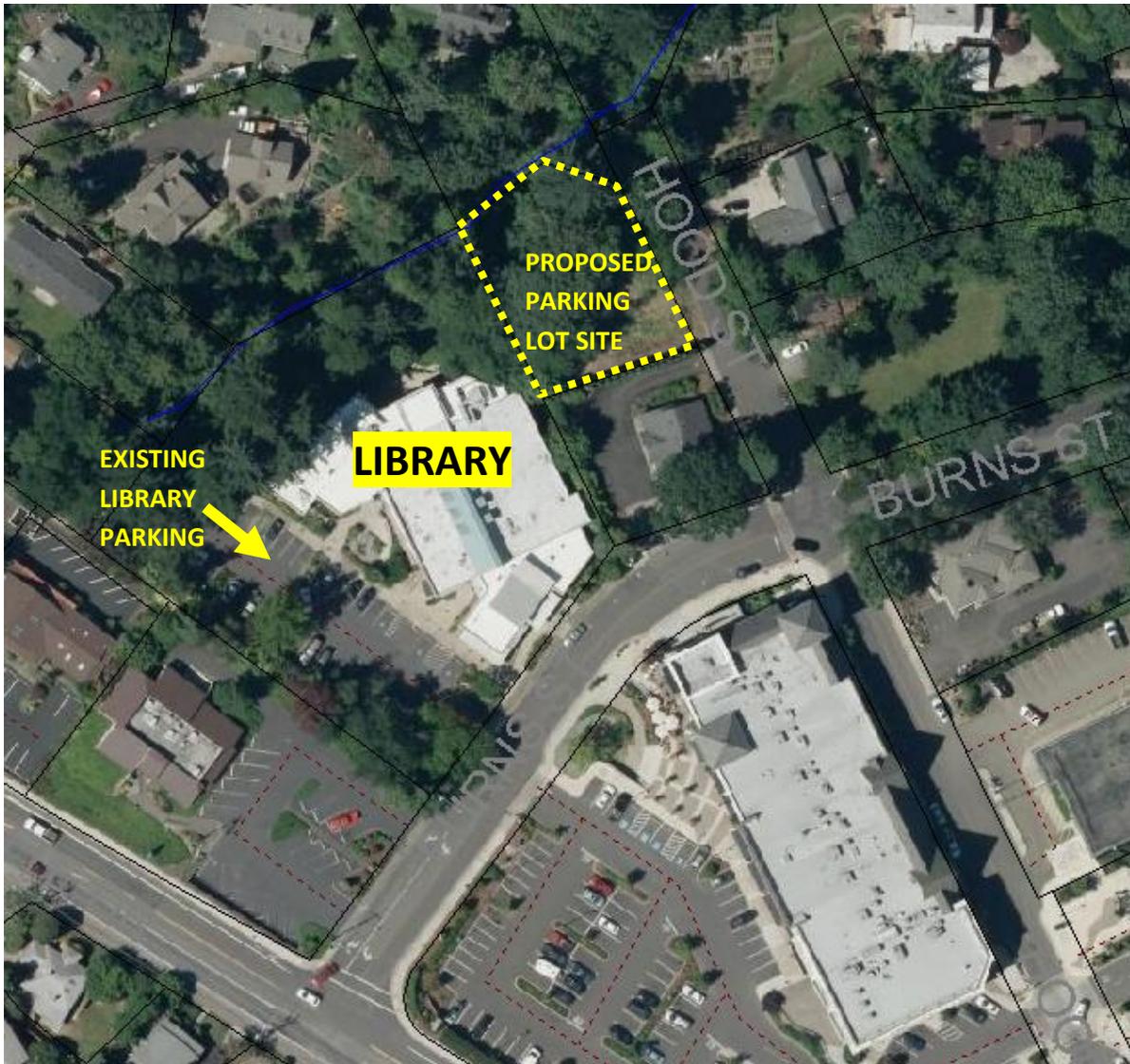


Application for Library Parking Lot

Proposal:	Construct a 12 space parking lot adjacent to and northeast of the City of West Linn library. Construct a path connecting the parking lot with the library.
Applicant:	Diane Satchwell, West Linn Library Director
Property Owner:	City of West Linn
Project Manager:	Lance Calvert, Public Works Director
Report Prepared by:	Peter Spir, Associate Planner, City of West Linn
Location:	5750 Hood Street and 1595 Burns Street
Legal Description:	Assessor's Map 22E30BD Tax lot 2401 and 2200
Site Size:	12,612 square feet of tax lot 2401 (parking lot) 61,010 square feet for tax lot 2200 (library)
Zoning:	Office Business Center (OBC) per 21.030(8) (PERMITTED USES) parking facilities are permitted outright in this zone.
Zoning Overlays:	Water Resource Area (WRA), Riparian Corridor
Comprehensive Plan Designation:	Commercial
Land Use Permits requested:	Class II Design Review (CDC Chapter 55), Water Resource Area (CDC Chapter 32), Four Class II Variances (CDC Chapter 75), Alteration/Expansion of a Non-Conforming Structure (CDC Chapter 66).

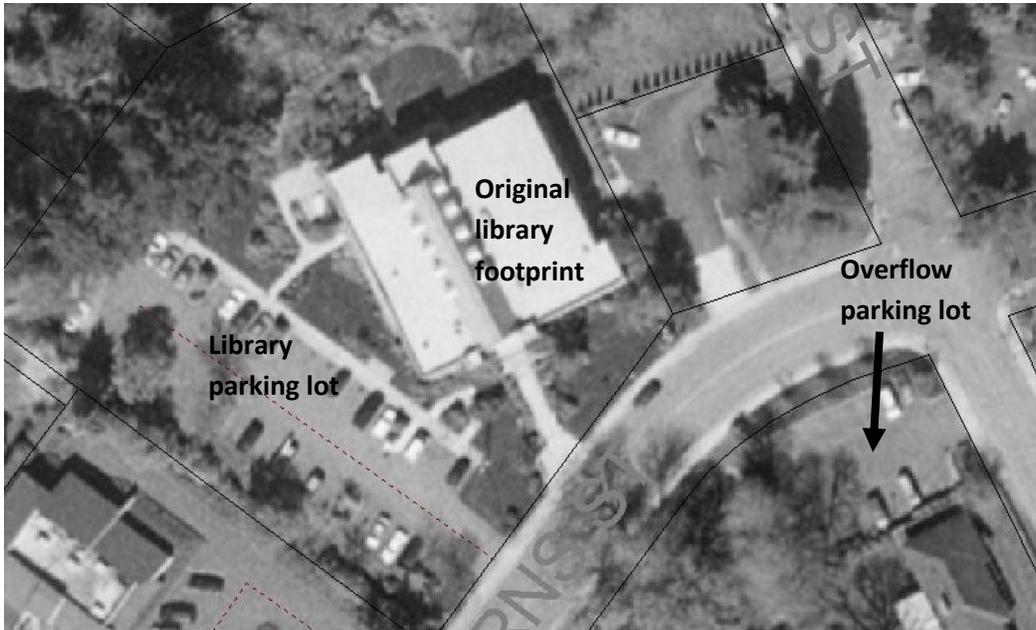


Background

The West Linn library was built in 1989 (DR-88-25) with a parking lot to the west comprising 35 spaces. From the onset, the number of parking spaces was below the minimum required thanks to the use of exemptions built into the Community Development Code (CDC) that allow a 10% parking reduction for proximity to transit and similar reduction if a significant tree is saved. While this technically addressed the Community Development Code’s (CDC) approval criteria and was approved by the Planning Commission, from a functional “real world” standpoint, the library suffered from inadequate parking from the onset. In 1989, (DR-89-35) the library attempted to correct the parking shortfall by applying for a permit to construct a 16

stall parking lot across the street at the southwest corner of Hood and Burns Street. With that approval, the library now had sufficient parking.

1996 photo of original library footprint, parking lot and overflow parking lot



In 2001, a major addition was proposed to the front and rear of the library (DR-01-08). The addition was approved and, again, the parking was found to meet the CDC standards, albeit technically. Parking was tight but the overflow parking lot across the street made the parking situation tenable. When the West Linn Central Village Shopping Center was developed across Burns Street from the library, the overflow parking lot was eliminated and the library lost 16 spaces.

In 2011, the library purchased the property that is part of this application to improve the parking supply. A contemporary calculation of the required library parking puts the required number of spaces at 53; the library currently has 35 spaces including three ADA spaces for a shortfall of 18 spaces. Twelve parking spaces are proposed in this application.

The property that is being proposed for the parking lot is zoned Office Business Center (OBC) which allows parking lots by outright with a design review and other permits as required. The library property, which will host a small section of the footpath from the parking lot, is also zoned OBC. Other properties to the south are also OBC whereas properties to the east and north are zoned R-10 (single family residential-10,000 square foot minimum lot size).

The most prominent site feature is Maddax Creek which runs along the north edge of this property and is contained within a forested ravine.

Proposal

The proposal is to construct a 12 space parking lot on a 12,612 square foot parcel adjacent to and northeast of the City of West Linn library. Vehicular and pedestrian access to the parcel would be from Hood Street. Other improvements include a pedestrian and ADA accessible path to the library from the parking lot, a storm water rain garden and street improvements on Hood Street. The majority of the improvements will be on tax lot 2401 with just a 25 foot long section of path extending onto the library property (tax lot 2200). Seven land use permits are required: design review, water resource area permit, four class II variances, and alteration/expansion of a non-conforming structure permit.

Design Review

Class II Design Review is required. Design review examines the proposal in terms of resource protection, conformance with the Transportation Planning Rule, pedestrian facilities, defensible space, parking and landscape design. The applicable chapter is CDC Chapter 55.

Water Resource Area permit

Because the majority of the parking lot property is within the Water Resource Area (WRA) transitions and setbacks associated with Maddax Creek that runs along the north edge of the property on a west to east axis, a WRA permit is required. The applicable chapter is CDC Chapter 32. The WRA permit will also consider the 25 foot long path section in the WRA transition on the library property.

