

WEST LINN LIBRARY PARKING LOT

Class II Design Review, Class II Variances, Water Resource Area, and Expansion/Alteration of a Non-Conforming Structure Land Use Review

Submitted by City of West Linn



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PROPOSAL:

Construct a 12 space parking lot adjacent to, and northeast of, the City of West Linn library to address the parking shortage. Construct a footpath connecting the proposed parking lot with the library lower floor.

APPLICANT:

Owner Representative:
Project Manager:
Project Planner:
Project Designer:

City of West Linn

Diane Satchwell, Library Director
Lance Calvert, Public Work Director
Peter Spir, Associate Planner
Khoi Le, Development Engineer

PROJECT LOCATION:

5750 Hood Street and 1595 Burns Street

LEGAL DESCRIPTION:

Assessor's Map 22E30BD Tax lot 2401 and 2200

SITE AREA:

Tax lot 2041: 12,612 square feet (Proposed Parking)
Tax lot 2200: 61,010 square feet (Existing Library)

ZONING:

Office Business Center (OBC)

ZONING OVERLAYS:

Water Resources Area (WRA), Riparian Corridor

COMPREHENSIVE PLAN:

Commercial

PERMITS REQUESTED:

Class II Design Review (CDC Chapter 55)

Water Resource Area (CDC Chapter 32)

Class II Variances (4) (CDC Chapter 75)

Expansion/Alteration of a Non-Conforming Structure (3) (CDC Chapter 66)

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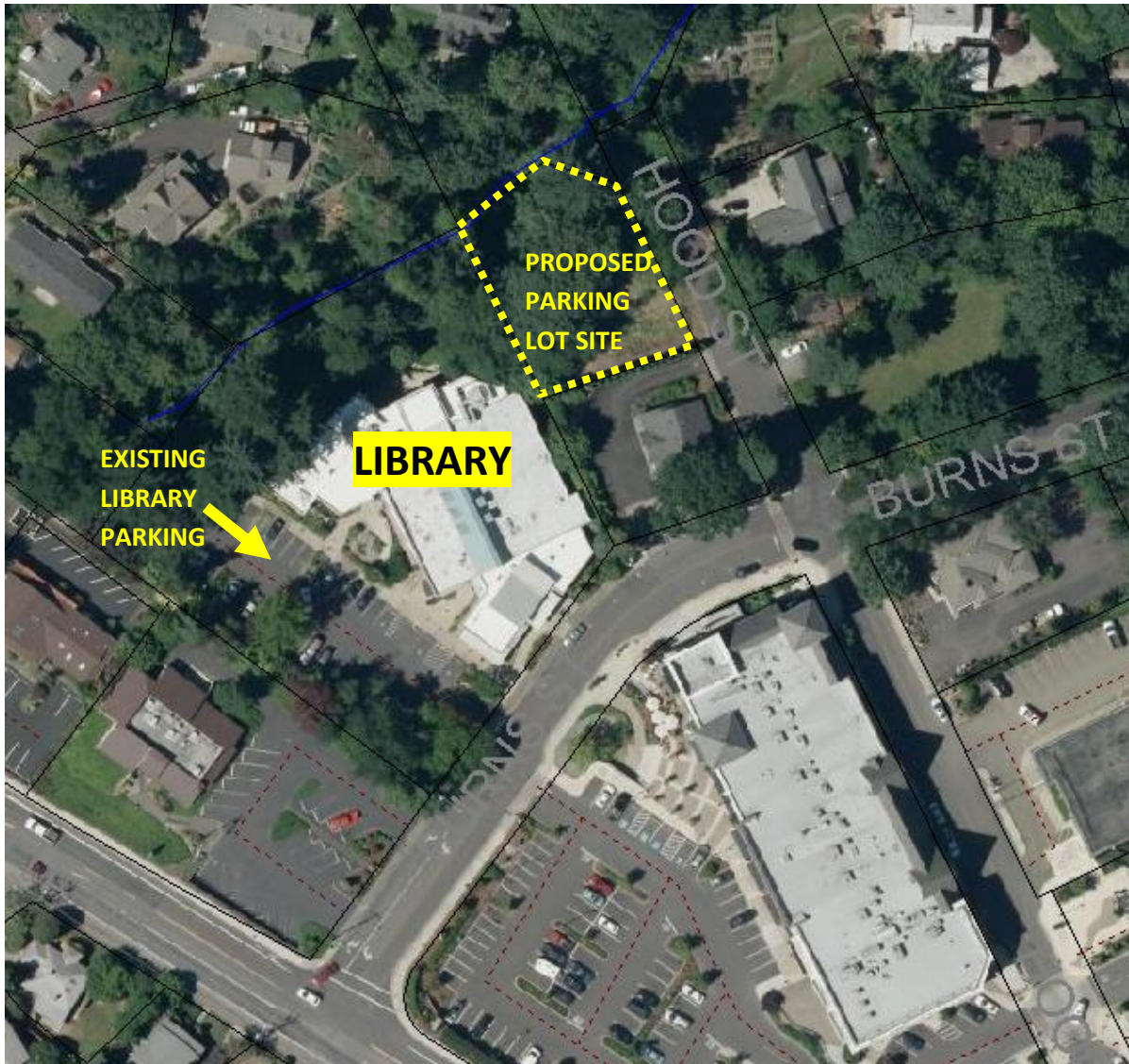


Figure 1: Site Overview

Background

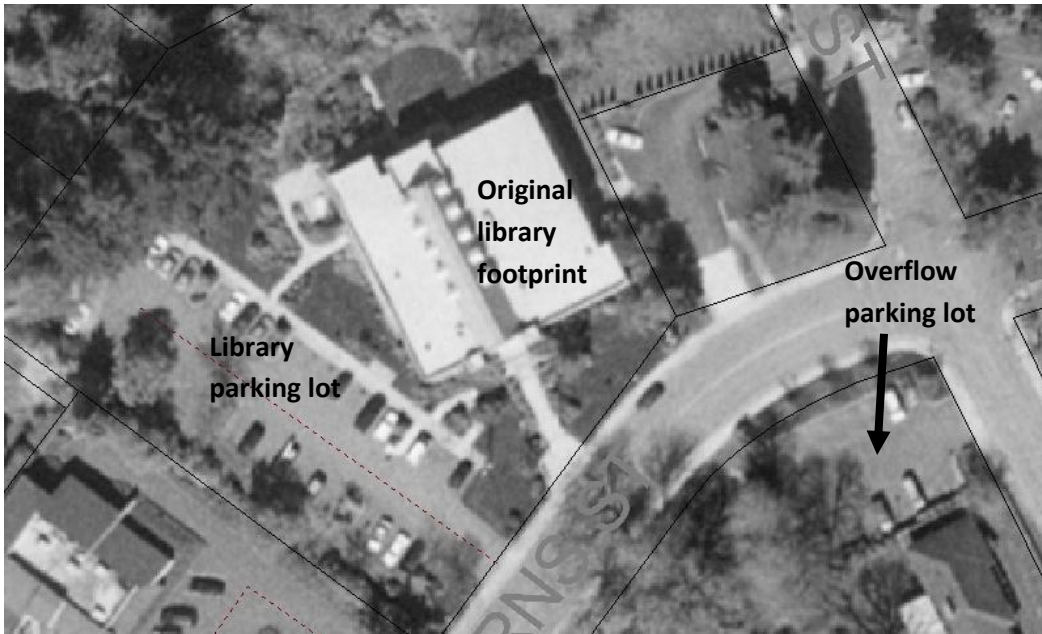
The perennially flowing Maddax Creek is the dominant natural feature of the library and parking lot properties. Maddax Creek runs along the north edge of these properties and is contained within a well defined forested ravine. The regulatory provisions associated with such streams dominate the review of this application.

The West Linn library was built in 1989 (DR-88-25) with a parking lot to the west comprising 35 spaces (Figure 1). From the onset, the number of parking spaces was below the minimum required due to the use of exemptions built into the Community Development Code (CDC) that

allow a 10% parking reduction for proximity to transit and another 10% reduction if a significant tree is saved. While this technically addressed the Community Development Code's (CDC) approval criteria and was approved by the Planning Commission, from a functional "real world" standpoint, the library suffered from inadequate parking from the onset.

In 1989, (DR-89-35) the library attempted to correct the parking shortfall by applying for a permit to construct a 16 stall parking lot across the street at the southwest corner of Hood and Burns Street. With that approval, the library had sufficient parking (Figure 2).

