



**STAFF REPORT
FOR THE PLANNING COMMISSION**

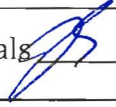
FILE NUMBER: CUP-12-06/DR-12-20/ VAR-12-08/LLA-12-04

HEARING DATE: February 20, 2013

REQUEST: Conditional Use and Class II Design Review for a new police station at 1800-1950 8th Avenue and 1819-1849 13th Street; Class II Variance to encroach into the protected area for a significant tree; and a Lot Line Adjustment to combine the four lots comprising the site into one lot.

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 11, Single-Family Residential, R-10; Chapter 59, Willamette Mixed Use Transitional Zone; Chapter 60, Conditional Uses; Chapter 55, Design Review; Chapter 85, General Provisions, and; Chapter 75, Variance.

STAFF REPORT PREPARED BY: Tom Soppe, Associate Planner

Planning Director's Initials  City Engineer's Initials KQL

EXECUTIVE SUMMARY

The applicant requests Conditional Use and Class II Design Review approval for a 20,024 square foot police station and associated parking lots containing 63 spaces, a small plaza along the 8th street frontage, ingress/egress driveways, stormwater facilities, and landscaping on a 1.67 acre site. (See Exhibit PC-4, Sheet C2.1, Site Plan.) The applicant proposes street improvements for both the 8th Avenue and 13th Street site frontages, including sidewalks, paving to at least the centerline, and street trees. (See the Addendum, Staff Response 148.) The applicant offers eight feet of right-of-way dedication to accommodate the proposed street improvements. Off site traffic mitigation is also proposed (see the Addendum, Staff Response 149).

To accommodate the proposed site plan, the applicant also requests a Class II Variance to build within the protected area of the only significant tree on site, (see Staff Responses 163-171). If the requested variance allowing encroachment in the protected area around the significant tree is approved, the applicant appears to have an appropriately located and

sized site for the proposed police station with sufficient space for the proposed building, public and police parking lots, landscaping, driveways, and a stormwater detention and treatment facility. If the variance is not approved the proposed covered plaza and the front section of the building would be affected.

Also the applicant requests a Lot Line Adjustment that entails combining the four lots on site into one lot, since the proposed building and its parking areas will straddle the existing lot boundaries.

On February 7, 2013, the applicant resubmitted a site plan adjusting the size of the building and the driveway entrance. The staff report and conditions of approval are written based on this site plan (Sheet C2.1 in the applicant's submittal); if other plans that were not resubmitted show a slightly different sized building footprint, driveway entrance, or related data that is not consistent with Sheet C2.1, readers of the staff report should rely on Sheet C2.1 for the most up-to-date data.

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that there are sufficient grounds for approval, subject to the proposed Conditions of Approval listed on Page 11.



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GENERAL INFORMATION

APPLICANT/ OWNER:	City of West Linn, 22500 Salamo Road, West Linn, OR 97068
SITE LOCATION:	1800 and 1950 8 th Avenue, and 1819 and 1849 13 th Street
LEGAL DESCRIPTION:	Clackamas County Assessor's Map 2-1E-35C, tax lots 1900, 2000, 2100, and 2200
SITE SIZE:	Approximately 1.67 acres
ZONING:	MU, Mixed Use; and R-10, Single-Family Residential Detached
COMP PLAN DESIGNATION:	Mixed Use and Low-Density Residential
120-DAY PERIOD:	This application was deemed complete on December 10, 2012. The 120-day maximum application-processing period ends on April 9, 2013.
PUBLIC NOTICE:	Public notice was mailed to the Willamette Neighborhood Association and affected property owners on January 31, 2013. The property was posted with a sign on February 7, 2013. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on February 7, 2013. The notice requirements have been satisfied.

BACKGROUND

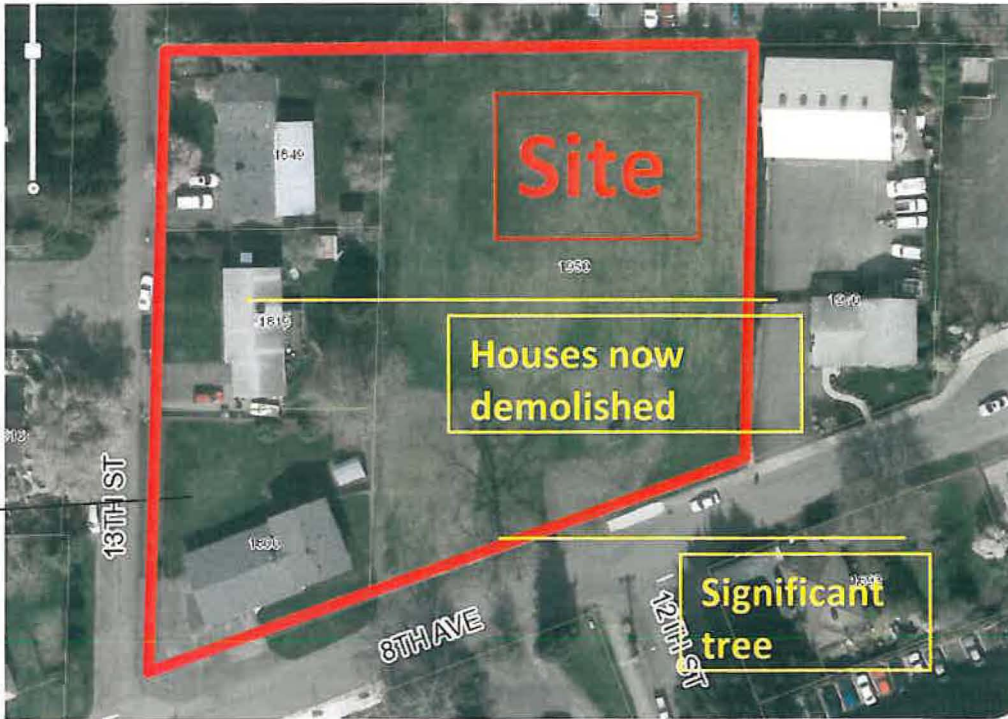
The applicant, the City of West Linn, proposes a new police station on a 1.67 acre site in the Willamette neighborhood to replace the insufficiently sized and outdated police station in the Bolton neighborhood. The project is funded by the police levy passed by the voters in 2011.

Site Conditions: The site borders 8th Avenue to the south and 13th Street to the west. It slopes gently to the northeast (see Attachment PC-4, sheet C1.1, Existing Conditions Plan, page 181). The eastern parcel (see photos below at 1950 8th Avenue) is vacant and covered with grass and there is a significant walnut tree along the 8th Avenue frontage. At the southwest corner of the eastern parcel, just west of the walnut tree, is a driveway that was used three to four years ago for a temporary Tualatin Valley Fire and Rescue garage. The garage temporarily existed on site, used when the nearby fire station was being torn down and rebuilt. Each of the three parcels to the west contained single-family homes until they were demolished last year. Scattered trees and shrubs, none of which are deemed significant by the City Arborist, exist in the former yards on each of the western lots. Each of these lots also contains a driveway that was used by each former single-family house respectively. Two of these driveways come off of 13th Street, and one comes off of 8th Avenue near the intersection with 13th Street. The former house sites and access



for the demolition have exposed earth and gravel currently, with erosion control fencing appropriately placed downslope to the east and north.

Site Aerial View



Source: West Linn GIS, 2012



View of site from 8th Avenue/13th Street intersection



View into the site from 13th Street. The muddy area is where a house has been demolished to make way for the proposed station.



View into western part of site from 8th Avenue

Project Description: The proposed project includes a 20,024 square foot police station, and associated parking lots containing 63 spaces, a small plaza along the 8th street frontage, ingress/egress driveways, stormwater facilities, and landscaping. (See Exhibit PC-4, Sheet C 2.1, Site Plan.) The applicant proposes that the police station face 8th Avenue, with its main entrance and associated plaza at the southeast corner of the building. (See Exhibit PC-4, Building Elevations, pages 146-148 and Sheet L 2.1, Enlarged Plaza Plan, page 189.) The building is proposed to have a daylight basement, with a one-floor façade in front and a two-floor elevation



in back, due to the slope of the site. The building is proposed to have a reddish-brown brick exterior with gray stone trim (see Exhibit PC-4, Building materials, page 151).

Public parking is proposed to be located along a driveway to 8th Avenue directly across from the 12th Street intersection. Police parking would be in the rear of the building in a secured, walled parking lot. The public driveway continues west from the north end of the site into the east gate of the police parking lot. This driveway traverses the police parking lot and connects (via another gate) to an access to and from 13th Street. The 13th Street access drive is proposed to only be used for emergencies and refuse/recycling service.

The proposed site landscaping plan (Exhibit PC-4, sheet L 4.1, Landscape Planting Plan, page 191) provides for perimeter and parking lot landscaping. Lighting is proposed for the parking lot and driveway areas. (See Exhibit PC-4, Sheet E1.1, Site Plan- Photometric Layout, on page 201.)

The applicant proposes a “curbtight” sidewalk eight feet wide (reduced to four feet near the significant tree) along the 8th Avenue frontage, and a six-foot-wide sidewalk and six-foot planter strip along the 13th Street frontage. The applicant proposes half street improvements on both streets (see Attachments PC-4, sheets C2.1 and C2.1A, pages 183-4) The applicant proposes dedication of eight feet of right-of- way along both streets. (See the Addendum, Staff Response 148). Off site traffic mitigation is also proposed (See the Addendum, Staff Response 149).

Stormwater would be collected and treated in the proposed storm water pond in the northeastern corner of the site, which has the lowest elevation on site. The outfall would extend under 13th street to Bernert Creek on the south side of I-205, to which the property naturally drains. (See Attachment PC-4, Sheet C 2.3 A, Off-site Stormwater plan, page 187 and the proposed storm water report on pages 202-214).

Proposed site grading would result in a retaining wall along the eastern side of the site and beside the storm water pond that ranges from ground level near the 8th street frontage to 10 feet in height beside the pond. (See Attachment PC-4, Sheet C 2.2, Site Grading Plan, page 185.)

The proposed site plan calls for development to encroach into the protected area for the significant walnut tree located along the site’s 8th street frontage. Consequently, the applicant requests a Class II Variance to allow this encroachment. The applicant proposes to save the tree. (See Exhibit PC-4, sheet C1.2, page 182 and the Addendum, Staff Responses 163-171)

Finally, the applicant proposes to combine the four lots that comprise the site into one lot.

Surrounding Land Use and Zoning: The site is situated in the Willamette Neighborhood along the north edge of the Willamette Falls Drive commercial area and just south and west of the Willamette Marketplace Shopping Center. There are a variety of land uses in the surrounding general area, as shown on Table 1.



The photo above shows the view looking eastward on 8th Avenue from the eastern end of the site. The Morton property buildings are in the foreground with the Willamette Marketplace's tan brick buildings in the background.

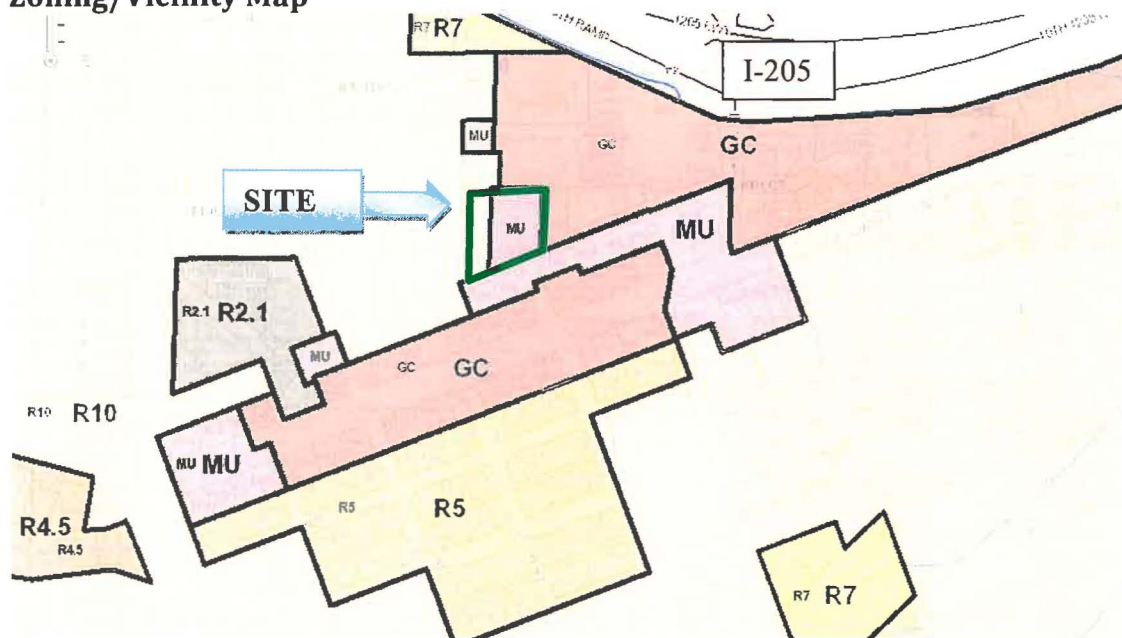
Table 1 Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Willamette Marketplace and River Falls shopping centers, White Oak Savanna park land, undeveloped and developed Office and Business Center-zoned parcels, single-family residential, and multi-family residential	GC, R-2.1, OBC, MU, R-10, R-7
East	Single-family residential detached, highway commercial uses, offices, Willamette Falls Drive historic area commercial	R-10, GC, MU, Willamette historic commercial overlay
South	Single-family residential detached, offices, Willamette Falls Drive historic area commercial, and Willamette Primary School	MU, R-10, R-5, R-7, GC, Willamette historic residential and commercial overlays
West	Willamette historic commercial area, single-family residential, and multi-family residential	MU, GC, R-10, R-5, R-2.1, Willamette historic residential and commercial overlays

Source: West Linn GIS, 2012



Zoning/Vicinity Map



Source: West Linn GIS, 2012

Approval Criteria

As previously noted, the applicant requests: 1) Conditional Use approval, 2) Class II Design Review, 3) a Class II Variance from the provisions of Subsection 55.100(B)(2)(b), and 4) a Lot Line Adjustment. Part of the site is in the MU zone and the rest is in the R-10 zone. Therefore, the applicable approval criteria include:

- Chapter 60, Conditional Uses: approval criteria in 60.070;
- Chapter 55, Design Review: approval criteria in 55.100;
- Chapter 75, Variance: approval criteria in 75.060;
- Chapter 85 General Provisions: lot line adjustment approval criteria in 85.210;
- Chapter 11, Single-Family Residential R-10; and
- Chapter 59, Willamette Neighborhood Mixed Use Transitional Zone

Analysis

A public safety facility requires Conditional Use approval in both the applicable R-10 and MU districts. Staff finds that with the inclusion of proposed Condition of Approval 4 mitigating traffic effects, the proposal meets Chapter 60 Conditional Use criteria, including fulfilling the community need for a larger, safer police station that is located on an appropriate site where the effects on the surrounding area are appropriately screened and mitigated.

Staff's analysis concludes that the project is also consistent with the Design Review provisions of Chapter 55 upon compliance with the recommended conditions of approval on Page 11, as discussed below.

The applicant proposes retaining walls, up to 10 feet in height, along the east and north frontages of the site, as the site slopes towards both of these directions and the parking areas are proposed



along these edges of the site (see the Addendum, Staff Response 122). Fencing is proposed atop these walls to help screen the parking areas from nearby residential uses and commercial uses. Chapter 44 requires that when a fence is atop a retaining wall the combined height cannot be more than 8.5 feet in height. Since the Site Grading Plan shows that the combined height would be more than this in certain areas, recommended Condition of Approval 3 would require that the fence height or fence location will be altered in these areas so the combined height is consistent with Chapter 44 (See the Addendum, Staff Response 47).

On-site lighting design and location is proposed on Sheet E1.1, Site Plan- Photometric Layout, on Page 200 of Exhibit PC-4. Proposed Condition of Approval 2 ensures that lighting will be placed at a height so the light overlaps at a height of seven feet, as required by CDC Subsection 55.100(J)(6).

Subsection 55.100(B)(2)(b) requires that all development be kept out of the dripline plus 10 feet of all significant trees if these areas comprise less than 20% of a site. Since the walnut tree along the 8th Avenue frontage is the only significant tree on site, development is required to stay out of the protected area. (See the Addendum, Staff Response 163). The exceptional and extraordinary circumstance is that this tree is at the front of the site near the adjacent "T" intersection, where Design Review criteria and Chapter 59 Mixed Use zone regulations encourage development of the main façade and entrance/exit areas close to the street. Because the applicant would otherwise be unable to develop this parcel to the appropriate regulations and aspirations of Chapter 59 (MU District) and Chapter 55's Design Review provisions regarding access, facades, and architecture, staff concludes that the requested variance from Subsection 55.100(B)(2)(b), to allow development within part of the protected area of the significant tree along 8th Avenue, is compliant with the variance criteria. Also, the City Arborists finds that appropriate measures can be taken to save the tree. If the variance is not approved but the remainder of the application is approved, the front sections of the building would have to be reconfigured and the applicant would not be able to build the covered plaza.

The applicant has submitted a Transportation Impact Analysis (TIA) (see Exhibit PC-4, pages 215-301) and Supplemental Findings (pages 303-310 of Exhibit PC-4). The TIA recommends measures to mitigate traffic impacts on nearby intersections, and the Supplemental Findings provide further analysis and specificity related to these. To ensure there are not adverse traffic impacts to the area, staff recommends Condition of Approval 4 to implement the improvements recommended by the traffic engineer's findings in these documents. (See the Addendum, Staff Response 149).

A lot line adjustment is proposed to consolidate the four lots that comprise the site into one; so, the building and parking areas will not straddle existing lot lines. The newly consolidated lot will require its own deed; this is required by recommended Condition of Approval 5..

Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that there are sufficient grounds for approval, subject to the recommended conditions below. Please see the following Addendum for details.

Public comments:

No public comments have been received to date.



RECOMMENDATION

Staff recommends approval of application CUP12-06/DR-12-20/VAR-12-08/LLA-12-04 subject to the following recommended Conditions of Approval:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Sheet C2.1, Site Plan, dated February 7, 2013, located on Page 183 of Exhibit PC-4.
2. Outdoor Lighting. Outdoor light fixtures on poles shall be placed at a height that results in light patterns overlapping at a height of seven feet.
3. Height of Fencing along Retaining Wall. Where retaining walls exceed two feet in height, fencing directly on top of the wall shall not result in a fence/wall height combination of more than 8.5 feet. Fencing up to six feet in height can be utilized if it is located at least two feet away from the retaining walls.
4. Traffic Effects Mitigation.
 - a. At the 8th Avenue/10th Street intersection, the applicant shall eliminate northbound left-turn lane striping on the 10th Street approach and install cross-hatch striping.
 - b. At the 8th Avenue/10th Street intersection, left turns from the northbound through lane on 10th Street shall be restricted during the weekday PM peak period. The applicant shall install signage stating "No left turn Weekdays 4 PM- 6 PM."
 - c. At the intersection of Willamette Falls Drive and 12th Street, the applicant shall implement improvements that change the two-way stop to an all way stop, install crosswalks on all approaches, and provide left-turn "pockets" on the eastbound and westbound approaches of Willamette Falls Drive.
5. Deed for Consolidated Lot. The applicant shall record a deed for the consolidated lot prior to the Building Division's issuance of the final occupancy permit.

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:
 - Public improvement permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov



- Public works permit: contact Pat in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
- 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.



ADDENDUM
PLANNING COMMISSION STAFF REPORT
FEBRUARY 6, 2013

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE
WITH APPLICABLE CODE CRITERIA

I. ZONING AND DESIGN REVIEW CRITERIA

A. Chapter 11, Single-Family Residential Detached, R-10

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 CDC, Conditional Uses.

(...)

CDC 11.060(3). Public safety facilities.

(...)

Staff Response 1. Staff finds that the applicant has applied for Conditional Use approval under the provision above which allows public safety facilities such as a police station as a conditional use in the applicable R-10 district. The Conditional Use requirements are addressed under staff responses 8-42.

CDC 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 CDC 60.070(A) and (B).

Staff Response 2. Staff finds that the site is 1.54 acres after the proposed right-of-way dedication. The applicant proposes a two-story 20,024 square foot building with 63-off street parking spaces per Chapter 46, (see staff responses 48-77) an appropriately sized stormwater treatment facility (see staff responses 43, 162) and landscaping spanning at least 20% of the site consistent with applicable requirements. The site plan (see Sheet C2.1 Site Plan on Page 183 of Exhibit PC-4) shows that these project elements fit onto the 1.54-acre site (following right-of-way dedication). Therefore staff determines that the site is an appropriate size for the proposed police station. The criterion is met.

CDC 11.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:



1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
(...)

