersection. Screening of temporary toilet facilities was proposed. Tim Woodley stated support for the staff report and proposed conditions. He also stated support for improved line of sight and screening.

The hearing was closed and discussion phase began. Some Commissioners wanted to see the variance kept as part of the application despite staff's position that the expansion of non-conforming structure permit made it redundant. They noted that the variance might have been excused if the two phases had been applied for together with a clear nexus between the parking expansion and this library addition, but the time lapse made it difficult to consider the two actions linked. The adoption of the following variance findings in response to the italicized approval criteria of CDC Chapter 75 is therefore appropriate:

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.*

Finding: The school building is non-conforming because it only partially satisfies the current city requirement for off-street parking. The library addition would increase the parking requirement from 95 to 96 spaces, and the recent parking lot expansion raised the number of off-street parking spaces from 68 to 74. The district is faced with an extraordinary circumstance because it has maximized the number of parking spaces in the existing parking area north of the school. Additional parking would require a second lot on the south side of the building. This would have a very detrimental impact on the school because this would reduce the amount of playfield space, and it would be awkward to connect such a parking lot with the entrances to the school located on the north side of the building. As the only school in the neighborhood, the circumstances do not apply to other properties in the vicinity.

To reduce the degree of nonconformity for bicycle parking, the district proposes to supplement the existing bicycle parking with 12 new spaces, which will be covered and located near building entrances as required by the CDC. Should additional bike parking be warranted in the future, the district has identified another excellent covered location for more bicycle parking?

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.*

Finding: Since the school was established, the use of the automobile has become more prevalent and parking requirements have increased. This change has resulted in amendments to the Community Development Code that has resulted in the existing parking being out of compliance regarding the number of parking spaces provided. The faculty, parents, and the neighborhood have learned to make the best of the parking situation. Unlike other schools, Cedaroak has street frontage that provides 12 to 16 on-street parking spaces directly in front of the school. When considered in combination, between 86 and 90 spaces are available – an amount that is close to the 96-space requirement. In addition,

school bus serve is provided, the Cedaroak neighborhood is walkable, with interconnected streets, and TriMet bus service is available approximately 1/3-mile to the west on Willamette Drive.

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.*

Finding: With the exception of parking, all other code requirements will be met. The addition will not create and code compliance issues, and it will not conflict with the goals and policies of the Comprehensive Plan. In addition, parking was not mentioned as an issue during the neighborhood meeting.

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

Finding: After evaluating the existing Cedaroak Primary School facility, the School District determined that a larger library was necessary to provide improved educational resources and to promote student opportunities for learning. The library will not increase parking demand because it will not raise the enrollment capacity of the school or increase the number of school staff. As noted above, the district expanded the existing parking lot this past fall with the addition of 6 spaces. This more than compensates for the one additional space triggered by the code for the library addition.

With the expanded 74-space parking lot, the school will have a 12-space deficit compared to the code standard. This is further reduced when the addition 12 to 16 on-street parking spaces are considered. The proposed new bike parking will also help reduce any parking deficiencies.

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

Finding: The extraordinary circumstance creating the need for the variance is created by the existing site layout. The district enlarged the parking lot on the north side of the school to the maximum extent possible. Additional parking would require the creation of a second lot on the south side of the site. The district considered the trade-offs of adding more parking to the site and removing some of the existing outdoor school facilities, such as the athletic fields and play areas. The elimination of outdoor school facilities was determined to not be appropriate given the benefits these areas provide to the students and the community.

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.*

Finding: Continuation of the school operation with the library addition and 6 new on-site parking spaces and 12 new bike parking spaces will not impose physical limitations on the existing or future uses of other properties in the area because the library expansion is internally located, and accommodation of the current parking demand will be further improved.

A motion was made, seconded, and passed to approve the application based upon the findings in the applicant's submittal and staff report with the variance findings above with the conditions of approval as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Utility Plan (C 101) and Landscape Plan (L 1.0).
2. Street lighting plan. A street lighting plan shall be prepared and submitted for approval by the City Engineer. Once approved, it shall be implemented along Cedaroak Drive.
3. Bicycle parking. The school district shall provide 12 new covered bicycle parking spaces. The spaces shall be in a location, approved by the Planning Director, that is readily and regularly observed from classrooms or activity areas in the school itself or relocate the bike racks to a more visible and safer covered location.
4. Amphitheater. The amphitheater shall not be used for activities using amplified sound except to facilitate instruction during regular school hours.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



ROBERT MARTIN, CHAIR
WEST LINN PLANNING COMMISSION

6/22/2010
DATE

Mailed this 23 day of June, 2010.

Therefore, this decision becomes effective at 5 p.m., July 7, 2010.