The applicant will be applying for a reduction of the WRA standards under the WRA's hardship provisions of 32.090(B) to allow development of 5,000 square feet of the parking lot within the WRA. The applicant will also be applying for a variance from the 5,000 square foot disturbance limit per section 32.090(D) to accommodate the path on the library property since that disturbance limit has already been eclipsed by the existing library, west parking lot and rear patio area which total 13,760 square feet.

The applicant will be limiting development primarily to previously disturbed or graded areas that exist behind or above the top of the slope rising out of the drainageway. The area below the top of slope will see the removal of non-native plants and re-vegetation with native plants pursuant to approved mitigation and re-vegetation plans. The stormwater discharge will be directed into this area but through existing facilities.

Class II Variances (4)

In order to minimize disturbance of the WRA and meet the approval criteria of the WRA Chapter, three Class II Variances are required. The variances are to seek relief from the following CDC provisions:

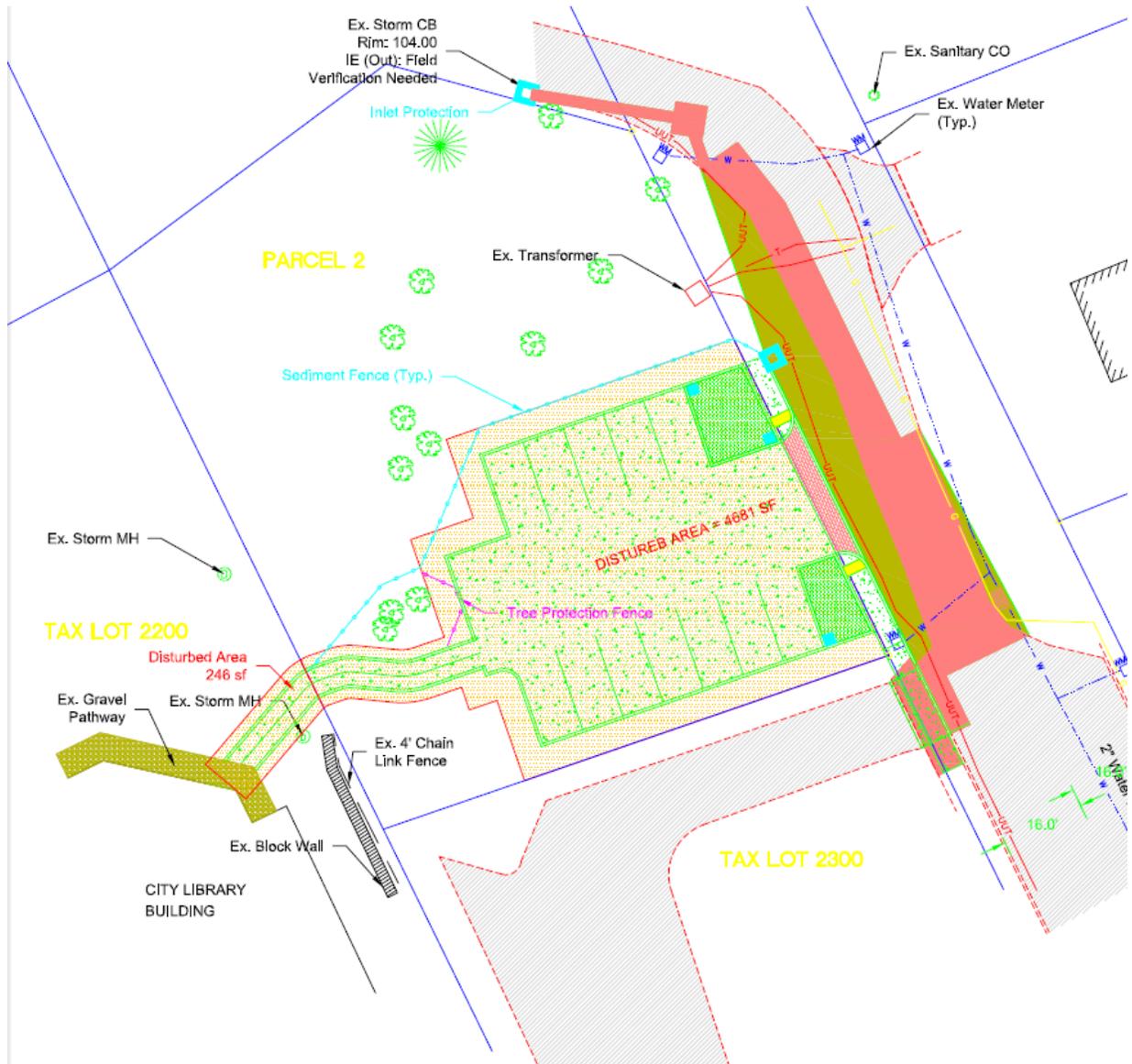
1. Section 54.070 requires that at least five percent of the interior of parking lots for 10-25 cars be landscaped. No landscaping is proposed
2. Section 46.150 (A) (1) requires that 50 percent of the parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length. This application proposes that all stalls be compact at eight feet by 16 feet.
3. Section 32.090(B) allows up to 5,000 square feet of the library property in the WRA to be disturbed. Already, the library encroaches 13,750 square feet into the WRA so the only way to add the 25 foot long connective path, which will disturb 246 square feet, is by Class II Variance per section 32.090(D).
4. Section 48.025(B)(6) requires that the access standards of the Transportation System Plan (TSP) be applied. The TSP requires 50 feet between driveways and the proposed driveway will be 40 feet from an existing driveway on the law office property to the south.

Alteration/Expansion of a Non-Conforming Structure

The library is a “non-conforming structure” on three counts: by virtue of inadequate parking, improperly dimensioned parking spaces and encroachment into the WRA transition.

The library should have 53 spaces and it only has 35 spaces. The CDC requires a 50/50 split of compact and full sized spaces for the existing parking lot west of the library. The parking stalls qualify as compact space size but there are no full sized 9 X 18 foot spaces. And finally, the library, west parking lot and rear patio area represent 13,760 square feet of disturbed area within the WRA transition and setback. The WRA chapter requires that, even after the applicant proves a hardship, the disturbed area cannot exceed 5,000 square feet unless a variance is obtained.

Therefore an “alteration/expansion of a non-conforming structure” permit is required.



Required permits for each lot



- Variance to allow more than 5,000 square feet of disturbed area in WRA
- Design Review for path from parking lot
- WRA permit for path in the WRA transition and setback area
- Alteration of Non-Conforming Structure. Non-conformity is encroachment of library into WRA transition

- Variances to allow compact parking only, no interior landscaping in the parking lot and entry driveway close to driveway on adjacent lot
- Design Review for parking lot and path to library
- WRA permit for parking lot in the WRA transition and setback area
- Alteration of Non-Conforming Structure. Non-conformities are inadequate parking

Applicant's Responses to the Approval Criteria

Water Resource Area Permit

32.050 APPROVAL CRITERIA

No application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval.

A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor Inventory shall be used as the basis for determining existence of riparian corridors.

FINDING 1: The Surface Water Management Plan identifies Maddax Creek as the water resource area at this site. There are no wetlands at this site or nearby.

B. Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.

FINDING 2: Maddax Creek and the drainageway below top of bank will be the main form of conveyance of stormwater generated by this application. The storm water from the parking lot and driveway will be directed into a rain garden at the northeast corner adjacent to Hood Street above the top of bank. Much of the collected water will evaporate or slowly infiltrate the rain garden's soils. Heavy rainfall discharge from the rain garden will flow by pipe and energy dissipater into Maddax Creek. Access to Maddax Creek already exists via the Hood Street ROW.

C. Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water

quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC [32.070](#) designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.

FINDING 3: Impacts on the WRA will be minimized by having much of the development (parking lot and associated improvements) in areas that were previously disturbed by grading. (The photo below shows how the central portion of the site was graded, leaving an embankment near the top of ravine.)



The design of the parking lot tries to minimize impacts on the WRA even further by pursuing two variances. If approved, the variances would pull the developed area four feet back from the top of bank and reduce impermeable surface area by about 11 percent. *(The applicant had considered a variance from the provisions of Section 54.020(E) (3) (f) which requires that parking lots have a five foot wide landscaped strip abutting property lines (not ROW). The idea was to eliminate the landscape strip along the south property line. The problem was that by pushing the parking lot up to the property line the roots of an existing row of Arbor Vitae along that lot line would be seriously damaged. To avoid that, the variance was not applied for.)*

There are some portions of the parking lot and associated development that extend beyond or below the top of bank. These include the northern edge of the parking lot with retaining walls as well as post construction re-vegetation in the ravine which will include the removal

of non-native/invasive plants and trees and the planting of native plants and trees and removal of ivy from the trees. (Per section 32.020(D) (7), vegetative improvements (replacing non-native/invasive plants such as blackberries, with native plants) are exempt from a WRA permit.)

A mitigation and re-vegetation plan has been prepared to address the parking lot and other development in the transition and setback areas.

The construction of the footpath on the library property will minimize disturbance by utilizing previously disturbed/graded area at the back of the library and above the top of bank.

D. Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.

FINDING 4: Since the City already owns this parcel, no dedication is needed. Nonetheless, to make the commitment to resource protection clear, the City could record a document that designates the area north of the top of bank as a “water resource conservation area”.

