



**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: CUP-12-03/DR-12-07

HEARING DATE: April 4, 2012

REQUEST: Conditional Use and Class I Design Review approval for exterior site modifications and exterior building remodeling at Willamette Primary School, 1403 12th Street.

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 11, Single-family Residential Detached, R-10; Chapter 55, Design Review; and, Chapter 60, Conditional Uses.

STAFF REPORT PREPARED BY: Tom Soppe, Associate Planner

Planning Director's Initials 

EXECUTIVE SUMMARY

The West Linn-Wilsonville School District requests Conditional Use approval for a proposed outdoor learning garden at Willamette Primary School in the Willamette neighborhood. The District also requests Class I Design Review approval for: the garden; a proposed fenced storage area; a masonry walls screening an existing trash/recycling area; a masonry and metal enclosure around a proposed trash compactor; new ADA access between the building and play areas; new windows in three locations; replacement of one doorway canopy; and, for relocation of bicycle parking.

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that the application meets these requirements with two exceptions: the compatibility with adjoining uses of a proposed fence along 4th Avenue (see findings 14 and 31) and potential noise generation from the learning garden. Therefore, proposed Condition of Approval 3 would require planting arborvitae to screen the fence from 4th Avenue and nearby residences; and proposed Condition of Approval 2 would limit use of amplified noise in the learning garden to regular school hours.

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GENERAL INFORMATION

- APPLICANT:** Tim Woodley, Director of Operations
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- Travis Butler, AIA
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Portland, OR 97205
- SITE LOCATION:** 1403 12th Street (Willamette Primary School)
- LEGAL DESCRIPTION:** Clackamas County Assessor's Map 2-1E-02BA, Tax Lot 6300
- SITE SIZE:** Approximately 3.58 acres
- ZONING:** R-10, Single-family Residential Detached
- COMP PLAN DESIGNATION:** Low-Density Residential
- 120-DAY PERIOD:** This application was resubmitted complete on March 1, 2012. The 120-day maximum application-processing period ends June 29, 2012.
- PUBLIC NOTICE:** Public notice was mailed to the Willamette Neighborhood Association and to affected property owners on March 14, 2012. The property was posted with a sign on March 15, 2012. In addition, the application has been posted on the City's website. Notice of the application was published in the West Linn Tidings on March 22, 2012. The notice requirements have been satisfied.



BACKGROUND

The site is located in a residential area of Willamette just south of the historic commercial area of Willamette. It has been used as an elementary/primary school since it was built in 1949. Schools are a Conditional Use in the R-10 zone where the site is located. The school was on the site long before Conditional Use approval was required for this or any other use. Since the Conditional Use category has been implemented by the City in the early 1970's, several Conditional Use applications have been approved for different modifications to the property. These approvals, in addition to approving the changes proposed, also affirmed and/or reaffirmed the approval of the Conditional Use itself on site. The most recent of these was CUP-07-02 et al., which approved a portable classroom building on site. This building however is no longer on site, but the Conditional Use approval applies until the next round of changes requiring a Conditional Use approval, such as the current application.

The current application proposes several changes to the site, but only the implementation of a "learning garden," which would produce an outdoor classroom and activity area as well as change the landscape plan and site plan, requires conditional use approval.

Site Conditions:

The 3.58-acre public primary school site consists completely of the existing mid-century-style primary school building, its outdoor play and landscape areas, and its parking area (see Exhibit PC-4, page 64, L-100, site plan). The site is rectangular and surrounded by City streets on each side: 12th Street to the west, 11th Street to the east, 4th Avenue to the south, and 6th Avenue to the north. The school building faces 12th Street along the west edge of the site. The parking lot fronts 6th Avenue. Open field and play areas dominate the east side of the site, whereas sheltered play areas and playground equipment are found further south on site. The south central to southwest area of the site contains a garden and maintenance shed. The southeast corner contains a storm water collection and treatment area approved as part of a Class I Design Review in 2009.

Much of the site is flat, but the west and south ends slope towards the adjacent streets. The mainly one-level building is two-story in the central area of its footprint where the one-floor southern half of the building overlaps with the one-floor northern end on higher ground (see the building elevations on Exhibit PC-4, page 66).

Project description:

