

WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
CUP-10-02/DR-10-03/MISC-10-06/VAR-10-04

IN THE MATTER OF THE PROPOSAL OF A CONDITIONAL USE PERMIT AND CLASS I DESIGN REVIEW FOR A NEW LIBRARY ADDITION, FACADE IMPROVEMENTS, OUTDOOR AMPHITHEATER, AND OTHER OUTDOOR IMPROVEMENTS WITH A PERMIT TO ENLARGE/ALTER A NON-CONFORMING STRUCTURE AND A RELATED CLASS II VARIANCE AT BOLTON PRIMARY SCHOOL AT 5933 HOLMES STREET

At their meeting of June 16, 2010, the West Linn Planning Commission held a public hearing to consider the request by the West Linn-Wilsonville School District to approve a library addition, façade improvements, outdoor amphitheater, and other outdoor improvements at Bolton Primary School at 5933 Holmes Street. This required a Conditional Use Permit and Class I Design Review permit. This also required a Permit to Enlarge/Alter a Non-Conforming Structure as the site is non-conforming in terms of parking and lot coverage. A Class II Variance was also applied for due to the proposal's lack of conformance with the Community Development Code (CDC) 66.080(B)(2)(a) which requires that enlargements of non-conforming structures not increase their non-conformity. The approval criteria for Conditional Use Permit are found in Chapter 60 of the CDC. The approval criteria for Design Review are found in Chapter 55 of the CDC. The approval criteria for a Permit to Enlarge/Alter a Non-Conforming Structure are found in Chapter 66 of the CDC. The approval criteria for Variance are found in Chapter 75 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Tim Woodley of the West Linn-Wilsonville School District gave the applicant's presentation. Bob Martin spoke neutrally on the application. Nobody spoke in favor of or opposed to the application. Mr. Woodley and Karina Ruiz of Dull Olson Weekes Architects provided further comments for the applicant.

A motion was made, seconded, and passed to approve the application with five new findings, with the elimination of Condition of Approval 6, and with modifications to conditions of approval 1, 2, and 7 (now to be renumbered as 6). The additional findings are as follows:

Additional Finding 1: CDC 46.090(B)(6) states that for off-street parking a primary school needs "One space for every employee, plus 1 space for each 1000 square feet of floor area." There are currently 53,220 square feet of floor space, and the addition will add 2,483 square feet of floor space. 53,220 rounds up to 54,000. 53,220 plus 2,483 adds up to 55,703 square feet, which rounds up to 56,000. Therefore two additional spaces are required per the addition. Condition of Approval 4 adds two new spaces, so

therefore the parking aspect of the application conforms to 66.080(B)(2)(a) in that it does not increase the non-conformity. Therefore the Variance does not apply to parking, only to lot coverage.

Additional Finding 2:

Because the applicant's landscape plan provides significantly greater detail regarding the stormwater treatment facility that is not provided on the applicant's site plan, Condition of Approval 1 should require conformance with both of these plans.

Additional Finding 3:

Condition of Approval 2 does not need to list the items in TVFR's May 19, 2010 letter to the Planning Department since this condition already references the letter itself.

Additional Finding 4:

Condition of Approval 6 regarding the approval's three year expiration from the effective date of the decision is unnecessary because the three year expiration for projects is already provided by CDC 99.330(A).

Additional Finding 5:

Condition of Approval 7 (now Condition of Approval 6 upon the elimination of the original Condition of Approval 6) should specify that activities with amplified sound are acceptable in the amphitheater if they are part of instruction during regular school hours, so use of the amphitheater for educational purposes will not be hampered.

The approved conditions of approval are as follows:

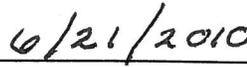
1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to Site Plan C.101 and Landscape Plan L1.0.
2. Fire Protection. The applicant shall meet all requirements from the Tualatin Valley Fire and Rescue(TVFR) as specified in TVFR's letter to the Planning Department dated May 19, 2010 (Exhibit PC-3, pages 33-35).
3. Water Line Easement. Grant the City of West Linn a water line easement for the existing City water line along the private driveway north and west of the building. This easement shall be recorded with Clackamas County before the final building permit inspection/occupancy is granted.
4. New Parking Spaces. The applicant shall provide two parking spaces along the southwest side of the private drive adjacent to the eight existing spaces. The sidewalk connecting the driveway to the trash and recycling area shall be realigned to make room for these spaces.

5. Stormwater Drainage. Evaluate and provide for the stormwater generated by the parking spaces called for in condition 4 above, consistent with City of West Linn Public Works Standards.
6. Amphitheater. The amphitheater shall not be used for activities using amplified sound except for 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.



MICHAEL JONES, VICE CHAIR
WEST LINN PLANNING COMMISSION



DATE

Mailed this 23 day of June, 2010.

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

Devrev/projects folder/projects 2010/cup-10-02/final decision cup-10-02