Figure 2: 1996 photo of original library footprint, parking lot and overflow parking lot



In 2001, a major addition was proposed to the front and rear of the library (DR-01-08). The addition was approved and, again, the parking was found to meet the CDC standards. Parking was tight but the overflow parking lot on leased land across Burns Street from the library made the parking situation tenable. When the West Linn Central Village Shopping Center was developed, the lease was terminated, the overflow parking lot was eliminated and the library lost 16 parking spaces. Since that date, the parking situation has become untenable. In addition, the lack of full sized spaces makes it very difficult for library patrons to maneuver effectively.

In 2011, to address the lack of parking, the library purchased a 12,612 square foot parcel east of the library to add needed parking spaces. At present, the library needs 53 spaces. The library has 35 compact parking spaces, including three ADA spaces, for a shortfall of 18 spaces.

Twelve full sized parking spaces are proposed in this application.

In addition to an inadequate supply of parking spaces which makes the library a non-conforming structure, the library was also found to be non-conforming since 50 percent of the parking spaces are supposed to be compact; the other 50 percent, full sized. (All the parking spaces are compact.) Non-conforming status is also based on the fact that the library building significantly encroaches into the WRA.

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

Proposal

The proposal is to construct a 12 full sized space parking lot on a 12,612 square foot parcel adjacent to and northeast of the City of West Linn library (Figure 3). Vehicular and pedestrian access to the parcel would be from Hood Street. Other improvements include a pedestrian and ADA accessible path to the library from the parking lot and the construction of street improvements in the Hood Street right of way (ROW). Storm water detention/treatment facilities are not required in the parking lot since it will be constructed of water permeable pavers. The majority of the improvements will be on tax lot 2401 with just a 25 foot long section of path extending onto the library property (tax lot 2200) and some retaining walls. Seven land use permits are required: design review, water resource area permit, four class II variances, and an alteration/expansion of a non-conforming structure permit.

Design Review

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

Water Resource Area permit

Maddax Creek runs along the north edge of the properties on a west to east axis. Because the majority of the parking lot, associated retaining walls and grading is within the Maddax Creek Water Resource Area (WRA), a WRA permit is required. The WRA permit is also

required to consider the 25 foot long path section, retaining walls and grading in the WRA on the library property. The applicable chapter is CDC Chapter 32. The WRA comprises the creek itself, the adjacent ravine, plus the associated 50 foot transition and 7.5 foot setback as measured from the top of the (ravine) slope. The WRA also includes the riparian corridor which extends 100 feet from the edge of the creek. All but 515 square feet of the parking lot property is within the WRA (Figure 4).

The applicant will be building most of the parking lot in the previously disturbed or graded areas that exist behind or above the top of the ravine rising out of the drainageway. Northern portions of the parking lot, retaining walls and the footpath will all be built in undisturbed areas of the WRA. This activity will result in loss of WRA compensated by on-site re-vegetation with native plants and off-site mitigation.

Class II Variances (4)

Four Class II Variances are required. The variances are to seek relief from the following CDC provisions:

1. Section 54.070 requires that at least five percent (179 square feet) of the 3,583 square foot interior of parking lots for 10-25 cars be landscaped. The required landscaping may be reduced by one-third per 54.020(E) (3) (a) if water permeable pavers are used. Therefore, the variance request means that 120 square feet (179 X .666) of interior landscaping would be eliminated.
2. Section 32.090(B) allows up to 5,000 square feet of the library property in the WRA (tax lot 2200) to be disturbed. Already, the library encroaches 13,750 square feet into the WRA. The proposed 25 foot long connective path and retaining walls will disturb 402 square feet. A Class II Variance is required, per section 32.090(D), to allow that 402 square foot encroachment.
3. Section 32.090(B) allows up to 5,000 square feet of the parking lot property in the WRA (tax lot 2401) to be disturbed. The proposed parking lot and associated retaining walls will encroach 5,611 square feet into the WRA which will exceed the 5,000 square foot limit by 611 square feet. A Class II Variance is required, per section 32.090(D), to allow that 611 square foot encroachment.

4. Section 48.025(B) (6) requires that the access standards of the Transportation System Plan (TSP) be applied. The TSP requires 50 feet between driveways and the proposed driveway will be 40 feet from an existing driveway on the law office property to the south.

Alteration/Expansion of a Non-Conforming Structure

The library is a “non-conforming structure” on three counts:

1. Per section 46.090(B) (3), the library should have 53 spaces and it only has 35 spaces. The 12 new spaces will not be enough to meet code but will move the library into greater conformance.
2. The CDC requires a 50/50 split of compact and full sized spaces. Section 46.150(A) (1) states that *“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).* The existing library parking stalls only qualify as compact spaces since they measure 9 X 16 feet. Currently, there are no full sized 9 X 18 foot full sized spaces at the library parking lot.
3. CDC section 32.090(B) requires that development on lots partially in the WRA shall not disturb more than 5,000 square feet of the WRA, including access roads and driveways. The existing library, the west parking lot and the rear patio area already represent 13,760 square feet of disturbed area within the WRA transition and setback. Because a new 25 foot long footpath and retaining walls will encroach 402 square feet into the WRA, an “alteration/expansion of a non-conforming structure” permit is required. Chapter 66 requires that changes to non-conforming structures cannot increase the non-conformity. The applicant acknowledges that this request represents a small 2.9 percent increase in the non-conformity. To address this, a Class II variance is being applied for to allow the change or increase in non-conformity.

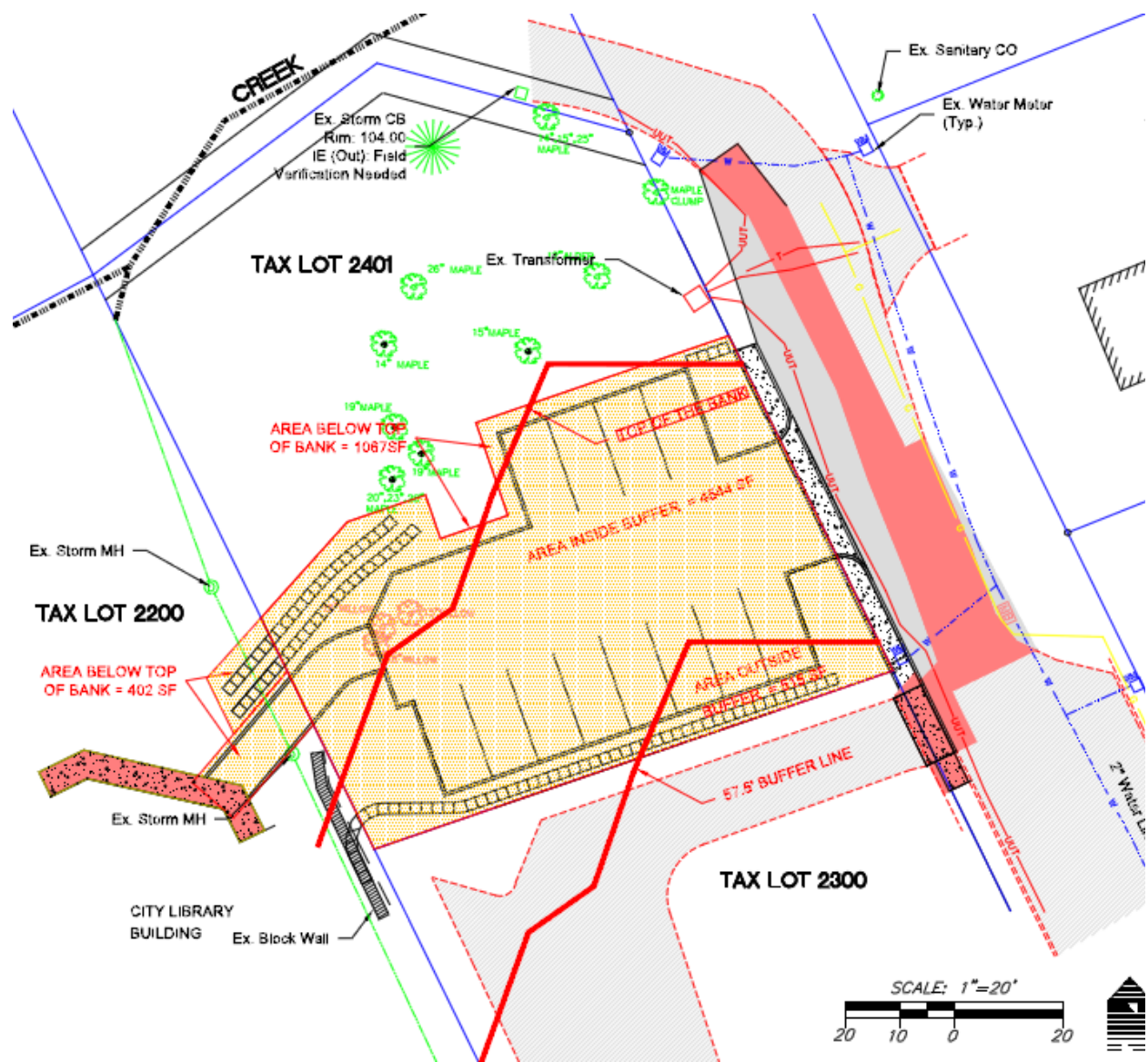


Figure 4: Water Resource Area (WRA) Transition and Setback Boundary indicated by the 57.5 foot buffer line

Figure 5: Required permits for each lot



- Variance to allow more than 5,000 square feet of disturbed area in WRA
- Design Review for path and retaining wall
- WRA permit for path and retaining wall in the WRA transition and setback area
- Alteration of Non-Conforming Structure. Non-conformities are (1) encroachment of footpath and retaining wall into WRA transition (2) inadequate number of parking spaces and (3) inadequate number of full sized parking spaces.