E. The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table:

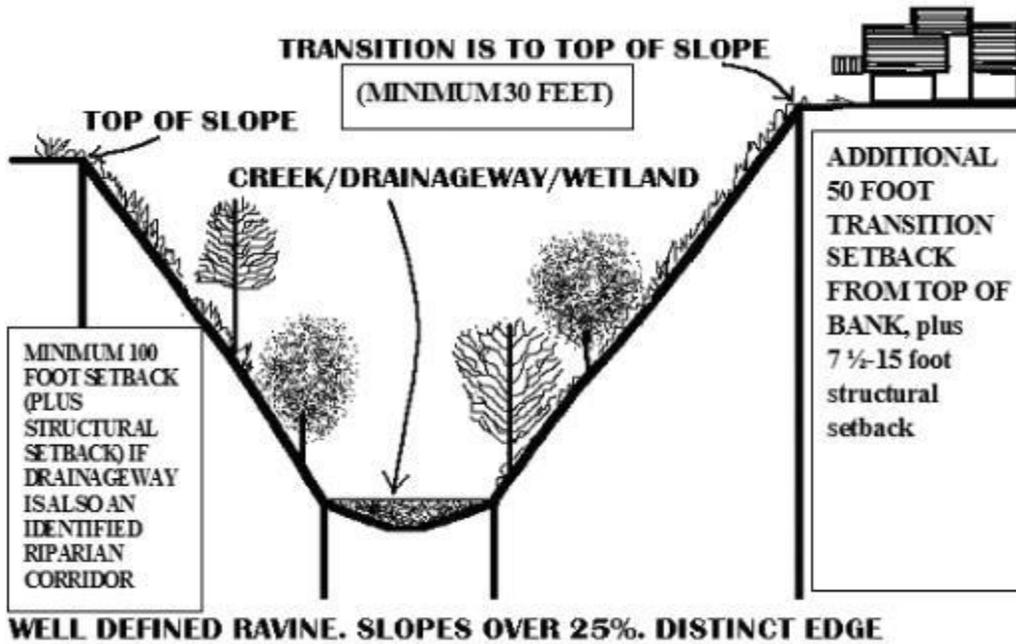
Table 32-1. Required Widths of Setback and Transition Area

Protected Water Feature Type (See Chapter 02 CDC, Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on Each Side of the Water Feature
Wetland, Major Drainageway, Minor Drainageway	≥ 25% to a distinct top of ravine ¹	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level • Delineated edge of wetland 	Distance from starting point of measurement to top of ravine ¹ (30 feet minimum), plus an additional 50-foot setback, plus structural setback.

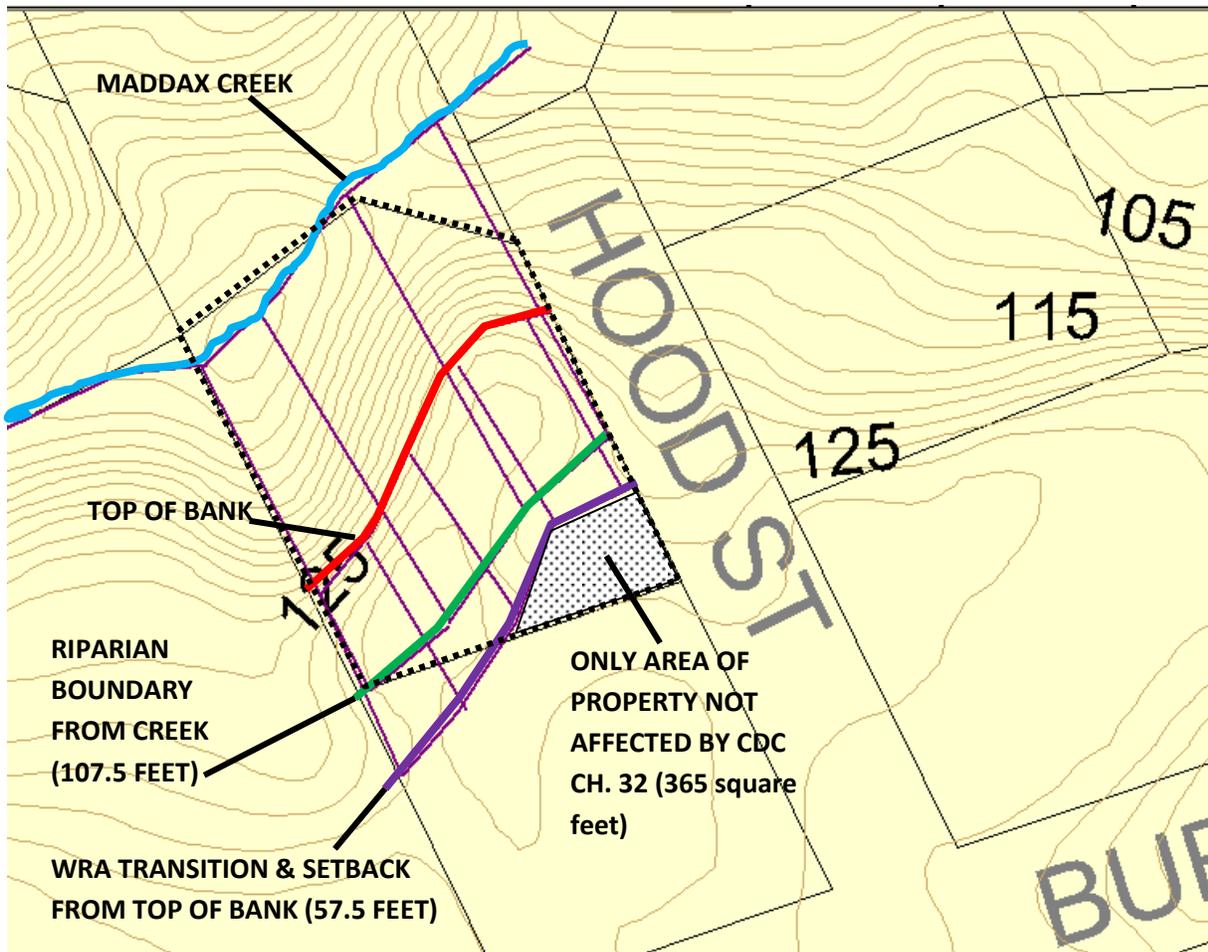
Riparian Corridor	any	· Edge of bankful flow or 2-year storm level	100 feet or the setback required under major and minor drainageway provisions, whichever is greater, plus structural setback

Where the protected water feature is confined by a ravine or gully, the top of ravine is the location where the slope breaks at least 15 percent and the slope beyond the break remains less than 25 percent for at least 50 feet.

At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon the width of the property, the width of the protected corridor will vary.



FINDING 5: The City has identified the drainageway as a “well defined ravine” and riparian corridor. The transitions and setbacks (see map below) in this application recognize those designations. Because the front of a potential building on this lot would be oriented to Hood Street, the side of the building would face the drainageway. Therefore, a 7.5 foot setback is required, not a 15 foot setback.



F. Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC [32.070](#) and a revegetation plan pursuant to CDC [32.080](#). The maximum disturbance width for utility corridors is as follows:

1. For utility facility connections to utility facilities, no greater than 10 feet wide.
2. For upgrade of existing utility facilities, no greater than 15 feet wide.
3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.

FINDING 6: This proposal will not traverse Maddax Creek or the WRA therefore the criterion is not applicable.

G. Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

FINDING 7: Temporary construction fencing will be installed, per code, along the edge of the construction area near the top of bank and along Hood Street.

H. Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize low impact development (LID) construction practices.

FINDING 8: No trails or paths are proposed below top of bank. The connecting ADA/foot path from the parking lot to the library will be 70 feet from Maddax Creek; therefore the criterion is not applicable. A water permeable design shall be used if ADA standards can be met.

I. Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.

FINDING 9: Rain water from the parking lot will be directed to the rain garden near the northeast corner of the parking lot adjacent to Hood Street. Much of the water will evaporate or slowly infiltrate the soil except during heavy storms when it will travel by pipe into Maddax Creek via an energy dissipater to minimize any erosive water flow. No modification or diversion of drainage or Maddax Creek is proposed. These improvements will be designed by an engineer.

J. Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction.

FINDING 10: All required erosion control measures shall be in place prior to and during site work.

K. Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a

revegetation plan meeting CDC [32.080](#) criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC [32.070](#) criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

FINDING 11: The area below the top of bank is in relatively good condition to the extent that native plant material dominates with relatively few non-native/invasive plants and trees. However, the area adjacent to Maddax Creek is characterized by blackberries. The applicant shall make vegetative improvements per the applicant's re-vegetation plan. Generally that will involve removal of non-native plants and trees on the property and replacement with native plant material and trees appropriate to site conditions.

L. Structural setback area. Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

FINDING 12: The parking lot will intrude into the transition and setback since almost all the lot is within the WRA. However, these improvements shall be 80 feet from the creek which exceeds the minimum 15 foot amount allowed under the hardship provisions.

The applicant will be applying for a hardship permit to allow this encroachment and development. The applicant is also proposing to minimize encroachment into the WRA by pursuing two variances that will pull the parking lot as far south as possible away from the ravine and will minimize impermeable surfaces.

M. Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.

FINDING 13: The rain garden will intrude into the WRA boundary. The rain garden will be in the landscaped area at the northeast corner of the parking lot near to Hood Street. The encroachment of the rain garden into the WRA is allowed under the hardship provisions that allow up to 5,000 square feet of disturbed area per lot. Under this application, 4,681 square

feet of this lot will be disturbed. The stormwater outfall into Maddax Creek will use the existing storm water line down Hood Street.

N. As part of any proposed land division or Class II design review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

1. The ability of the reopened storm channel to safely carry storm drainage through the area.
2. Continuity with natural contours on adjacent properties.
3. Continuity of vegetation and habitat values on adjacent properties.
4. Erosion control.
5. Creation of filters to enhance water quality.
6. Provision of water temperature conducive to fish habitat.
7. Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.
8. Consistency with required site mitigation plans, if such plans are needed.

The maximum required setback under any circumstance shall be the setback required as if the drainageway were already open.

FINDING 14: There are no buried storm water pipes on this property therefore the criterion does not apply.

O. The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.

FINDING 15: This criterion relates to structural setbacks. No structures are proposed in this application, so it does not apply.

P. Storm drainage channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels. (Ord. 1545, 2007)

FINDING 16: Site analysis shows that no previously unidentified drainageways exist at the site; therefore the criterion does not apply.

32.090 REDUCTION IN STANDARDS FOR HARDSHIP

The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be reduced. Reductions are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief.

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:

1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.