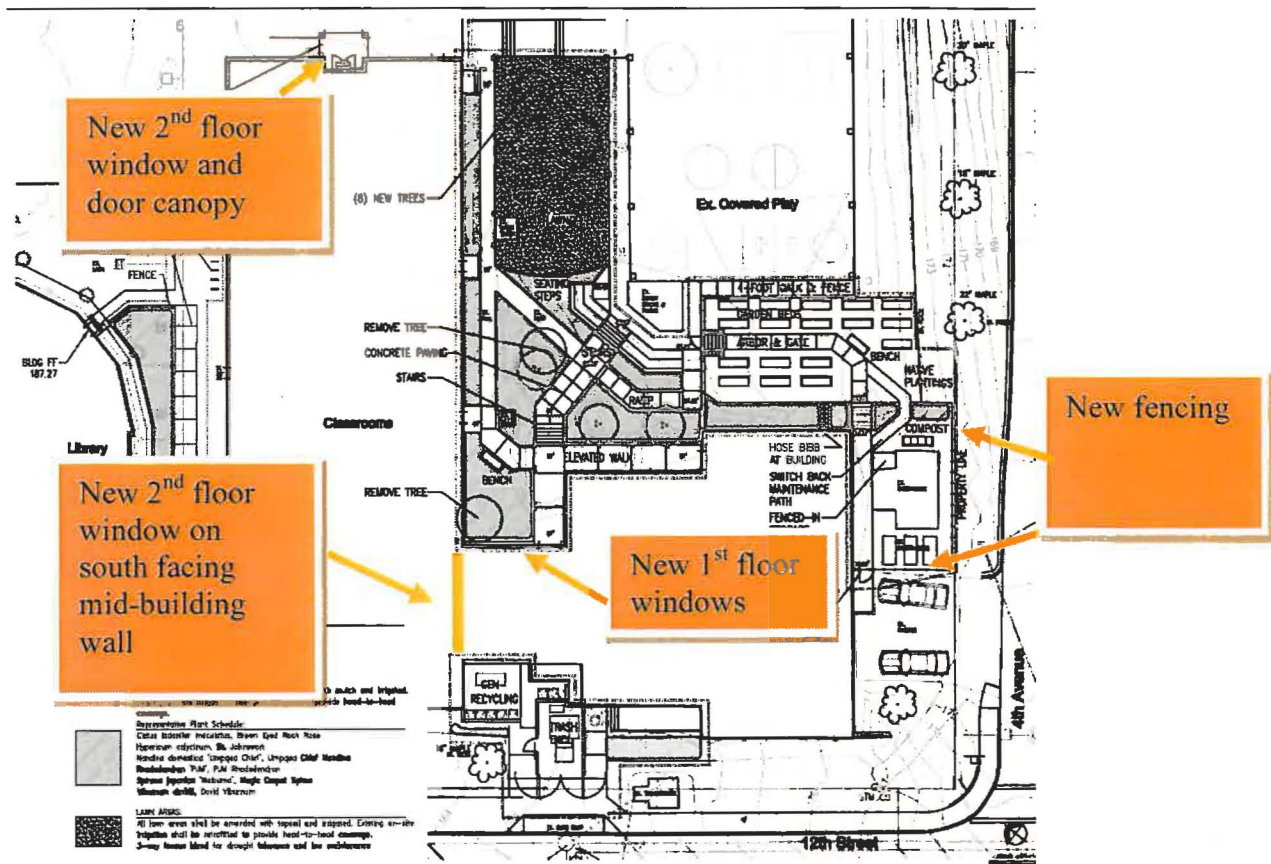
The West Linn-Wilsonville School District requests Conditional Use and Class I Design Review approval for an outdoor "learning garden" including paths, arbors, plantings, outdoor seating, and garden beds at the south end of the site. Class I Design Review approval is also required for this garden and for several exterior changes to the school building and site as follows:

- a) screening the existing recycling area and proposed generator along 12th Street with a masonry wall;
- b) enclosing a new trash compactor next to the recycling area with masonry walls and a steel gate;



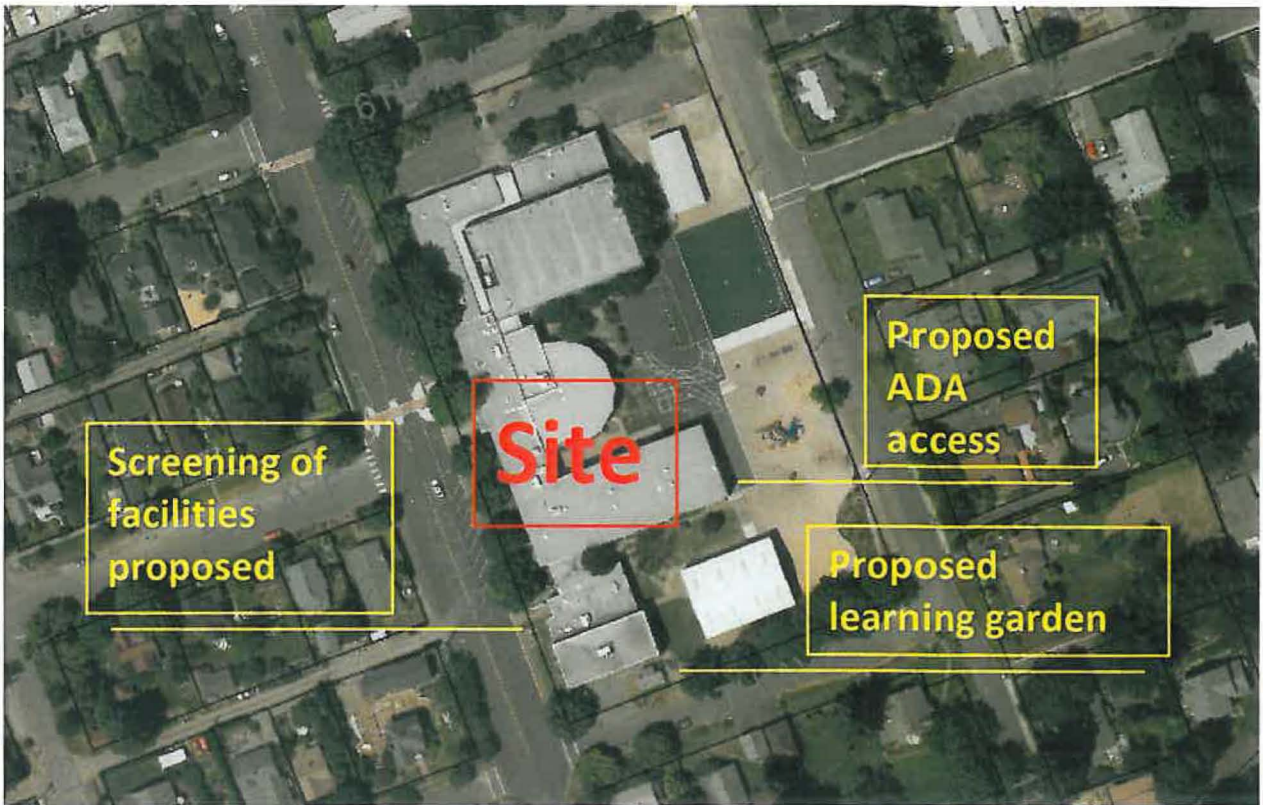
- c) adding Americans with Disabilities Act (ADA) compliant access between the rear of the building and an outdoor play area, including new doors and a roof canopy (a proposed ramp is exempt from review per 55.020[N]);
- d) new windows at three locations that are visually different from the windows they replace;
- e) replacing an existing doorway canopy with one that is visually different;
- f) slightly moving the existing bicycle rack spaces;
- g) new fencing around new storage area at the northeast corner of the greenhouse, and;
- h) new fencing along the property line south of the greenhouse and the driveway west of the greenhouse.