- Variances to allow (1) no interior landscaping in the parking lot (2) entry driveway close to driveway on adjacent lot (3) variance to allow more than 5,000 square feet of disturbed area in WRA
- Design Review for parking lot, retaining walls and path to library
- WRA permit for parking lot and retaining walls in the WRA transition and setback area

Applicant's Responses to the Approval Criteria

Water Resource Area Permit

CDC 32.050 APPROVAL CRITERIA

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

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

FINDING 1: The Surface Water Management Plan identifies Maddax Creek as the water resource area at this site. Maddax Creek is identified on the application submittal maps. There are no wetlands at this site or on adjacent properties according to West Linn's adopted Local Wetland Inventory (LWI).

CDC 32.050(B) Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.

FINDING 2: Maddax Creek, and the existing natural drainageway below top of bank, will be the main form of conveyance of stormwater generated by this application. The storm water from the parking lot and driveway will drain through the water permeable pavers (Figure 6) into the soil below and then gradually filter into the creek or local aquifers.

By using water permeable pavers no storm water treatment or detention facilities are required. The use of water permeable pavers is also recommended by Metro as a best management practice in WRAs. No access for maintenance is needed. No alternate storm facilities are proposed by the West Linn Surface Water Management Plan.



Figure 6: Example of water permeable paver

CDC 32.050(C) Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC [32.070](#) designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.

FINDING 3: Because all but 515 square feet of the proposed parking lot property is within the WRA, there is no way to develop this parcel in even a modest fashion and still avoid all environmental impacts on the WRA. This application proposes to minimize the impacts by making use of a previously disturbed area for most of the project. About ten or more years ago, the prior owner(s) of the property graded the property above the top of bank. That work is easily noted in site visits (see Figure 7) because they excavated a bowl area with distinct cuts.

By directing development to the previously disturbed area, encroachment upon the natural portions of the WRA will be minimized but not eliminated. To accommodate a 12 space parking lot, the applicant needs to encroach 1,965 square feet below the top of bank into the WRA. Most of this work involves retaining walls needed to support the parking lot and the footpath to the library.



Figure 7: Previously Disturbed Area of the WRA

Minimizing spatial impacts extends into other areas too. For example, the use of water permeable pavers for the parking lot allows for the elimination of space consuming storm water facilities and the impact associated with a single storm water discharge point. Allowing the storm water to percolate slowly through pavers and the soils of the hillside before it gets to the creek or recharges the local aquifer represents the use of appropriate technology to protect the WRA.

This application's parking lot design will minimize impacts on the WRA even further by pursuing a variance from the "five percent" landscaping requirement. Section 54.070 calls for landscaping to be installed in the interior of the parking lot to the extent that it represents five percent of the area of the parking lot. If approved, the variance will reduce the 3,583 square foot parking lot area by 120 square feet. Five percent of the 3,583 square foot parking lot is 179 square feet which is reduced by one-third to yield 120 square feet. The "one-third" reduction is per section 54.020(E) (3) (a) which gives credit for parking lots that use water permeable pavers.

(The applicant had also considered a variance from the provisions of Section 54.020(E) (3) (f) which requires that parking lots have a five foot wide landscaped strip abutting property lines (not ROW). The idea was to eliminate the landscape strip along the south property line. But by pushing the parking lot up to the south property line the roots of an existing row of Arbor Vitae along that lot line would be seriously damaged. To avoid that, the variance was not applied for. Yet another alternative, installing smaller compact parking spaces, would have reduced the encroachment by 300 square feet but it would have increased the non-conformity of the library in terms of the 50/50

parking space mix. Having no full sized spaces would also create challenges for drivers of larger vehicles.)

Off-site mitigation will be undertaken on a square foot to square foot basis at Fields Bridge Park while on-site re-vegetation will focus on the removal of non-native/invasive plants and the planting of native plants in a 4,000 square foot area adjacent to Maddax Creek. (Per section 32.020(D)(7), vegetative improvements (replacing non-native/invasive plants such as blackberries, with native plants) are exempt from a WRA permit.)

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

CDC 32.050(D) Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.

FINDING 4: Since the City already owns this parcel, no dedication is needed.

CDC 32.050(E) The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the table in figure 8:

Figure 8: Required Widths of Setback and Transition Area

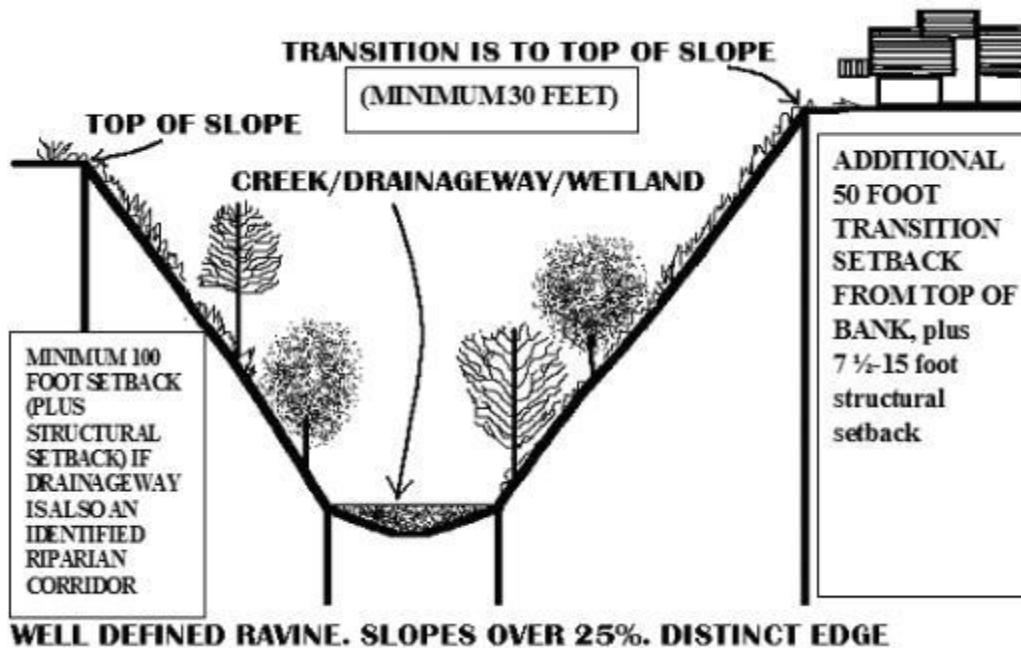
Protected Water Feature Type (See Chapter 02 CDC, Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on Each Side of the Water Feature
Wetland, Major Drainageway, Minor Drainageway	≥ 25% to a distinct top of ravine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

Riparian Corridor	any	• Edge of bankful flow or 2-year storm level	100 feet or the setback required under major and minor drainageway provisions, whichever is greater, plus structural setback
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Where the protected water feature is confined by a ravine or gully, the top of ravine is the location where the slope breaks at least 15 percent and the slope beyond the break remains less than 25 percent for at least 50 feet.