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

6. Chapter 42 CDC, Clear Vision Areas.

7. Chapter 44 CDC, Fences.

8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

9. Chapter 48 CDC, Access, Egress and Circulation.

10. Chapter 52 CDC, Signs.

11. Chapter 54 CDC, Landscaping.

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

Staff Response 3. Staff finds that Class II Design Review per Section (B) applies because the proposed use is a public safety facility. The appropriate items under Section (A) are also provided for in the Design Review criteria under Section 55.100(A), which are addressed below. Therefore staff determines that the criteria are met.

B. Chapter 59, Willamette Neighborhood Mixed Use Transitional Zone

CDC 59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

(...)

7. Public support and public safety facilities, including public parking lots.

Staff Response 4. Staff finds that the applicant has applied for Conditional Use approval under the provision above which allows public safety facilities such as a police station as a conditional use in the applicable MU District. The Conditional Use requirements are addressed under staff responses 8-42.

CDC 59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

(...)



CDC 59.080(B). Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.
(...)

Staff Response 5. Staff finds that the rear of the site backs up to a residential property in the R-10 zone that will only be used for parking, recycling/refuse storage, and the stormwater pond which is not a “business activity”. Therefore staff determines that the criterion is met.

CDC 59.090 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 CDC 60.070(A) and (B).

Staff Response 6. See Staff Response 2.

CDC 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The provisions of CDC 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26 CDC, Historic Landmarks. The following standards apply to all development including permitted uses:
(...)

CDC 59.100(4). Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
(...)

CDC 59.100(7). Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
(...)

CDC 59.100(9). Chapter 42 CDC, Clear Vision Areas.

CDC 59.100(10). Chapter 44 CDC, Fences.

CDC 59.100(11). Chapter 48 CDC, Access, Egress and Circulation.

CDC 59.100(12). Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.

CDC 59.100(13). Chapter 55 CDC, Design Review.

CDC 59.100(14). Chapter 54 CDC, Landscaping.
(...)



Staff Response 7. Compliance with the provisions of Chapter 55 is reviewed in staff responses 43-162 below. The other items listed above are also listed under the criteria for Section 55.100(A). Therefore, see the staff responses 43-116 below under Chapter 55.

D. Chapter 60, Conditional Uses

CDC 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 CDC 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

Staff Response 8. Staff finds that the site accommodates the proposed police station building and the required and needed amount of parking for both police vehicles and the public (see Staff Response 50 regarding Chapter 46 minimum parking requirements). Staff also finds that the site plan (Sheet C2.1 Site Plan on Page 183 of Exhibit PC-4) provides for an appropriately sized stormwater treatment facility (see staff responses 43,162) and landscaping spanning at least 20% of the site, consistent with applicable requirements. Per the applicant in their response to this criterion on Page 135 of Exhibit 4, "The combined site area provides adequate space to provide a new facility, meeting the stringent safety and security requirements of the police." Staff concurs with the applicant's statement and determines that 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.

Staff Response 9. The site not only has room for the police station and a sufficient amount of parking for the station, as noted in Staff Response 8, but the site has room for adequate screening for the residential areas to the west and north, which is provided as seen on the Landscape Planting Plan, Sheet L4.1, on Page 191 of Exhibit PC-4. A 5-foot wide landscaping strip is required, and this is satisfied in that a 6 to 11-foot wide landscape strip is provided. Also, the applicant has provided a façade designed to fit into the surrounding neighborhood, complete with a substantially sized front door area and front plaza at the southeast corner of the building, facing 8th Avenue. Landscaped front yard is also provided west of the plaza along the rest of the 8th Avenue frontage. The only significant tree on site, the walnut tree along the 8th Avenue frontage, is being preserved. The front façade was designed to visually integrate the tree. Staff determines that the site has adequate area for aesthetic design treatment to mitigate possible effects on surrounding properties, and that the applicant has mitigated these possible effects sufficiently with the proposed design.



CDC 60.070(A)(2). The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

Staff Response 10. The previously developed rectangular site of net 1.54 acres is generally sufficient, as discussed above under Staff Response 8. The site's location is within the largest historic commercial area of West Linn, the downtown area of Willamette. This is an appropriate area for the City's only police station in part because several collector and arterial streets (10th, Blankenship, Willamette Falls, Salamo, 12th) converge here and because there is access to and from I-205 via the 10th Street interchange. Topography is gently sloped to the north and is acceptable for this use, however, the grading plan (see Attachment PC-4, Sheet C 2.2, Site Grading Plan, page 185), which provides a gently sloping parking lot (about 5% slope), results in retaining walls of up to 10 feet in height beside the stormwater pond. This proposed wall, facing Les Schwab Tire Center, is proposed to be screened with vine maple trees. While it is not ideal to have taller retaining walls facing off-site for any conditional use, these walls do not face a public right of way or residential properties, and screening is provided. Staff recognizes that the heights of the retaining walls along the stormwater facility are a result of having a somewhat sloped site in which parking lot grading is not allowed to be above five percent. Staff also recognizes that the tree-related variance is requested due to the location of the tree along the only adjacent through street. In a generally hilly and residential City without a strong central core outside this area, having a major public facility in this area helps to strengthen this central core and the City's community identity. Other Willamette area and nearby area locations large enough for the police station have greater aesthetic issues and greater natural constraints such as creeks, tree clusters, and wetlands. For example, wetlands, creeks, and flood management areas dominate downhill areas of Willamette near Willamette Park and the Blue Heron pond site. Likewise nearby OBC-zoned sites north of I-205 have major slope and tree cluster issues, and are further outside the historic and "walkable" core of Willamette. Commercially zoned sites along Willamette Falls Drive east of 8th Court have major creek and wetland setback issues. Staff therefore recognizes that among nearby sites that might ever be available for this use, the tree and wall issues on this site are comparatively minor in nature compared to the ecological and aesthetic issues at other sites. Therefore the proposed integration and preservation of the significant tree, despite the need for the variance to develop part of the protected area, is aesthetically appropriate for an attractive and pedestrian-oriented front façade as well as an understandable trade-off considering the limited site options. Having a well-screened retaining wall that does not face residences or right of ways is also a relatively minor trade-off in otherwise attractively developing the only reasonable and available site for this use in this general area of the City.

CDC 60.070(A)(3). The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

Staff Response 11. Staff finds that community currently has a police station that is undersized and vulnerable in the event of an earthquake. Building a new police station of sufficient size at this site will alleviate these problems. The voters of the City approved a police levy to fund the proposed construction of a new sufficiently-sized and safe police station. Therefore staff determines that the criterion is met.



CDC 60.070(A)(4). Adequate public facilities will be available to provide service to the property at the time of occupancy.

Staff Response 12. Staff finds that sewer and water service exist in 13th Street and 8th Avenue. The proposed stormwater facilities will treat stormwater runoff, pipe it under 13th Street, and release it into Bernert Creek along I-205 (marked as “ODOT drainage ditch” on plans, which the creek doubles as). Off site flow is not increased and already eventually drains to Bernert Creek under existing conditions, so Bernert Creek can handle the post-development flow. Half street improvements to both street frontages are proposed, and 8th Avenue and 12th Street connects the site to nearby arterials for expeditious response to law enforcement calls. Therefore staff determines that the criterion is met.

CDC 60.070(A)(5). The applicable requirements of the zone are met, except as modified by this chapter.

Staff Response 13. As previously noted, part of the site is in the MU zone and part is in the R-10 zone. Each area of the proposed project meets the requirements of its respective zone as demonstrated in staff responses 1-3 for compliance with the R-10 zone and staff responses 4-7 for compliance with the MU zone. Therefore, staff determines that this criterion is met.

CDC 60.070(A)(6). The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.

Staff Response 14. Compliance with the provisions of Chapter 55 is reviewed in staff responses 43-162 below. The other items listed here are also listed under the criteria for Subsection 55.100(A). Therefore, see the staff responses 43-115 below under the Chapter 55 heading in this report.

CDC 60.070(A)(7). The use will comply with the applicable policies of the Comprehensive Plan.

Excerpted from Comprehensive Plan:

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 2 Natural Resources, Policy 1: Implement site design standards that prescribe how to place roadways and buildings to preserve trees.

Staff Response 15. Staff finds that the single significant tree on site is being preserved. Therefore this criterion is met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 2 Natural Resources, Policy 3: Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.



Staff Response 16. Staff finds that the single significant tree on site is being preserved (there are no heritage trees or significant clusters) but that the proposed protection area around the tree is smaller than allowed by Subsection 55.100(B)(2)(b). The applicant has applied for a Class II Variance (see staff responses 163-171) regarding this, and the City Arborist agrees that the proposed amount of tree protection area is sufficient to preserve the health of the tree (see the City Arborist's letter on Page 86 of Exhibit PC-4).

Goal 6: Air, Water, and Land Resources Quality, Section 2 Air Quality, Policy 2: Require that City construction projects, maintenance activities, and operating procedures be designed and operated so as to not degrade surface or ground water quality.

Staff Response 17. Staff finds that the proposed City project is designed to have all stormwater on site flow to the proposed stormwater treatment facility at the lowest elevation on site, the northeast corner. This will result in only treated water draining off the site.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 4, Noise Control, Goal 1: Maintain and promote a quiet and healthful environment for the citizens of West Linn.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 4 Noise Control, Goal 1, Policy 1: Require measures to adequately buffer residential developments and other noise sensitive uses that are proposed to be located in noise-congested areas.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 4 Noise Control, Goal 1, Policy 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.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 4 Noise Control, Goal 1, Policy 3: Require new commercial, industrial, and public facilities to be designed and landscaped to meet Department of Environmental Quality (DEQ) and City noise standards.

Staff Response 18. Staff Several significant elements of the project's design help limit potential noise impacts on adjacent residential areas. The front of the police station is at the intersection of 12th Street and 8th Avenue, at the corner of the site closest to many commercial uses and furthest from many of the surrounding residences. Vegetative buffering is proposed along the north and west to slightly shield nearby residences from the parking lot noise. The general public will not be able to use the driveway in and out of the residential area on 13th Street.

Goal 11 Public Services and Facilities, Policy 4d: The City, or entities designated in the future by the City, shall be the primary provider of the following services and facilities:

d. Police protection

Goal 11 Public Services and Facilities, Section 4 Fire and Police, Goal 1: Provide a high



level of fire, emergency, and police services to protect life and property within the City.

Staff Response 19. Staff finds that the City is the provider of police protection within the City limits. The current police station is undersized and seismically unsafe. The construction of the new station is intended to enable the City to effectively provide police protection within the City limits. Therefore , staff determines that this criterion is met.

Goal 11 Public Services and Facilities, Policy 10: Assure all visible public facilities are constructed with attractive design and materials where appropriate.

Staff Response 20. Staff finds that the proposed use is a public facility with reddish-brown brick walls and gray stone trim. (See Exhibit PC-4, Building materials, page 151). Windows are provided on the building, parking is mainly to the rear, and landscaping is proposed throughout the site. Whether the materials are attractive is subjective judgment.

Goal 11 Public Services and Facilities, Section 4 Fire and Police, Goal 1, Policy 12: Whenever feasible, utilize environmentally sensitive materials and construction techniques in public facilities and improvements.

Staff Response 21. The building is proposed to meet LEED standards. Therefore the criterion is met.

Goal 11 Public Services and Facilities, Section 4 Fire and Police, Policy 5: Maintain “store front access” to the community and continue to have an open-door policy that invites the public to meet with fire and police personnel in a comfortable setting.

Staff Response 22. Staff finds that the police station is proposed to have a small covered public entrance/plaza facing the intersection of 8th Avenue and 12th Street, with an outdoor seating area. (See Exhibit PC-4, Sheet L 2.1, Enlarged Plaza Plan , page 189). It is intended to be inviting to the public and a comfortable setting. Therefore, staff determines that this criterion is met.

Goal 11 Public Services and Facilities, Section 5 Government Administration Facilities, Policy 2: Locate core City services where they provide efficiency and access.

Staff Response 23. Staff finds that the station is proposed to be near four major streets: Willamette Falls Drive, 10th Street, Salamo Road, and Blankenship Road. It is also close to the 10th Street exit of I-205. The location is part of the historic core of the Willamette neighborhood, one of the busiest commercial areas in the City.

Goal 11 Public Services and Facilities, Section 5 Government Administration Facilities, Policy 3: Ensure that public facilities are accessible by public transit.

Staff Response 24. The site is one block from the Tri-Met bus line 154 on Willamette Falls Drive.

Goal 12, Transportation, Streets section, Policy 3: Establish a minimum intersection level



of service standard for the City of West Linn and design all public facilities to meet or exceed the standard.

Staff Response 25. Staff finds that the applicant has submitted a traffic study with recommendations as to how the project can prevent having a negative effect on nearby intersections. Recommended Condition of Approval 4 would implement these measures. Therefore, staff determines that this criterion is met.

Goal 13, Energy Conservation, Goal 1: Promote energy efficient provision of public facilities and services.

Goal 13, Energy Conservation, Policy 6: Encourage the use of energy-conscious design and materials in all public facilities.

Staff Response 26. As discussed above, the building is proposed to meet LEED standards. Therefore, the criterion is met.

Excerpted from Vision Statement and Action Plan for the Willamette Neighborhood of West Linn, which is a neighborhood plan adopted as part of the Comprehensive Plan:

Vision Statement and Action Plan for the Willamette Neighborhood of West Linn, Goal 1, Safety for Our Community.

Vision Statement and Action Plan for the Willamette Neighborhood of West Linn, Goal 1, and Policy 1: We maintain and support our police and fire services.

Staff Response 27. The construction and eventual operation of the new police station for West Linn within the Willamette neighborhood is consistent with the neighborhood plan's support of community safety and of police services.

Vision Statement and Action Plan for the Willamette Neighborhood of West Linn, Goal 6, Policy 8: We will effectively use transition zones between the historic business district and the surrounding neighborhood.

Staff Response 28. Staff finds the site plan places a public facility in the MU zone with the building fronting on the commercial area and parking, landscaping and a stormwater pond nearest the residential uses to the north. Therefore, staff determines that this arrangement is an effective use of the transition zone.

Staff Response 29. Staff finds that the responses 15-28 above determine that the proposed Conditional Use is compatible with the Comprehensive Plan, upon the inclusion of proposed Condition of Approval 4 as discussed in Staff Response 25 above and more thoroughly in Staff Response 149 below.

CDC 60.070(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 CDC.



Staff Response 30. The applicant has applied for Class II Design Review. The Class II Design Review criteria of Section 55.100 are addressed in staff responses 43-162 below.

CDC 60.070(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:

CDC 60.070(C)(1). Limiting the hours, days, place, and manner of operation.

Staff Response 31. As this is a police station, limiting the time and manners of operation would not be appropriate. Staff finds that it is not necessary due to the configuration of the building frontage towards the mostly commercial area to the south and the landscape buffering provided on other sides. Staff determines that the types of possible conditions discussed in this criterion are not necessary for this use in this location as proposed.

CDC 60.070(C)(2). Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.

Staff Response 32. While pollution, odor, dust, and vibration are not expected to be problems with the proposed use, staff finds that the proposed landscaping, vegetation, and the site layout will all help mitigate noise and glare issues. Vegetation is proposed to screen the parking lot on all sides where it is not screened from off-site by the proposed building, and this will heavily mitigate potential effects of glare off of vehicles. The building entrance and site driveway to be used by the public are both at the southeast corner of the site, further from the predominately residential areas to the west and northwest. Staff finds that this will mitigate noise effects on residential uses. Staff determines for these reasons that further conditioning is not necessary regarding the issues listed in Subsection 60.070(C)(2) above.

CDC 60.070(C)(3). Requiring additional setback areas, lot area, or lot depth, or width.

CDC 60.070(C)(4). Limiting the building height, size or lot coverage, or location on the site.

Staff Response 33. The building is one story in front, and is designed to fit into the natural slope of the site, with two stories in the rear. The nearby structures are one-story and two-story residential and commercial buildings. The location at the south end of the site is best for the building as it allows the frontage to be at the most major intersection adjacent to the site (8th Avenue and 12th Street), facing the nearby historic commercial area instead of the residential areas to the west. Therefore staff determines that the proposed building height, lot dimensions, building size and lot coverage would have particular negative effects on the surroundings. A possible exception is the proposed 7-10-foot retaining wall adjacent to the stormwater pond. However, it would be partially screened from view by landscaping, and does not face a right of way or residential properties (see Staff Response 10). Staff determines that further conditions regarding the issues in subsections 60.070(C)(3) and (4) are not necessary



CDC 60.070(C)(5). Designating the size, number, location and design of vehicle access points.

Staff Response 34. Staff finds that with just one public and police vehicle access point on 8th Avenue and one emergency-only/refuse pickup-only access on 13th Street, there is already a minimal number of vehicle access points for a site of this size. Therefore, staff determines the criterion is met.

CDC 60.070(C)(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.

Staff Response 35. Staff finds that the 8th Avenue right-of-way varies in width from 42-50 feet along the frontage of the site, due to variations among the property lines on the other side of the street. East of the adjacent property to the east, 8th Avenue consistently has eight more feet of right of way on the site's side of the street, and the applicant proposes eight feet of dedication to match this. Staff finds that this will result in a right of way 50-58 feet in width along 8th Avenue.

Staff finds that the 13th Street right of way measures between 40 and 44 feet along the project site, again due to variations among property lines on the opposite side of the street. The applicant proposes eight feet of dedication on this frontage also. Staff finds that the right of way will then measure between 48 and 52 feet along the site frontage. Both of these streets are local streets. Subsection 85.200(A)(2) requires local street right of ways to be between 40 and 60 feet wide, so staff determines that the proposed right -of -way widths are acceptable.

Table 1-5 in the Transportation System Plan (TSP) lists the items of the Motor Vehicle Master Plan and Action Plan. Item 13 is to improve 8th Avenue between 10th Street and Dollar Street, which includes the project frontage. This project is listed as Item 19 in TSP Table 8-14. Staff finds that the applicant's proposed street improvements fulfill this item for the north side of the street along the project frontage. Therefore, staff determines that this criterion is met.

CDC 60.070(C)(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 conditional use application for the property) indicates the application should contribute toward.

Staff Response 36. Table 1-5 of the Transportation System Plan lists the Motor Vehicle Master Plan and Action Plan Projects on City street facilities. Item 8 in this table regards 10th Street and calls in part for the City to "Prohibit northbound left turn movement and replace left turn lane with pedestrian " island" at the 8th Avenue intersection. The applicant's submitted traffic analysis indicates the applicant should implement this improvement as part of the public improvements for this application, but further analysis showed that the pedestrian refuge island should not be implemented at this time. Until more comprehensive changes are made to the area's transportation system that may



make complete prohibition on northbound left turns more practical, turning should be allowed across the intersection at some times of day. Proposed Condition of Approval 4 requires this, in partial fulfillment of Item 8 above.

Item 14 on the same table, regarding the intersection of 12th Street and Willamette Falls Drive, calls for the City to implement all-way stop control or a traffic signal when warrants are met. The applicant's submitted traffic analysis Supplemental Findings indicate the applicant should implement an all-way stop control, which is also required by Condition of Approval 4 (see Staff Response 149). Based on this information, Staff determines that this criterion is met.

CDC 60.070(C)(8). Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.

Staff Response 37: The proposed site landscaping plan (Exhibit PC-4, sheet L 4.1, Landscape Planting Plan, page 191) provides for perimeter and parking lot landscaping which, coupled with proposed fencing, appears to provide appropriate screening for the rear and side frontages of the site, consistent with Chapter 54 standards for the parking area. The proposed surfacing for the parking lot is acceptable. Drainage is provided to the stormwater treatment facility proposed at the northeast corner of the site. See staff responses 101-117. Staff determines that the aspects of the proposal as listed in Subsection (8) do not require further conditioning.

CDC 60.070(C)(9). Limiting the number, size, location, height, and lighting of signs.

Staff Response 38. The applicant does not yet propose signage in this application. When the applicant is ready to propose signage a separate Permanent Sign approval will be required through the Planning Department.

CDC 60.070(C)(10). Limiting or setting standards for the location and intensity of outdoor lighting.

Staff Response 39. Staff finds that the applicant proposes downward-directed outdoor lighting as seen on pages 152-158 of Exhibit PC-4 in the applicant's submittal (the information on Gullwing LED lighting). Staff determines, therefore, that further limitations and standards on outdoor lighting on site are not necessary.

CDC 60.070(C)(11) Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.

Staff Response 40. Staff finds that sufficient vegetative screening, irrigation, and fencing are proposed as discussed in staff responses 106 and 142-143. The criterion is fulfilled via what is already proposed by the applicant.

CDC 60.070(C)(12). Requiring and designating the size, height, location, and materials for fences.



Staff Response 41. The applicant proposes fencing along the north and east edges of the parking and stormwater facilities. This will be four feet tall along the east edge and the stormwater facility, and six feet tall along the north property line adjacent to the residential property at 1891 13th Street. Staff finds that the proposed fencing is compatible with Chapter 44 standards (see staff responses 46-47) except for the fence-plus-wall heights proposed along sections of these retaining walls. Recommended Condition of Approval 3 would remedy the situation as discussed in Staff Response 47. Staff determines the criterion is met upon the inclusion of Condition of Approval 3 in the decision .