All of the proposed site changes can be seen on Sheet L101, the Detailed Site Plan, on Page 65 of Exhibit PC-4. All changes to the building, as well as the elevations of the proposed walls and gate around the trash/recycling area, are presented on the exterior elevations sheet on Page 66 of Exhibit PC-4.



Excerpt from Detailed Site Plan, Sheet L101 (Page 65 of Exhibit PC-4). Captions, arrows, and orange line representing 2nd floor wall added by staff.





Source: West Linn GIS, 2012

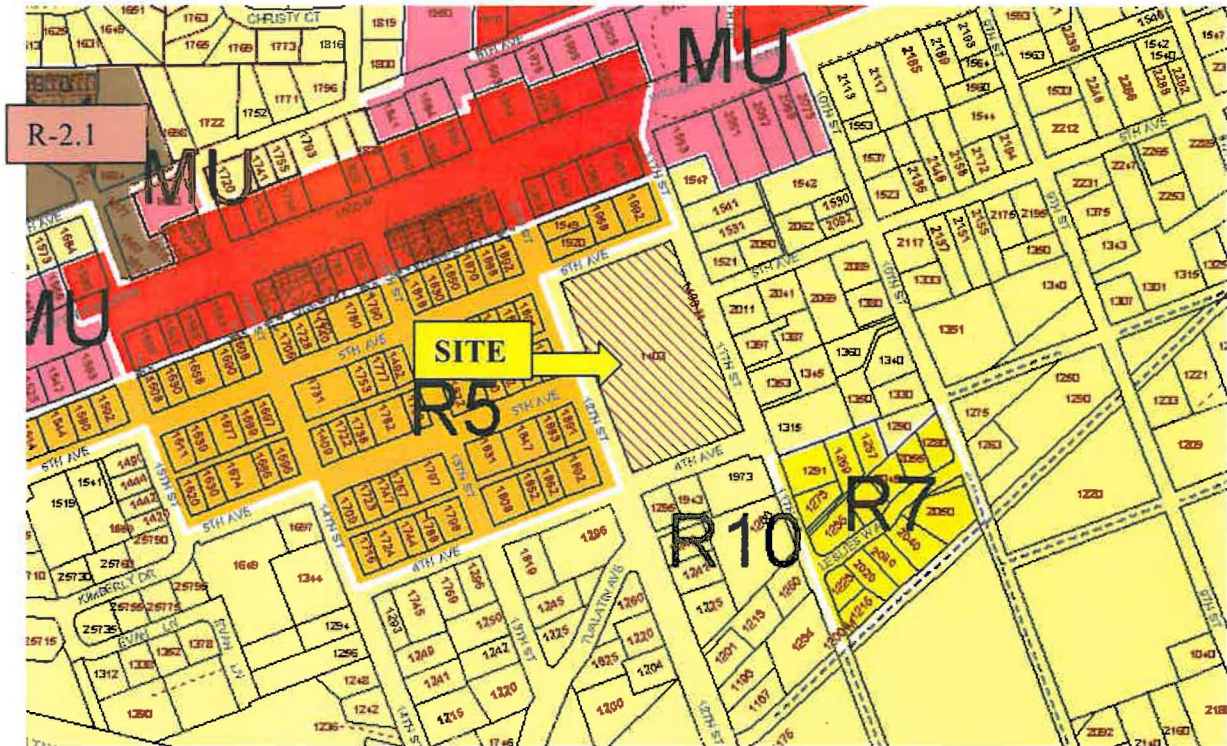
Site Aerial View- some of the proposed improvements labeled here, see applicant's site plans and elevations in Exhibit PC-4 for others



Proposed learning garden area as seen from 4th Avenue, fencing is proposed from existing fence past greenhouse to left

Surrounding Land Use and Zoning: The site is situated within a residential area in the southwest area of West Linn, just south of the Willamette commercial area and the 10th Street/I-205 commercial area. It is just uphill to the north from Willamette Park. The Willamette national and local historic-designated residential area is across the street to the west.