FINDING 17: The 12,612 square foot parcel includes 365 square feet at the southeast corner that are not within the WRA. Since 97.2 percent of the parcel is in the WRA it meets the definition of a "lot located partially inside the water resource area" per section 32.090(B). The lot has considerable value since it is located adjacent to the library, within 50 yards of the West Linn Central Village Shopping Center and is zoned to allow a range of commercial, office and other uses. The list of "uses permitted outright" includes:

1. Business equipment sales and services.
2. Business support services.
3. Communications services.
4. Cultural exhibits and library services.
5. Family day care.
6. Financial, insurance and real estate services.
7. Medical and dental services.
8. Parking facilities.
9. Participant sports and recreation, indoor.

10. Personal services and facilities.
11. Professional and administrative services.
12. Utilities, minor.
13. Transportation facilities

Based on discussions with Metro staff and other jurisdictions, there is no definitive measure or definition of “economic viability” but certainly an asphalt parking lot must be regarded as being at the low or minimal end of economic viability when compared to the other, more intense commercial or office uses, and therefore should be allowed under this criteria.

2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

FINDING 18: Having established in the previous finding that a parking lot constitutes a modest yet economically viable use of the OBC zoned land, the applicant notes that of the allowable 5,000 square feet of disturbed area per lot, only 4,681 square feet of the parking lot property will be disturbed. That amount includes the construction of a footpath linking the library with the parking lot plus the rain garden. The majority of the WRA will remain undisturbed.

The applicant will also be applying for two variances to accomplish the task of minimizing impacts to the WRA. The variances are (1.) to allow all compact parking spaces instead of a 50/50 split of compact and full sized spaces. By going with smaller parking spaces, the parking lot can be pulled four feet south from the WRA and the total size of the parking lot reduced by 288 square feet; and (2.) eliminating landscaping in the interior of the parking lot. This will reduce the footprint of the parking lot by five percent or about 145 square feet. Combined, the two variances reduce the parking lot footprint in the WRA by 433 square feet.

3. The proposed reduction will comply with Chapter 31 CDC, Erosion Control.

FINDING 19: All required erosion control measures (e.g. silt fences, vegetative matting, seeding etc.) shall be in place prior to and during site work.

- C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:
 1. The minimum width of the water resource area’s transition and setback area shall be 15 feet on each side of a wetland or drainage course.

FINDING 20: The proposed setback from the parking lot to Maddax Creek will be 70-80 feet, which exceeds the allowed minimum distance of 15 feet.

2. As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be re-vegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall re-vegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).

FINDING 21: The applicant’s mitigation and re-vegetation plan in this submittal (Finding 30) addresses this criterion. Re-vegetation will be along the edge of Maddax Creek and involve replacing non-native/invasive plants with native plants. Meanwhile, the mitigation plan will offer one square foot of off-site mitigation for every one square foot of on-site disturbance of the WRA. This off-site mitigation will take place at Fields Bridge Park on the Tualatin River.

32.070 MITIGATION PLAN

A mitigation plan shall be required if any portion of the water resource area is proposed to be permanently disturbed by development.

- A. All mitigation plans must contain an alternatives analysis demonstrating that:
 - 1. No practicable alternatives to the requested development exist that will not disturb the water resource area; and
 - 2. Development in the water resource area has been limited to the area necessary to allow for the proposed use; and
 - 3. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.

FINDING 22: Other than allowing no development, there are no alternatives that could result in zero disturbance of the WRA since almost the entire parcel is within the WRA. Considering the range of permitted uses in the OBC zone, a parking lot must be regarded as a relatively benign choice or alternative, especially since no buildings are proposed.

Fewer parking spaces could have been proposed but this amount (12) was the minimum that could be installed that would justify the cost of site acquisition and development. The decision to develop this number was made easier by the fact that most of the development will be on lands that have been previously graded and disturbed over ten years ago.

By utilizing this previously disturbed area, the applicant is avoiding or minimizing disturbance to the natural WRA.

B. A mitigation plan shall contain the following information:

1. A description of adverse impacts that will be caused as a result of development.

FINDING 23: Adverse impacts associated with this application include the grading and site preparation needed to construct a 12-stall parking lot including retaining walls. There will be grading and construction of a path from the lot to the adjacent library. Hood Street will be improved. There will also be a storm water rain garden adjacent to Hood Street at the northeast corner of the site. These impacts are significantly reduced or mitigated by the fact that the areas that are impacted have not been in a natural state since they were graded about 10 years ago by the previous owner. Only the footings of the parking lot retaining wall on the downhill side of the parking lot are expected to encroach into the undisturbed portion of the WRA.

2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the re-vegetation provisions of CDC [32.050\(K\)](#).

FINDING 24: Adverse impacts are being kept to the minimum by keeping 95 percent of development out of the ravine and behind the top of bank. Adverse impacts are being minimized by selecting a land use (parking lot) that is significantly less intense than other built uses. The parking lot will minimize load bearing on the hillside which translates to less likelihood of slope failure or of eroded soils being carried into the stream. The parking lot is built at grade so the visual presence and impact of development in the WRA is reduced which should encourage its continued use as a wildlife habitat area/corridor. The applicant is also minimizing impacts by applying for two variances which allow the parking lot to be downsized and thereby reduce its impact on the WRA.

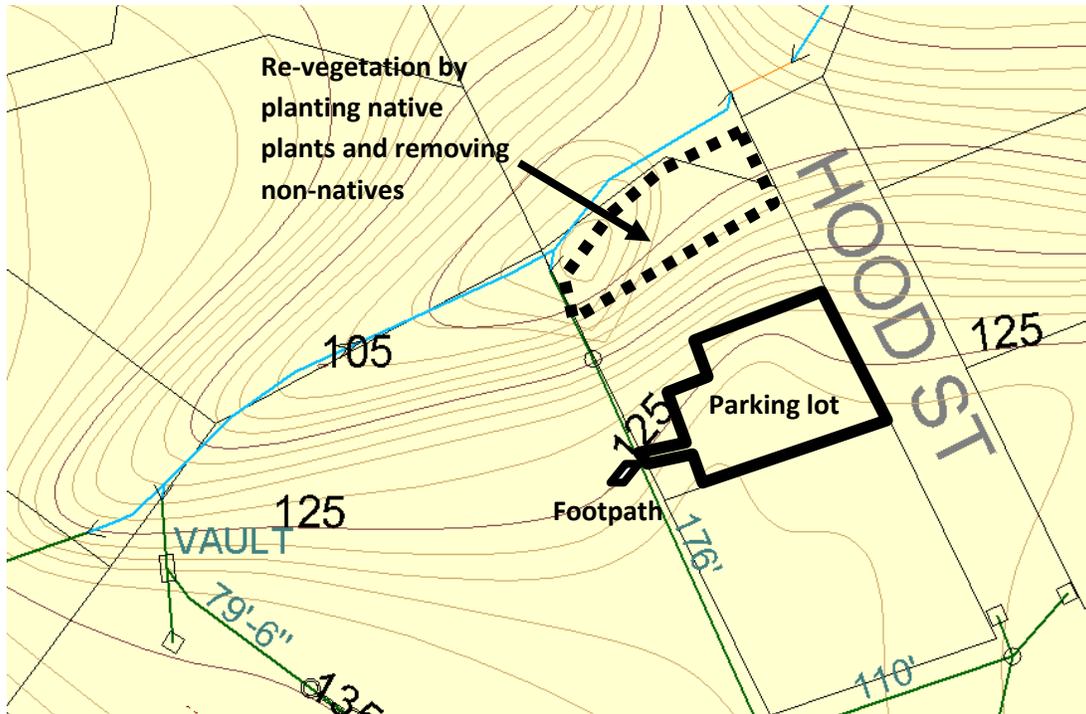
Mitigation for the parking lot and any disturbed area is required. Mitigation will be on a 1:1 basis which means that for the 4,681 square feet of WRA transition, setback or riparian area that is disturbed or lost in the development of the parking lot, path, rain garden, etc. the applicant will re-vegetate or enhance 4,681 square feet at Fields Bridge Park under a program that the City Parks Department has successfully utilized in the past.

While mitigation will take place at Fields Bridge Park, on-site re-vegetation will include removing non-native plant material along Maddax Creek and replacing it with native plant material.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.

FINDING 25: Owner: City of West Linn (COWL), Applicant: COWL, Contractor: not bid yet

4. A map showing where the specific mitigation activities will occur.





5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.

FINDING 26: The applicant anticipates that the application will be approved by October 2012. The pre-construction phase should take six weeks. The construction project should also take six weeks including improvements to Hood Street for a completion date in January 2013. Mitigation will commence upon completion of the project and after DSL has approved the plan. It should be completed in two months. If there are heavy rains and lowered temperatures then the mitigation and re-vegetation schedule would be adjusted to more agreeable conditions in spring 2013. Erosion control measures would remain in place from initial site preparation, to the completion of

mitigation. No in-stream work will occur. Monitoring of the mitigation will be done by the Department of State Lands (DSL) where needed.

6. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.

FINDING 27: The City will complete the mitigation as conditioned.

7. Evidence that a Joint Permit Application (to the U.S. Army Corps and/or DSL) if impacts to wetlands are greater than 0.10 acres has been submitted and accepted for review.

FINDING 28: No wetlands are involved in this application so this criterion does not apply.

C. Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:

1. On site, not within the water resource area, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K); or
2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).

FINDING 29: Mitigation is required for the 4,681 square feet of disturbance associated with the parking lot and footpath on tax lot 2401 and the 246 square feet of disturbance associated with the footpath on tax lot 2200. Mitigation will be on a 1:1 basis which translates to a total of 4,927 square feet (4,681 + 246 square feet). (The 1:1 ratio is explained in section 32.070(C) above.)

Mitigation will take place in Fields Bridge Park. The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of the edge of Maddax Creek will be undertaken to removal of non-native plants and replacement with native plant material.

The applicant shall prepare and implement a re-vegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

FINDING 30: The mitigation will take place in Fields Bridge Park. The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of the edge

of Maddax Creek will be undertaken to removal of non-native plants and replacement with native plant material.