CDC 60.070(C)(13). Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

(...)

Staff Response 42. Staff finds that there are no watercourses, drainageways, or wetlands on site or immediately off site. Staff finds that there are no known significant or unique soil, vegetation, or habitat resources on site, except for the significant walnut tree along the 8th Avenue frontage. This tree is proposed to be preserved by the applicant, however, the applicant proposes to develop within parts of the protected dripline-plus-10-foot area of the tree per Subsection 55.100(B)(2)(b). The applicant has applied for a Class II Variance regarding this development (see staff responses 163-171). The City Arborist finds that the tree is expected to survive despite the proposed development within this area (see the letter from the City Arborist on Page 86 of Exhibit PC-2). Therefore staff determines that no further conditioning is needed regarding the resources listed under Subsection (13) above.

E. Chapter 55, Design Review

CDC 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.

CDC 55.100(A). The provisions of the following chapters shall be met:

CDC 55.100(A)(1). Chapter 33 CDC, Stormwater Quality and Detention.

Staff Response 43. The applicant has submitted a stormwater report (see pages 202-214 of Exhibit PC-4) that demonstrates how the proposed pond at the lowest corner of the site will appropriately treat and detain the stormwater on site. As discussed in the applicant's responses to Chapter 33 on pages 103-105 of Exhibit PC-4, the proposed facility meets City and DEQ standards, plantings will be from the City of Portland's native plant list for stormwater facilities, topsoil will be imported for plant health, and erosion control measures will be implemented. As shown on Sheet C2.3A, Off-Site Stormwater Plan, on Page 187 of Exhibit PC-4, piping is proposed to take the water from the proposed detention facility west under the proposed parking lot to 13th Street, and under 13th Street downhill to Bernert Creek. Bernert Creek is the creek on the south side of I-205, to which



the property naturally drains. Therefore there will be no interbasin transfer. Staff determines that this criterion is met.

CDC 55.100(A)(2). Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

(...)

Staff Response 44. Staff finds that the proposal contains no accessory uses or accessory dwelling units as the police station is the only use proposed. The only accessory structure proposed is the trash and recycling enclosure off of the rear driveway near the 13th Street frontage. As set forth in Section 11.080 there are no CDC-mandated building or structural setbacks for conditional uses, including for accessory structures. Therefore the determination of appropriate setbacks is discretionary. The setback for the proposed enclosure from the post-dedication 13th Street right of way is 11 feet. Staff finds that there is no reason why the setback for this intermittently used small structure should be greater. Staff determines that the criteria of Chapter 34 are met.

CDC 55.100(A)(5). Chapter 42 CDC, Clear Vision Areas.

Staff Response 45. Staff finds that clear vision areas as appropriate to the size of each driveway entrance per Chapter 42 are provided at both driveways, as seen on the Site Plan on 183 of Exhibit PC-4 (the gray triangles adjacent to the driveways). A 30-foot by 30-foot clear vision area triangle is also preserved from vertical development at the corner of 13th Street and 8th Avenue. Therefore staff determines that the criterion is met.

CDC 55.100(A)(6). Chapter 44 CDC, Fences.

Excerpts from Chapter 44:

CDC 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:

(...)

Staff Response 46. There are no required setbacks listed for a conditional use in this zone, as seen in Section 59.090 above, so this criterion does not apply.

CDC 44.020(B). Fence or wall on a retaining wall. When a fence is built on a retaining wall or an artificial berm, the following standards shall apply:

1. When the retaining wall or artificial berm is 30 inches or less in height from finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half feet.



3. Fences or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of eight and one-half feet; provided, that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.

Staff Response 47. Section (B) indicates that combination of fencing and retaining walls cannot exceed 8.5 feet. The applicant's response to this chapter states that this will not occur along the northern property line. This is because per the applicant's response the fencing is proposed to be six feet in height atop the retaining walls of less than 2.5 feet in this part of the property. However fencing is shown on Sheet C2.1 Site Plan on Page 183 of Exhibit PC-4 atop retaining walls that are greater than 2.5 feet in height along the stormwater facility and along some of the edge of the site. Recommended Condition of Approval 3 would ensure that fencing will not make the wall-height combination exceed 8.5 feet unless there is a two-foot gap between a maximum six foot high fence and a 2.5-foot-tall retaining wall, as allowed by Subsection 44.020(B)(2). Staff determines that the criteria of Chapter 44 are met upon the inclusion of Condition of Approval 3 in the decision.

CDC 55.100(A)(7). Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Excerpted from Chapter 46:

CDC 46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE

(...)

CDC 46.070(B). Off-street parking spaces for uses not listed in subsection A of this section shall be located not farther than 200 feet from an entryway to the building or use they are required to serve, measured in a straight line from the building, with the following exceptions:

(...)

Staff Response 48. Staff finds, via the Site Plan Sheet C2.1 on Page 183 of Exhibit PC-4, that the furthest parking space away from a building entrance/exit is the space at the north end of the row along the east edge of the site. This is approximately 125 feet from the proposed entrance/exit accessible via the outdoor stairs along the east frontage of the building. Staff determines the criterion is met.

CDC 46.070(B)(5). All disabled parking shall be placed closest to building entrances than all other parking. Appropriate ADA curb cuts and ramps to go from the parking lot to the ADA-accessible entrance shall be provided unless exempted by ADA code.

(...)

Staff Response 49. Staff finds that the parking areas for the site function as two separate parking lots, in that the north lot is walled off to the public and is for police use only, whereas the parking lot along the east driveway allows public parking. There are 63 spaces proposed in total, with 44 in the police lot and 19 in the public lot. Because of this,



the required three ADA parking spaces (see Subsection 46.150[B][1] below) are broken up into a) one space in the north parking lot/police lot, and b) two spaces in the east parking lot/public lot. Staff finds that the one ADA space proposed for the police-only lot is the closest space in the lot to a building entrance/exit point, as it is just across the sidewalk from a double door that is wheelchair accessible. In the public area, the two proposed ADA spaces are located next to the northeast corner of the building. The southeast corner of the building is the closest accessible entrance. There are parking spaces across the driveway located further south, and these are closer to the same entrance in direct distance. However the two spaces proposed to be the public ADA spaces are adjacent to the site's primary accessible route. The applicant chose their proposed location to meet minimum grade requirements and to separate them from other vehicle areas, increasing safety. Unlike what would be the case with the spaces located across the driveway further south, disabled people would not have to cross a driveway to get between the spaces and the building. Their proposed location also is the closest to the building's main entrance as accessed via the accessible route, and therefore staff finds that they are actual closer in terms of actual access even if they are further via a direct beeline. The current ADA travel path for is 131 feet from the spaces' ramp to the front door. If the ADA stalls were proposed east of the driveway, the ADA access route would be lengthened to 159 feet as the path would travel out to the right-of-way and then west along 8th Street across the driveway entrance/egress. Staff determines that the criterion is met as the three spaces as proposed serve both lots and are the spaces closest to each lot's accessible building entrance via the shortest accessible route.

CDC 46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

(...)

B. Public and semi-public buildings/uses.

(...)

C. Commercial

(...)

5. Professional offices, banks and savings and loans, and government offices: One space for every 350 sq. ft. of gross area.

(...)

Staff Response 50. While the proposed use is public, it does not fit into any use listed under Section 46.090(B), it fits under Subsection 46.090(C)(5) in that it is a government office. A minimum of one off-street parking space per 350 square feet of gross building area is required for this use category. The proposed building has a gross square footage of 20,024. Staff finds that at minimum 57.21 parking spaces are required, which rounds up to 58. The applicant proposes 63 spaces. Staff determines that the criterion is met.

CDC 46.090(F). Maximum parking. While it is important to establish minimum standards to ensure that adequate parking is available, it is equally important to establish maximum parking standards to reduce paved impermeable areas, to reduce visual impact of parking lots, and to encourage alternate modes of transportation. For these reasons,



parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum by more than 10 percent except by variance.

(...)

Staff Response 51. As discussed above in Staff Response 50, 58 spaces is the minimum required. Staff finds that 10% more than 58 would be 64 spaces, whereas 63 are proposed. Staff determines the criterion is met.

CDC 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.

Staff Response 52. Staff finds that each of the proposed compact spaces (which are less than 50% of proposed spaces) is nine by 16 feet, which is larger than eight by 16 feet. Staff also finds that each of the standard parking spaces is the minimum standard space size, nine by 18 feet. Staff determines the criterion is met.

CDC 46.150(A)(2). Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and subsection B of this section and placed nearest to accessible building entryways and ramps.

(...)

Staff Response 53. Staff finds that the disabled parking spaces, their access aisles, and the areas in which vehicles can maneuver in and out of the spaces are compliant with all dimensional standards. Staff finds that this aspect of the criterion is met. See staff responses 69-73 under 46.150(B) below for compliance with "subsection B".

CDC 46.150(A)(4). Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

Staff Response 54. Public parking traffic and police non-emergency traffic will only be permitted to use the 8th Avenue ingress/egress, but staff finds that this is proposed to be 30 feet wide, more than wide enough for two-way traffic. Staff finds that within the police-only parking lot the drives and aisles are proposed to be 24 feet wide, also wide enough for two-way traffic. In this lot where there are multiple aisles, staff finds that they are set at right angles to facilitate maximum safety and navigability. Staff also finds that pedestrian pathways are provided from the building to every major area of the parking



lot. Staff determines that the service drives are proposed to facilitate the flow of traffic and to provide pedestrian and driver safety.

CDC 46.150(A)(5). Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.

Staff Response 55. Staff finds via the Site Plan on Sheet C2.1, Page 183 of Exhibit PC-4, that each proposed parking space has clear access and that no parked vehicle would ever have to be moved to access another parking space. Staff determines that this criterion is met.

CDC 46.150(A)(6). Except for single- and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.

Staff Response 56. As discussed in the applicant's response to this criterion on Page 109 of Exhibit PC-4, all parking spaces will be marked with permanent paint and all parking area drives and aisles will be marked to ensure appropriate flow and safety. No spaces are proposed to be permeable. Staff determines that this criterion is met.

CDC 46.150(A)(7). Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of City streets. The remainder of the areas used for parking may use a permeable paving surface designed to reduce surface runoff. Parking for public parks or trailheads may use a permeable paving surface designed to reduce surface runoff for all parking areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve.

(...)

Staff Response 57. Staff finds that the entire parking area including all spaces, drives, and parking aisles is proposed to be paved with an impermeable hard surface. Staff determines the criterion is met.

CDC 46.150(A)(9). Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.

Staff Response 58. There are two vehicular ingress/egress points to the site. One is an access drive from 8th Avenue that accesses the public parking spaces and, north of this,



enters the gated police-only parking lot along the north side of the site. A turnaround is provided at the north end of the public lot, consisting of the curved area of the driveway and an adjacent space across the driveway. The only other ingress/egress point on site is along 13th Street at the north end of the site; this will be only used for refuse/recycling service and for emergency ingress/egress from the police-only lot. The police lot is proposed to be gated at this ingress/egress. Both parking areas are connected to their respective sets of building entrance/exit points by walkways. Staff determines that this proposed system of driveways and accesses to the two parking areas provides sufficient safety and flow for pedestrian and vehicular access on site.

CDC 46.150(A)(10). Access drives shall have a minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.

Staff Response 59. As discussed in Staff Response 45 the access driveways to and from the site's parking lot are compliant with the clear vision area requirements of Chapter 42.

CDC 46.150(A)(11). Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Alternately, landscaped areas or sidewalks adjacent to the parking stalls without wheel stops shall be two feet wider.

Staff Response 60. Per Subsection 55.100(B)(7)(d), on-site sidewalks are six feet wide at minimum, but must be eight feet wide if they abut a parking area. This section refers to the two-foot minimum difference between these two minimums, but also provides for the exception in that the sidewalks can remain six feet wide along parking spaces if wheelstops are installed to these specifications. As shown on Sheet C2.1 Site Plan on Page 183 of Exhibit PC-4 and as discussed in the applicant's response to this section on Page 110 of Exhibit PC-4, all sidewalks that abut a parking area along the front of parking spaces with wheelstops are six feet wide. This is allowed when the wheelstops meet the provisions of Subsection (11) above, which these do. Staff determines that the criterion is met.

CDC 46.150(A)(12). Off-street parking and loading areas shall be drained in accordance with plans and specifications approved by the City Engineer. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.

Staff Response 61. Staff finds that the parking lots will drain to the stormwater treatment facility at the northeast corner of the site. Staff determines that the criterion is met.

CDC 46.150(A)(13). Artificial lighting on all off-street parking facilities shall be designed to deflect all light downward away from surrounding residences and so as not to create a hazard to the public use of any road or street.

(...)



Staff Response 62. Staff finds that the Gullwing LED lighting information on pages 152-158 of Exhibit PC-4 in the applicant's submittal shows that the lighting proposed is downwardly directed. Staff determines the criterion is met.

CDC 46.150(A)(17). The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.

Staff Response 63. Staff finds from the Site Grading Plan Sheet 2.2 on Page 185 of Exhibit PC-4 that there will be no drainage across adjacent sidewalks or walkways, and that all parking areas have a grade of 5% or less. Staff determines that this criterion is met.

CDC 46.150(A)(18). Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. The defensible space of the parking lot should not be compromised.

Staff Response 64. 8th Avenue is the main frontage of the site, as the proposed building fronts to this street. Staff finds that the 8th Avenue frontage of the site is approximately 295 feet long, while the section of this frontage consisting of the driveway entrance and adjacent parking area is approximately 80 feet long. Staff determines that less than 50 percent of the frontage consists of parking area and that the criterion is met.

CDC 46.150(A)(19). Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as:

- a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or
 - b. Twelve spaces in a group with six spaces abutting together; or
 - c. Two groups of twelve spaces abutting each other, but separated by a 15-foot wide landscape area including a six-foot-wide walkway.
- (...)

Staff Response 65. On Sheet C2.1 Site Plan on Page 183 of Exhibit PC-4, each group of parking spaces is shown as are the drive aisles and associated landscaped areas. Staff finds that the public parking area consists of a group of six spaces on the west side of the driveway, separated by landscaping (and a proposed wall) from the secure police-only lot. Along the east edge of the driveway in the public parking area are a group of six spaces and a group of seven spaces, separated from each other by a one-space-wide landscape strip. In the police parking lot, the south end of the lot has one row of eight spaces, and the west end has one row of four perpendicular spaces. The north end of the police lot has one row of six spaces separated by a one-space-wide landscape strip from a row of eight spaces. The middle has a group of eight spaces abutting each other, separated by a



parallel landscape strip from a group of ten spaces abutting each other. Staff finds that all spaces are provided in groups of less than 12 spaces per these criteria. Staff determines that these criteria are met.

CDC 46.150(A)(20). Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas (an example in multi-family housing: between recreation center, swimming pool, manager's office, park or open space areas, parking lots, etc.) within a development, between adjacent developments and the new development, as feasible, and between major buildings/activity areas within the development and adjacent streets and all adjacent transit stops. Internal parking lot circulation and design should maintain ease of access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.), and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.

Staff Response 66. The applicant has proposed walkways in both the secure police and public parking lots on site. Staff finds that they sufficiently link the parking areas with the proposed building and the surrounding streets. Staff finds the walkways are constructed with a material that visually contrasts with the parking lot surface. Staff also finds that they are identifiable by pedestrians and motorists, as they are proposed to be made of scored concrete separated from the parking areas by a raised curb. Staff finds that all proposed walkways are a minimum of six feet wide. Staff determines the criterion is met.

CDC 46.150(A)(21). The parking and circulation patterns are easily comprehended and defined. The patterns shall be clear to minimize traffic hazards and congestion and to facilitate emergency vehicles.

Staff Response 67. The public parking entrance is aligned with the "T" intersection of 12th Street off of 8th Avenue, and has one row of parking spaces on each side of it. The public will not be able to drive into the walled police parking proposed where the driveway turns to the west, but a turnaround is proposed here consisting of the curve of the driveway in combination with a turnaround space next to the spaces along the east side of the driveway. The secure police parking lot is proposed to be configured with two parallel rows connected at each end. Staff determines that this criterion is met.

CDC 46.150(A)(22). The parking spaces shall be close to the related use.
(...)

Staff Response 68. Staff finds that all parking spaces in the public parking area are within approximately a 125-foot walking distance from an entrance/exit that is accessible from this lot. Staff finds that all parking spaces within the secure lot are within approximately 110 feet of a building entrance. Staff determines that this criterion is met.



CDC 46.150(B). Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:

1. Minimum number of accessible parking space requirements (see following

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
51 - 75	3	1	-

Staff Response 69. As discussed in Staff Response 50 above the minimum required number of parking spaces is 58, and 63 are provided. Staff finds that three ADA-accessible spaces are required, and three are provided. Staff finds that one of these, the one at the southeast corner of the north parking lot, is van-accessible as it has a 10-foot access aisle to the west. (See Subsection 6 below.) Staff determines the criterion is met.

CDC 46.150(B)(2). Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

Staff Response 70. As discussed above there are three proposed ADA spaces. One is just across a walkway from the entrance along the north side on the lower level of the building; this is located in the restricted lot. The other two are in the public parking lot in an access aisle and share an ADA-accessible curb to a walkway; this walkway heads south uphill in a gradual slope to the front entrance, along a path that is wide enough for a wheelchair. These two spaces are not as close to a front entrance as the southernmost spaces along the east edge of the site. However they have an accessible route along the wide walkway which prevents disabled people from having to cross the main driveway on site and from having to go to the sidewalk in the right of way to achieve a route that has ADA-acceptable grades. Therefore this is a more accessible route than the spaces would have if they were located more geographically close to the entrance. Of all the spaces on the same side of the driveway as the entrance to the building, they are the closest to the entrance. Staff determines that the criterion is met by the location and accessibility of the three proposed ADA spaces.

CDC 46.150(B)(3). Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.

(...)



Staff Response 71. Staff finds that the ADA spaces and the aisles that serve them meet slope standards. Staff determines that the criterion is met.

CDC 46.150(B)(5). One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.

Staff Response 72. Staff finds that the access aisle west of the ADA space located in the north parking lot is 96 inches wide. Staff determines that this criterion is met.

CDC 46.150(B)(6). Van-accessible parking spaces shall have an additional sign marked "Van Accessible" mounted below the accessible parking sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair Use Only." Van-accessible parking shall have an adjacent eight-foot-wide aisle. All other accessible stalls shall have a six-foot-wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.

Staff Response 73. Staff finds that the access aisle west of the ADA space located in the north parking lot is 96 inches wide, and that this is a van-accessible space. On Page 113 of Exhibit PC-4, the applicant states that this will be signed according to the requirements in this criterion. Staff finds that the other two proposed ADA spaces share an aisle, and that it is nine feet wide which is more than the required six-foot width. Staff determines that this criterion is met for both types of required ADA spaces.

CDC 46.150(C). Landscaping in parking areas. Reference Chapter 54 CDC, Landscaping.

Staff Response 74. See staff responses 104-115 regarding the Chapter 54 criteria that provide for landscaping in parking areas.

CDC 46.150(D). Bicycle facilities and parking.
(...)

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.

Staff Response 75. Staff finds that all outdoor bicycle parking spaces are proposed to be secure stationary racks. As shown on the Site Plan Sheet C2.1 on Page 183 of Exhibit PC-4, staff finds that these are proposed to be approximately 22 feet from the entrance at maximum, less than the maximum 50 feet. Staff finds that all other proposed bicycle parking spaces will be inside the building. Staff determines that the criterion is met.