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

Figure 9: Required transitions for ravines over 25% slope



FINDING 5: The Maddax Creek drainageway is a “well defined ravine” based on site visits and topographic contour maps. It is also designated as a riparian corridor according to the LWI and the City’s GIS maps. The 50 foot transition area is measured from the top of bank as shown in the illustration above. Because the front of any potential building on this lot would face towards Hood Street, the side of the building would face the drainageway. Therefore, a 7.5 foot side yard setback is required towards the drainageway, not a 15 foot rear setback. The combined 57.5 foot transition and setback (50+7.5) is shown in figure 4. The WRA encompasses not only

the stream area and ravine but also the transition and setback areas as well as the riparian corridor. The riparian corridor measures 100 feet from the edge of Maddax Creek.

CDC 32.050(F) Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:

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

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

CDC 32.050(G) Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

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

CDC 32.050(H) Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize low impact development (LID) construction practices.

FINDING 8: The eight foot wide ADA/foot path from the parking lot to the library will be 70 feet from Maddax Creek; therefore the criterion's 15 foot setback is met. There is very little existing vegetation in the area proposed for the path. The exception is a small non-significant tree, which will be removed and replaced with landscaping

material appropriate to a WRA. Water permeable pavers will be used for the footpath to comply with low impact development construction practices.

CDC 32.050(I) Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.

FINDING 9: Rain water in the parking lot and footpath will drain through the pavers into the soil and gradually discharge into the drainageway and creek or filter into the local aquifer. There will be no storm water facilities at this site. Storm water on Hood Street will be directed down the street to an existing storm water catch basin near the creek. Storm drainage will not be diverted from its natural watercourse and there will be no inter-basin transfers of storm drainage. Erosion control measures shall be put in place prior to any site clearing and construction.

CDC 32.050(J) Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction.

FINDING 10: All required COWL erosion control measures shall be in place prior to and during site work, such as grubbing, grading and parking lot construction.

CDC 32.050(K) Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

FINDING 11: The applicant acknowledges that the WRA on the library parking lot property has been "disturbed" since the area behind the top of bank was graded about ten years ago. This "disturbed" area in the WRA comprises 4,544 square feet. As a result, only 63.6 percent of the WRA has a combination of native trees, shrubs, and groundcover while the required amount is 80 percent of the WRA. The existing "non-disturbed" area already has 100 percent tree canopy coverage so no trees are

required in the re-vegetation. Figure 10 explains the required re-vegetation and mitigation square footage. (The applicant has added the library property's 402 square foot disturbed area to address that lot as well.)

Figure 10: Square footage details

Total square footage of parking lot (PL) property	12,612 square feet
Pre-existing graded "disturbed" areas of parking lot (PL)	4,544 square feet
Total pre-existing graded area + area to be developed below top of bank of PL	5,611 square feet
Total area of PL WRA requiring 80% re-vegetation	12,097 X .8= 9,677 square feet
Area of existing PL WRA that already meets the vegetative standards	6,486 square feet
Area of PL required to be vegetated to meet 80% requirement	9,677 – 6,486 = 3,191 square feet
Area required to be vegetated to meet 80% requirement (both the PL and library properties)	3,191 + 402 (library disturbance below top of bank) = 3,593 square feet
Area required to be mitigated for (both the PL and library properties)	5611 + 402 = 6,013 square feet

The re-vegetation can be accomplished on-site. The applicant finds that the area below the top of bank is in relatively good condition to the extent that native plant material dominates and a 100 percent tree canopy exists. There are, however, some non-native/invasive plants along the creek. The applicant shall remove non-natives (blackberries, etc.) along the north edge of the parking lot and library properties along Maddax Creek. That works out to 400 feet long X 10 feet wide for 4,000 square feet, which exceeds the 3,593 square foot requirement. Once the non-native plants have been removed in that area they will be replaced with native plant material and trees (as needed) appropriate to site conditions per Figure 11:

Figure 11: Required Plant List*

<ul style="list-style-type: none"> • 20 Vine Maples 1" caliper (at least 10 feet apart)
<ul style="list-style-type: none"> • 10 Western Red Cedars 1" caliper (at least 20 feet apart)
<ul style="list-style-type: none"> • 80 Salal (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none"> • 80 Salmonberry (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none"> • 80 Maidenhair Fern (three feet on center (OC))
<ul style="list-style-type: none"> • 80 Red Columbine (three feet on center (OC))
<ul style="list-style-type: none"> • 80 Deer Fern (three feet on center (OC))

* Seasonal availability may require substitution of plants of equal quality and number.
The number of trees and plant material are intended for a 4,000 square foot area.

It is noted that section (K) also requires mitigation for all portions of the WRA that will be permanently modified, built upon or where land contours are disturbed. That mitigation will be addressed off-site and is responded to later in this submittal under Findings 29-32.

CDC 32.050(L) Structural setback area. Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

FINDING 12: Chapter 2 defines a structure as “*Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having such location, including buildings, fences, towers, utility equipment, utility poles, flag poles, signs, porches, pools, carports, platforms, walks, staircases, driveways and other similar objects, but not including fixtures or equipment attached to structures (e.g., antennas, lights).*” By that definition, the proposed parking lot and path are structures and these provisions apply.

The majority of the parking lot is in the WRA transition and setback. The closest that the parking lot structure will get to Maddax Creek is 38 feet which exceeds the minimum 15 foot distance required by this criterion and the hardship provisions of section 32.090(B).

The applicant will be applying for a hardship permit and an additional Class II Variance to allow this encroachment into the transition and setback. (The applicant is also proposing to minimize encroachment into the WRA by pursuing a variance from landscaping requirements to pull the parking lot south, away from the ravine.)

CDC 32.050(M) Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.

FINDING 13: No new storm facilities are proposed, so this criterion does not apply. On-site runoff will be handled by infiltration; meanwhile, off site runoff on Hood Street will feed into an existing storm catch basin.

CDC 32.050(N) As part of any proposed land division or Class II design review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

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

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

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

CDC 32.050(O) The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.

FINDING 15: Parking lots are already allowed to be as close as 10 feet from a non-arterial ROW like Hood Street so the reduction offered in this criterion is not necessary or applicable.

CDC 32.050(P) Storm drainage channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels. (Ord. 1545, 2007)

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

CDC 32.090 REDUCTION IN STANDARDS FOR HARDSHIP

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

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

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

FINDING 17: The 12,612 square foot parcel includes 515 square feet at the southeast corner that are not within the WRA. Since 96.0 percent of the parcel is in the WRA it meets the definition of a "lot located partially inside the water resource area" per section 32.090(B). The lot has considerable value since it is located adjacent to the library, within 50 yards of the West Linn Central Village Shopping Center and is zoned to allow a range of commercial, office and other uses. The list of "uses permitted outright" includes:

- 1. Business equipment sales and services.**
- 2. Business support services.**
- 3. Communications services.**
- 4. Cultural exhibits and library services.**
- 5. Family day care.**
- 6. Financial, insurance and real estate services.**

7. Medical and dental services.
8. Parking facilities.
9. Participant sports and recreation, indoor.
10. Personal services and facilities.
11. Professional and administrative services.
12. Utilities, minor.
13. Transportation facilities

Based on discussions with Metro staff and other jurisdictions, there is no definitive measure or definition of “economic viability” but certainly an asphalt parking lot must be regarded as being at the low or minimal end of economic viability when compared to the other, more profit motivated commercial or office uses listed above, and therefore should be allowed under this criteria. Usually something is only economically viable if the benefits/profits exceed the cost. The success of the parking lot will not be measured in terms of profits. It is unlike a business or most of the other permitted uses that would have to generate a certain amount of business to obtain enough revenue to justify putting money into the property to go through the land use process. Thus, it has the lowest threshold of what could be considered economically viable because it does not have to realize a profit to be economically viable.

CDC 32.090(2) The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

FINDING 18: Having established in finding 17 that a non-profit public institution has the lowest threshold of what could be considered economically viable; the applicant notes that the disturbed area within the WRA constitutes 5,611 square feet which exceeds the hardship allowance of 5,000 square feet by 611 square feet. This additional 611 square feet of disturbance is needed to accommodate 12 full sized parking spaces, retaining walls and associated grading and other temporary site disturbance. Anything less than 12 spaces would diminish the usefulness of the parking lot to the extent that it would no longer be deemed economically viable given the purchase cost of the land and the cost to construct the lot.

The applicant will also be applying for a variance to accomplish the task of minimizing impacts to the WRA. The variance is to eliminate landscaping in the interior of the parking lot. This will reduce the footprint of the parking lot by five percent or 179 square feet.

The applicant is aware that the property occupied by the library already exceeds the 5,000 square foot allowance too. It was built prior to the CDC Chapter 32 provisions and is non-conforming for that reason. The library property will see 402 square feet of encroachment into the WRA for a footpath and retaining wall and is pursuing a Class II Variance for that purpose.