Zoning Vicinity Map



Source: West Linn GIS, 2012

Table 1 Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Single-family residential detached, “main street” commercial and institutional in historic Willamette, highway commercial near 10 th Street exit, some multi-family to the northwest.	R-5; GC; MU; R-10; R-2.1
East	Single-family residential detached.	R-10
South	Single-family residential detached, Willamette Park.	R-10; R-7;
West	Single-family residential detached.	R-5; R-10

Source: West Linn GIS, 2012

Approval Criteria and Analysis

As previously mentioned, schools are a Conditional Use in the R-10 zone per Section 11.060(7). The proposal of the outdoor learning garden can be expected to change the frequency and intensity of the play and garden areas at the south end of the site, thus requiring Conditional Use approval per Section 60.050(B). Design Review is required with a Conditional Use permit per Section 60.030(B). There are no new buildings proposed and no additions to the footprint of the existing building proposed so the changes proposed require Class I Design Review, per Section 55.020. Besides the learning garden, most of the proposed changes require Class I Design Review because they involve aesthetic changes to the exterior of the building, new fencing and walls, changes to the landscape plan, and improvements in exterior to achieve ADA compliance. Therefore, the applicable approval criteria include Chapter 11, the applicable chapter for the R-10 zoning district, the approval criteria for Class I design Review in Section 55.090, and the approval criteria for Conditional Uses contained in Section 60.070. The purpose of these standards is to provide flexibility in the location and modification of certain facilities while ensuring compatibility with surrounding uses.

The proposed new structures include an arbor in the learning garden and masonry walls and a gate in the trash, generator, and recycling areas. The masonry walls will match the existing brick used in the school building. The gate will have silhouette images of schoolchildren, providing an artistic element (see Finding 28). The capacity of the school will not change and impacts to City infrastructure will not result from these proposed changes.

Regarding compatibility with adjoining uses, the proposed learning garden, generator and trash have potential to generate noise. The noise from the compactor, which will be enclosed by a masonry wall and landscaping, will not exceed City standards (see applicant's finding on Page 56 of Exhibit PC-4). Noise from the learning garden will not likely exceed current noise levels generated on site unless it is amplified. Proposed Condition of Approval 2 would limit use of amplified noise in the learning garden to regular school hours. Noise from the generator would only occur upon emergency power outages and is therefore exempt from City noise standards as emergency equipment (see Finding 33).

The project will result in more trees and landscaping in the south area of the site. Three trees and lawn area in poor condition will be removed and eight trees will be planted. A very small area of landscaping will be lost due to the construction of the masonry wall screening the generator and recycling area (see findings 21 and 23). However, the proposed screening of the trash and recycling area will improve the schools appearance.

The site is non-conforming in terms of automobile parking, but no spaces are being added or eliminated by the current proposal, and the current proposal does not affect the number of students, number of staff, or the size of the building. Therefore no new parking is required.

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that the application meets these requirements with two exceptions: the potential of the learning garden for off-hours noise and the visual compatibility of the proposed new fencing on the south side of the site. In response to these issues, proposed Condition of Approval 3 would require planting arborvitae to screen the fence from 4th Avenue and nearby residences, and proposed Condition of Approval 2 would limit use of amplified noise in the learning garden to regular school hours.



Staff finds that there are sufficient grounds for project approval, subject to the aforementioned conditions listed below in the Recommendation section. Please see the following Supplementary Findings for details.

Public comments:

No public comments have been received to date.

RECOMMENDATION

Staff recommends approval of application CUP-12-03/DR-12-07 subject to the following conditions:

1. Site Plan and Elevation Drawing. With the exception of modifications required by these conditions, the project shall conform to the Site Plan and Detailed Site Plan, dated February 14, 2012 (on pages 64 and 65, respectively, of Exhibit PC-4) and the exterior elevations sheet on Page 66 of Exhibit PC-4.
2. Learning Garden Use Hours for Activities Involving Amplified Sound. The learning garden shall not be used for activities involving amplified sound, except for instruction during regular school hours.
3. Arborvitae Screening of New Fencing. The new fencing proposed on the south side of the site shall be screened with arborvitae west of the tree labeled 22-inch maple tree shown on Sheet L101, Detailed Site Plan (on page 65 of Exhibit PC-4).

Notes to applicant.

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.
- Additional Permits Required. Your project may require the following additional permits:
 - On-Site Utilities: contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov. (Electrical permits are through Clackamas County, not the City of West Linn.)
 - Building permit, the final permit after others are completed and conditions of approval are fulfilled. Contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov.
- Final inspection: Call the Building Division's Inspection Line at (503) 722-5509.
- Noise compliance with Oregon Department of Environmental Quality (DEQ) standards: The City reserves the right to require a report documenting whether the compactor



noise meets DEQ standards, as required by Section 55.110(B)(11), if complaints arise from nearby residences.



ADDENDUM

APPROVAL CRITERIA AND FINDINGS

CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10 DISTRICT

11.020 PROCEDURES AND APPROVAL PROCESS

C. A conditional use (CDC 11.060) is a use the approval of which is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

11.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60, Conditional Uses.