The Fields Bridge Park Mitigation and Maddax Creek Re-vegetation Plans are the similar and involve the following steps:

- A. Install fencing and erosion control measures along the north edge of the mitigation and re-vegetation areas per the Clackamas County Erosion Control Manual.
- B. Remove non-native plant material. (Stabilize embankments and hillside with BMPs of Clackamas County Erosion Control Manual.)
- C. Plant the following trees and shrubs*:

<ul style="list-style-type: none">• 6 Vine Maples 1" caliper (at least 10 feet apart)
<ul style="list-style-type: none">• 6 Western Red Cedars 1" caliper (at least 20 feet apart)
<ul style="list-style-type: none">• 100 Salal (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none">• 100 Salmonberry (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none">• 100 Maidenhair Fern (three feet on center (OC))
<ul style="list-style-type: none">• 100 Red Columbine (three feet on center (OC))
<ul style="list-style-type: none">• 100 Deer Fern (three feet on center (OC))

** Seasonal availability may require substitution of plants of equal quality and number. Mitigation at Fields Bridge may require wetland facultative or obligate plant material depending on the location.*

- D. Plantings will be appropriate to cover the 4,681 square feet at Fields Bridge Park and the area adjacent to Maddax Creek on the parking lot tax lot for a distance of at least 15 feet from edge of stream.
- E. Temporary irrigation from June 15th to October 15th for the three years following planting, excepting drought tolerant plants.

D. The mitigation plan for any wetland area to be disturbed shall be (1) prepared and implemented with the guidance of professionals with experience and credentials in wetland areas and values, and (2) be consistent with requirements set forth by regulatory agencies (U.S. Army Corps and/or DSL) in

a joint permit application, if such an application is necessary for the disturbance. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

1. As close to the development site as is practicable above the confluence of the next downstream tributary, or, if this is not practicable,
2. Within the watershed where the development will take place, or as otherwise specified by the City in an approved wetland mitigation bank.

FINDING 31: There are no wetlands being disturbed by this proposal so no wetland mitigation is required per (D).

E. To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required. (Ord. 1545, 2007)

FINDING 32: The mitigation area (Fields Bridge Park) is already owned by the City, as is the area adjacent to Maddax Creek.

32.080 REVEGETATION PLAN REQUIREMENTS

Metro's Native Plant List is incorporated by reference as a part of this chapter, and all plants used in revegetation plans shall be plants found on the Metro Native Plant List. Performance standards for planting upland, riparian and wetland plants include the following:

- A. Native trees and shrubs will require temporary irrigation from June 15th to October 15th for the three years following planting.
- B. Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.
- C. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
- D. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.

E. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same species.

F. The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three-year period. (Ord. 1545, 2007)

FINDING 33: The above Re-vegetation Plan (Finding 30) meets or exceeds the re-vegetation standards. The applicant is agreeable to a condition addressing (F) above.

VARIANCE, CLASS II

75.060 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 is not met.

FINDING 34: The applicant is applying for four Class II Variances which would waive approval criteria relating to:

1. a required 50/50 split of compact and full sized parking spaces (46.150(A) (1)), 46.150

A. Design standards.

1. "One standard parking space" means a minimum for a parking stall of eight 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 nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet.

2. the requirement that five percent of the interior of the parking lot be landscaped (54.070(6)),

54.070 SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
6. Percentage of 10 – 25 car parking lot to be landscaped (excluding perimeter).	5%

3. the 5,000 square foot limitation of section 32.090(B) regarding hardships,

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor’s Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC.

4. the access control provisions of section 48.025(B)(6).

6. Access spacing. The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, private drives, and non-traversable medians.

Table 8-3 of the TSP requires a 50 foot separation between driveways on a local residential or commercial street.

(The applicant had considered an additional variance from the provisions of Section 54.020(E) (3) (f) which requires that parking lots abutting property lines (not ROW) have a five foot wide landscaped strip. The idea was to eliminate the landscape strip along the south property line. The problem was that by pushing the parking lot up to the property line, the roots of a row of Arbor Vitae along that lot line would be seriously damaged. To avoid that, the variance was not applied for.)

The approval criterion for a Class II Variance is as follows:

A. 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 code, topography, or other circumstances over which the applicant has no control.

FINDING 35: The topographic limitations that the WRA and Maddax Creek impose on both the two lots and their development represent the extraordinary circumstances that are unique to streamside lots. The lot to be developed for parking is almost completely inside the WRA: a fact that the applicant has no control over. Only a small 365 square foot triangle of land at the southeast corner of the lot is outside of the WRA. Meanwhile, the northern half of the lot occupied by the library is in the WRA. Regarding the variance from TSP Chapter 8, the extraordinary circumstance is the presence of the driveway on the adjoining lot, which, because of the required 50 foot driveway separation, would render this lot virtually inaccessible. (It would be possible to push the driveway further north to achieve the separation but that would mean intruding into the WRA and associated steep grades which would require a variance in its own right.)

B. 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 36: All five privately held lots adjacent to the upper reaches of Maddax Creek have been built upon or significantly modified despite being in the WRA. The applicant is requesting to exercise the same property right to develop the land but in a manner that is more sensitive to the WRA and Maddax Creek. Regarding the variance from Chapter 8 of the TSP, all lots in the area have access to a public ROW. By imposing the standards of chapter 8 on the lot, no access would be possible without further intrusion into the WRA.

C. 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 37: Approval of the first two variances will not be at odds with the CDC. Central to many chapters (WRA, Erosion Control) is the desire to minimize impermeable surfaces which increase runoff. The two variances offer reductions in the amount of impermeable surfaces by the use of smaller parking spaces and eliminating interior landscaping.

The variance to waive the 5,000 square foot hardship limit and allow the construction of a 25 foot long section of path on the library property is also consistent with the CDC in that the path will help satisfy the requirements of section 55.100(K) "Provisions for persons with disabilities" and section 55.100(B)(7) "Transportation Planning Rule (TPR) compliance" which calls for (e) *"Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas."* The applicant finds that if the path was not built, people would still use the same route to cut through to rear of the library which could cause erosion of the immediate area.

The variance to waive TSP chapter 8 provisions limiting access will not be detrimental to the purpose of the CDC chapter 48 which ultimately is intended to provide access to properties. Failure to approve

the variance would deny that access. (It would be possible to push the driveway further north to achieve the separation but that would mean intruding into the WRA and associated steep grades which would require a variance in its own right.)

The variances will not be at odds with the comprehensive plan. Applicable goals and policies include:

Goal Five Natural Environment (Goal 2) requires: “Protect sensitive environmental features such as steep slopes, wetlands and riparian lands, including their contributory watersheds.”

Policy 4 requires: “...that areas containing tree clusters, significant trees and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion and maintain water quality.”

Policy 5 requires: “Preserve important wildlife habitat by requiring clustered development....”

Policy 6 requires that the applicant...”restore, enhance and expand the existing habitats found along the rivers and streams...”

By eliminating internal landscaping within the parking lot and downsizing parking spaces the applicant is able to minimize the footprint of the graded area, the parking lot and associated improvements. This allows the applicant to pull the built area away from the WRA to the maximum degree so that most of the development will not extend beyond the ravine’s top of bank. That, in turn, protects and preserves more of the WRA’s functions and values. The project’s re-vegetation plan to remove non-native/invasive plant materials will serve the interest of policy 6.

Similarly, the waiver of the 5,000 square foot limit on the library property will allow a modest 25 foot long path improvement. The path will be on previously disturbed or graded area above the top of bank so no disturbances of habitat areas are expected.

By waiving Table 8 of the TSP and the 50 foot driveway separation requirement the driveway can be kept the maximum distance from the WRA and avoid encroachment into the steep grades further north. This will protect the WRA and minimize erosion. To summarize, all four variances will serve the interest of the four environmental goals and policies listed above.

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

FINDING 38: The applicant is seeking approval for 12 parking spaces, which is less than the 18 spaces required to meet the CDC’s minimum parking standard. Fewer parking spaces could have been proposed but this amount (12) was the minimum that could be installed that would justify the cost of site acquisition and development. The decision was made easier by

the fact that most of the development will be on lands that have been previously graded and disturbed.

By going with compact parking spaces, each of the two rows of stalls is reduced in length by two feet which means that the parking lot can be pulled four feet south from the WRA. The total size of the parking lot is also reduced by 288 square feet. Additionally, the elimination of landscaping in the interior of the parking lot will reduce the footprint of the parking lot by five percent or about 145 square feet. Combined, the two variances will reduce the parking lot footprint in the WRA by 433 square feet. That translates into a reduction of impermeable surface area by about 11 percent.

The path on the library property will disturb an area of 246 square feet. The width of the path is only six feet which is the minimum standard acceptable to accommodate ADA access. The width of the graded area is minimum needed to meet the five percent maximum slope for ADA access.

By approving the driveway in its proposed location the WRA will be protected with no adverse impacts to the safe function and use of Hood Street. Indeed, given that this driveway is not expected to generate significant traffic and the existing driveway to the south generates almost no traffic, the concern about conflicts between driveways being too close are not applicable at this location.

E. The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 39: The limitations that the WRA and Maddax Creek impose on this lot and its development represent the extraordinary circumstances that are unique to streamside lots. There have been no violations of the CDC that led to these circumstances.

Regarding the variance to waive the 5,000 square foot hardship limit, the library was built before the WRA provisions were put into effect. There was no code violation associated with its placement. Regarding the driveway location and TSP chapter 8 separation provisions, the driveway to the south was installed before the TSP was adopted.

F. 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, 1999)

FINDING 40: The variances will not impose physical limitations nor represent any future limitation on the use of nearby properties. Admittedly, traffic will increase on Hood Street over current levels but not to the extent that it will exceed the street's ability to function as a local street.

DESIGN REVIEW

According to the pre-application notes the following sections of the Design Review chapter are to be responded to:

- 55.100(A)(1) Storm water
- 55.100(A)(5) Clear vision areas
- 55.100(A)(7) Parking
- 55.100(A)(8) Access, egress, circulation
- 55.100(A)(10) Landscaping
- 55.100(B)(1-4) Relationship to natural and physical environment
- 55.100(B)(7)(a) Transportation Planning Rule
- 55.100(B)(7)(d-e) Internal access & circulation
- 55.100(C) Buffering and Screening, Privacy and Noise
- 55.100(I)(1-2) Public Facilities
- 55.100(J)(4-6) Crime Prevention
- 55.100(K) Provisions for Persons with Disabilities

Waiver Requests:

Waiver is requested for 55.100(A)(2) relating to accessory structures since none are proposed.