CDC 32.090(B) (3) *The proposed reduction will comply with Chapter 31 CDC, Erosion Control.*

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

CDC 32.090(C). *If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:*

1. *The minimum width of the water resource area’s transition and setback area shall be 15 feet on each side of a wetland or drainage course.*

FINDING 20: The proposed minimum setback from the parking lot and retaining walls to Maddax Creek will be 37 feet, which exceeds the allowed minimum distance of 15 feet.

CDC 32.090(C)(2) *As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be re-vegetated to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall re-vegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).*

FINDING 21: The applicant supports the requirement that re-vegetation and mitigation should be undertaken on a square foot to square foot or 1:1 basis to compensate for the 6,013 square foot disturbance of the WRA.

Figure 12:

Area required for mitigation for both the parking lot and library properties	5,611 + 402 = 6,013 square feet
--	---------------------------------

The applicant notes that the criterion requires that the mitigation be undertaken in an area of the library properties that is not in the WRA. The criterion also states that in the event that the 1:1 re-vegetation cannot be met due to insufficient non-WRA lands, then all non-WRA lands must be re-vegetated. The only non-WRA land on the parking lot site is the 515 square feet at the southeast corner of the parking lot. Meanwhile the library site’s non-WRA area is fully built out with a library and parking lot. There is no space available on the library property.

The applicant also notes that this provision for on-site mitigation is contradicted by language in section 32.050(K) which requires mitigation per section 32.070. Section 32.070(C) (2) “Mitigation Plan” specifically allows off-site mitigation.

To address this criterion, the applicant proposes to provide both on site re-vegetation and off-site mitigation. Off-site mitigation will be on a 1:1 basis (6,486 square feet) at Fields Bridge Park on the Tualatin River. For re-vegetation, the applicant is proposing to remove non native vegetation in the WRA along Maddax Creek and replant a 4,000 square foot area with native plants. (That exceeds the required re-vegetation by 407 square feet.) The 4,000 square foot re-vegetation will be more useful to the health of the Maddax Creek WRA and its viability as a riparian corridor than alternative solutions like planting just 515 square feet per code.

At both the on-site re-vegetation area and the off-site mitigation area, the standards of section 32.070 and 32.080 will be met.

32.070 MITIGATION PLAN

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

A. All mitigation plans must contain an alternatives analysis demonstrating that:

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

FINDING 22: Other than allowing no development, there are no alternatives that could result in zero disturbance of the WRA since 96 percent of the parcel is within the WRA. Considering the range of permitted uses in the OBC zone, a parking lot must be regarded as a relatively benign choice or alternative. A building would be necessary for all of the other uses , which would require the full range of utilities and parking as well.

Fewer parking spaces could have been proposed, but this amount (12) was the minimum that could be installed that would justify the cost of site acquisition and development. The decision to develop this number of spaces is reasonable because most of the development (75%) will be on lands that have been previously graded and disturbed over ten years ago. The applicant is utilizing all of the previously disturbed area to reduce impacts, and it has limited the number of spaces to the minimum that is economically viable even though additional spaces are in great demand.

By utilizing this previously disturbed area, the applicant is avoiding or minimizing disturbance to the natural WRA. The decision to use water permeable pavers, per the Metro “Best Management Practices,” and avoid a traditional storm water treatment system and outfall also demonstrates the applicant’s efforts to minimize impacts.

CDC 32.070(B) A mitigation plan shall contain the following information:

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

FINDING 23: Adverse impacts associated with this application include the grading and construction of the 12-stall parking lot and retaining walls. There will be grading and construction of a path from the lot to the adjacent library. Hood Street will be repaved.

CDC 32.070(B)(2) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the re-vegetation provisions of CDC 32.050(K).

FINDING 24: The significance of impacts to the WRA is reduced by the fact that the area has not been in a natural state since it was graded about 10 years ago by the previous owner. Impacts are also minimized by the use of water permeable pavers, per the Metro “Best Management Practices” and avoiding a traditional storm water treatment system and outfall.

Adverse impacts are also being minimized by selecting a land use (parking lot) that is significantly less intense than other built uses. The parking lot will minimize load bearing on the hillside (compared to a multi-story building), which translates to less likelihood of slope failure or of eroded soils being carried into the stream.

The parking lot is built at grade so the visual presence and impact of multi-story development in the WRA is reduced, which should encourage its continued use as a wildlife habitat area/corridor. The applicant is also minimizing impacts by applying for a landscaping variance which allows the parking lot to be downsized by 120 square feet and thereby reduce the encroachment upon the WRA.

Mitigation for the parking lot, retaining walls, footpath and any other disturbed areas is required for both properties. Mitigation will be on a 1:1 basis, which means that for the combined 6,013 square feet of WRA transition, setback or riparian area that is disturbed or lost in the development of both properties (the parking lot, path, retaining walls, etc.), the applicant will re-vegetate or enhance 6,013 square feet at Fields Bridge Park under a program that the City Parks Department has successfully utilized in the past.

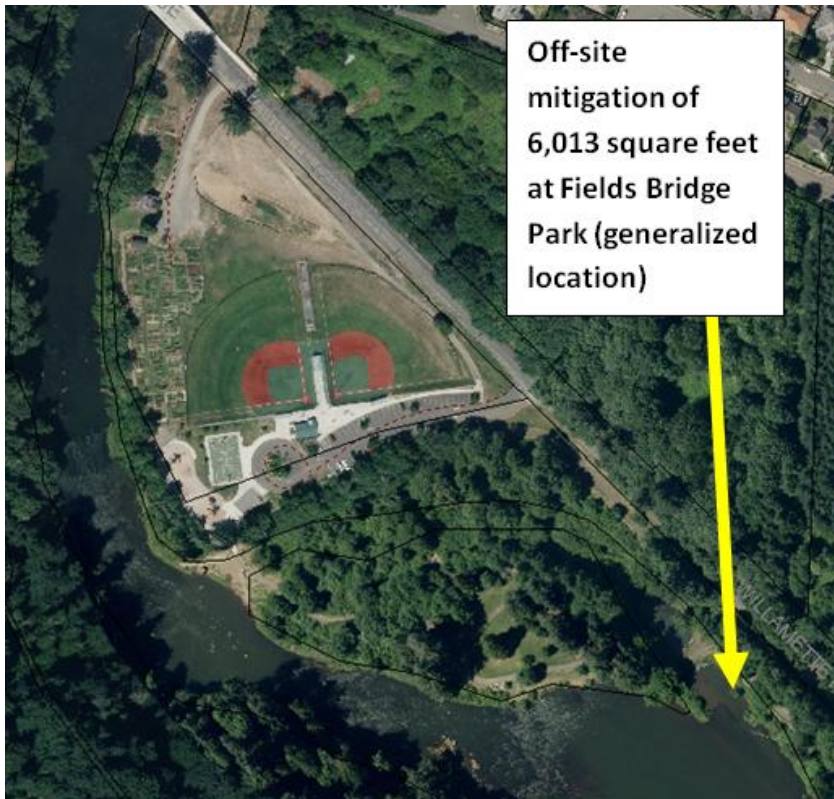
While mitigation will take place at Fields Bridge Park, on-site re-vegetation will include removing non-native plant material along Maddax Creek and replacing it with native plant material in a 4,000 square foot long corridor which exceeds the required re-vegetation.

CDC 32.070(B)(3) A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.

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

CDC 32.070(B) (4) A map showing where the specific mitigation activities will occur.

Figure 13: Off-Site Mitigation



CDC 32.070(B) (5) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.