3. Bicycle parking must be provided in the following amounts:



LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%

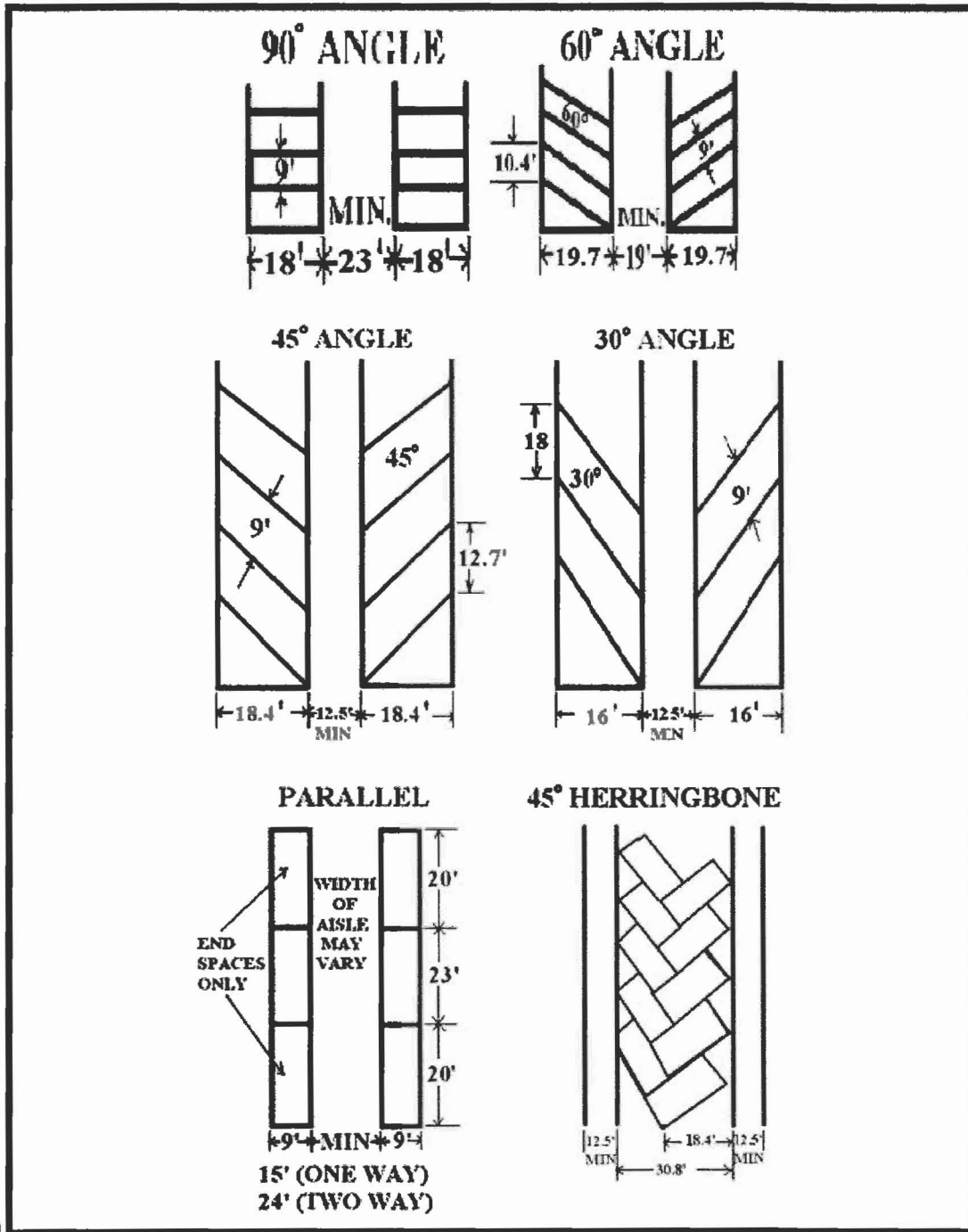
Staff Response 76. This is a government office building. The gross square footage of the building is 20,024. 1.5 multiplied by 20,004 is 30,036. This rounds up to 31 required bicycle parking spaces. The applicant proposes 33 spaces. Staff finds that the applicant proposes a sufficient number of spaces per this subsection. Ten of these spaces are proposed to be outside. The remaining 23 are proposed inside the building, and consequently covered. That constitutes 69.7% of the required 33 spaces, so staff determines that the applicant meets the 25% minimum for covered spaces. Staff determines that this criterion is met.

(...)



F. (See Figures 1 and 2 below.)

Figure 1. MINIMUM STANDARDS FOR PARKING LOT LAYOUT



(...)

ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION 'A'		DIMENSION 'B'	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	8.0'	9.0'	8.0'	9.0'	8.0'
90°	DRIVE-IN	23.0'	23.0'	18.0'	16.0'	9.0'	8.0'
90°	BACK-IN	22.0'	22.0'	18.0'	16.0'	9.0'	8.0'

Staff Response 77. As shown on the Site Plan Sheet C2.1 on Page 183 of Exhibit PC-4, staff finds that all parking spaces are set at 90 degrees from their respective parking aisles/driveways. Staff finds that all parking aisles and driveways with parking are a minimum of 24 feet wide. Staff determines the criterion is met.

(End of Chapter 46 excerpt)

CDC 55.100(A)(8). Chapter 48 CDC, Access, Egress and Circulation.

Excerpted from Chapter 48:

CDC 48.025 ACCESS CONTROL

(...)

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.)

(Excerpt from 85.170[B][2], which 55.125 refers to)

2. Traffic Impact Analysis (TIA).

(...)

e. Approval criteria.

1) Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

(A) The Traffic Impact Analysis was prepared by a professional traffic engineer qualified under OAR 734-051-0040; and

(B) If the proposed development shall cause one or more of the effects in subsection (B)(2) of this section, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation



measures that meet the City's level of service and are satisfactory to the City Engineer, and ODOT when applicable; and

(C) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- (1) Have the least negative impact on all applicable transportation facilities; and
- (2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
- (3) Make the most efficient use of land and public facilities as practicable; and
- (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- (5) Otherwise comply with applicable requirements of the City of West Linn Community Development Code.

f. Conditions of approval. The City may deny, approve, or approve the proposal with appropriate conditions.

- 1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- 2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

(End of 85.170 excerpt)

Staff Response 78. The Transportation Impact Analysis was prepared by Registered Professional Engineer Brian Dunn (see the stamp on the Page 215 of Exhibit PC-4). The Supplemental Findings recommend that at the 10th Street/8th Street intersection, northbound turn lanes be eliminated during the peak hour and the northbound turn lane be replaced by striping. This would have the least negative impact on the street system since it still allows for some left turns and maintains the most direct and convenient route possible to the extent practical. It would make a more efficient use of public facilities than placing a pedestrian refuge in the middle (which would eliminate all left turns as well) while still allowing pedestrian and bicycle crossing of the intersection as there is today.



Therefore this recommended set of improvements for the intersection meets the above criteria and would be required by recommended Condition of Approval 4.

Also, the Supplemental Findings recommend installing a four-way stop at 12th Street and Willamette Falls Drive, and left turn pockets. These proposed improvements do not have a negative impact on street facilities as those making a left turn will be taken out of part of the queue that builds up on Willamette Falls Drive. Also, they improve conditions for pedestrians and bicyclists including Willamette Primary School students as they force Willamette Falls Drive vehicles to stop at the intersection where they cross. The proposed improvements do not eliminate any current routes and they increase convenience, since they allow left turners on Willamette Falls Drive to have their own lane and queue. The City Engineer is satisfied with the recommendations as presented in the Supplemental Findings of this report, on pages 302-310 of Exhibit PC-4. Therefore these recommended improvements meet the above criteria, and are recommended to be required by Condition of Approval 4. Staff concludes the above criteria are met upon the inclusion of Condition of Approval 4.

CDC 48.025(B)(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.

Staff Response 79. The driveways for the two demolished houses on 13th Street and the one demolished house on 8th Avenue will be eliminated. The site will have one two-way public access driveway off of 8th Avenue. The site will also have a driveway off of 13th Street meant for emergency use and refuse service use only. Public and police access to and from off-street parking areas will not require backing onto a public street. Staff determines that the criterion is met.

CDC 48.025(B)(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.

(...)

Staff Response 80. Both proposed access points, the public driveway on 8th Avenue and the emergency and refuse service driveway on 13th Street, connect the site directly to public streets. The site therefore is compliant with Option 3 above. See the analysis of compliance with Subsection (B)(6) below.

CDC 48.025(B)(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.

Staff Response 81. 8th Avenue and 13th Street are both local streets. In the TSP, Table 8-3 Access Spacing Standards for City Street Facilities, local streets are required to have 50 feet between a driveway and another driveway or intersection. With the elimination of the driveways currently on site that served the demolished houses, the proposed public driveway off of 8th Avenue and the proposed emergency and refuse service driveway off of 13th Avenue would be the only access points on site upon project development. The public driveway is located directly across 8th Avenue from the beginning of 12th Street. 12th Street is on the opposite side of the street, as are some of the driveways in the neighborhood, so there are no spacing minimum requirements for distance from these. This driveway is 228 feet from the intersection of 13th Street. The proposed emergency and refuse access driveway off of 13th Street is 261 feet from the intersection of 8th Avenue. No intersections with other public streets (on the same side of the streets as the driveways) are close to these driveways as one heads north or west from the site. The 8th Avenue proposed driveway is 50 feet from the driveway on the property to the east, as measured from the trajectory of the driveway, not the proposed wing at the curb cut. The 13th Street proposed driveway is a minimum of 110 feet from the only driveway on the property to the north. Staff determines that the criterion is met.

CDC 48.025(B)(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.

(...)

Staff Response 82. Staff finds that the site borders two public streets. The publicly accessible driveway is proposed on 8th Avenue, and the emergency and refuse service



driveway is proposed on 13th Street. Therefore there is only one driveway off each adjacent street, only one of which can be used by the public. Staff therefore determines that the applicant's proposal sufficiently minimizes the amount of access points to the site.

CDC 48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

(While this section regards residential uses the criteria excerpted from it below is required for non-residential uses by other Chapter 48 sections further below)

CDC 48.030(A). Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is prohibited for lots created after the effective date of this code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

In the event that alternate access is not available as determined by the Planning Director and City Engineer, access may be permitted after review of the following criteria:

1. Topography.
2. Traffic volume to be generated by development (i.e., trips per day).
3. Traffic volume presently carried by the street to be accessed.
4. Projected traffic volumes.
5. Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.
6. The ability to consolidate access through the use of a joint driveway.
7. Additional review and access permits may be required by State or County agencies.

Staff Response 83. Staff finds that the site is sloped but not steep, so topography is not a major issue for the driveways. Based on the site plan, the driveway meets line of sight standards from Chapter 42 Clear Vision Areas, as discussed in Staff Response 45. Vehicles will not have to back into traffic to access the driveways. The 13th Street driveway ensures emergency access can be sufficient as it is reserved for emergency access and refuse collection service. As this is a police station, sharing a driveway with another use would not be appropriate. Staff determines that the criteria are met.

CDC 48.030(E). Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:



Staff Response 84. The driveways will be paved with asphalt concrete. The criterion is met.

CDC 48.030(E)(3). Minimum vertical clearance of 13 feet, six inches.

Staff Response 85. As there are no overpasses proposed or on site, the vertical clearance will exceed the above. Staff determines that the criterion is met.

CDC 48.030(E)(4). Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.

Staff Response 86. The 13th Street and 8th Avenue driveways combine into one long driveway if one were to follow them through the east and north areas of the parking lot. This combined driveway is approximately 440 feet long. The segment connecting to 13th Street is for emergency and refuse collection access only. As emergency vehicles can use the two driveways to drive all the way through the site between 8th Avenue and 13th Street, no turnaround is needed.

CDC 48.030(E)(5). The grade shall not exceed 10 percent on average, with a maximum of 15 percent.

Staff Response 87. As shown on the site grading plan on Page 185 of Exhibit PC-4, Sheet C2.2, the steepest section of the combined driveway is 6.6% grade. Staff determines that the criterion is met.

CDC 49.030(E)(6). A minimum centerline turning radius of 45 feet for the curve.

Staff Response 88. The most sharply curved section of the access drive has a turning radius of 45 feet at the driveway centerline as shown on the Site Plan, Sheet C2.1, on Sheet 177 of Exhibit PC-4. Staff finds that the criterion is met.

CDC 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

Staff Response 89. Staff finds that the two-way section of the driveway is proposed to be 30 feet wide, more than the minimum 24 feet. Staff determines that the criterion is met.



CDC 48.040(A)(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.

Staff Response 90. In terms of the service aspect of the combined driveway, the one-way segment is 22 feet wide, which is wider than required. What is required is 15 feet plus 2.5 feet on each side as seen in Subsection (2) above, which is 20 feet total. Therefore staff determines that the 22-foot width is sufficient. The driveway will be asphalt concrete which is a hard surface pavement. Staff determines that the above criteria are met.

CDC 48.040(A)(3). Meet the requirements of CDC 48.030(E)(3) through (6).
(...)

Staff Response 91. See the discussion under staff responses 84-88 above.

CDC 48.040(B). All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

Staff Response 92. The service drive meets all safety, curvature, and site distance requirements of chapters 42 and 48 as seen in staff responses above. Because the refuse/recycling and emergency trips will be able to use the rear ingress/egress and pass through the police parking lot, the service drive will not require the backward moving of vehicles onto a street. Vehicles performing these services will be able to traverse the whole service drive between 8th Avenue and 13th Street. Staff determines that the criterion is met.

CDC 48.040(C). All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

Staff Response 93. Staff finds that Section 46.130 regards off-street loading spaces, which per the table in Section 46.130 are not required for this use. Staff determines that the criterion is met.

CDC 48.040(D). Gated accessways to non-residential uses are prohibited unless required for public safety or security.

Staff Response 94. Staff finds that no gate is proposed on the public driveway on 8th Avenue. The police-only parking lot will be gated at both the 13th Street ingress/egress and at the point where the service driveway connects this to the public parking area. Since this is meant to be a lot reserved for police vehicles, this is a matter of public safety. Staff determines that the criterion is met.



CDC 48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

Staff Response 95. The proposed curb cut for the driveway on 13th Street is 28.5 feet. The proposed curb cut for the driveway on 8th Avenue is approximately 46 feet. Staff finds that both curb cuts are above 16 feet in width. Staff determines that the criterion is met.

CDC 48.060(B). Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.

Staff Response 96. The proposal is for a police station, which is an emergency service provider. Therefore the maximum curb cut allowed is 50 feet. The proposed curb cut for the driveway on 13th Street is 28.5 feet, which is below 50 feet. Staff determines that the 13th Street driveway curb cut meets the criterion. The proposed curb cut for the driveway on 8th Avenue, wing tip to wing tip, measures to be less than 50 feet, approximately 46 feet per staff measurements on the Site Plan. Staff determines that the criterion is met.

CDC 48.060(C). No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:
(...)

6. On a local street when intersecting any other street, 35 feet.
(...)

Staff Response 97. 8th Avenue and 13th Street are both local streets. The driveway curb cut proposed on 8th Avenue is approximately 200 feet east of the intersection with 13th Avenue. The east edge of the site is approximately 690 feet from the next public street intersection to the east (10th Avenue). The driveway curb cut proposed on 13th Street is approximately 260 feet north of the intersection with 8th Avenue. To the north there are no more intersections with public streets along the same side of 13th Street until it dead ends approximately 650 feet north of the site at I-205. Staff finds that the proposed curb cuts are more than 35 feet from the intersections of public streets on the same side of the frontage streets and, therefore, that the criterion is met.

CDC 48.060(F). Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.

Staff Response 98. The applicant proposes only one curb cut on 8th Avenue and one on 13th Street. The property is not on Highway 43. Staff determines that curb cuts have been sufficiently kept to the minimum.



CDC 48.060(G). Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

Staff Response 99. As discussed above in Staff Response 45 the two proposed driveway accesses meet Chapter 42 Clear Vision Area standards. Staff determines that there is adequate line of sight for the proposed driveways.

(End of Chapter 48 excerpt)

CDC 55.100(A)(9). Chapter 52 CDC, Signs.

Staff Response 100. The applicant proposes no signage yet. When the applicant does propose signage they will have to apply for a Permanent Sign Permit through the Planning Department. At that time the Permanent Sign Permit application will be reviewed under Chapter 52 criteria.

CDC 55.100(A)(10). Chapter 54 CDC, Landscaping.

Excerpted from Chapter 54:

CDC 54.020 APPROVAL CRITERIA

CDC 54.020(A). Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot-tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three two-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.
(...)

Staff Response 101. Staff finds that the only significant tree on site, the walnut tree along the 8th Avenue frontage, is proposed to be preserved. The applicant proposes to remove several trees considered nonsignificant by the City Arborist, as well as existing bushes and shrubs. These trees, bushes and shrubs were mainly landscaping in the yards of the three lots formerly containing houses. The applicant's site plan proposes a larger building than was formerly on site and parking lots meeting minimum CDC requirements. These shrubs, bushes, and nonsignificant trees are located in areas where they could not be saved when developing the site for the proposed use.

New landscaping/trees are proposed around the proposed building, parking areas, and street frontages. The significant walnut tree is being integrated into the landscaping at the building's front entrance/plaza area. Staff determines that the applicant has saved on-site trees and vegetation to the extent practicable given the nature of the proposed development, and that the applicant has appropriately integrated the preserved



significant tree. Staff determines that the criterion is met. While the significant tree is being preserved in a way that the City Arborist finds compatible with its long-term survival, a variance approval is required to develop within this tree's dripline-plus-10-foot area as proposed. See staff responses 163-171 related to this variance request.

CDC 54.020(C). Developers must also comply with the municipal code chapter on tree protection.
(...)

Staff Response 102. Staff finds no aspect of the applicant's Landscaping Planting Plan (Sheet L4.1 on Page 191 of Exhibit PC-4) or the applicant's Tree Protection/Removal Plan (Sheet C1.2 on Page 182 of Exhibit PC-4) that would violate the tree protection ordinance. Trees removed as part of a land use approval and/or building permit are not subject to the tree removal permit process. The street tree preservation standards and other standards found in the municipal code chapter on tree protection will be applied to this property when developed, as they apply to all City properties. Staff determines that the application is compatible with this criterion.

CDC 54.020(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.

Staff Response 103. Staff finds that proposed non-residential project site would have 67,127 square feet after right-of-way dedication. Per applicant calculations on Sheet C2.1 Site Plan, the landscaped area of the site is proposed to be 20,882 square feet. This is 29.7% of the site, higher than the minimum 20%. Therefore determines that the above criterion is met.

CDC 54.020(E)(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.



Staff Response 104. Ten ash and oak trees are proposed within the parking area (other trees are also proposed close to the perimeter). Staff finds that these trees are proposed evenly throughout the parking area. With 63 spaces proposed and a minimum of one tree per every eight spaces, 7.875 trees are required. This number rounds up to eight, so eight trees are actually required. Staff finds that the trees-per-space requirement is fulfilled as 10 such trees are proposed. This is a non-permeable parking lot with over 20 spaces, so a minimum of 10% of the interior of the lot is required to be landscaped. Staff finds that 15.3% of the parking area is landscaped per calculations on Sheet L4.1, the Landscape Planting Plan, Page 191 of Exhibit PC-4. Therefore the landscaping percentage requirement from this criterion is also met. Due to what staff has found above, staff determines that this criterion is met.

CDC 54.020(E)(3)(b). The landscaped areas shall not have a width of less than five feet.

Staff Response 105. Staff finds that each landscaped area located within the parking and loading areas has a width of over five feet, and therefore determines that the criterion is met.

CDC 54.020(E)(3)(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.

Staff Response 106. Staff adopts the applicant's response on Page 117 of Exhibit PC-4 to find that "The proposed landscape improvements, accompanying planting specifications and irrigation system will ensure a long-lasting effect for the subject site. This standard is met." Staff determines the criterion is met.

CDC 54.020(E)(3)(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.

(...)

Staff Response 107. Staff finds that the parking area is set back 11 feet from the proposed post-dedication right-of-way line along 13th Street, more than the required 10



feet. The parking area is set back 16 feet from the proposed post-dedication right-of-way line along 8th Avenue, more than the required 10 feet. The parking lot is set back a minimum of five feet at all spots, as required, from the north property line along the adjoining properties. The parking lot is set back a minimum of 12.5 feet from the east property line, more than the required five-foot minimum. Staff also finds that vegetation is provided within each of these areas as required above. Staff determines the criterion is met.

CDC 54.020(E)(3)(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.

Staff Response 108. Staff finds from the Site Plan, Sheet C2.1, on Page 183 of Exhibit PC-4, that the parking lot is a minimum of five feet in all areas from the north property line, a minimum of 12.5 feet in all areas from the east property line, a minimum of 11 feet from all areas on the post-dedication west property line, and 16 feet from the post-dedication south property line. No shared parking is proposed. Staff has found the proposed screening and buffering to be acceptable per sections 55.100(C) and (D), as seen in staff responses 142-146. Staff therefore determines that the criterion is met.

CDC 54.020(E)(3)(g). All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Staff Response 109. As can be seen on the Landscape Planting Plan, Sheet L4.1, on Page 191 of Exhibit PC-4, all areas of the parking lot not used for parking, maneuvering, or pedestrian and vehicle circulation, are proposed for vegetative landscaping. Staff determines that the criterion is met.

CDC 54.020(E)(3)(h). The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation.

Staff Response 110. Staff finds that the landscaping and grading proposed consist of fairly flat grading, trees, and shorter plants in the areas where line of sight would be a concern. Therefore staff finds that the lines of sight are not obstructed and that safe traffic operation can occur in the proposed parking lot.

CDC 54.020(E)(3)(i). Outdoor storage areas, service areas (loading docks, refuse deposits, and delivery areas), and above-ground utility facilities shall be buffered and screened to obscure their view from adjoining properties and to reduce noise levels to acceptable levels at the property line. The adequacy of the buffer and screening shall be determined by the criteria set forth in CDC 55.100(C)(1).

Staff Response 111. Refuse and recycling collection will be intermittent, and the parking lot area including the refuse and recycling enclosure will be screened with trees and vegetation. Staff has found that the applicant's proposal satisfies Subsection 55.100(C)(1)



as is discussed in Staff Response 142. Staff determines that proposed screening is adequate and that this criterion is met.

CDC 54.020(E)(3)(j). Crime prevention shall be considered and plant materials shall not be located in a manner which prohibits surveillance of public and semi-public areas (shared or common areas).