Waiver is requested for 55.100(A)(3) relating to additional yard area for structures since the parking lot is not a structure and no setbacks beyond the standard 15 foot landscaped buffer setback are required.

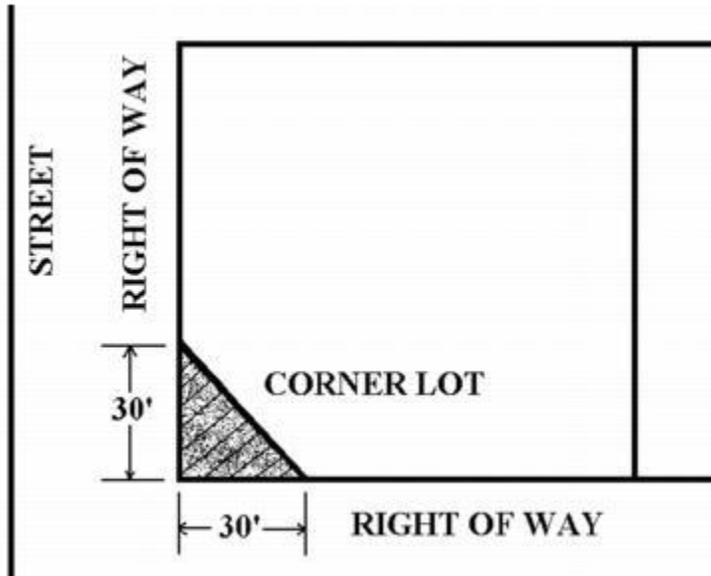
Waiver is requested for 55.100(A)(4) relating to building height limitations since no buildings are proposed.

Waiver is requested for 55.100(A)(6) relating to fences is proposed since there are no fences in this application.

Waiver is requested for 55.100(A)(9) relating to signs is proposed since no signs are part of this application.

FINDING 41: Chapter 33: Storm Water requires compliance with City of West Linn Public Works Design Standards so as to demonstrate, among other things, that the project will properly control erosion during and after construction and not adversely modify the drainageway or the stability of the slope. Consistent with this criterion, the engineering and design of the storm water treatment facilities and erosion control measures have been prepared by a licensed engineer and will be in full agreement with the Public Works Design Standards. The proposal directs rain water to a rain garden at the northeast corner of the site and then into an existing storm water line with outfall into Maddax Creek via an energy dissipater.

FINDING 42: Chapter 42: Clear Vision Areas applies at the entry driveway from Hood Street. The height of the landscaped berm will not exceed three feet above the driveway grade nor will there be any impediment to meeting the clear vision standards as shown in the drawing below:



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 Chapter [48](#) CDC, Access, Egress and Circulation; Chapter [52](#) CDC, Signs; and Chapter [54](#) CDC, Landscaping. Because the library integrates both reading areas and a community room, the parking requirement is based upon the sum requirements of the separate uses per section 46.080(A)

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.

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

B. Public and semi-public buildings/uses.

3. Library One space per 400 square feet of reading area, plus 1 space per 2 employees.

4. Religious institutions and community meeting rooms One space for every 28 square feet where no permanent seats or benches are maintained

FINDING 43: The applicant finds that 46.080(A) applies because the library combines reading areas and a community room. These areas need to be calculated separately and the appropriate amount of parking provided per 46.090(B) (3-4). An inventory revealed that reading areas comprise 7,359 square feet. That means that the applicant needs 18.3 spaces based on one space per 400 sq ft per space. The requirement of one space per two full time employees (FTEs) means that the 17 FTEs require 8.5 spaces

The community room requires one space per 28 sq ft. At 728 sq ft., a total of 26 spaces are needed.

18.3 + 26 + 8.5 equals 52.8 spaces which are rounded up to 53 spaces.

The proposed 12 space parking lot plus the existing 35 spaces yields 47 spaces for a shortfall of six spaces.

	Existing Parking	Number of spaces required by	Additional Parking Required	Additional Parking being Proposed
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		CDC		
Library Parking	35	53	18	12

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 eight 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 nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet.

FINDING 44: All the proposed 12 parking spaces will be compact sized (8' wide X 16' long) so as to minimize disturbance of the WRA by four feet. This will require a Class II Variance. The parking lot aisle is required to be 23 feet wide to facilitate maneuvering in and out of parking spaces. The proposed design meets that standard.

Chapter 48

ACCESS, EGRESS AND CIRCULATION

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

A. Service drives for non-residential uses shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.

FINDING 45: The access driveway onto Hood Street will be 24 feet wide per the above standard.

48.025 ACCESS CONTROL

A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the City. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Access control standards.

1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an

access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.

a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

c) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section.

4. Subdivisions fronting onto an arterial street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

5. Double-frontage lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

6. Access spacing. The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all

newly established public street intersections, private drives, and non-traversable medians.

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

8. Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

FINDING NO. 46: Section 48.025(B)(6) above requires that access spacing in Chapter 8 of the Transportation System Plan (TSP) be adhered to. That chapter includes Table 8-3: “Access Spacing Standards for City Street Facilities”. For local commercial and residential streets, driveways must be 50 feet apart even when the driveways are not on the same lot. Since the law office to the south has a driveway 40 feet away from the proposed parking lot driveway this criterion is not met. The applicant had considered negotiating shared access from the law office parking lot but there would be a four foot drop in elevation to negotiate between the two sites, plus the redesigned parking lot would lose three spaces dropping it down to nine. Consequently, the applicant will pursue a Class II Variance for relief.

**Chapter 54
LANDSCAPING**

E. Landscaping – By type, location and amount.

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.

FINDING 47: The chapter requires 20 percent landscaping for the entire site. The applicant has met that by leaving over 60 percent of the site in a natural vegetative state.

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 subsection (E) (3) (d) of this section, shall not be included in the 10 percent figure. Parking lots with 10 to 20 spaces shall have a minimum five percent of the interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the five 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.

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

FINDING 48: Chapter 54: Landscaping requires that five percent of the parking lot interior’s square footage be devoted to landscaping. Typically, this is satisfied with landscape islands containing small shade trees, shrubs and groundcover. Given the fact that the majority of the parcel is being left in a natural vegetative state and that for every square foot of landscaped area the footprint of the disturbed or built space increases, it was decided that the interests

of the WRA chapter were best served by eliminating the 145 square feet of required interior landscaping (and eliminating full sized parking spaces) by Class II Variances.

Therefore the criterion is met if the variance is approved.

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

FINDING 49: The landscaping between the Hood Street ROW and the parking lot is 15 feet wide and the criterion is met.

f. A parking, loading, or 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 CDC [55.100\(C\)](#) and (D), except where shared parking is approved under CDC [46.050](#).

FINDING 50: A 15 foot wide landscaped berm adjacent to Hood Street is being provided. It should screen most of the views looking to the west. A five foot wide landscape strip to the south is proposed per code. (The south property line already hosts a healthy row of arbor vitae on the adjacent property line so buffering is already complete.) Screening to the north is extensive with the Maddax Creek forested ravine.

Section 55.100(B)(1-4) focuses on the protection of natural resources on a site. It allows for up to 20 percent of the site to be set aside for the protection of significant trees. That amount goes up to 100 percent on Type I and II lands which include WRAs.

FINDING 51: All significant trees in the Maddax Creek WRA are protected by this code section. This application will use the previously graded and disturbed area above and behind the ravine's top of bank. There are no significant trees in this area. The vegetated areas of the WRA will not be disturbed with the possible exception of a tree at the northwest corner of the parking lot (see photo below) which may be removed to accommodate ADA grades for the footpath connecting with the library. The tree is not considered significant by the City

Arborist. There will also be temporary disturbance as non-native plants are replaced with native plants in the mitigation/re-vegetation program.



Erosion control measures will be in place to avoid excavated or disturbed soils from sluffing down the hillside towards Maddax Creek, 70-80 feet from the construction activity. There is no known history of slope failures on the subject property.

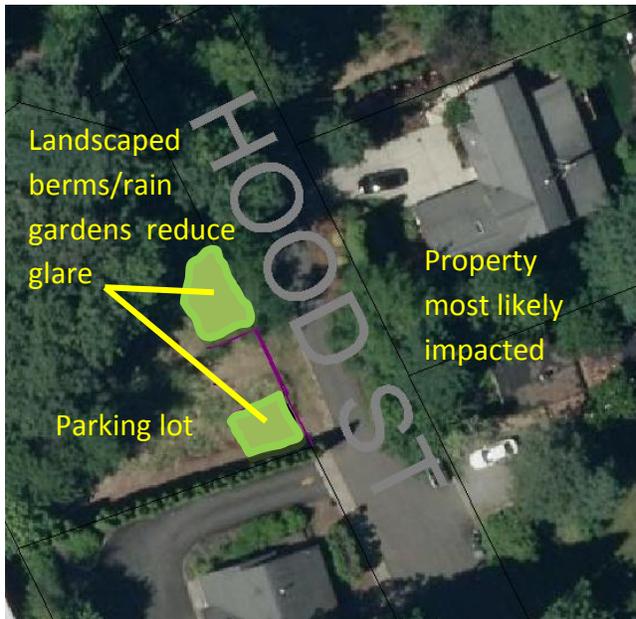
Waiver Request: Sections 55.100(B)(5-6)(7b.c,f-j),(E-I),(L-O) relating to Architecture, Multi-family, Commercial and Office projects do not apply since no structure or buildings are proposed. Section L-O relate to signs,Utilities,Wireless Communication Facilities and Refuse facilities do not apply since none are proposed.

Section 55.100(B) (7) (a) “Transportation Planning Rule (TPR) Compliance” requires that facilities for the automobile be placed behind or to the side of the businesses or uses they are intended to serve.