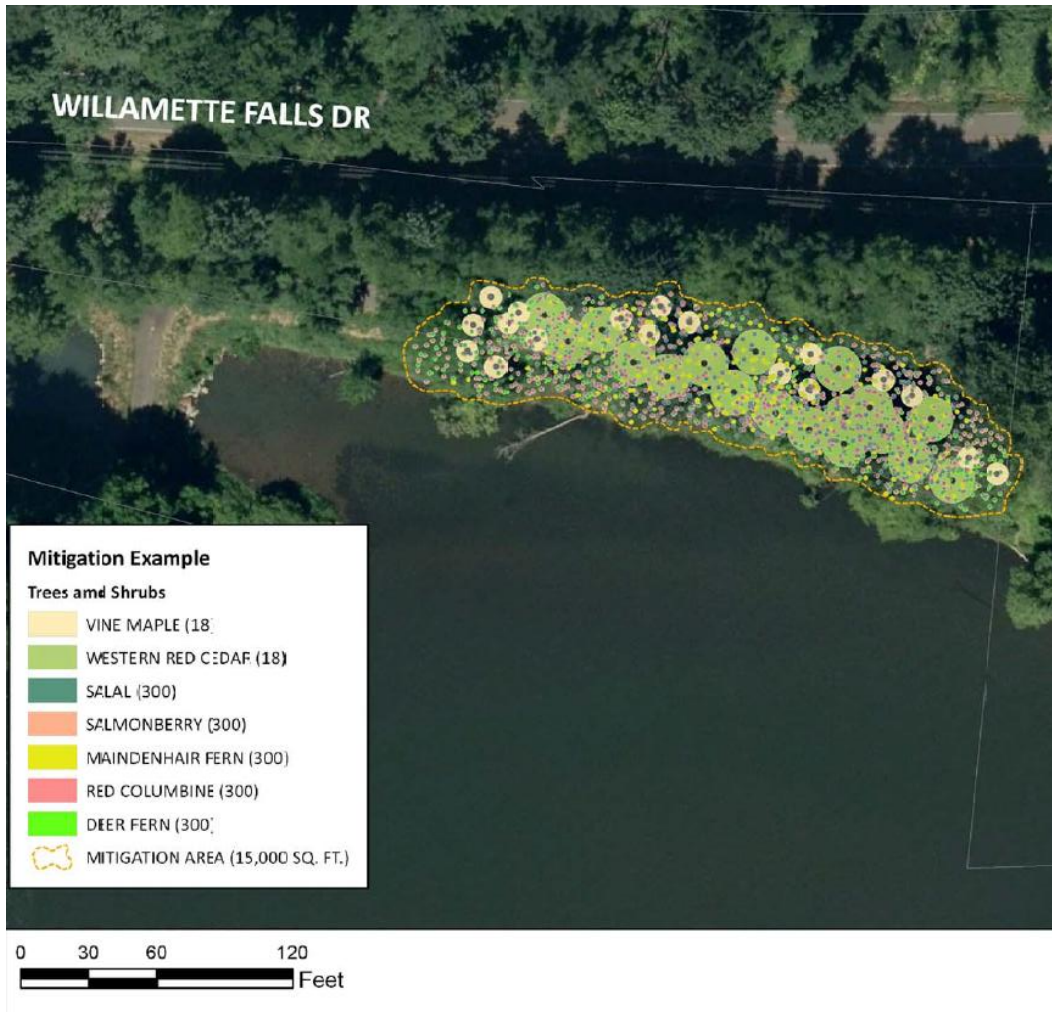
FINDING 26: The applicant anticipates that the application will be approved in March 2013. The pre-construction phase should take six weeks. The construction project

should also take six weeks including improvements to Hood Street for a completion date in June 2013. Mitigation will commence upon completion of the project and after the Department of State Lands (DSL) has approved the plan. It should be completed two months after completion of construction. Erosion control measures would remain in place from initial site preparation, to the completion of mitigation. No in-stream work will occur. Monitoring of the mitigation will be done by DSL where needed.

CDC 32.070(B) (6) Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.

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

Figure 14: Mitigation plan with specific location



(Correction: Mitigation area in legend should read "6,013 square feet")

CDC 32.070(B) (7) Evidence that a Joint Permit Application (to the U.S. Army Corps and/or DSL) if impacts to wetlands are greater than 0.10 acres has been submitted and accepted for review.

FINDING 28: No wetlands are involved in this application so this criterion does not apply. However, permitting at the mitigation site may be required.

CDC 32.070(C) Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:

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

FINDING 29: Mitigation is required for the 5,611 square feet of disturbance associated with the parking lot, retaining walls and footpath on tax lot 2401 and the 402 square feet of disturbance associated with the footpath on tax lot 2200. Mitigation will be on a 1:1 basis which translates to a total of 6,013 square feet. (The 1:1 ratio is explained in section 32.070(C) above.)

Mitigation will take place in Fields Bridge Park per 32.070(C) (2) above. The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of 4,000 square feet of property along the edge of Maddax Creek will be undertaken to remove non-native plants and replace them with native plant material.

CDC 32.070(C) The applicant shall prepare and implement a re-vegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

FINDING 30: The mitigation will take place in Fields Bridge Park (Figure 13). The City has successfully completed several mitigation projects in that park and anticipates that this proposed mitigation would be equally effective. In addition, re-vegetation of the edge of Maddax Creek will be undertaken to removal of non-native plants and replacement with native plant material (Figure 15).

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

A. Install fencing and erosion control measures along the edge or perimeter of the mitigation and re-vegetation areas per the Clackamas County Erosion Control Manual.

B. Remove non-native plant material. (Stabilize embankments and hillside with BMPs of Clackamas County Erosion Control Manual.)

C. Plant the following trees and shrubs (for every 1,000 square foot area) *:

Figure 15: On-site re-vegetation and off-site mitigation

<ul style="list-style-type: none"> • 2 Vine Maples 1” caliper (at least 10 feet apart)
<ul style="list-style-type: none"> • 1 Western Red Cedars 1” caliper (at least 20 feet apart)
<ul style="list-style-type: none"> • 20 Salal (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none"> • 20 Salmonberry (three feet on center (OC)) (one gallon size)
<ul style="list-style-type: none"> • 20 Maidenhair Fern (three feet on center (OC))
<ul style="list-style-type: none"> • 20 Red Columbine (three feet on center (OC))
<ul style="list-style-type: none"> • 20 Deer Fern (three feet on center (OC))

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

D. Plantings will be appropriate to cover the 6,013 square feet at Fields Bridge Park and a similar sized area adjacent to Maddax Creek on the parking lot tax lot for a distance of at least 10 feet from edge of stream. The table above provides the number of plants and trees appropriate for a 1,000 square foot area. For the Fields Bridge Park and Maddax Creek sites the planting amounts would be multiplied commensurate with the size of the project area.

E. Temporary irrigation from June 15th to October 15th for the three years following planting, excepting drought tolerant plants.

CDC 32.070(D) The mitigation plan for any wetland area to be disturbed shall be (1) prepared and implemented with the guidance of professionals with experience and credentials in wetland areas and values, and (2) be consistent with requirements set forth by regulatory agencies (U.S. Army Corps and/or DSL) in a joint permit application, if such an application is necessary for the disturbance. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

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

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

CDC 32.070(E) To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required.

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

32.080 REVEGETATION PLAN REQUIREMENTS

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

- A. *Native trees and shrubs will require temporary irrigation from June 15th to October 15th for the three years following planting.*
- B. *Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.*
- C. *Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*
- D. *Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.*
- E. *Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same species.*

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

FINDING 33: The Re-vegetation Plan outlined in Finding 30 exceeds the re-vegetation standards. The applicant is agreeable to a condition addressing CDC 332.080(F) above.

VARIANCES, CLASS II

All variances are subject to the approval criteria in CDC 75.060:

75.060 APPROVAL CRITERIA

The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria is not met.

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.

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.

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.

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

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

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.*

VARIANCE 1:

The applicant is applying for a Class II Variance, which would waive approval criteria relating to the requirement that five percent of the interior of the parking lot be landscaped pursuant to CDC 54.070(6). If approved, the variance will reduce the 3,583 square foot parking lot area by 120 square feet. That number is arrived at by the following method. Five percent of the 3,583 square foot parking lot is 179 square feet. Section 54.020(E)(3)(a) allows a further landscape reduction as follows: *“Non-residential parking areas paved with a permeable parking surface may reduce the required minimum (5%) interior landscaping by one-third for the area with the permeable parking surface only.”* Since the parking lot will use permeable pavers, the interior landscaping may be reduced by one-third to yield 120 square feet.

Figure 16: 54.070 SPECIFICATION SUMMARY

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

*

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.

FINDING 34: The topographic limitations of the WRA and Maddax Creek, specifically the steep ravine, represent the extraordinary circumstances that are unique to streamside properties. The lot to be developed for parking is almost completely inside the WRA, a fact that the applicant has no control over. Only a small 515 square foot triangle of land at the southeast corner of the lot, representing four percent of the lot, is outside of the WRA.

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.

FINDING 35: The Chapter 54 requirement that five percent of the parking lot be landscaped was established to distribute shade trees throughout larger parking lots with attendant micro-climate benefits (cooling), trap windblown particulate matter, and to create a more visually appealing hardscape. By eliminating the five percent landscaping (179 square feet minus the one-third reduction for permeable pavers = 120 square foot reduction) the applicant is able to make the parking lot smaller and thus reduce the impact on the WRA.