Staff Response 112. The pedestrian plaza and the remainder of the front landscaped area are within view of 8th Avenue and of proposed front windows. The landscaped area along the west edge is visible from 13th Street. The remainder of landscaped areas on the property is not proposed to be secluded or to prohibit surveillance by nearby well-trafficked areas of the property or windowed sections of the building. Therefore, staff determines the criterion is met.

CDC 54.020(E)(3)(k). Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.

Staff Response 113. The applicant proposes an irrigation system so the landscaping vegetation can be properly maintained. This is detailed on Sheet L8.1, Irrigation and Planting Details, on Page 192 of Exhibit PC-4. It is not designed to interfere with vehicular or pedestrian circulation. Staff determines that the criterion is met.

CDC 54.020(E)(3)(l). For commercial, office, multi-family, and other sites, the developer shall select trees that possess the following characteristics:

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

Staff Response 115. Staff adopts the applicant's response to these criteria on Page 119 of Exhibit PC-4 which states the following:



All proposed landscape materials comply with the above-mentioned criteria as shown on the landscape plan. The plants selected include native and native adapted plants that are not expected to be reliant on supplemental irrigation after establishment (e.g. 18 months per LEED standards). This standard is met.

Staff finds and determines that these criteria are met.

CDC 54.020(E)(3)(m). Plant materials (shrubs, ground cover, etc.) shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage, staggered flowering periods, and avoidance of nuisance plants (Scotch broom, etc.).
(...)

Staff Response 116. The applicant's response to this criterion (on Page 119 of Exhibit PC-4) states "The plants selected include native and native adapted plants that are not expected to be reliant on supplemental irrigation after establishment (i.e. 18 months per LLED standards)." LEED standards encourage plants requiring lower water and energy uses than with traditional development. Staff adopts the applicant's response and determines the criterion to be met.

CDC 54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

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

Staff Response 117. The streets will be modified in that half-street improvements and sidewalks will be installed on both adjoining streets, and dedication is proposed on 8th Avenue. Street trees are proposed on both streets. To match existing conditions nearby to the east along the Willamette Marketplace frontage, 8th Avenue is proposed to have eight-foot-wide sidewalks with no planter strip. Street trees are proposed within the right-of-way along the north side of the sidewalk, however. There will be a planter strip with street trees along 13th Street, as well as trees planted along the east edge of the sidewalk. Staff determines that the criterion is met to the extent feasible with regard to other existing street design factors, such as matching existing conditions to the east.

(End of Chapter 54 excerpt)

CDC 55.100(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.

Staff Response 117. There are no heritage trees on site. The criterion is met.

CDC 55.100(B)(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.

Staff Response 118. There are no heritage trees. There is one tree on site found to be significant by the City Arborist. This is the walnut tree along the 8th Avenue frontage. This tree is proposed to be retained. Staff finds and determines that the criterion is met.

CDC 55.100(B)(2)(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.

Staff Response 119. There are no Type I and II lands on site. The criterion is met.

CDC 55.100(B)(2)(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.

(...)

Staff Response 120. There is one significant tree on site. The applicant plans to preserve the tree. However, due to the tree's location in the front of the site the applicant does not plan to preserve the entire "dripline plus 10 feet" area from development. Consequently, the applicant has applied for Class II Variance approval from the above criterion. The variance criteria are reviewed under staff responses 163-171. Also see the City Arborist's letter on Page 86 of Exhibit PC-2 which concludes that the tree can survive the proposed nearby development.



At left is the trunk of the walnut tree close to 8th Avenue, the only significant tree on site.

CDC 55.100(B)(2)(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.

(...)

Staff Response 121. Sheet C.21 Site Plan on Page 183 of Exhibit PC-4 gives figures regarding development on site. Per this plan the site area is 68,497 square feet. The



proposed building footprint is 6,998 square feet in the MU zone and 7,381 square feet in the R-10 zone for a total of 14,379 square feet. The pavement of the proposed parking areas and walkways cover 33,238 square feet. This makes for a total of 47,617 square feet of development proposed. The site has 68,497 square feet with approximately 1,012 square feet set aside for undeveloped tree dripline-plus-10-foot area (with 67,485 of the site left over). 47,617 is 70.55% of 67,485, which is over 70%. There are no Type I or Type II lands on site. Staff determines that the criterion is met.

CDC 55.100(B)(3). The topography and natural drainage shall be preserved to the greatest degree possible.

Staff Response 122. The land slopes to the northeast. The proposed development respects this as it places the stormwater facility for the entire site at the northeast corner of the site. The building has a daylight basement (i.e. one story in the front and two stories in the rear), so it is built to fit into the gently sloping topography of the site. Some sections of the proposed retaining walls along the east edge of the property line and along the parking lot/stormwater facility boundary are seven to 10 feet in height. While compatible with the general direction of natural drainage within the site, these are the proposed aspects of the site that vary the furthest from the natural topography. Staff however recognizes the amount of the site that is needed for parking to be within the acceptable range of required off-street parking spaces per Chapter 46. Staff also recognizes the applicant's need to fulfill the requirement from Subsection 46.150(A)(17) that parking area slope be five percent grade or less. These circumstances have led to the proposal of the retaining walls of these heights along the east and north edges of the parking area. Staff determines that the applicant's design has preserved the natural topography to the greatest degree possible. Staff finds and determines that the criterion is met.

CDC 55.100(B)(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 response.

Staff Response 123. The most up-to-date material on areas subject to slumping and sliding is in the Natural Hazards Mitigation Plan. In this plan the site is not shown as being in a potential landslide area on Map 16 Potential Landslides. It is also not shown to be in a landslide hazard area on Map 17 Landslide Vulnerability Analysis. Staff determines that the criterion is met.

CDC 55.100(B)(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.

Staff Response 124. Only one building is proposed on site. Off-site buildings to the west are across 13th Street. Off-site buildings to the south are across 8th Avenue. The proposed building will be 74.8 feet from the east edge of the site and 123.6 feet from the north end



of the site. Fire trucks would be able to access the property on all sides as the west and south sides of the property are along public streets and the north and east sides of the proposed building border the proposed through driveway. Staff determines that there is adequate space proposed between this and off-site buildings to provide for adequate light and air circulation and fire prevention.

CDC 55.100(B)(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.

Staff Response 125. Staff finds that the language above is a comment, not a criteria for approval. Nevertheless, the applicant proposes a brick building with stone trim. The Tualatin Valley Fire and Rescue (TVFR) station is another public safety building very nearby; the rear of the TVFR station is across 8th Avenue from the subject site. The brick and its reddish-brown color were chosen for their compatibility with the TVFR brick and its color. Other brick buildings which are commercial are in the Willamette Marketplace shopping center nearby to the east.



The Tualatin Valley Fire and Rescue fire station shown above across 8th Avenue from the west end of the site. To match that building, the police station is proposed to have walls of reddish-brown brick.



CDC 55.100(B)(6)(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.

Staff Response 126. As discussed in the response immediately above, Staff finds that the police station is proposed to be a brick building across the street from a site containing a public safety building with similarly colored brick,(the TVFR fire station). Other brick buildings lie just to the east in the Willamette Marketplace shopping center. The area mostly consists of one- and two-story commercial and residential buildings with siding. The proposed building, on the gently sloped site, is proposed to be one story at the south end and two stories at the north end of the building. The proposed rhythm of windows and scale and massing of the building make for an appropriate transition structure at this location, helping there be an architectural and building size transition from the predominately residential area to the west and north to the predominately commercial areas to the east and south. Staff determines that the design is contextual and that the above criterion is met.

CDC 55.100(B)(6)(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.

Staff Response 127. The building is one story in front, and has a daylight basement in the rear. The design fits the gradually sloping property. The height fits in with the one-story and two-story residential and commercial buildings in the surrounding area. To the extent that the nature of the police station allows for windows, they are provided around the building, especially on the south and west frontages facing public streets. Staff determines that the criterion is met.

CDC 55.100(B)(6)(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.

Staff Response 128. As discussed above, staff finds the proposed building’s style and materials were chosen to fit in with the nearby fire station and commercial buildings, as well as to provide a transition between these and the adjacent residential area. Staff determines that the criterion is met.



CDC 55.100(B)(6)(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.

Staff Response 129. Staff finds that the proposed building features multiple multi-pane windows along both street frontages (west and south sides of the building). The proposed building also features multiple multi-pane windows along the east edge of the building which would be visible from parts of 8th Avenue. In addition, the building features such windows along the western half of the north side of the building, close to 13th Street. The public entrance along 8th Avenue features a plaza with seating and a roof, projecting out to the edge of the sidewalk. This provides human scale and a welcoming, pedestrian-friendly entrance. The angle and indentation of the building also varies along the 8th Avenue frontage, and provides one indentation along the 8th Avenue frontage. Staff determines that the criterion is met via the cumulative effect of all of these design elements.

CDC 55.100(B)(6)(f). The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.

Staff Response 130. Contrary to the applicant’s response to the criterion above on Page 125 of Exhibit PC-4, this criterion applies to this proposal. The criterion is not worded to be limited to particular types of office buildings, so the criterion is applicable to this government office building as well as any other office buildings. Staff finds that the applicant’s Building Elevations plans on sheets A3.1 and A3.2 (which are respectively on



pages 195 and 196 of Exhibit PC-4) show how much of each elevation consists of windows and transparent doors that measure three feet or more vertically. Together, the south and southeast elevations can be considered to be the front elevation as these face almost the same direction and both face 8th Avenue. Likewise the east and northeast elevations can be combined to both be considered the same side elevation (east side). Under this characterization of the elevations, staff finds that the front has 57.8% transparency, the east side has 51.0% transparency, and the west side has 38.1% transparency. No side elevation is visible from a collector road or a street or road of higher classification, so only one of these two sides needs to be over 30% transparency for the criterion to be met. Therefore staff determines the criterion is met for the sides of the building, as both are at least 38.1% transparent.

Without invoking the transfer opportunities as explained in the criterion, the front side does not meet the criterion as 57.8% is lower than the required 60% minimum transparency. However, staff finds that if 4.38 square feet are “transferred” in their calculation from the east side to the front, the front achieves the 60% minimum while the east side is still well above its 30% minimum at 46.6% transparency. Staff therefore determines that upon use of the transfer opportunity in the above criterion, the above criterion is met.

CDC 55.100(B)(6)(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.

Staff Response 131. Staff finds that the longest flat wall on the proposed building is a 100-foot section of the rear wall. Therefore there are no elevations of over 100 feet in length. The west frontage of the proposed building has one indentation, and the other three frontages particularly on the south side have multiple changes in wall direction. Roof lines vary on each side. Staff determines that the criterion is met.

CDC 55.100(B)(6)(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.

Staff Response 132. Staff finds that an entry canopy is proposed to extend to the edge of the proposed public sidewalk on 8th Avenue to shelter the entry plaza and its seating and gathering areas from sun and precipitation. Overhangs are proposed on the east elevation due to the amount sun expected to hit the building from this direction. The proposed landscaping along both streets and the street trees proposed along both streets will also shelter pedestrians from the elements. Staff determines that the criterion is met.



CDC 55.100(B)(6)(i). The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.

Staff Response 133. Staff finds that the language above is an observation, not criteria. However, the sidewalks are proposed to be eight feet wide along 8th Avenue (except where they narrow to help protect the significant tree dripline area) and six feet wide along 13th Street. Street trees are proposed along the sidewalks on both streets. Landscaping has been designed to enhance the pedestrian atmosphere.

CDC 55.100(B)(6)(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.

Staff Response 137. The applicant proposes outdoor seating in the front plaza along 8th Avenue. Sidewalks will be a minimum of four feet wide along both frontages. The significant walnut tree along 8th Avenue is to be retained and street trees are proposed along both streets. As this is a public police station there will not be sidewalk cafes, vendors, or commercial kiosks. Staff determines that the criterion is met.

CDC 55.100(B)(7). Transportation Planning Rule (TPR) compliance. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

- a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.
(...)

Staff Response 138. Staff finds that the proposed building faces 8th Avenue, which is the more major of the two local streets adjacent to the site. Approximately 173 feet of the 8th Avenue right of way has parts of the proposed building relatively adjacent (measuring from the west edge of the building to the east edge of the entrance plaza roof). The 8th Avenue right-of-way along the site is approximately 298 feet long. Since 173 feet is 58.1% of 298 feet, staff finds that over 20% of the main right of way will have the proposed building adjacent. The parking is proposed to the rear and on the side. The front will have windows for pedestrian-oriented transparency. Staff determines that the criterion is met.



CDC 55.100(B)(7)(c). Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.

Staff Response 136. Staff finds that the proposed public office building is built as close to the 8th Avenue right of way as is practicable to facilitate safe pedestrian access. Parking is in the rear and on the side. Also, an appropriately sized landscape strip is situated between the building and the proposed sidewalk on 8th Avenue, providing pedestrian safety in that the building is fairly close to the street, but providing attractive landscaping between the sidewalk and building as well. Staff determines that the criterion is met.

CDC 55.100(B)(7)(d). Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.

Staff Response 137. Staff finds that all sidewalks proposed along parking or vehicle travel areas are proposed to be separated by curbs. Staff finds that, with one exception, all proposed paths along parking or travel lanes are at least eight feet wide and other proposed paths are at least six feet wide. The exception among sidewalks along parking or travel lanes is the sidewalk proposed to separate the building from the parking lot to the north. See the Site Plan on Page 183 of Exhibit PC-4. This is proposed to be six feet wide. However this is acceptable as this sidewalk is perpendicular to the adjacent parking spaces, adjacent to their wheel stops meeting the provisions of Subsection 46.150(A)(11). As provided in said subsection, the sidewalks can be proposed at six feet instead of having the extra two feet due, to the wheel stops that would prevent vehicles from overhanging into the sidewalk. This is also discussed above in Staff Response 60. Staff determines that this sidewalk and other sidewalks on-site therefore meet their respective minimum widths. Therefore, this criterion is met.

CDC 55.100(B)(7)(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.

Staff Response 138. Staff finds that the proposed paths on site connect the building to the parking lot but also connect the building to each of the two streets without pedestrians having to cross the parking lot or driveways. They connect to the proposed and existing sidewalks on 8th Avenue and the proposed sidewalk on 13th Street, which all help connect pedestrians to nearby commercial developments to the south and east via



12th Street and 8th Avenue. The front area including the narrowed sidewalk along 8th Avenue has been designed to have minimal impact on the existing significant walnut tree. Staff determines that the criterion is met.

CDC 55.100(B)(7)(f). At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.

(...)

Staff Response 139. 8th Avenue is a through street and is partly a commercial street, making it more of a main street than 13th Avenue which is a dead end residential street. Therefore 8th Avenue is the more “main” of the two streets fronting the site. The main entrance to the site faces 8th Avenue across a small plaza. Staff determines that the criterion is met.

CDC 55.100(B)(7)(h). Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street. (The “height-to-width ratio” is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.

Staff Response 140. As noted in the response above, the main right-of-way adjacent to the project site is 8th Avenue. The project will not have a one-to-one height-to-width ratio as described above, but since said language above is phrased aspirationally this does not keep the project from meeting the criterion. The proposed building is brought to the right- of -way as the entrance plaza roof is proposed to extend forward to the right-of-way line. The building is proposed in the front area of the site, with the parking proposed on the side and rear. Staff therefore determines that the criterion is adequately met.

CDC 55.100(B)(7)(i). These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.

(...)

Staff Response 141. The proposed police station is a public facility. The proposed facility does meet the above criteria as discussed in staff responses 135-140 above.

CDC 55.100(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.

Staff Response 142. Counting the properties directly across 8th Avenue, there are single-family homes on at least part of each side (including the house that is part of the Morton's Tree Service property to the east). Landscaping is provided on all sides, and in addition the parking and loading areas to the sides and rear are proposed to have fencing and vegetative screening. Dust, pollution, and odors are not expected to be a problem with the proposed use. Staff finds from the information provided on the map and table on Sheet L4.1 Landscape Planting Plan (Page 191 of Exhibit PC-4) that the screening is sufficiently dense, wide, and tall enough to sufficiently benefit stationary or mobile viewers off-site. Staff therefore determines that the above criteria are met.

CDC 55.100(C)(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.

Staff Response 143. Staff finds from the Landscape Plan, Sheet L4.1, on Page 191 of Exhibit PC-4, that year round fencing and vegetative screening (including trees and shrubs) is proposed around the west, north, and east sides of the site screening the



parking area, the emergency electrical generator area, and the trash and recycling enclosure area. This screening is adequately dense and adequately screens these areas of the site from both mobile and stationary viewers. From these observations staff determines that the above criteria are met.

CDC 55.100(C)(3). Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

Staff Response 144. The applicant proposes parapets to screen the mechanical equipment on the roof from adjoining properties. Staff determines that the criterion is met.

CDC 55.100(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.

Staff Response 145. A 6-foot tall fence and adjacent landscaping are proposed to buffer the rear parking lot from the abutting residential property to the north. More landscaping and street trees are proposed along 13th Street to buffer the parking lot from residences across 13th Street. There are residential properties on the south side of 8th Avenue as well. While the public entrance to the building is on this side of the street, it is located directly across from the 12th Street intersection and is partly buffered from the street by the significant walnut tree which will remain. The vehicle entrance/exit off of 8th Avenue is immediately east of this area, aligned with the 12th Street intersection. The remainder of the 8th Avenue frontage is proposed to have sufficient landscaping and street trees to buffer the use from adjoining uses. Staff determines that the criterion is met.

CDC 55.100(D)(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).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.
(...)

Staff Response 146. Section 5.487(3) of the Municipal Code exempts both emergency services such as police and emergency equipment such as the proposed backup generator from the noise standards. Staff determines that the above criterion is met.



CDC 55.100(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.

(...)

Staff Response 147. The proposed front plaza (which could be considered a “patio” as mentioned in Subsection [1] above) and bench area on the 8th Avenue frontage will stand out as the public entrance to the police station and as an outdoor area where the public is welcome. The rear police-only parking area will be clearly walled and gated off from the public, while the public can walk on the paths provided alongside the public driveway and parking areas on the east end of the site. Staff determines that the criteria are met.

CD C 55.100(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.

1. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City’s Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer’s response of developer obligation, the extent of road improvement and City’s share, if any, of improvements and the timing of improvements shall be made based upon the City’s systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial



accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter.

Staff Response 148: 8th Avenue and 13th Street are both local streets. Per Subsection 85.200(A)(2) local streets should have a right-of-way between 40 and 60 feet wide. Staff finds that 8th Avenue has a right-of-way 40 feet, and that the applicant proposes to dedicate eight feet, resulting in a right-of-way 48 feet wide along the 8th Avenue frontage. 13th Street has a 40-foot wide right-of-way along the south end of the site and a 45-foot wide right of way along the central and northern areas of the site, due to a jog in the right-of-way line on the other side of the street. The applicant plans to dedicate six feet of right-of-way along the 13th Street frontage, after which the 13th Street frontage will have 46 feet along the south end of the site and 51 feet along the remainder of the frontage. Staff determines that both streets will continue to have sufficient right-of-ways per Subsection 85.200(A)(2).

The applicant proposes half street improvements that include sidewalks, planter strips, street trees, and paving each of the two streets at least as far as the existing centerlines. While, as shown on the Site Plan, the applicant proposes an even amount of repaving to the center line, the streets will remain varied in total pavement width along the site due to the uneven pavement edge on the opposite side of each street. Therefore, following the overall pavement widening that the improvements entail, the pavement width of 8th Avenue will be 21-34 feet after the project, and the pavement width of 13th Street will be 24-29 feet in width. Subsection 85.200(A)(3) requires a minimum lane width of 10 feet for local streets. Each of the width ranges specified for the streets post-project is over 20 feet wide and therefore has room for two lanes for local traffic. Staff determines that the criterion is met regarding pavement width.

Sidewalks are proposed to be installed on both streets. The six-foot wide sidewalk and six-foot wide planter strip proposed for 13th Street comply with the standard widths for local residential streets in Section 85.200. 8th Avenue is a street that is not fully residential or commercial in its land uses; the applicant has therefore proposed an eight-foot wide sidewalk along most of the frontage on this street without a planter strip,



compatible with the 85.200 requirements for local streets with “storefront” development. The exception is near the significant tree where the sidewalk is reduced to four feet to help preserve the tree, which is also compatible with the tree preservation stipulation language for sidewalks in Subsection 85.200(A)(16), as well as the language in (I)(1) above. There is an existing sidewalk east of where the front driveway is proposed on 8th Avenue. This will remain and will continue to connect to the sidewalk on the property to the east, matching the existing conditions to the east.

The applicant has also provided a street lighting plan to the satisfaction of the Engineering Division. See Sheet I1.2 Site Plan- Walkway Photometric Layout on Page 201 of Exhibit PC-4.

Based on the findings above staff determines that these aspects of Subsection (I)(1) are met; see Staff Response 149 regarding off-site street improvements.