FINDING 52: The proposed parking lot is to the side of the library so it meets the criteria. Section 55.100(B) (7) (d-e) requires that parking lots accommodate pedestrians with pathways linking the parking lot to their destination. The proposed design accomplishes that with a pathway to the rear of the library. It would be ADA compatible and ideally constructed of a water permeable material. Access to Hood Street by pedestrians would be via a path contiguous to the driveway entrance.

Section 55.100(C)(D) “Compatibility between Adjoining Uses, Buffering and Screening” and “Privacy and Noise” requires that the parking lot impacts, which are typically engine noise, door slamming noise, human voices and headlight glare (during winter months and evenings), be successfully mitigated when the site is near residential development.

FINDING 53: The home on the east side of Hood Street (5725 Hood Street) would be the one most likely impacted by the parking lot. To address this, the parking lot has a vegetated 15-foot wide berm with rain garden separating it from Hood Street. This should block much of the headlights and dull the sounds.



The single family home at 5725 Hood Street is 74 feet from the driveway but the driveway is 24 feet wide so glare and impacts could escape that way. Given the fact that this parking lot, because of its location, would be less attractive to most library visitors when compared with the existing one and that it would attract staff parking with low turnover, the noise and glare issues would be limited and probably have distinct but brief AM and PM peak periods.

The buffering to the south, towards the professional offices, would be mitigated by the arbor vitae screen. It is possible that the arbor vitae could be trimmed down to improve surveillance and security in the proposed parking lot. The applicant does not see the diminution of the screening as an issue since screening is not typically required between commercial, office or public uses.



The buffering to the north is provided by the WRA itself. There is 180-200 feet of forest canopy between the parking lot and homes at 5798 Hood Street and 1580 Bolton Street respectively.

Section 55.100(I) (1-2) “Public Facilities” requires that abutting streets be constructed to the City’s Improvement Standards and Specifications.

FINDING 54: The applicant proposes modified street improvements on Hood Street in order to minimize impermeable surfaces and reduce runoff of oils and pollutants into the WRA at the foot of Hood Street. For that reason, the applicant proposes a 20 foot wide travel lane with no curbs.

Instead of a curb would be a vegetated roadside storm water rain garden. The pedestrian facilities would include a water permeable path from the driveway entrance, along the back or west side of the swale which would then connect to the existing sidewalk adjacent to 1579 Burns Street. Under Section 55.100(I), the City Engineer has the authority to make this recommendation. The applicant believes it strikes a balance between adequate access to the parking lot and natural resource protection. This approach will also be consistent with “Metro’s Habitat Friendly Development Practices.”

On site storm drainage will be collected and treated in an engineered rain garden at the northeast corner of the parking lot. Most of the treated storm water will evaporate or infiltrate the soil within the rain garden with any overflow being directed to an existing storm water pipe in Hood Street and then discharged through an energy dissipator into Maddax Creek.

Section 55.100(J) “Crime Prevention and Safety/Defensible Space” requires good lines of sight into the parking lot from abutting properties and streets.

FINDING 55: Whereas a previous criteria seeks to screen the site, this criteria encourages the elimination of barriers and improving visual access. Probably the best compromise is to trim the arbor vitae on the south side of the parking lot. This would allow the site to be observed from Burns and Hood Streets as well as the offices at 1579 Burns Street. The trees are on the neighboring property so it would require the owner’s cooperation. Lines of sight from 5725 Hood Street would be good. Lines of sight from the library could be better but at least one ground level window and doorway look out onto the parking lot. (See photo associated with finding 50) Parking lot lighting should be low mounted LED and directed away from the WRAs as not to disturb habitat areas.

Section 55.100(K) “ Provisions for Persons with Disabilities” requires ADA accessible facilities.

FINDING 56: An ADA and pedestrian path from the parking lot to the library will be provided consistent with this section.

Waiver request: Section 55.120(C-H,J,K,L) since they are not relevant to a parking lot application (e.g. Mailbox locations, waste disposal, etc). Further, the Site Plan already shows most of the applicable details.

Alteration/Expansion of a Non-Conforming Structure” Permit

Section 66.080(B) (2) states:

“If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC [99.060](#)(B) is required subject to the following standards.

- a. The enlargement or alteration will not change the non-conformity; and
- b. All other applicable ordinance provisions will be met.”

FINDING 57: The intent of this chapter, and specifically (a) above, is to make sure that changes to non-conforming structures do not worsen the non-conformity. Ideally, structures

will be altered to bring them into full conformance with the code or at least closer towards that goal.

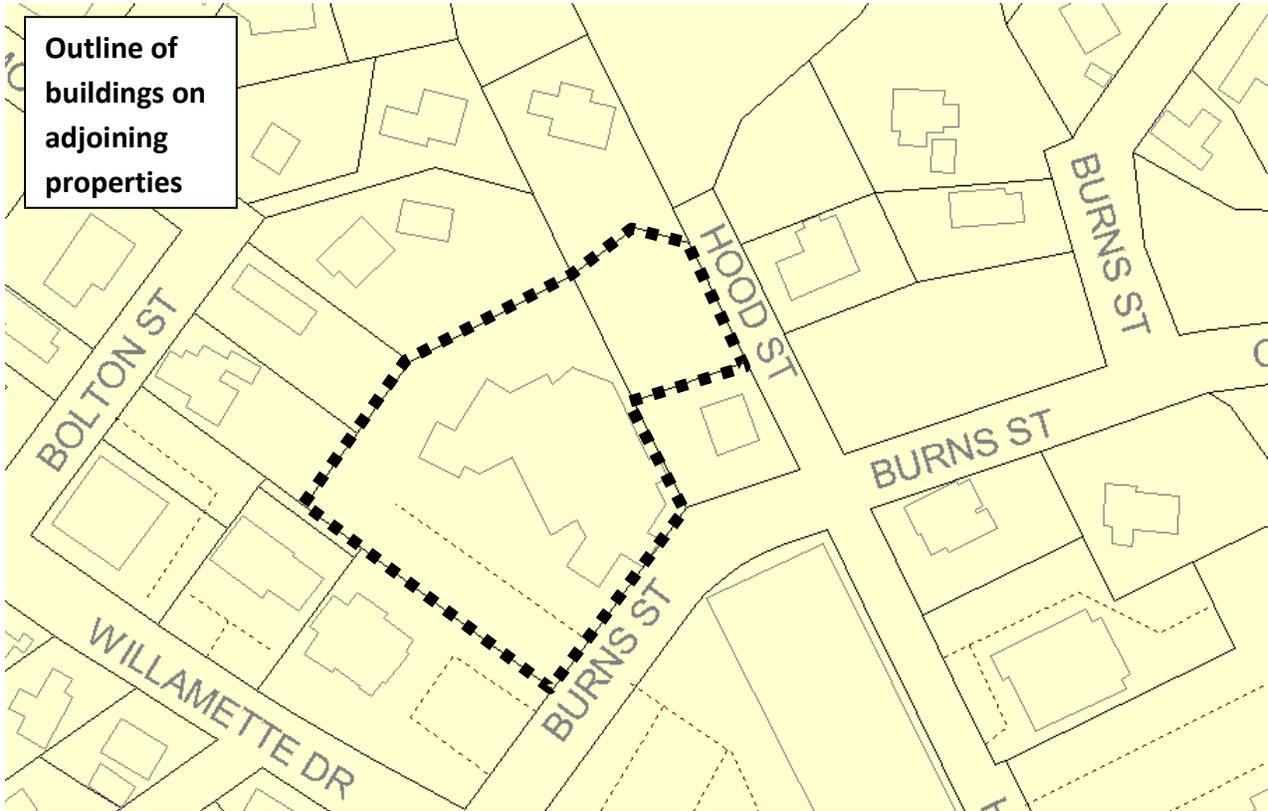
The library is non-conforming in that it does not meet the parking standards of Chapter 46 due to inadequate parking. The library also does not meet the standards of Chapter 32 due to encroachment into the WRA.

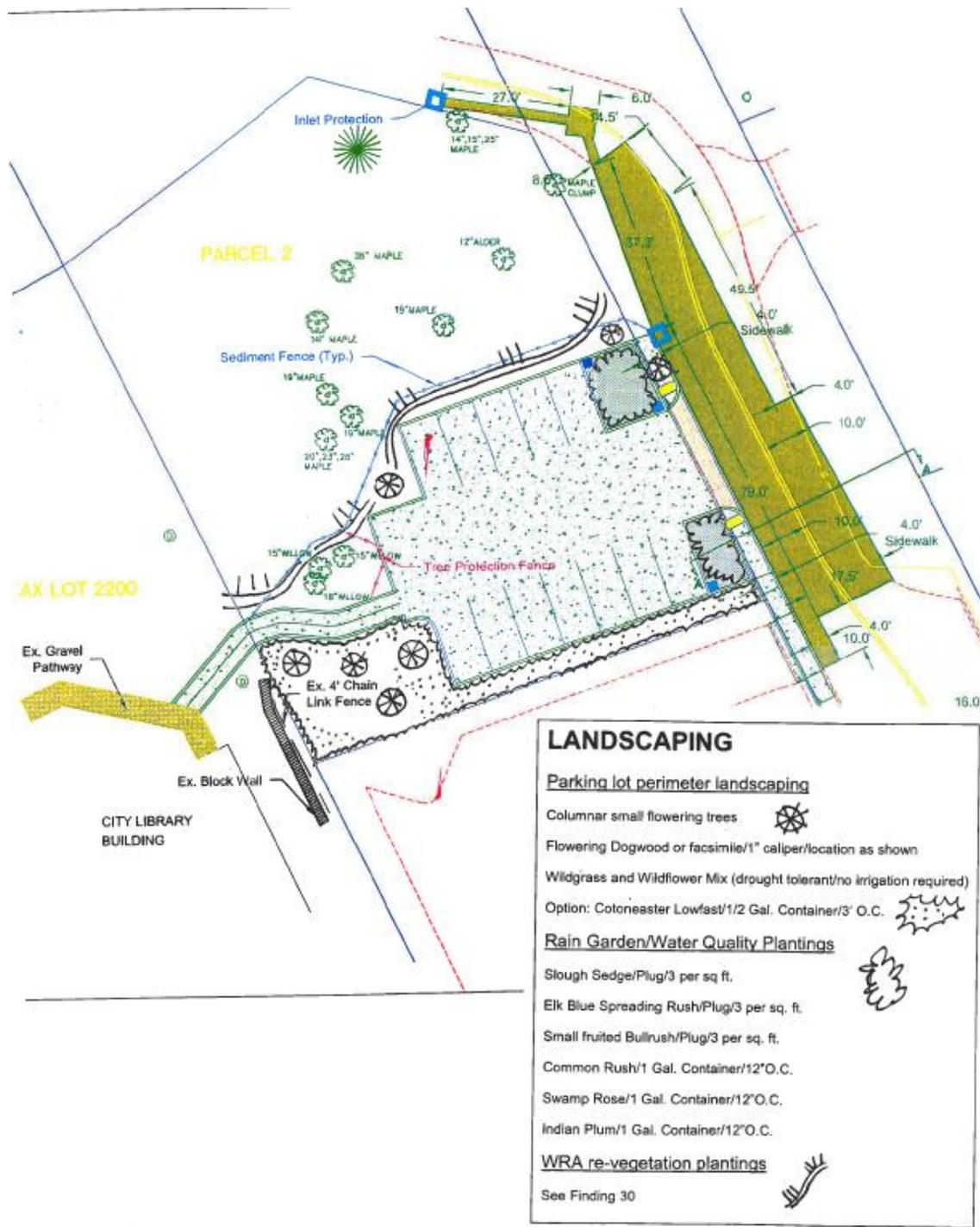
Regarding the inadequate parking, the additional parking will move the library towards greater conformance and closer to meeting the 53 parking space requirement. The additional parking will help satisfy 66.080(B)(2)(a).