7. Schools.

FINDING NO. 1:

A primary school is a conditional use in the zone. The use has existed at the site since before the CDC required conditional uses. The proposed changes to the site plan require Conditional Use approval. See findings 4-14 below. The criteria are met.

11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this Code, the appropriate lot size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in Section 60.070(1) and (2).

FINDING NO. 2:

The lot is approximately 3.58 acres in size, which is small for a school, but it has accommodated a school for decades. The site size will not be changed by the proposal. The criterion is met.

11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

B. The provisions of Chapter 55, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

FINDING NO. 3:

As this is a proposal involving exterior building and site changes to a public institutional use, Class I Design Review approval is required. The application includes the request for this approval. The criterion is met.



CHAPTER 60, CONDITIONAL USES

60.070 APPROVAL STANDARDS AND CONDITIONS

A. *The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in Section 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:*

1. *The site size and dimensions provide:*

a. *Adequate area for the needs of the proposed use; and,*

FINDING NO. 4:

As previously noted, the 3.58 acre site already accommodates a primary school. The proposed learning garden would change informal outdoor use area to a specific use area that will likely be used more frequently and intensely. The area itself is adequate for the learning garden, and does not subtract from the developed play and athletic areas, parking areas, or the school building. The criterion is met.

b. *Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.*

FINDING NO. 5:

The addition of paths, arbors, plantings, outdoor seating, and garden beds to an area without many existing distinct features will likely improve the aesthetic quality of the site and the view from surrounding properties and streets. There may be increased use of this area for class during the school day, and this may increase noise in this part of the site. However the noise is not expected to exceed the normal noise of outdoor activities at a primary school including play and other activities that take place closer to other residences near other parts of the site. The possible exception is the use of amplified sound during instruction. Proposed condition of Approval 2 addresses use of amplified sound. Consequently, the effects on the residences near the south end of the site are not expected to be more adverse than what many residences around the site already experience.

While a primary school is a Conditional Use in this zone due to its tendency to produce more noise and other disturbances than single-family residences, it is typically a use located in a residential neighborhood in order to serve the neighborhood. The proposed learning garden is one more aspect of the school that may result in some outside noise of voices and activities, but that does not make the use inappropriate for the residential area. The criterion is met.

2. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.*

FINDING NO. 6:

The school's central location in a residential area is appropriate for the use. The addition of the learning garden in the south-central area of the site is appropriate to the shape and topography of the site. The proposed garden will incorporate the natural rolling topography of the south end of the site and will incorporate existing trees. The criterion is met.

3. *The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.*



FINDING NO. 7:

The community served by the West Linn-Wilsonville School District approved a bond measure for the proposed school improvements. Attendees at the Willamette Neighborhood Association meeting regarding the proposal were in unanimous support. Outdoor learning areas for school-aged children are consistent with the needs of the community to educate children about the outdoors and other important subjects.

- 4. *Adequate public facilities will be available to provide service to the property at the time of occupancy.*

FINDING NO. 8:

Adequate public facilities are available to accommodate the addition of the learning garden area. There will be less than 500 new feet of impervious surfaces, so additional storm water treatment is not required. The addition does not significantly affect demands on the water, transportation, or sanitary sewer systems as is does not result in new building additions or increases in the level of staff or students. The criterion is met.

- 5. *The applicable requirements of the zone are met, except as modified by this chapter.*

FINDING NO. 9:

Findings 1-3 document consistency with the applicable requirements of the R-10 zone. The criterion is met.

- 6. *The supplementary requirements set forth in Chapters 52 to 55, if applicable, are met.*

FINDING NO. 10:

No signs or public sidewalk uses are proposed, so chapters 52 and 53 do not apply. Chapter 54 is addressed under Finding No. 21 below, and Chapter 55 Design Review is addressed under findings 15-37 below.

- 7. *The use will comply with the applicable policies of the Comprehensive Plan.*

FINDING NO. 11:

The application is within the Willamette neighborhood. The adopted *Vision Statement and Action Plan for the Willamette Neighborhood of West Linn* is the neighborhood plan for Willamette and is part of the City’s main Comprehensive Plan. Therefore staff has reviewed both this and the main Comprehensive Plan for proposed learning garden compliance.

Vision Statement and Action Plan for the Willamette Neighborhood of West Linn:

Goal 2: *Education and activities for children and adults*

Policy 2-3: *Protect and support Willamette Primary*

Goal 4: *Respectful use and care for the environment including our city, river, parks, and trails.*

The learning garden will provide outdoor education opportunities for Willamette Primary students and an outdoor area for various school activities. This can include education regarding the environment and how to respect and care for it. The garden can act as a pleasant, stimulating, and nurturing space in which to learn about other subjects as well, on days when the weather allows for classes to be held outside.

West Linn Comprehensive Plan:

Goal 6-4-1: *Maintain and promote a quiet and healthful environment for the citizens of West Linn.*

Policy 6-4-2: *Require development proposals that are expected to generate noise to incorporate landscaping and other techniques to reduce noise impacts to levels compatible with surrounding land uses.*

The learning garden will not likely generate noise at greater level than the noise of other nearby outdoor play areas. It will mainly consist of garden and path areas as well as some seating areas, rather than hardscaped areas that ricochet noise into the neighborhood. Landscaping will help mitigate the effects of noise from the garden on the residential area.