(CDC Section 55.100[I][1] Continued)

Based upon the City Manager’s or Manager’s designee’s response, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager’s designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

Staff Response 149: The applicant has submitted a Transportation Impact Analysis (TIA) (see Exhibit PC-4, pages 215-301) and Supplemental Findings (pages 302-310 of Exhibit PC-4). The TIA recommends measures to mitigate traffic impacts on nearby intersections, specifically the 8th Avenue/8th Court/10th Street intersection and the Willamette Falls Drive/12th Street intersection. Two options are identified for the latter intersection. The Supplemental Findings provide further analysis resulting in a modified recommendation for the 8th/10th intersection and identification of which of the Willamette Falls/12th intersection options is preferable (Option 2). Staff adopts these findings found on pages 303-307 of the applicant’s aforementioned Supplemental Findings for the TIA. Recommended Condition of Approval 4 would implement the improvements called for in the Supplemental Findings. Condition of Approval 4 requires the following improvements:

- a. At the 8th Avenue/10th Street intersection, the applicant shall eliminate northbound left-turn lane striping on the 10th Street approach and install cross-hatch striping.
- b. At the 8th Avenue/10th Street intersection, left turns will be allowed from the northbound through lane on 10th Street, but will be restricted during the weekday PM peak period; the applicant shall install signage stating “No left turn- Weekdays 4PM-6PM” to accomplish this.



c. At the intersection of Willamette Falls Drive and 12th Street, the applicant shall implement improvements that change the two-way stop-control to all way stop-control, install crosswalks on all approaches, and provide left-turn “pockets” on the eastbound and westbound approaches of Willamette Falls Drive.

Staff determines that this criterion is met upon the inclusion of Condition of Approval 4 in the decision.

CDC 55.100(I)(2). Drainage. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine off-site impacts from a 25-year storm. The City Engineer shall adjust storm drainage facilities for applications which contain permeable parking surfaces based upon a quantitative analysis of the increased water retention and water quality characteristics of the permeable parking surface. Catch basins shall be installed and connected to pipelines leading to storm sewers or drainageways. All plans will then be reviewed by the City Engineer.

Staff Response 150. Staff finds that the applicant has submitted a stormwater report (see pages 202-214 of Exhibit PC-4). The report demonstrates that the proposed pond is located at the lowest corner of the site where it will appropriately treat and detain the stormwater on site generated by at least a 25-year storm event.

As discussed in the applicant’s responses to Chapter 33 on pages 103-105 of Exhibit PC-4, the proposed facility meets City and DEQ standards, plantings will be from the City of Portland’s native plant list for stormwater facilities, topsoil will be imported for plant health, and erosion control measures will be sufficiently implemented. As shown on Sheet C2.3A Off-Site Stormwater Plan on Page 187 of Exhibit PC-4, basins within the proposed facility take the water west under the proposed parking lot to 13th Street, and under 13th Street downhill to the north to Bernert Creek where the property naturally drains. The City Development Review Engineer has reviewed these plans and determines that this criterion is met.

CDC 55.100(I)(3). Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer’s satisfaction the availability of sufficient volume, capacity, and pressure to serve the proposed development’s domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

Staff Response 151. The water main in 8th Avenue has sufficient volume, capacity, and pressure to serve the proposed development’s water needs including for fire flow. Staff finds that the applicant’s proposed connection from this line to the building and the site serves the proposed project’s needs. Staff determines the criterion is met.

CDC 55.100(I)(4). Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the



proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.

Staff Response 152. Sanitary sewer service exists under 8th Avenue. Staff finds that the main under 8th Avenue has sufficient capacity to serve the site. The applicant proposes connecting this main with the proposed building. Staff determines the criterion is met.

CDC 55.100(I)(5). Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.

Staff Response 153. The solid waste and recycling storage area is proposed to be walled and gated, and is proposed by the section of driveway connecting from 13th Avenue, which is an ingress/egress to be used only for trash/recycling services and emergencies. Staff finds this is the most appropriate location on site and that the size is appropriate as well. Staff determines this criterion is therefore met.

CDC 55.100(J). Crime prevention and safety/defensible space.

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

Staff Response 154. Windows are proposed on each side of the building. On two sides of the proposed building are the lighted parking and driveway areas, and lighted city streets are on the remaining two sides. Combined with the fact that this will be a police station, this setup including the locations of windows should make for a safe environment. Staff therefore determines that this criterion is met.

CDC 55.100(J)(3). Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.

Staff Response 155. Mail facilities will be located inside the proposed building. All outdoor pedestrian areas including the area accessing the recycling and solid waste facilities will be lighted. All vehicular traffic areas are also proposed to be lighted. Staff therefore determines that this criterion is met.

CDC 55.100(J)(4). The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.

Staff Response 156. Staff finds that the proposed design keeps all areas of the site visible from right-of- ways and/or proposed building windows. Therefore there are no areas particularly vulnerable to crime. Also, the applicant proposes sufficient lighting for all pedestrian and vehicular traffic areas outdoors on site. Staff determines that the criterion is met.



CDC 55.100(J)(5). Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

Staff Response 157. On Sheet E1.1 on Page 200 of Exhibit PC-4 is the Site Plan-Photometric Layout. Staff finds from this plan that light fixtures are proposed throughout the parking, pedestrian, and vehicle circulation areas on site such that all such areas receive illumination. Staff determines the criterion is met.

CDC 55.100(J)(6). Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

Staff Response 158. Staff finds that the Gullwing LED lighting information on pages 152-158 of Exhibit PC-4 in the applicant's submittal shows that the type of lighting selected is downwardly directed, and not of an ornamental nature. LED lights are preferred over sodium and other types due to their energy efficiency. Recommended Condition of Approval 2 requires fixtures to be placed at a height so that light patterns overlap at a height of seven feet. Staff determines that the criterion is met upon the inclusion of Condition of Approval 2.

CDC 55.100(J)(7). Lines of sight shall be reasonably established so that the development site is visible to police and residents.
(...)

Staff Response 159. The entire site will be visible to police, as the proposal is for a police station with windows on each side of the building. The public entrance and exit area is along 8th Avenue and visible from this frontage. The proposed parking and driveway areas will be well-lit, and each area of these will be visible from parts of the proposed building and/or adjacent streets. Staff determines that this criterion is met by the proposed plans for the building, the driveway, the parking lots, the front entrance design, and the proposed lighting plan.

CDC 55.100(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.



Staff Response 160. Staff finds that an accessible route is provided between the public parking area ADA spaces and the front entrance via the accessible curb and the wide sidewalk along the west side of the parking area. Staff finds that this is the most direct practical route. Staff finds that the proposed ADA space in the police parking area is connected via an accessible curb and adjacent sidewalk to a nearby lower-level police entrance to the building, and that this is the shortest practical route between the space and the entrance. The 8th Avenue right of way is connected via the wide front plaza area to the main front public entrance. ADA ramps are provided along the proposed 8th Avenue sidewalk to cross the proposed driveway and to cross 8th Avenue. No transit is directly within or adjacent to the site. Staff determines that the criterion is met.

CDC 55.100(L). Signs.
(...)

Staff Response 161. Signage is not proposed as of yet for the station. When the applicant is ready to propose signage the applicant will need to apply for a Permanent Sign permit through the Planning Department. At that time the proposed signage will be reviewed under the criteria of Chapter 52 Signs.

CDC 55.100(M). Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.
(...)

Staff Response 162. In the applicant's finding on Page 132 of Exhibit PC-4, the applicant recognizes the need to make the arrangements discussed in this section with the appropriate non-municipal utilities. While there may be noise emitted by police vehicles staff does not anticipate noise in excess of WLMC Subsection 5.487 from the utilities on site. Staff determines that the criterion is met.

E. Chapter 75, Variance

II. VARIANCE CRITERIA A. 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 are not met.

CDC 75.060(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.



Staff Response 163. The City Arborist has designated the walnut tree along the 8th Avenue frontage as significant. Subsection 55.100(B)(2)(b) requires that 20% of a development site be saved for the preservation of significant trees and areas consisting of their dripline plus 10 feet. By default, this means that development on any site with less than 20% of the site consisting of these areas must preserve all significant trees and their protected area.

Staff finds that the site is unusual in that it is a 1.57-acre site with just one significant tree, which happens to be located along the only through street bordering the site near the “T” intersection of 12th Street and 8th Avenue where Design Review criteria and Chapter 59 MU zone regulations encourage development of the main façade and entrance/exit areas close to the street (See Exhibit PC-4, Sheet C 1.2, Site Plan, on 183). This is not something the applicant has control over. The area facing this intersection is the best place for the focus of the building’s front façade and for the location of its main entrance as it would face and be visible from the main street area along Willamette Falls Drive. Staff finds that the site has the exceptional and extraordinary circumstance of having the only significant tree located in the area of the site where development should be most focused and where an engagingly configured front façade and entrance area should be placed in conformance with CDC Sections 55.100(B)(6)(e) and 55.100(B)(7) to enable a transition with the abutting residential area consistent with the MU transition zone (Chapter 59). Section 59.010, Purpose, states, “The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses.” The applicant would be unable to develop this parcel in accordance with the appropriate regulations and aspirations of Chapter 59 (MU District) and Chapter 55’s Design Review provisions regarding access, facades, and architecture, without locating the building as it is shown in the Plans. Staff concludes that the requested variance from Subsection 55.100(B)(2)(b), to allow development within part of the protected area of the significant tree along 8th Avenue, is compliant with the variance criteria.

CDC 75.060(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.





The site as seen from 12th Street facing 8th Avenue. The entrance will be centered at the left (west) end of this intersection. As can be seen the canopy of the walnut tree is nearby (branches at left).

Staff Response 164. Staff finds that the applicant has proposed the development to encroach upon the protected dripline, plus the 10 feet adjacent to the dripline of the significant walnut tree, which faces into the Willamette historic commercial area. As discussed above, 8th Avenue is the only through street fronting the site, and orienting the building towards the 8th Avenue frontage allows the development to match and compliment surrounding developments along Willamette Falls Drive and Willamette Marketplace which are oriented to their commercial and/or mixed use streets. The MU zone is meant to provide a transition between the Willamette Falls Commercial Design District (where building up to the street and orienting buildings to the street are required) and surrounding residential neighborhoods where houses are oriented to the street.

Staff determines that a basic property right in the MU zone and Willamette commercial area is the orientation of a building towards a through street, particularly at the most prominent intersection along the street's frontage. Therefore staff determines that the applicant proposes the development's main entrance close to the street near the tree, specifically to fulfill the basic premise of the MU zone, providing the appropriate and attractive transition between the historic commercial overlay and surrounding residential areas.

CDC 75.060(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.



Excerpted from Comprehensive Plan: Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, Section 2 Natural Resources, Policy 3: Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.

Staff Response 165. While the applicant is encroaching into the dripline-plus-10-foot area for the significant tree, the City Arborist has concluded that the amount of buffer proposed to be preserved for the tree is sufficient to enable the tree to survive.

Goal 11: Public Services and Facilities, Section 4 Fire and Police, Policy 5: Maintain “store front access” to the community and continue to have an open-door policy that invites the public to meet with fire and police personnel in a comfortable setting.

Goal 11: Public Services and Facilities, Section 5, Government Administration Facilities, Policy 2: Locate core City services where they provide efficiency and access.

Staff Response 166. The applicant proposes locating the building close to 8th Avenue with the main entrance brought up to the 8th Avenue/12th Street intersection area. This provides an attractive façade with a welcoming entrance that is visible from the Willamette commercial area to the south. Because of the location of the tree close to 8th Avenue near this intersection, the dripline-plus-10 feet area has to be encroached upon to achieve this appropriate and attractive front façade. Locating this entrance near the tree provides easy access to the public as the building is easy to find and visible from the historic commercial area on Willamette Falls Drive, and this attractive public entrance at this location contributes to the “open-door policy” by making it clear the public can come to visit the station.

Excerpted from Vision Statement and Action Plan for the Willamette Neighborhood, which is adopted as part of the Comprehensive Plan:

Goal 6, Policy 8: We will effectively use transition zones between the historic business district and the surrounding neighborhood.

Staff Response 167. Locating the building close to 8th Avenue, with the main entrance brought up to the 8th Avenue/12th Street intersection, provides an attractive façade with a welcoming entrance that is visible from the Willamette commercial area to the south. Because of the location of the tree close to 8th Avenue near this intersection, the dripline-plus-10 feet area has to be encroached upon to achieve this appropriate and attractive front façade. While the required preservation area is proposed for some encroachment, both the preserved tree and the adjacent façade and entrance will work in harmony to provide an aesthetically attractive frontage for this new public facility, which can be expected to preserve or enhance the value of the land. Thereby it also effectively uses the MU transition zone between the historic business district and the residential areas to the west.

Staff Response 168. As demonstrated in staff responses 165-167 above, staff finds that the proposed variance is not in conflict with the goals and policies of the comprehensive plan. As Subsection 55.100(B)(2)(b) provides for tree protection, and as the proposed



plans protect the tree to the satisfaction of the City Arborist, staff finds that the requested variance is not detrimental to the purposes and standards of this code. See the City Arborist's letter to this effect on Page 86 of Exhibit PC-2. Staff finds no other regulatory requirements that the variance would be in conflict with. Staff therefore determines that criterion (C) is met.

CDC 75.060(D). The variance request is the minimum variance which would alleviate the exceptional and extraordinary circumstance.

Staff Response 169. Of the portion of the protected area within the right of way that is proposed for development, some will be paved with street and public sidewalk and some will be in the unroofed portion of the front plaza that extends into the right of way. As discussed in other staff responses, the provision of the front plaza provides an architectural transition from the neighborhood and a gateway to this use and this transition zone from the Willamette Falls Drive commercial area. The plaza is approximately 25 feet wide as proposed, so it would be small for a public plaza and would possibly be less rectangular in shape if the encroachment as proposed is not allowed into this much of the dripline. If the encroachment into the additional "plus 10 feet" area is not allowed at all, the plaza would be mostly eliminated and the area currently proposed for the front entrance would be allowed so little pavement that the front door might have to access the east side of the building instead of the front. The indoor areas of the building itself encroach approximately one foot into the dripline of the tree along the north side of this area; this is a minimum amount of encroachment and is necessary to fit within the building all of the functions of the City's only police station.

In the applicant's response to this criterion on Page 141 of Exhibit PC-4, the applicant states the following:

The exceptional or extraordinary circumstance requiring a variance is the result of an existing natural condition of the subject property; the significant walnut tree along the site's frontage of 8th Avenue. The required encroachment into the significant tree's "dripline plus 10 feet" is dictated by meeting the public safety user's (Police) external and internal requirements. Through the course of the design process, the building has been moved as far back from 8th Street as possible (contrary to the intent of the base zone) while still meeting the minimum requirements for setbacks, parking, etc.

Staff adopts the applicant's excerpt above, in addition to the staff response above. In addition, the significant tree itself will be preserved in a way that ensures its continued health and longevity per the City Arborist. Therefore staff determines that the request is for the minimum variance to alleviate the exceptional and extraordinary circumstance.

CDC 75.060(E). The exceptional and extraordinary circumstance does not arise from the violation of this code.

Staff Response 170. No violation of the code has occurred related to the requested variance.



CDC 75.060(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.

Staff Response 171. The requested variance involves only the amount of encroachment into the protected area of the walnut tree on site. In no way will an approval of this request affect the ability to use or further develop surrounding properties. Staff determines that this criterion is met.

III. LOT LINE ADJUSTMENT CRITERIA

A. 85.210 LOT LINE ADJUSTMENTS – APPROVAL STANDARDS

CDC 85.210(A). The Director shall approve or deny a request for a lot line adjustment based on the criteria stated below:

1. An additional lot or buildable lot shall not be created by the lot line adjustment and the existing parcel shall not be reduced in size by the adjustments below the minimum lot size established by the approved zoning for that district.

Staff Response 172. The proposal is to combine four existing lots into one. The only new lot being created is the lot consisting of the four existing lots. The proposed combined lot is larger than the minimum size for each of the two zoning districts that exist within parts of the site, including after the proposed dedication for the two adjoining street right-of-ways. Staff determines that the criterion is met.

CDC 85.210(A)(2). By reducing the lot size, the lot or structure(s) on the lot shall not be in violation of the site development regulations for that district. For example, the lot line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).

Staff Response 173. As the proposal combines four existing lots into one larger lot, staff determines that the criterion is met because no lot is being reduced in size and because the combined lot would be larger than the minimum size for each of the two zoning districts, including after the proposed right of way dedication. Also, the density provisions cited only apply to residential development, and therefore are not applicable.

CDC 85.210(A)(3). The lot line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular-shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine a replat of the subdivision is in order. A replat is the complete reconfiguration and realignment of a subdivision's lot lines.

Staff Response 174. The applicant proposes a replat so that the limited number of property lines that currently exist within the site can be eliminated to create one parcel



for the one proposed use. The police station would straddle the existing lot lines if those were allowed to remain. The applicant plans to record the replat with the county surveyor's office. The new parcel will not be irregular shaped as it will have the same trapezoidal shape as the largest of the existing lots on site currently. The new parcel will not be undersized per the minimum size requirements of either on-site zoning district, including after the proposed right of way dedication for 8th Avenue and 13th Street. Staff determines that the criteria are met.

CDC 85.210(A)(4). New lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.

Staff Response 175. The lot lines are proposed to be straight. Staff determines that the criterion is met.

CDC 85.210(A)(5). The lot line adjustment will not affect existing public utility easements nor existing utilities unless an easement vacation is obtained and any required utility relocations are paid for by the applicant.

(...)

Staff Response 176. No utility easements or public utility lines or facilities traverse the site or run along the current lot lines to be eliminated by the adjustment. Staff determines that the criterion is met.

CDC 85.210(B). The provisions of CDC 85.070 shall also apply to lot line adjustments.

Staff Response 177. The administration and approval processes for the approval of the lot line adjustment as addressed in Section 85.070 are being followed. As it is being requested concurrently with approvals for which the Planning Commission is the review body, the lot line adjustment is subject to Planning Commission review for a final decision. Recommended Condition of Approval 5 requires that a new deed be recorded for the consolidated lot as well. Staff determines that the criterion is met upon the inclusion of Condition of Approval 5 in the decision



**EXHIBITS PC-1 THROUGH PC-3
AFFIDAVIT AND NOTICE MAILING
PACKET, CITY ARBORIST'S LETTER, AND
COMPLETENESS LETTER**

FILE NUMBER: CUP-12-06/DR-12-/VAR-12-05/LLA-12-04

REQUEST: **CONDITIONAL USE AND CLASS II DESIGN REVIEW
REQUEST FOR NEW CITY OF WEST LINN POLICE
STATION, WITH REQUESTED CLASS II VARIANCE TO
ENCROACH ON THE DRIPLINE-PLUS-10-FEET AREA OF
THE ONLY SIGNIFICANT TREE ON SITE, AND WITH
REQUEST FOR LOT LINE ADJUSTMENT TO COMBINE
THE FOUR LOTS ON SITE INTO ONE, AT 1800-1950 8TH
AVENUE AND 1819-1849 13TH STREET**



AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. CVP-12-06 Applicant's Name COWL-WLPD
Development Name WEST LINN POLICE FACILITY
Scheduled Meeting/Decision Date FEB 20, 2013

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 1-31-13 (signed) S. Skroyer
- B. Affected property owners (date) 1-31-13 (signed) S. Skroyer
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) 1-31-13 (signed) S. Skroyer
- E. Affected neighborhood assns. (date) 1-31-13 (signed) S. Skroyer
- F. All parties to an appeal or review (date) _____ (signed) _____
WILLAMETTE AND ALL

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 2-7-13 (signed) S. Skroyer
City's website (posted date) 1-31-13 (signed) S. Skroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 2/7/13 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday February 6, 2012, **starting at 7:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Conditional Use and Class II Design Review for a new City of West Linn police station at 1800-1950 8th Avenue and 1819-1849 13th Street (tax lots 1900, 2000, 2100, and 2200 of Clackamas County Assessor's Map 2-1E-35C). A Lot Line Adjustment is also requested to combine the four site lots into one, and a Class II Variance is requested to develop within part of the dripline-plus-10-foot area of the only significant tree on the site.

Conditional Use criteria are found in Chapter 60 of the Community Development Code (CDC). Criteria for Design Review are found in Chapter 55. Variance criteria are found in Chapter 75. Lot Line Adjustment criteria are found in Section 85.210 of Chapter 85. Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/1800-8th-avenue-new-police-station-conditional-use-class-ii-design-review-lot-line-adjustme>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, tsoppe@westlinnoregon.gov, or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

SHAUNA SHROYER
Planning Administrative Assistant

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**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday February 20, 2012, **starting at 7:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Conditional Use and Class II Design Review for a new City of West Linn police station at 1800-1950 8th Avenue and 1819-1849 13th Street. A Lot Line Adjustment is also requested to combine the four site lots into one, and a Class II Variance is requested to develop within part of the dripline-plus-10-feet area of the only significant tree on the site.