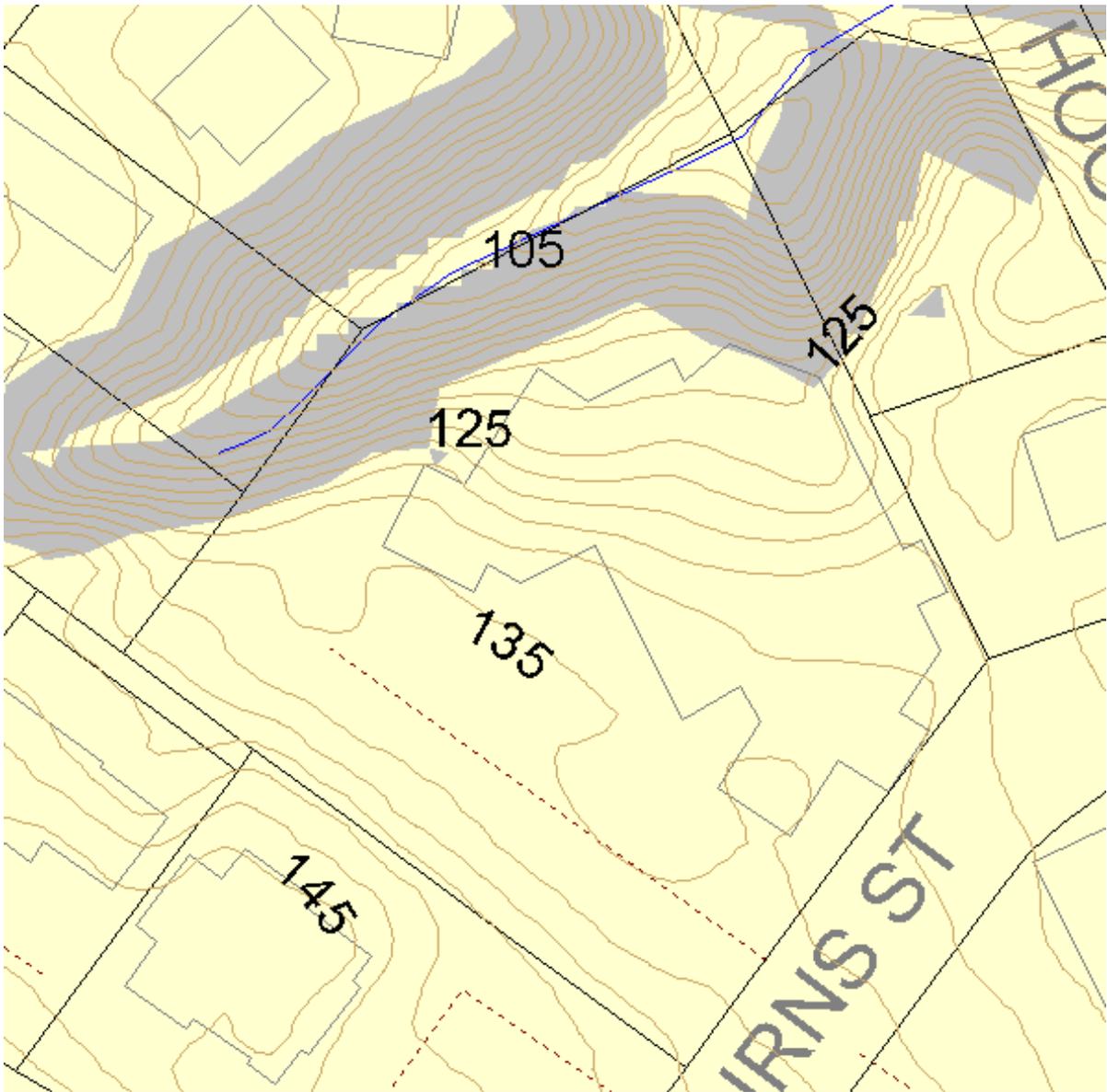
In order to meet 66.080(B)(2)(b), the applicant is seeking Class II variances to waive the 50/50 split of compact and full sized spaces and the landscaping requirements. With the approval of the variances, the requirements of the CDC will have been met and this "Alteration/Expansion of a Non-Conforming Structure" permit can be approved.

Regarding the WRA encroachment, the 25 foot long section of path on the library property will change the non-conformity in that it will increase the disturbed area within the WRA. The disturbed area, which includes the library, west parking lot and rear patio areas already totals 13,760 square feet. The path will add 246 square feet. Most of that path will be on areas that have been disturbed or graded in the past, but at least some of it will be newly disturbed. The applicant has applied for a variance to waive the hardship limitation of 5,000 square feet and allow the disturbance. If the applicant's variance is approved then the applicant will be excused from having to meet the standards of 66.080(B)(2)(a) and (b).

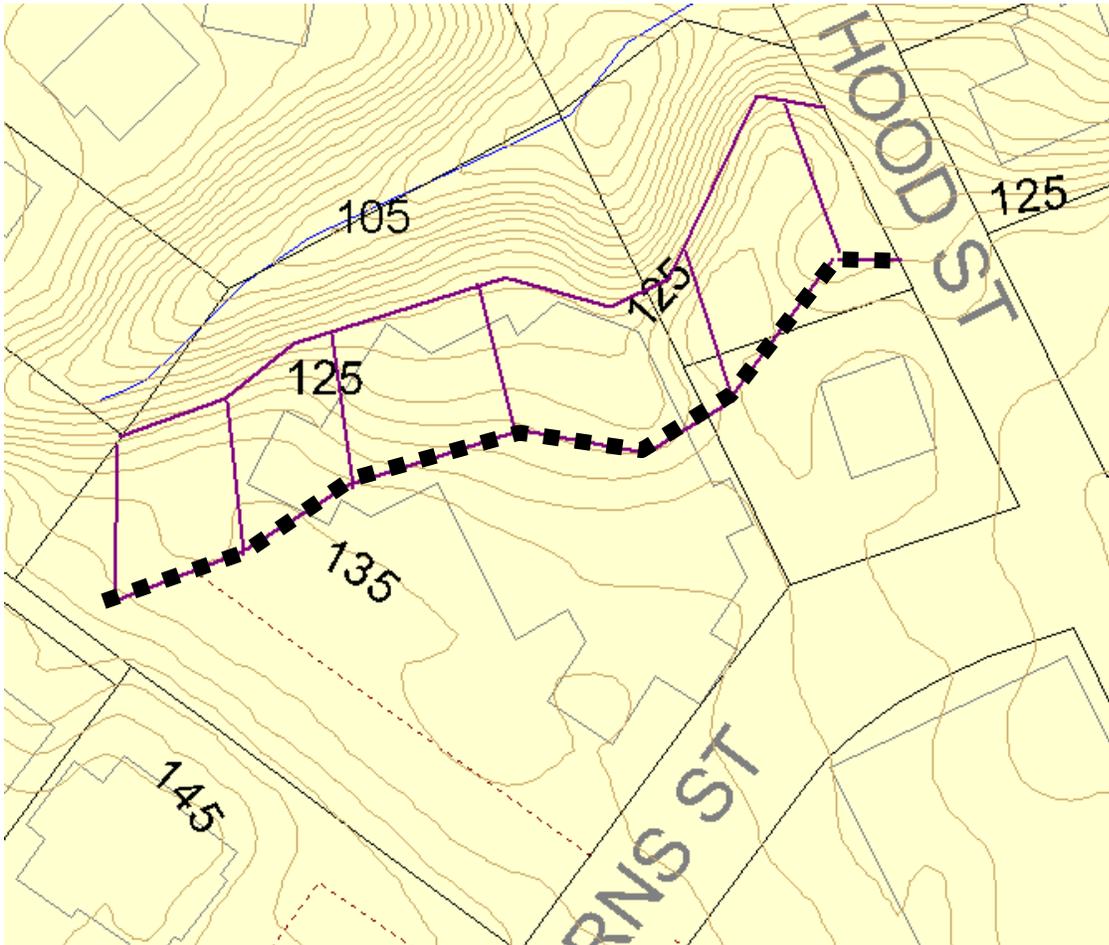
Appendices







WRA Boundary shown in dashed line



Library application revised August 10