Policy 11-0-5: *Where appropriate, monitor, coordinate with, and regulate the activities of the following as they affect existing and future residents and businesses.*

d. Schools

Policy 11-0-10: *Assure all visible public facilities are constructed with attractive design and materials where appropriate.*

Policy 11-0-12: *Whenever feasible, utilize environmentally sensitive materials and construction techniques in public facilities and improvements.*

Policy 11-3-8: *Encourage use of permeable surfaces in developments.*

Goal 11-7-1: *Coordinate with the West Linn-Wilsonville School District and Clackamas County to provide school services and related recreational facilities for West Linn residents.*

The District's application, and the staff report and recommended conditions of approval reflect the coordination between the City and the School District in implementing the garden and reflect appropriate regulation of the use by the City. The garden's layout and proposed materials constitute a public facility constructed with attractive design and materials. As an outdoor learning area constructed of arbors, paths, and planters instead of hardscapes, this use constitutes a public facility utilizing environmentally sensitive materials and permeable surfaces.

Policy 11-7-4: *School design, use, and parking will be responsive to and compatible with surrounding neighborhoods and existing land uses.*

A landscaped learning garden with noise-absorbing materials is an appropriate and attractive outdoor use for the south end of the site that is compatible with existing surrounding residences.

The learning garden proposal is compatible with the goals and policies of the Comprehensive Plan and the *Vision Statement and Action Plan for the Willamette Neighborhood of West Linn*. The criterion is met.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55.

FINDING NO. 12:

The applicant has applied for the required Class I Design Review approval. Compliance with the Class I Design Review criteria of Section 55.090 is required. See findings 15-37 below.



C. *The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:*

1. *Limiting the hours, days, place, and manner of operation.*

FINDING NO. 13:

The proposed learning garden is only outdoor area where “operation” of classes or other activities may take place at a greater level than before. Condition of Approval 2 is proposed to limit noise-producing activities there to regular school hours.

2. *Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.*
3. *Requiring additional setback areas, lot area, or lot depth, or width.*
4. *Limiting the building height, size or lot coverage, or location on the site.*
5. *Designating the size, number, location and design of vehicle access points.*
6. *Requiring street right of way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.*
7. *Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a condition use application for the property) indicates the application should contribute toward.*
8. *Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.*
9. *Limiting the number, size, location, height, and lighting of signs.*
10. *Limiting or setting standards for the location and intensity of outdoor lighting.*
11. *Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.*
12. *Requiring and designating the size, height, location, and materials for fences.*
13. *Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.*

FINDING NO. 14:

New fencing is proposed south of the learning garden and greenhouse area, and west of the greenhouse along the small gravel parking area (see Page 65 of Exhibit PC-4, Detailed Site Plan, Sheet L101). Staff recommends Condition of Approval 3, which requires planting arborvitae to screen this fencing from the street and nearby residential uses in case the fence material used is incompatible with the site’s surroundings or makes views of this area less attractive. Specifically, the proposed condition calls the planting of arborvitae along all of the new fence west of the tree labeled on the site plan L101 as “22 inch maple”(which marks the east end of the new fencing). The east end of the fencing also will be screened by the maple and other trees to the east. Staff does not see the need for other additional conditions relating to items listed above in Section (C), but the Planning Commission can add others if it finds this necessary to make the use compatible with the neighborhood.



CHAPTER 55, DESIGN REVIEW

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application.

A. The provisions of the following sections shall be met:

- 1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.*
- 2. CDC 55.100(B) (5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.*
- 3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.*

FINDING NO. 15:

The applicant's findings related to subsections 55.100(B) (1-6) can be found on pages 55-56 of Exhibit PC-4. Staff findings related to these are findings 22-30 below.

Responses to several other criteria of Section 55.100 are required due to their relevance to the proposed changes. The applicant's findings related to these can be found on pages 54-57 of Exhibit PC-4. Staff findings related to these criteria are findings 18-21 and 31-37 below.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

FINDING NO. 16:

All public facilities are adequate to provide service to the property.. The proposed changes will not increase the amount of traffic, staff, or students. The net proposed amount of new impervious surfaces will not be enough to trigger further storm water treatment and detention. The criterion is met.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

FINDING NO. 17:

Because there are architectural changes and because there is development proposed in landscaped, non-developed areas of the site, all of the approval criteria listed in subsection A is relevant. See Finding No. 15 above for where to find staff and applicant findings related to these criteria.



55.100 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 design review application.

A. *The provisions of the following chapters shall be met:*

5. *Chapter 42 CDC, Clear Vision Areas. Excerpt of Chapter 42:*

42.030 EXCEPTIONS

The following described area in Willamette shall be exempt from the provisions of this chapter. The parcels of land zoned General Commercial which abut Willamette Falls Drive, located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

FINDING NO. 18:

Per Section 42.030 the site is in the area of Willamette where the provisions of Chapter 42 do not apply, as it is north of 4th Avenue and west of 11th Street.