Conditional Use criteria are found in Chapter 60 of the Community Development Code (CDC). Criteria for Design Review are found in Chapter 55. Variance criteria are found in Chapter 75. Lot Line Adjustment criteria are found in Section 85.210 of Chapter 85. Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on tax lots 1900, 2000, 2100, and 2200 of Clackamas County Assessor's Map 2-1E-35C and/or as required by Chapter 99 of the CDC.

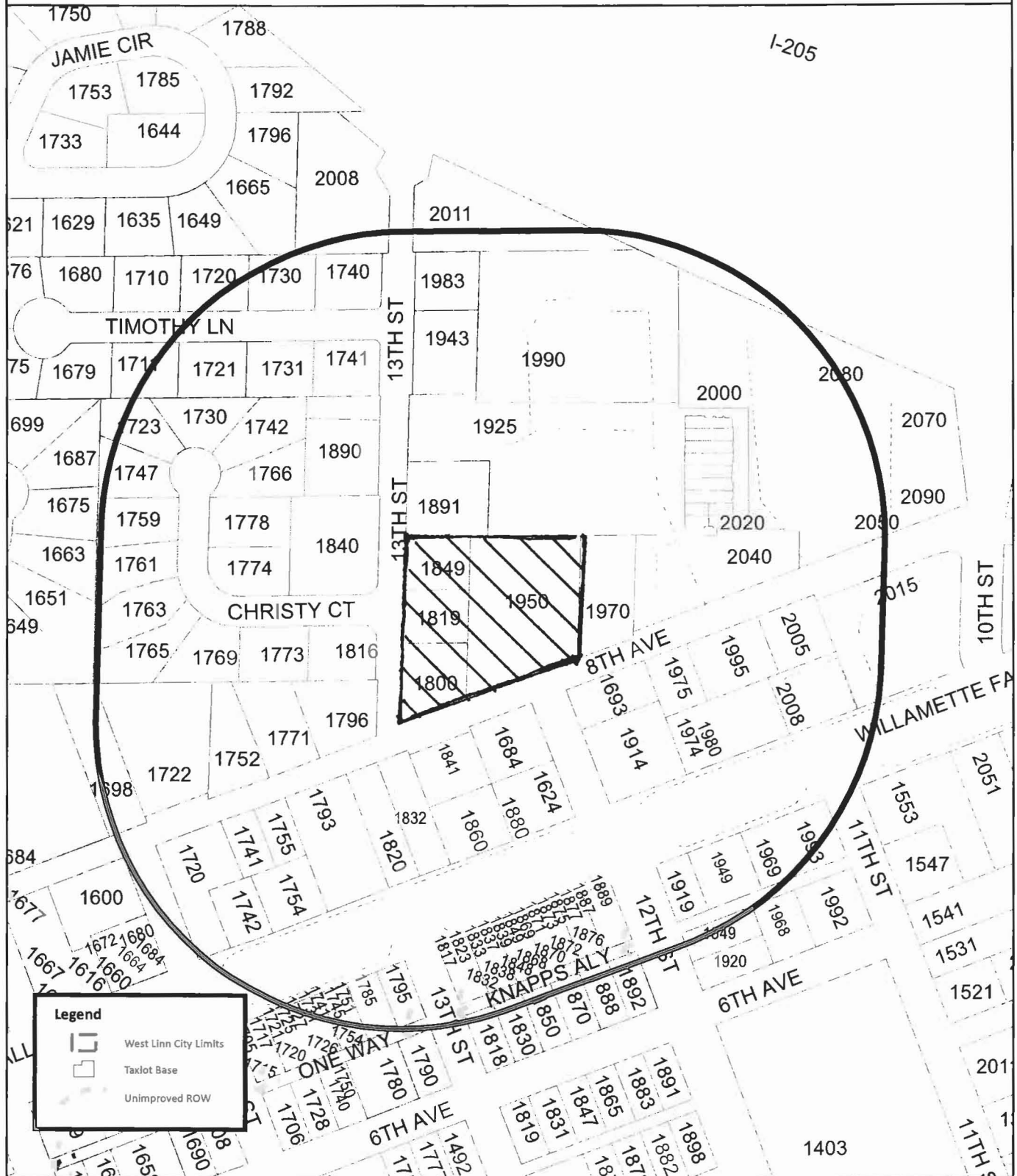
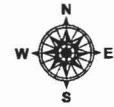
The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/1800-8th-avenue-new-police-station-conditional-use-class-ii-design-review-lot-line-adjustme>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, tsoppe@westlinnoregon.gov, or 503-742-8660.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

SHAUNA SHROYER
Planning Administrative Assistant

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CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04 Police Station Notification



Legend

- West Linn City Limits
- Taxlot Base
- Unimproved ROW

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
Taxlot Base Source: Clackamas County GIS

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 3-24-2011

User Name:
Map Creation Date: Jan 07, 2013

ADAMS STEPHEN
4111 N LOCUST ST
CANBY, OR 97013

ANDERSON IRENE
1693 12TH ST
WEST LINN, OR 97068

ARMOVIT HEIDI C
1765 CHRISTY CT
WEST LINN, OR 97068

B & F PROPERTIES II LLC
2014 WILLAMETTE FALLS DR
WEST LINN, OR 97068

~~BECKER CLAIRE T
25120 SW PETES MOUNTAIN RD
WEST LINN, OR 97068~~

BECKER KIRK & CLAIRE
25120 SW PETES MOUNTAIN RD
WEST LINN, OR 97068

BERNS ERIK J
1720 TIMOTHY LN
WEST LINN, OR 97068

BROWN EDNA M
1773 CHRISTY CT
WEST LINN, OR 97068

BROWN IAN & AUDRA
5111 SE GLEN ECHO AVE
MILWAUKIE, OR 97267

BUTLER GLENN KENT TRUSTEE
11835 SW EBBERTS CT
BEAVERTON, OR 97008

CHAY LLC
1980 WILLAMETTE FALLS DR STE 120-
343
WEST LINN, OR 97068

CHRISTIANSEN ROGER M & JUDITH A
1891 13TH ST
WEST LINN, OR 97068

~~CITY OF WEST LINN
22500 SALAMO RD #100
WEST LINN, OR 97068~~

~~CITY OF WEST LINN
22500 SALAMO RD #600
WEST LINN, OR 97068~~

CLARK RICHARD K & ANGELA M
1774 CHRISTY CT
WEST LINN, OR 97068

CORFF THOMAS A & TERRY A MOBERLY
19328 TOWERCREST DR
OREGON CITY, OR 97045

CROPPER WALTER REUBEN & CHERYL
ANN
1816 13TH ST
WEST LINN, OR 97068

DNJ PROPERTIES LLC
3527 COEUR D ALENE DR
WEST LINN, OR 97068

ELLIOTT ASSOCIATES INC
901 NE GLISAN ST
PORTLAND, OR 97232

FARZA JAVAD & MAFAR ZAHRA
7110 SW CLINTON
TIGARD, OR 97223

FIEDLER KEITH C
1890 13TH ST
WEST LINN, OR 97068

FITZPATRICK RYAN M
1766 CHRISTY CT
WEST LINN, OR 97068

FLETTER KURT R
1731 TIMOTHY LN
WEST LINN, OR 97068

GRAEF KATHLEEN E
2545 SNOWBERRY RIDGE CT
WEST LINN, OR 97068

HANDRIS EDWARD & TERESA M
2008 WILLAMETTE FALLS DR #B
WEST LINN, OR 97068

HANDRIS HOLDINGS LLC
1980 WILLAMETTE FALLS DR #200
WEST LINN, OR 97068

HANDRIS MARK
2008 WILLAMETTE FALLS DR #B
WEST LINN, OR 97068

HART JULIA L
1755 8TH AVE
WEST LINN, OR 97068

HAYS TOBY
1723 CHRISTY CT
WEST LINN, OR 97068

HERRERA PATRICIA M
1740 TIMOTHY LN
WEST LINN, OR 97068

HIEMSTRA PROPERTIES INC
17420 SW PARRETT MOUNTAIN RD
SHERWOOD, OR 97140

HUSKEY LAURIE
2011 13TH ST
WEST LINN, OR 97068

JOHN GALT HOLDINGS LLC
3857 SOUTH HAMPTON CT
WEST LINN, OR 97068

JOHNSTON RYAN
1769 CHRISTY CT
WEST LINN, OR 97068

KENNEDY WILLOW E
1747 CHRISTY CT
WEST LINN, OR 97068

KIM BYONG
10354 HALFHITCH DR
ANCHORAGE, AK 99515

KOTZAMICHALIS GRACE
1721 TIMOTHY LN
WEST LINN, OR 97068

LARSON PATRICIA L
1752 8TH AVE
WEST LINN, OR 97068

LAVITZ DARCI L
1759 CHRISTY CT
WEST LINN, OR 97068

LEAVENWORTH ADRIANNE KRISTEN
1742 CHRISTY CT
WEST LINN, OR 97068

LORIAUX D LYNN & TERESA CHOATE
1830 6TH AVE
WEST LINN, OR 97068

MCFADDEN THOMAS A & SHARON L
1850 6TH AVE
WEST LINN, OR 97068

MEURER STEPHAN
1892 6TH AVE
WEST LINN, OR 97068

MOLES CLEMENT C JR & PATRICIA A
1995 8TH AVE
WEST LINN, OR 97068

MORTON DON R & CYNTHIA SUE
1970 8TH AVE
WEST LINN, OR 97068

NELSON LOLA
1711 TIMOTHY LN
WEST LINN, OR 97068

PACIFIC WEST BANK
2040 8TH AVE
WEST LINN, OR 97068

PAKULA JENNY & SCOT GELFAND
2500 CRESTVIEW DR
WEST LINN, OR 97068

PAZMOL WILLAMETTE PROPERTIES LLC
1832 WILLAMETTE FALLS DR
WEST LINN, OR 97068

PEABODY RICHARD B & KATHY A
1665 JAMIE CIR
WEST LINN, OR 97068

PETER ANGELA J L-EST
1840 13TH ST
WEST LINN, OR 97068

PETERSEN ADAM A
1818 6TH AVE
WEST LINN, OR 97068

PIOWATY THOMAS M
1761 CHRISTY CT
WEST LINN, OR 97068

POTTER DONNA KAY & KENNETH C
22841 SW STAFFORD RD
TUALATIN, OR 97062

SAKYS NICOLE H
1697 19TH ST
WEST LINN, OR 97068

SCHAEFER DONALD M & MILYNN P
1877 WILLAMETTE FALLS DR
WEST LINN, OR 97068

SCHAFFER EUGENE W JR & MARY ANN
1741 TIMOTHY LN
WEST LINN, OR 97068

SCHREIBER DANIEL & NICOLE M
1870 6TH AVE
WEST LINN, OR 97068

SFP-F LLC
PO BOX 5350
BEND, OR 97708

SOUTHARDS WALTER E & DEBRA R
1778 CHRISTY CT
WEST LINN, OR 97068

SPARKS JERRY B & LEANNA E
1796 8TH AVE
WEST LINN, OR 97068

STELL INVESTMENTS LLC
1085 WILLAMETTE FALL DR
WEST LINN, OR 97068

SUTHERLAND PROPERTIES LLC
1742 WILLAMETTE FALLS DR
WEST LINN, OR 97068

TEKANDER STEVE
465 SW BORLAND RD
WEST LINN, OR 97068

TRO LLC
1868 KNAPPS ALLEY #208
WEST LINN, OR 97068

TSAI JAMES TARNG TRUSTEE
1037 MADSEN CT
PLEASANTON, CA 94566

TUALATIN VALLEY FIRE & RESCUE
11945 SW 70TH AVE
TIGARD, OR 97223

VAIL DAVID B & CARLA S
1771 8TH AVE
WEST LINN, OR 97068

VPC-OR WEST LINN LIMITED
PARTNERSHIP
125 SIR FRANCIS DRAKE BLVD 3RD FL
LARKSPUR, CA 94939

WALTERS KARI M
1722 8TH AVE
WEST LINN, OR 97068

WELLER RYAN R
1741 8TH AVE
WEST LINN, OR 97068

WERST DEAN C & JEAN A
1785 WILLAMETTE FALLS DR STE 6
WEST LINN, OR 97068

WILLAMETTE CAPITAL INVESTMENTS
LLC
24979 SW QUARRYVIEW DR
WILSONVILLE, OR 97070

WILLAMETTE FALLS ENTRPS LLC
1919 WILLAMETTE FALLS DR
WEST LINN, OR 97068

WILLAMETTE FALLS HOLDINGS LLC
1980 WILLAMETTE FALLS DR #200
WEST LINN, OR 97068

WILLIAMS RONALD M & TIFFANY A
1763 CHRISTY CT
WEST LINN, OR 97068

WYNN R BRYAN & KARIN G
1730 TIMOTHY LN
WEST LINN, OR 97068

BOB GALANTE
22500 SALAMO RD
WEST LINN, OR 97068

BRETT HANSON/CHRISTINE MCKELVEY
GROUP MACKENZIE
1515 SE WATER AVE, STE 100
PORTLAND, OR 97214

ODOT REGION 1
DEVELOPMENT REVIEW
123 NW FLANDERS
PORTLAND OR 97209-4307

WEST LINN CHAMBER OF COMMERCE
1745 WILLAMETTE FALLS DR
WEST LINN OR 97068

STEVE GARNER
BHT NA PRESIDENT
3525 RIVERKNOLL WAY
WEST LINN OR 97068

SALLY MCLARTY
BOLTON NA PRESIDENT
19575 RIVER RD # 64
GLADSTONE OR 97027

ALEX KACHIRISKY
HIDDEN SPRINGS NA PRESIDENT
6469 PALOMINO WAY
WEST LINN OR 97068

JEF TREECE
MARYLHURST NA PRESIDENT
1880 HILLCREST DR
WEST LINN OR 97068

BILL RELYEA
PARKER CREST NA PRESIDENT
3016 SABO LN
WEST LINN OR 97068

ANTHONY BRACCO
ROBINWOOD NA PRESIDENT
2716 ROBINWOOD WAY
WEST LINN OR 97068

KEN PRYOR
SAVANNA OAKS NA VICE PRES
2119 GREENE ST
WEST LINN, OR 97068

ED SCHWARZ
SAVANNA OAKS NA PRESIDENT
2206 TANNLER DR
WEST LINN OR 97068

TRACY GILDAY
SKYLINE RIDGE NA PRESIDENT
1341 STONEHAVEN DR
WEST LINN OR 97068

TROY BOWERS
SUNSET NA PRESIDENT
2790 LANCASTER ST
WEST LINN OR 97068

BETH SMOLENS
WILLAMETTE NA PRESIDENT
1852 4TH AVE
WEST LINN OR 97068

ALMA COSTON
BOLTON NA DESIGNEE
PO BOX 387
WEST LINN OR 97068

SUSAN VAN DE WATER
HIDDEN SPRINGS NA DESIGNEE
6433 PALOMINO WAY
WEST LINN OR 97068

KEVIN BRYCK
ROBINWOOD NA DESIGNEE
18840 NIXON AVE
WEST LINN OR 97068

DOREEN VOKES
SUNSET NA SEC/TREAS
4972 PROSPECT ST
WEST LINN OR 97068

MAILED
1-31-13 SS



CITY OF
West Linn

November 14, 2012

To Whom It May Concern:

I have reviewed the applicant's plan to construct a Police Station at the northeast corner of 8th Avenue and 13th Street. The plans include the preservation of a significant black walnut tree that is very close the 8th Avenue right-of-way line and whose canopy extends about 2/3 of the way across the street.

Although some construction will occur within the dripline of the tree, the applicant's siting of the structure and the preservation of the original grade of the root zone extending onto the property a distance of about 18', should maximize the tree's chance of survival. The plans call for excavation to be kept to a minimum in the root zone with additional "Tree Preservation Measures" proposed.

During the construction process, I will serve as the certified arborist responsible for monitoring the applicant's construction activity and their compliance with approved plans and the "Tree Preservation Measures". I plan to be on site during any construction activity required within or adjacent to the protection zone. Any pruning or special care required for the tree will be conducted by an arborist retained by the applicant.

Courteously,

A handwritten signature in black ink, appearing to read 'Mike Perkins', with a small flourish at the end.

Mike Perkins
City Arborist
Parks and Recreation



CITY OF
West Linn

December 17, 2012

Robert Galante
City of West Linn
22500 Salamo Road
West Linn, OR 97068

SUBJECT: CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04

Dear Robert:

You originally submitted this application on November 9, 2012. Planning and Engineering staff found the application to be complete following the December 10, 2012 resubmittal.

The City now has 120 days from the completeness date (until April 9, 2013) to exhaust all local review per state statute. The application has been tentatively scheduled for a Planning Commission hearing on February 6, 2013. At least 20 days before the hearing you will be sent a copy of the hearing notice.

Please contact me at 503-742-8660, or by email at tsoppe@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Soppe".

Tom Soppe
Associate Planner

c: Rhys Konrad/Brett Hanson/Christine McKelvey, Group Mackenzie, 1515 SE Water Ave., Ste. 100,
Portland, OR 97214

c: Beth Smolens, President, Willamette Neighborhood Association, 1852 4th Avenue, West Linn, OR
97068

P: development review\projects folder\projects 2012\CUP-12-06 Police Station\comp-Police Station

EXHIBIT PC-4

APPLICANT'S SUBMITTAL

FILE NUMBER: CUP-12-06/DR-12-/VAR-12-05/LLA-12-04

REQUEST: **CONDITIONAL USE AND CLASS II DESIGN REVIEW
REQUEST FOR NEW CITY OF WEST LINN POLICE
STATION, WITH REQUESTED CLASS II VARIANCE TO
ENCROACH ON THE DRIPLINE-PLUS-10-FEET AREA OF
THE ONLY SIGNIFICANT TREE ON SITE, AND WITH
REQUEST FOR LOT LINE ADJUSTMENT TO COMBINE
THE FOUR LOTS ON SITE INTO ONE, AT 1800-1950 8TH
AVENUE AND 1819-1849 13TH STREET**





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Conditional Use
Class II Design Review
Lot Line Adjustment
Variance

ATTACHMENTS

Transportation Impact Analysis
Stormwater Report
Neighborhood Meeting Materials

To
City of West Linn
Planning and
Building Department

For
West Linn Police
Department

Submitted
December 7, 2012

Project Number
2120180.00

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Since 1960

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1. PROJECT SUMMARY

Owner/Applicant: City of West Linn
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West Linn, OR 97068
Contact: Robert Galante
(503) 720-3609

Representative: Group Mackenzie
1515 SE Water Avenue, Suite 100
Portland, OR 97214
Contact: Rhys Konrad
(503) 224-9560

Cross Streets: 13th Street & 8th Avenue

Tax Lots of Site: 2S 1E 35C Tax Lots 1900, 2000, 2100, 2200

Site Area: 1.57 acres (68,497 SF) after dedication

Zoning: R-10 Single Family Residential Detached
MU Willamette Neighborhood Mixed-Use Transition

Requests: Conditional Use
Class II Design Review
Lot Line Adjustment
Variance

Code Chapters

Addressed:	Chapter 11	R-10 District
	Chapter 28	Willamette and Tualatin River Protection
	Chapter 32	Water Resource Area Protection
	Chapter 33	Stormwater Quality and Detention
	Chapter 34	Accessory Structures, Accessory Dwelling Units, and Accessory Uses
	Chapter 35	Temporary Structures and Uses
	Chapter 36	Manufactured Homes
	Chapter 37	Home Occupations
	Chapter 38	Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
	Chapter 41	Building Height, Structures on Steep Lots, Exceptions
	Chapter 42	Clear Vision Areas
	Chapter 44	Fences
	Chapter 46	Off-street Parking, Loading and Reservoir Areas
	Chapter 48	Access, Egress and Circulation
	Chapter 52	Signs
	Chapter 53	Sidewalk Use
	Chapter 54	Landscaping
	Chapter 55	Design Review
	Chapter 85.210	Lot Line Adjustment
	Chapter 60	Conditional Use
	Chapter 75	Variance

2. INTRODUCTION

The City of West Linn has been evaluating alternatives for a new Police Department facility to better support their operational requirements, meet their current needs and allow for future growth. Extensive site selection and evaluation has occurred over the course of the past 5 years, resulting in City Council's direction on the subject 8th Avenue property. A bond was approved by West Linn voters in November 2011, the result of which is the acquisition of the property and now application for land use approval in order to construct the new facility.

The site's vicinity is shown on the figure below, and is located near the City's Historic Downtown. The site contains four existing tax lots, situated at the northeast corner of the intersection of 8th Avenue and 13th Street. The site is split zoned R-10 and MU-CBD, and the proposed public safety use is a conditional use in both zones.