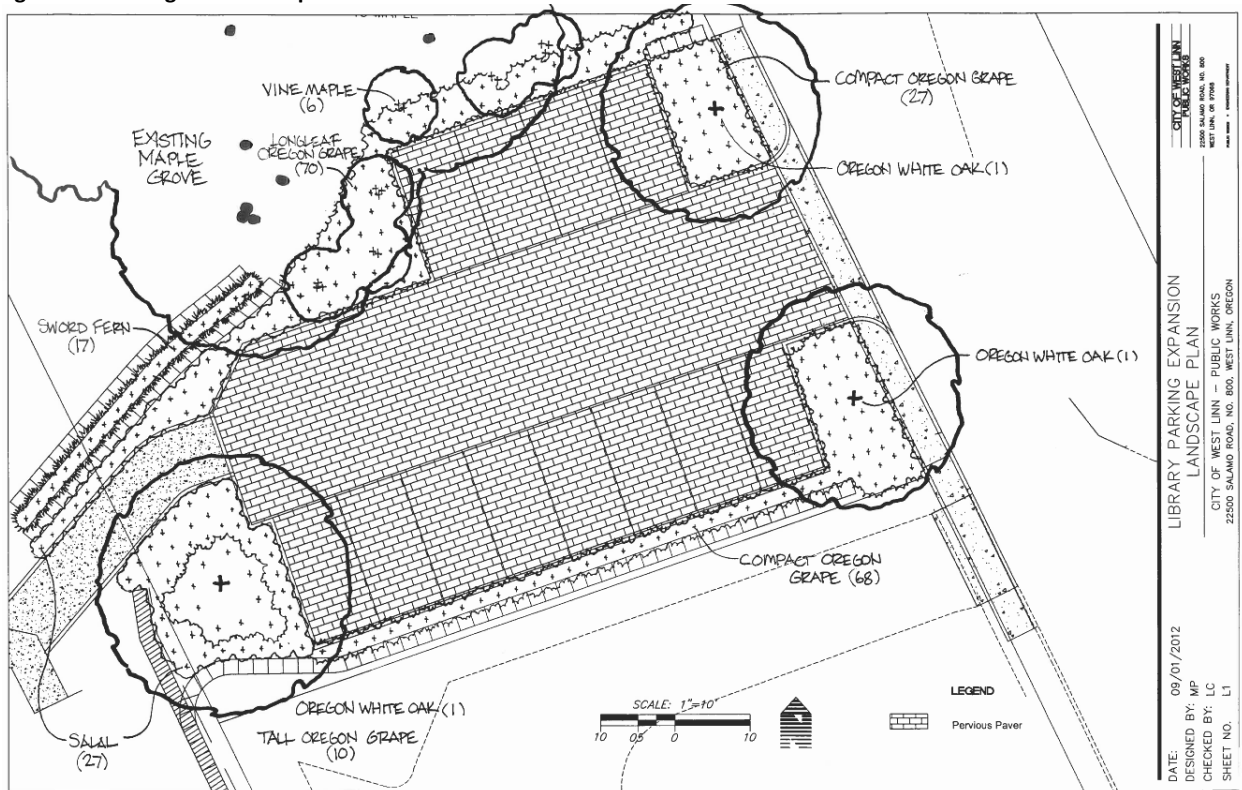
By approving the variance, the applicant will be able to develop the site to accommodate a modest level of development substantially the same as development on nearby properties in the WRA and minimize impacts on the WRA. The applicant finds that three properties in the WRA to the east are fully built out with single family homes. There is a home 70 feet to the north of Maddax Creek (5798 Hood Street), completely within the WRA, while the existing library to the west encroaches 13,750 square feet into the WRA. Thus, being able to develop at this location would be consistent with the type of development on nearby properties. Also, failure to approve the variance would result in loss of applicant's right to develop because the applicant believes a parking lot is the minimal economically viable use.

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.

FINDING 36: By waiving the internal landscaping, the net result will not be noticeable since the parking lot is surrounded by a row of existing 15 feet tall arbor vitae to the south. These trees will provide year round screening and shade for the south tier of parking during the summer. There is also a very effective canopy of existing trees to the west and north that overhang the parking lot from the WRA.

The additional native landscaping around the perimeter of the parking lot (see Figure 17), including the three Oregon White Oak trees, Salal, Sword ferns, Oregon grape and vine maples, will provide additional shade, screening from the east (Hood Street) and integrate with the native vegetation in the WRA.

Figure 17: Parking Lot Landscape Plan



By eliminating interior landscaping, the parking lot can be pulled away from the WRA and the project becomes less impactful on the WRA, its topography, habitat areas and vegetation. This agrees with several comprehensive plan policies:

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

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

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

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

FINDING 37: The applicant finds that the elimination of 120 square feet of parking lot landscaping is the minimum variance appropriate to accommodate a functional parking lot and at the same time respect the WRA.

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

FINDING 38: Maddax Creek and the WRA represent the extraordinary circumstances at this site. There have been no violations of the CDC that led to these circumstances.

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.

FINDING 39: Approval of the variance to eliminate 120 square feet of interior parking lot landscaping will not impose physical limitations nor represent any future limitation on the use of nearby properties. The perimeter landscaping on either side of the entry driveway will be per the landscaping standards of CDC Chapter 54 and provide at least partial screening of this site from the home across the street. The forested canopy and understory of the WRA to the north will mitigate noise and glare produced by the parking lot activity while the mature row of arbor vitae will continue to provide a very effective screen. The WRA canopy will overhang and shade the north portions of the parking lot while the arbor vitae will shade the southern half of the parking lot.

VARIANCE 2:

The hardship provisions of section 32.090(B) allow up to 5,000 square feet of the library property in the WRA (tax lot 2200) to be disturbed. Already, the library has exceeded the maximum hardship allowance of 5,000 square feet since it encroaches 13,750 square feet into the WRA. The only way to add the 25 foot long connective path and retaining walls, which will disturb an additional 402 square feet, is by Class II Variance per section 32.090(D) which states: "Any further reduction of the standards of this (WRA) chapter (including the hardship provisions) shall require approval of a variance pursuant to Chapter 75 CDC."

This variance will allow the additional 402 square foot encroachment into the WRA on the library property (tax lot 2200).

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.

FINDING 40: The steep topography of Maddax Creek represents the extraordinary circumstances that are unique to this site. The library was legally built prior to contemporary WRA standards to the extent that it is setback only 20 feet from the top

of the ravine. To add any improvements at the rear of the library, no matter how modest they may be, triggers a variance from the 5,000 square foot limit.

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.

FINDING 41: The applicant considers a footpath providing pedestrian and ADA access between the library and the parking lot to be a reasonable expectation and important property right particularly for the benefit of disabled patrons. Specifically, ADA access to the lower floor of the library is limited in that users must rely on an elevator from the main floor. At the present time, if the elevator is inoperable, there is no ADA access to the lower floor of the library. Whereas grades make construction of direct ADA access from the main parking lot west of the library to the lower floor at a maximum five percent grade difficult if not impossible; a pathway from the lower level to the proposed east parking lot would meet allowable ADA grades and require less distance travelled.

A final point: the hardship provisions of section 32.090 are intended provide for a minimal economic use of the property such as a parking lot. If the variance is denied the parking lot would have no functional access or value relative to the library and its economic use would be reduced to zero.

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.

FINDING 42: The purpose of the WRA chapter is to protect a natural resource. Some of the area that will be encroached upon for the footpath is already disturbed so approving the variance will not be detrimental to the resource. The use of water permeable pavers means that rain water will slowly filter through soils with no adverse modification upon area drainage or runoff.

By allowing development in an already disturbed area and using best management practices, the project becomes less impactful on the WRA which agrees with the following plan policy:

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

Construction of the pathway serves the following Comprehensive Plan policies:

Goal 12: Transportation Pedestrian Policy 1(b) “Promote a comprehensive cohesive network of pedestrian paths, lanes and routes that accomplishes the following objectives: provides connections to schools, recreation facilities, community centers, and transit facilities.”

“(c) Use off-street pedestrian “short-cut” pathways to provide routes where physical constraints or existing development preclude the construction of streets with sidewalks.”

“(d) Provide safe, secure and desirable walkway routes....”