6. *Chapter 44 CDC, Fences. Excerpts of Chapter 44:*

44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

A. A sight- or non-sight-obscuring fence may be located on the property line or in a yard setback area subject to the following:

1. The fence is located within: a. A required front yard area, and it does not exceed three feet, except pillars and driveway entry features subject to the requirements of Chapter 42 CDC, Clear Vision Areas, and approval by the Planning Director;

44.030 SCREENING OF OUTDOOR STORAGE

A. All service, repair, and storage activities carried on in connection with any commercial, business or industrial activity and not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight-obscuring fence.

B. The sight-obscuring fence shall be in accordance with provisions of Chapter 42 CDC, Clear Vision Areas, and shall be subject to the provisions of Chapter 55 CDC, Design Review.



FINDING NO. 19:

The only new proposed fencing is a) at the corner of the greenhouse where the small fenced storage area is proposed, and b) along the south and west edges of the greenhouse area along the property line and driveway edge, respectively. The fencing satisfies the provisions of Chapter 44 as it is proposed to be a maximum of 6 feet high. The clear vision areas of Chapter 42 do not apply to this site due to its location in this area of Willamette; see Finding No.18 above:

The proposed masonry wall and nearby wall/gate enclosure proposed to screen facilities at the front of the site, are over 6 feet tall. However, this height is not prohibited by Chapter 44 as gates and walls over 6 feet tall are only prohibited in a “required front yard area” per Subsection 44.020(A) (1) (a); as a Conditional Use the site has no required setbacks in Chapter 11 as these are determined discretionarily by the Planning Commission (see sections 11.070 and 11.080 which do not provide for required Conditional Use setbacks in this zone). Therefore the screening wall complies with the CDC in that there is no required front structural setback, in that it will improve the appearance of the Conditional Use on site, and in that it screens a storage area as required by Section 44.030(A). The criterion is met.



Trash/recycling area as it exists now. Cement area will contain trash compactor; gates will face street. To the left, in the background, the applicant proposes the masonry wall to screen the recycling containers and generator.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas. Excerpt of Chapter 46:

46.150(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:

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
<i>Institutional</i>		
<i>Schools - Elementary</i>	<i>2 spaces per classroom</i>	<i>50%</i>

FINDING NO. 20:

As an elementary or primary school with 20 classrooms, the school is required to have a minimum of 40 bicycle parking spaces, 20 of which are covered. There are 10 spaces on site, and none of them covered. These 10 spaces are on 5 bicycle racks at the rear of the school near a wall. They will be moved slightly closer to the wall (within 50 feet) in order to provide more space on the adjacent pedestrian walkway and be slightly closer to the doors. Overall, the bicycle parking situation is non-conforming, and the proposal will not worsen the non-conformity. In terms of distance to doors, the existing location is conforming and the moving of the spaces will put it even closer to the doors.

10. Chapter 54 CDC, Landscaping.

FINDING NO. 21:

The proposed landscaping is in keeping with Chapter 54. The project will result in more trees and landscaping in the south area of the site. A very small area of landscaping will be lost due to the construction of the masonry wall screening the generator and recycling area. However, over 20% of the site consists of landscaping and will continue to do so, meeting the minimum for non-residential sites provided by Subsection 54.020(E) (2).

B. Relationship to the natural and physical 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 his/her direction.



FINDING NO. 22:

There are no heritage trees on the site.

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 (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.



FINDING NO. 23:

The applicant proposes to remove two trees and plant eight trees. See the Detailed Site Plan (Sheet L101) on Page 65 of Exhibit PC-4. The trees proposed for removal are not significant, per City Arborist Michael Perkins. See his comments on Page 39 of Exhibit PC-2. The criteria are met.

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

FINDING NO. 24:

This provision is not applicable.

3. The topography and natural drainage shall be preserved to the greatest degree possible.

FINDING NO. 25:

The existing grade and the amount of landscaped area will remain virtually unchanged. The topography and natural drainage are generally preserved by the proposed changes.

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.

FINDING NO. 26:

The City of West Linn *Natural Hazards Mitigation Plan* is the most updated source for where areas subject to slumping and sliding are located. The proposed additions to the existing structure, the proposed arbor, and other development are not located in landslide hazard areas or potential landslide areas per the plan. The criterion is met.

5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

FINDING NO. 27:

There are no new buildings proposed. The proposed canopies on the east side of the building are not near other existing buildings. The criterion is met.

6. Architecture.

a. The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves,



decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture.

b. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. 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.

c. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that "step down" or "step up" from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

d. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

FINDING NO. 28:

The mid-century, flat-roofed brick school building is different than most of the surrounding architecture, which is mainly residential in style with Victorian-era and Craftsman-era wood frame designs.

The new structures will be the proposed arbor in the proposed learning garden and the masonry walls and gate containing the trash, generator, and recycling areas. The masonry walls will match the existing brick. The proposed gate will have artistic silhouette images of schoolchildren. The sizes of these structures will not be large, so they will be compatible with the area in this regard. While the masonry walls are designed to have a flat top, this is the case for the silhouette of much of the main building also. The proposed masonry walls will not contrast with the building architecture, and the changes to the existing building exterior walls and windows will not be starkly different than the existing walls and windows of the building. The tallest point of any of the walls on the trash compactor enclosure will be approximately 8.75 feet. The tallest end of the masonry wall screening the recycling/generator area will be approximately 6.4 feet. These walls are new structures for which there is no required setback for a Conditional Use in the R-10 zone, and staff finds that at this location at the front of the site they will improve the look of the site by screening these utility and storage areas. The new doorway canopy will not change in size enough to



affect bulk or transition on the east side of the building. Transition and bulk will largely not be affected by the proposed changes.