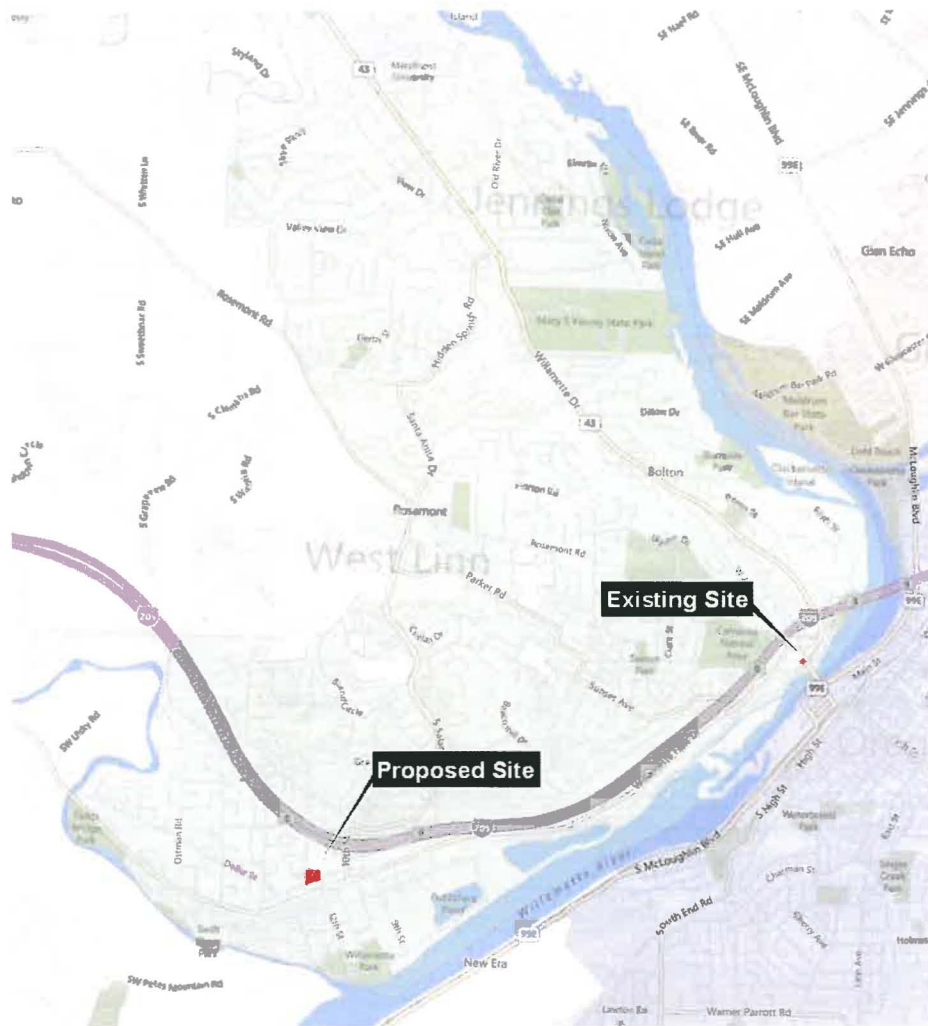


Figure 2.1 - Vicinity Map

EXISTING CONDITIONS

Surrounding Development

Surrounding development includes the following:

- West: Single-family residential
 (Zoned R-10 – Low Density Residential)
- North: Single-family residential and commercial parking
 (Zoned R-10 – Low Density Residential and GC – General Commercial)
- East: Morton’s Tree Service
 (Zoned GC – General Commercial)
- South: Willamette Fire Station and a mixture of single-family and commercial
 development
 (Zoned MU – Mixed-Use and GC – General Commercial)

Existing Development

The site currently contains three vacant single-family homes that have been purchased by the City. These homes will be moved prior to development of the proposed police station. The topography of the site slopes from the southeast to the northwest of the site, with approximately 20 feet of fall. However, there are no Type I or Type II lands identified on the subject site.

In addition the site contains several trees, with a majority of them located on the northerly one-third of the site. Only one tree (31" Walnut) has been deemed significant by Mike Perkins, City Arborist, and the remaining trees are non-significant.

No significant natural resources, according to the adopted City inventories exist on the subject site. In addition, nothing is shown on the City’s most recent Goal 5 inventory maps.

Streets

The site is located at the northeast corner of 8th Avenue and 13th Street, both local streets, with varying existing right-of-way widths.



Figure 2.2 - Aerial Map

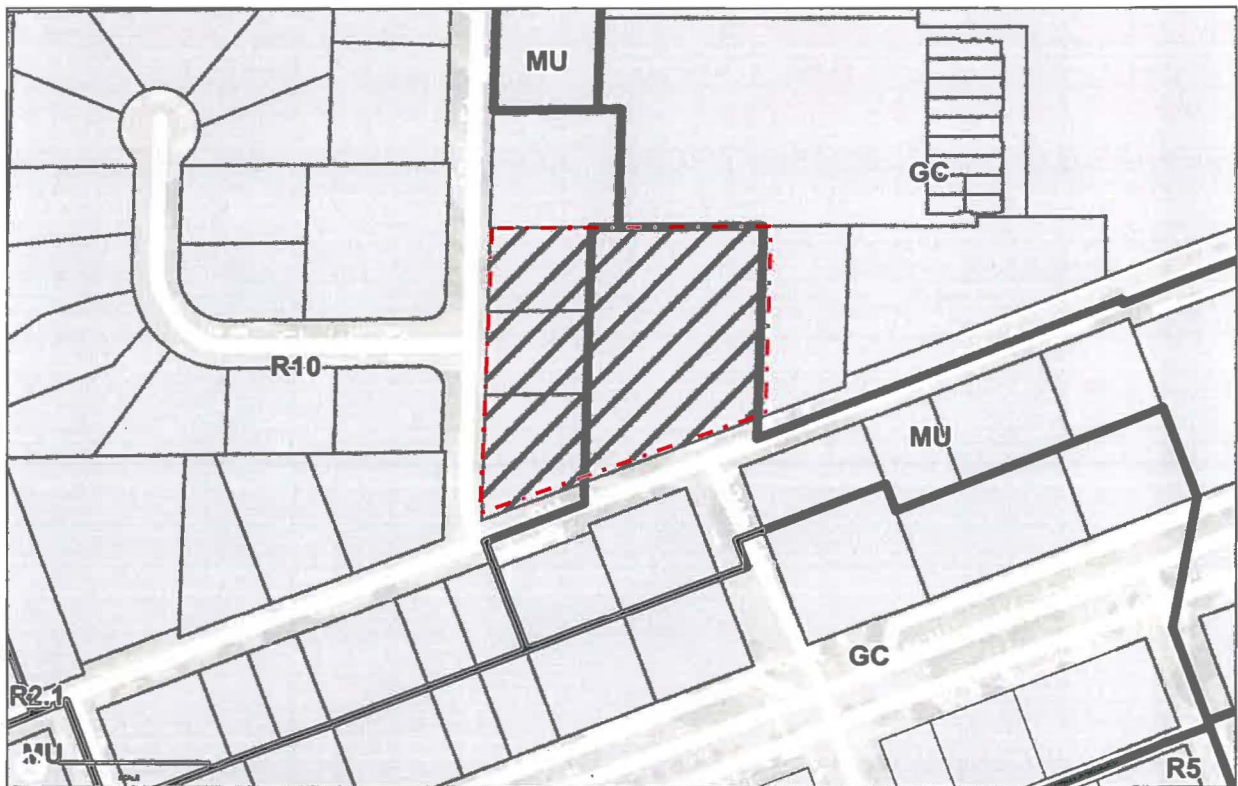


Figure 2.3 - Existing Zoning Map

3. PROPOSED SITE DEVELOPMENT

BUILDING

The scale of the 21,959 SF building has been carefully composed to provide a civic prominence to the site at the 8th Avenue entrance, while respecting the scale of the residential neighborhood to the north and west of the site. The west end of the building has been set into the natural slope of site, reducing the perception of height from the residential neighborhood. The scale of the building increases towards the east end of the site, which is closer to the commercial Willamette District of, and functionally provides a public entrance to the building. The proposed building is predominantly composed of structural brick, the colors of which have been selected to complement the brick color selected for the Tualatin Valley Fire Station, located across 8th Avenue. As the site is split zoned between residential and commercial, the façade design has attempted to respond to the surrounding area. The brick facades have been designed adjacent to the residential neighborhood. Where more contemporary material selections have been made, closer to the commercial areas to the east of the site, the colors are subdued greys, offset with dark window frames. Parapets, detailed to respond to the historic nature of the surrounding Willamette neighborhood, have been used for the roof forms, to convey the public and civic nature of the building. The windows at the secure, west end of the building are reduced in scale, with a more residential rhythm, similar to the Tualatin Valley Fire station across 8th Avenue. At the east end of the building the window system has been selected to provide larger, more open expanses of glazing, where the public interacts more with the building and the functions are adjacent to the existing commercial development to the east.

SITE IMPROVEMENTS

The proposed site improvements with this application include all the necessary grading, utility, landscape and other improvements needed for the development of the site. Code requires a minimum of 63 and a maximum of 70 off-street parking spaces under the Government Office Use category for 21,959 SF of building area. Proposed parking consists of 63 surface parking stalls split between the public and private secure areas. All proposed parking meets all of the parking and circulation development standards in the Code for the proposed zone. Landscaping of the site in the amount of 29% is proposed including areas devoted to stormwater quality and detention.

The site improvements necessary for the proposed development require the removal of 5 existing trees on the site. A sixth tree is proposed to be removed along 13th Street in order to construct required frontage improvements, which include a sidewalk and planter strip.

PUBLIC IMPROVEMENTS

Utilities

Stormwater

Per coordination with the City Engineer, a new public storm line will be installed within 13th Street. Site stormwater will connect to this line after its collected, treated and detained on site.

Sewer

An 8-inch public sanitary sewer main exists in 8th Avenue. A new 6-inch extension is proposed to this existing main to serve the proposed facility.

Water

The City will be installing a new water line in both 8th and 13th to be completed prior to site construction. A new extension is proposed into the site from 8th, including a backflow device adjacent to the property line. The City’s consultant will confirm that there is adequate water pressure for the proposed use

Frontage Improvements

Public frontage improvements along 8th Avenue and 13th Street are proposed. In order to accommodate the full right-of-way width according to local street standard, 8-feet of the subject site’s frontage will be dedicated. A new 6-foot wide concrete sidewalk, 6-foot planter strip with street trees, and an ADA ramp will be provided along 13th Street. While we are proposing to save the existing significant walnut tree, the frontage improvements along 8th Avenue will vary and include a curb tight 4'-8' sidewalk along the site with street trees behind. Two new driveways are proposed including a 30-foot primary driveway on 8th Avenue, and a 22-foot one-way secure driveway for emergency egress to 13th Street.

Traffic

A complete transportation impact analysis has been prepared and submitted as part of the application package. The following summarizes the recommended mitigation measures for the proposed project:

REVIEW OF INTERSECTION SIGHT DISTANCE

- Adequate sight distance is available at the proposed site accesses along 8th Avenue and 13th Street.

BACKGROUND AND IN-PROCESS TRAFFIC

- Based on historical traffic growth trends for the 10th Street Corridor, the Willamette area has experienced little traffic growth over the past several years. However, to produce a conservative analysis of future traffic conditions, an annual traffic growth rate of 1.0% was utilized in this study.
- Additional in-process traffic to account for full occupancy at the Willamette Marketplace development was added to the roadway network using the directional distributions from Kittelson & Associates’ latest Transportation Impact Analysis of the site.

SITE DEVELOPMENT PLAN

- Access to the site will be provided by a primary full-access driveway to 8th Avenue opposite the 12th Street approach and a secondary full-access driveway to 13th Street for emergency use.
- Using the trip generation information gathered from existing police stations in the Portland metropolitan area, the proposed development is projected to generate 39 primary trips during the weekday AM and PM peak hours.

- The proposed development is expected to be completed by 2014.

TRAFFIC OPERATIONS

- Traffic operations at all study intersections will meet mobility standards for the weekday AM peak hour. However, two study intersections will not meet mobility standards in the PM peak hour. Mitigation measures are needed at the 8th Avenue/10th Street and Willamette Falls Drive/12th Street intersections to operate at mobility standards.

MITIGATION MEASURES

Based on the findings documented in this study, the following recommendations (as shown on the aerial figures in the study) are made to ensure the proposed site development will not significantly or adversely impact traffic operations or safety at all study intersections and proposed site accesses:

1. Restrict northbound left-turn movements at the 8th Avenue/10th Street intersection by eliminating the left-turn lane, installing a pedestrian refuge island, and restricting potential left-turns from the through lane by posting "NO LEFT TURN" signage.
2. Implement one of two mitigation measures at the Willamette Falls Drive/12th Street intersection:
 - Option 1: Maintain two-way stop-control and construct short 50-foot left turn pockets on the eastbound and westbound approaches of Willamette Falls Drive.
 - Option 2: Implement all-way stop-control, and install crosswalks on all intersecting legs.

4. BASE ZONE COMPLIANCE

As discussed above, the subject site contains two zoning districts. In cases where requirements of the base zone cannot be met, the criterion of the conditional use section will be addressed, as allowed, rather than a variance to ensure compliance with the intent of the code. This section of the narrative addresses the standards of the underlying zoning districts.

CHAPTER 11 SINGLE-FAMILY RESIDENTIAL (R-10)

The following addresses the approval criteria identified in Chapter 11 Single-Family Residential Detached, R-10 of the West Linn Development Code:

11.060 Conditional Uses

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

3. Public Safety Facilities

Response: CDC 02.030 Specific words and terms, defines “Public safety facilities. Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, **police stations**, and ambulance services.” The proposed police station would fall under this use description, and therefore, requires conditional use approval subject to Chapter 60.

11.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

Except as may be otherwise provided by the provisions of this Code, the following are requirements for uses within this zone:

Response: All of these standards are met as shown below.

Table 4-1 Applicable Development Standards		
Standard	Requirement	Provided
1. Minimum Lot Size	See 11.080 below.	N/A, no single-family detached units proposed.
2. Minimum Front Lot Line	35'	N/A, no new lots are proposed.
3. Average Minimum Lot Width	50'	N/A, no new lots are proposed.
4. Average Lot Depth	Less than 2.5 times the lot width; more than 90'	N/A, no new lots are proposed.
5. Minimum Yard Dimensions	35'	N/A, no new lots are proposed.
<i>Front</i>	20'	23'
<i>Side – Interior Side Yard</i>	7.5'	N/A
<i>Side – Abutting a Street</i>	15'	22'
<i>Rear</i>	20'	133'
6. Maximum Height	35'	32'-6"
7. Maximum Lot Coverage	35%	28%

8. Minimum access width (non-street)	15'	N/A, all accesses are provided directly to abutting streets.
9. Maximum Floor Area Ratio	0.45, 12,370 SF	0.35, 9,519 SF
10. Sidewall	See Chapter 43	N/A, no single-family or duplex residential units proposed.

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 CDC 60.070(A) and (B).

Response: As the proposed public safety facility is a conditional use in the R-10 zone, the appropriate lot size is regulated by CDC 60.070(A). However, the lot side requirement under 11.070.1 appears to apply only to a single-family detached unit. As this application is for a public safety facility, the minimum lot size standard does not apply.

11.090 Other Applicable Development Standards

A. *The following standards apply to all development including permitted uses:*

1. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*
2. *Chapter 35 CDC, Temporary Structures and Uses.*
3. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*
4. *Chapter 40 CDC, Building Height Limitations, Exceptions.*
5. *Chapter 41 CDC, Structures on Steep Lots, Exceptions.*
6. *Chapter 42 CDC, Clear Vision Areas.*
7. *Chapter 44 CDC, Fences.*
8. *Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.*
9. *Chapter 48 CDC, Access, Egress and Circulation.*
10. *Chapter 52 CDC, Signs.*
11. *Chapter 54 CDC, Landscaping.*

Response: Please see Section 5 of this narrative which addresses these standards where applicable.

B. *The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009)*

Response: Chapter 55 applies to the proposed public safety facility use and is addressed in Section 6 of this narrative.

CHAPTER 59 WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE (MU)

The following addresses the approval criteria identified in Chapter 59 Willamette Neighborhood Mixed-Use transitional Zone, MU, of the West Linn Development Code:

59.060 Conditional Uses

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

- 7. *Public support and public safety facilities, including public parking lots.*

Response: CDC 02.030 Specific words and terms, defines “Public Safety Facilities. Providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, **police stations**, and ambulance services.” The proposed police station would fall under this use description, and therefore, requires conditional use approval subject to Chapter 60.

59.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

- A. *Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:*

Response: These standards are met as shown below. Please note that the ‘provided’ column assumes that the existing lots have been consolidated as addressed in Section 8 of this narrative.

Table 4-2 Applicable Development Standards			
Standard	Requirement		Provided
1. Minimum Front Lot Line	35'		N/A, no new lots are proposed.
2. Average Minimum Lot	50'		N/A, no new lots are proposed.
3. Average Lot Depth	Less than 2.5 times the lot width; more than 90'		N/A, no new lots are proposed.
4. Minimum Yard Dimensions	Min.	Max.	N/A, no new lots are proposed.
5. Front	12'	20'	16'
6. Side – Interior Side Yard	7.5'	N/A	75'
7. Side – Abutting a Street	12'	N/A	N/A
8. Rear	20'	N/A	124'
9. Maximum Height	Two Stories or 35', whichever is less		Two Stories, 32'-6"
10. Maximum Building Size	6,000 SF per above grade floor		7,981 SF
11. Maximum Floor Area Ratio	0.40, ground floor not to exceed 5,000 SF		0.29, ground floor 7,981 SF
12. Min/Max Lot Size	4,500/10,000 SF unless existing lot of record		N/A, existing lot of record.

A. *Design Standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.*

Response: Chapter 55, except for the provisions noted in this standard, applies to the proposed public safety facility use and is addressed in Section 6 of this narrative.

1. *Residential-style building with single story porch on the front, and on the side where it abuts a street.*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B) (1) through (5) of this section. However, design considerations have been incorporated into the structure to respond to the existing character of the surrounding properties.

2. *New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B)(1) through (5) of this section. However, new sidewalks are proposed along the site's frontage of 8th Avenue and 13th Street and will meet City Public Works' standards.

3. *Off-street parking shall be behind, under, or on the side of building.*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B)(1) through (5) of this section. However, proposed public and secure parking is located on the side and behind the building.

4. *Garages shall not extend any closer to the street than the street-facing facade of the house.*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B)(1) through (5) of this section. Further, this application does not include garages associated with a residential use.

5. *There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B)(1) through (5) of this section. This application does not propose outdoor advertising or accessory buildings.

6. *These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008)*

Response: As allowed under Subsection 6, the proposed public safety facility is not required to meet the design standards of (B)(1) through (5) of this section. However, as noted above, the proposed development meets several of the requirements.

59.080 Additional Use Requirements

In addition to all other provisions of this section, the following additional requirements may apply:

A. *Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.*

Response: The proposed public safety facility is a conditional use in this zone. As such this standard does not apply. The noise provisions of Chapter 55 are addressed in Section 6 below.

B. *Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.*

Response: The rear of the site is proposed to be used for secure parking for police staff, and landscaping, stormwater, and refuse storage. The portion of the site zoned R-10 abuts a residential zone to the north and west. The proposed refuse storage is enclosed and buffered from the side residential property (zone) line by 11' and new site landscaping. This standard is met.

C. *If a qualified historic residential landmark in the Willamette neighborhood is destroyed, it may be rebuilt on the original building footprint. (Ord. 1515, 2005; Ord. 1547, 2007)*

Response: The existing structures located on the subject property are not qualified historic residential landmarks. This standard does not apply.

59.090 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 CDC 60.070(A) and (B). (Ord. 1515, 2005; Ord. 1547, 2007)

Response: As the proposed public safety facility is a conditional use in the MU zone, the provisions of this Chapter that are not met will be reviewed under the criteria set forth in CDC 60.070(A) and (B). These include 59.070(A).6 and (A).7 with regards to the maximum allowed building size and ground floor. Please refer to Section 7 of this narrative.

59.100 Other Applicable Development Standards

The provisions of CDC 25.060, 25.070, 25.080, and 25.090, apply to properties currently identified in the West Linn historic inventory, Chapter 26 CDC, Historic Landmarks. The following standards apply to all development including permitted uses:

1. *Chapter 28 CDC, Willamette and Tualatin River Protection.*
2. *Chapter 36 CDC, Manufactured Homes.*
3. *Chapter 32 CDC, Water Resource Area Protection.*
4. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*
5. *Chapter 35 CDC, Temporary Structures and Uses.*
6. *Chapter 37 CDC, Home Occupations.*
7. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*
8. *Chapter 40 CDC, Building Height Limitations, Exceptions.*
9. *Chapter 42 CDC, Clear Vision Areas.*

10. *Chapter 44 CDC, Fences.*
11. *Chapter 48 CDC, Access, Egress and Circulation.*
12. *Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.*
13. *Chapter 55 CDC, Design Review.*

14. *Chapter 54 CDC, Landscaping.*

15. *Chapter 53 CDC, Sidewalk Use. (Ord. 1547, 2007)*

Response: The subject property is not identified in the West Linn historic inventory, and as such, the provisions of CDC 25.060, 25.070, 25.080 and 25.090 do not apply. The remaining standards are addressed in Section 5 of this narrative.