The criteria above relating to the site's compatibility with surrounding architecture are met as much as possible, considering existing on-site conditions. The criteria relating to proposed modifications' compatibility with the existing building are met.

e. 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 (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the "height and width" ratio referenced in this section.

g. Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

h. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

FINDING NO. 29:

Windows will remain multi-pane. New guard rails will provide further visual interest, as will the artistic silhouettes of schoolchildren on the trash compactor enclosure gate. The new canopy will shade people going in and out of the building and protect them from the rain. The criteria are met.

i. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.

j. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.



FINDING NO. 30:

While nothing is proposed in the public right-of-way, the design of the learning garden contributes to the varied, human-scaled, visually interesting atmosphere that the above criteria strive to implement in West Linn.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.*
- b. The size of the buffer required to achieve the purpose in terms of width and height.*
- c. The direction(s) from which buffering is needed.*
- d. The required density of the buffering.*
- e. Whether the viewer is stationary or mobile.*

FINDING NO. 31:

Besides the walls and gate proposed in the front trash, recycling, and generator areas (see Finding No. 32 below), the proposed learning garden area is the only area near the perimeter of the site where activity is proposed. This is an area where class and other activities may take place, but it is not expected to produce higher noise levels than existing outdoor play areas unless it involves amplified sound. Consequently, proposed Condition of Approval 3 would limit use of amplified sound to regular school hours. The noise from the proposed emergency backup generator is exempt from City noise regulations and related CDC requirements; see Finding 33 below for details. The trash compactor will not exceed City noise standards (see Page 56 of Exhibit PC-4 in the applicant's submittal). Visually, the landscaping and development proposed within the garden does not degrade the look of the site or make it less visually compatible with surrounding residences. The proposed fencing next to the greenhouse will be on the north side of the greenhouse within an already-fenced area of the site. Fencing is proposed also, however, along the south side of the garden and greenhouse areas, and west of the greenhouse. Staff recommends Condition of Approval 3, which would require planting arborvitae to screen the fence from 4th Avenue and nearby residences to ensure compatibility. See further detail above in Finding 14.

2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots 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-round.*

FINDING NO. 32:

No changes are proposed to parking areas. The storage area north of the greenhouse is across the greenhouse building from the right-of-way. It is proposed to be screened with fencing as well.

The only other service or storage area proposed for modification is the trash/recycling area. Here, the applicant proposes masonry walls and a steel gate around the proposed trash compactor, and a masonry wall in front of the existing facilities and proposed generator. This will better screen this service area from surrounding residences and from the public right-of-way. The criterion is met.

D. *Privacy and noise.*

3. *Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.*

4. *Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)*

FINDING NO. 33:

While no further physical buffering is needed, staff proposes Condition of Approval 2 to ensure that amplified sound will not be used in the proposed learning garden except during regular school hours. As an emergency backup generator, potential noise from the generator would only occur during power outages and is therefore exempt under Municipal Code Subsection 5.487(3) exempting emergency equipment from the noise regulations in the remainder of Section 5.487. The trash compactor will not exceed City noise standards per the applicant (see pages 56 and 59 of Exhibit PC-4 in the applicant's submittal). In lieu of having more specific information regarding the decibel level that would be audible at the nearest residential property line, should complaints arise, staff reserves the right to require a report from the applicant that determines whether City standards (which are DEQ standards per Section 55.110[B][11]) are being met.

G. *Demarcation of public, semi-public, and private spaces.* *The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas may be defined by:*

1. *A deck, patio, fence, low wall, hedge, or draping vine;*
2. *A trellis or arbor;*



3. *A change in level;*
4. *A change in the texture of the path material;*
5. *Sign; or*
6. *Landscaping.*

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

FINDING NO. 34:

The learning garden will be delineated by its landscaping from other parts of the site. An arbor also delineates its northern entrance, towards the building's rear entrances. The existing fence separating the site from 4th Avenue will remain. New fencing is proposed to extend west from the existing fencing, turning north along the boundary between the garden and the small gravel parking area. As previously mentioned, staff proposes Condition of Approval 3 to screen new fencing with arborvitae. The proposal to install masonry walls and a steel gate around the new trash compactor, and the proposal to install a wall in front of the recycling area and proposed generator, will result in better delineation of these service/storage areas.

I. Public facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

4. *Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.*

FINDING NO. 35:

The recycling storage area will continue to be at the same location, but will be screened by a masonry wall. The proposed trash compactor will be enclosed by masonry walls and a steel gate. Use of the compactor will make it so trash collection trucks do not have to visit the site as often. The criterion is met.

J. Crime prevention and safety/defensible space.

3. *Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.*

FINDING NO. 36:

The solid waste facilities will continue to be located at the front of the building near 12th Street, which has a sidewalk and street lights. The criterion is met.

K. Provisions for persons with disabilities.



1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible 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. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

FINDING NO. 37:

ADA access will be improved by adding the ramp, canopy, and path. These make the connection between the outdoor play area and an existing rear entrance ADA accessible, which is currently not accessible. The criterion is met.