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

FINDING 43: The applicant finds that the 402 square foot disturbance to accommodate a water permeable eight foot wide footpath and part of two small retaining walls is the minimum needed for those uses. At present, disabled individuals can only access the library’s lower floor by elevator. If the elevator is not working, or there is a power failure, there is no way for disabled individuals to access, or more importantly, evacuate the lower floor. This path will provide ADA accessibility from the lower floor to the proposed parking lot. The eight foot width is considered a reasonable and safe width for ADA accessibility as well as parents pushing strollers. The applicant would also point out that much of the disturbance is occurring in previously graded and disturbed areas.

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

FINDING 44: The limitations that the Maddax Creek WRA impose on this lot and its development represent the extraordinary circumstances. There have been no violations of the CDC that led to these circumstances. The original placement of the library building was legally done at a time when the setback requirements from WRAs were significantly less.

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.

FINDING 45: The variance, which will allow development of an eight foot wide footpath and two small retaining walls, will not impose physical limitations nor represent any future limitation on the use of nearby properties. The footpath area is 140 feet from the nearest house across the forested ravine and virtually invisible given the dense canopy of trees and understory.

VARIANCE 3:

Section 32.090(B) allows up to 5,000 square feet of the parking lot property in the WRA (tax lot 2401) to be disturbed. The proposed parking lot and associated retaining walls will encroach 5,611 square feet into the WRA which will exceed the 5,000 square foot limit by 611 square feet. A Class II Variance is required, per section 32.090(D), to allow the 611 square foot encroachment.

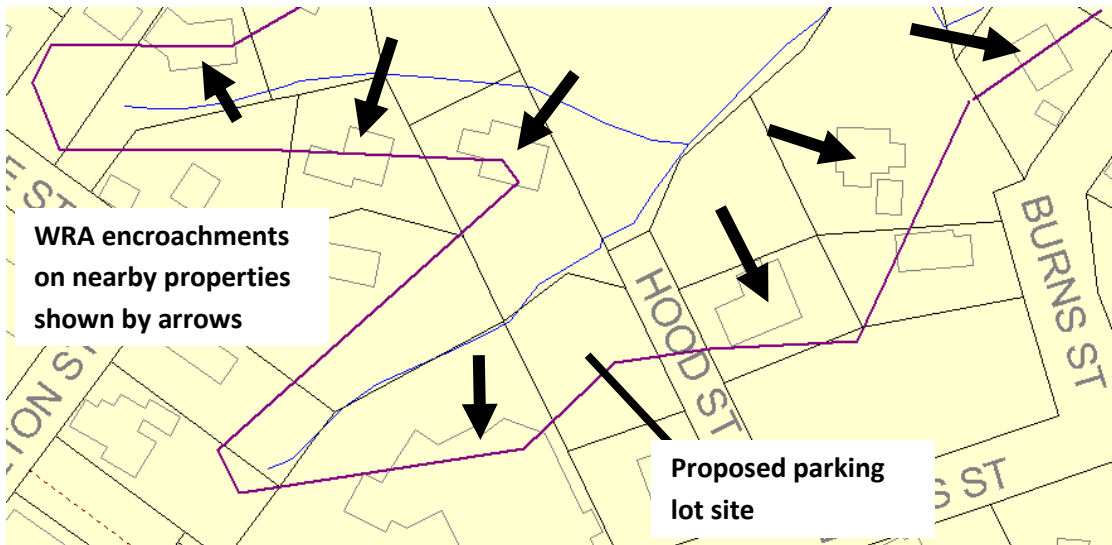
CDC 75.060(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this code, topography, or other circumstances over which the applicant has no control.

FINDING 46: The topographic limitations that the steeply embanked Maddax Creek WRA impose on the parking lot property represent the extraordinary circumstances at this site. This property was significantly graded and modified about ten years ago but the disturbed area is still too small to accommodate any reasonable use (such as a parking lot) without encroaching further into the WRA. Any improvements on this lot are bound to trigger a variance from the 5,000 square foot limit.

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.

FINDING 47: By approving the variance, the library will be able to build much needed parking. The modest level of development is substantially the same, or less than, development on nearby properties in the WRA. The parking lot is the minimal economically viable use; therefore, if the variance is not allowed and the use cannot be accommodated there will be no opportunity to use or develop this land. There are other nearby properties that encroach into the WRA even more, and some of those properties have been developed much more extensively than the applicant is requesting. The applicant finds that three properties to the east of Hood Street are inside the WRA transition and setbacks and within the riparian corridor (Figure 18). Each of those properties is fully built out with single family homes plus accessory structures and uses. The house at 5798 Hood Street is 70 feet to the north of Maddax Creek and completely inside the WRA transition and setbacks and within the riparian corridor while the existing library to the west encroaches 13,750 square feet into the WRA.

Figure 18: Properties already in WRA



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.

FINDING 48: The purpose of the WRA chapter is to protect the natural resource. Most of the area that will be encroached upon for the parking lot is already graded and disturbed to the extent that approving the variance will not have a significant impact on the resource. The use of water permeable pavers in the parking lot also means that rain water will slowly filter through soils and there will be no adverse modification of area drainage or runoff.

By allowing encroachment in an already disturbed area, minimizing the parking lot dimension by a variance and by using best management practices, the project will be compatible with the WRA. This agrees with the following plan goal and recommended action measure:

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

Goal Five Natural Environment (Recommended Action Measure 10) requires: *“Develop and incorporate a set of guidelines and habitat friendly development practices into the City’s Community Development Code and encourage their use for all development located within the wildlife habitat areas inventory or any other lands with significant environmental constraints.”*

Finally it should be noted that that this property was graded and significantly modified about 10-15 years ago to the extent that it contributes very little to the function and value of the WRA. That previously disturbed area of this property comprises 5,059 square feet. In that context, the applicant finds that an additional disturbance of 611 square feet would not be materially detrimental to the WRA.

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

FINDING 49: The applicant finds that the 611 square foot disturbance (beyond the 5,000 square foot allowance) to accommodate a parking lot and associated retaining walls is the minimum needed for those uses. The applicant stated previously that a parking lot constitutes a minimal economic use of the site compared to other, more intense uses. Also, the applicant finds that the development of 12 spaces represents the least number of spaces that can justify the cost of the lot, construction and associated re-vegetation/mitigation. An option to build 16 foot deep compact parking spaces instead of 18 foot deep full sized ones was discussed earlier in the process but was subsequently rejected. The reasons included (1) the modification would only save 280 square feet (2) the experience of Library staff with the existing parking lot is that an all compact parking lot functions very poorly with inadequate space for larger vehicles to maneuver and turn around, and (3) the fact that the library is non-conforming by virtue of failure to meet the 50/50 split of compact and full sized spaces (all spaces are now compact) meant that full sized parking spaces were required to avoid worsening the non-conformity. The applicant has applied for the variance to reduce parking lot landscaping as a way to minimize the encroachment.

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

FINDING 50: The limitations that the Maddax Creek WRA impose on this lot and its development represents the extraordinary circumstances that are unique to streamside lots. There have been no violations of the CDC that led to these circumstances.

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.

FINDING 51: The variance will not impose physical limitations nor is it expected to limit future use of nearby properties. Admittedly, traffic will increase on Hood Street over current levels but not to the extent that it will exceed the street's ability to function as a local street. The applicant notes that traffic will only be generated during library hours. Turnover of spaces is expected to be low with peak periods occurring at opening and closing of the library as employees arrive and depart. The

treed and vegetated berm in front of 5725 Hood Street should mitigate both glare and noise associated with the use of the parking lot (Figure 19). Screening to the north will be accomplished by the heavily forested WRA tree canopy and understory while the arbor vitae trees to the south will continue to be effective.

VARIANCE 4:

Section 48.025(B) (6) requires that the access standards of the Transportation System Plan (TSP) be applied. The TSP requires 50 feet between driveways and the proposed driveway will be 40 feet from an existing driveway on the law office property to the south.



Figure 19: Law office driveway shown with the proposed library parking lot site to the right of the arbor vitae hedge.

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.

FINDING 52: The proposed parking lot property (Tax lot 2401) is a legal lot of record. It has 110 feet of frontage on Hood Street for access but the northern half of the frontage is in the Maddax Creek WRA and comprises steep slopes. That leaves only 52 feet of the southern portion of the frontage with grades flat enough to accommodate an access driveway. The CDC has established dimensional standards for access driveways. The only possible location to access a double row parking lot is 35 feet from the south property line. The existing driveway on the property next door (to the south) is five feet from the common property line or 40 feet from the proposed

driveway (see photograph above). The TSP requires 50 feet of separation between driveways.

The steep slope on the northern portion of the Hood Street ROW and the presence of the WRA represent the extraordinary circumstances that are unique to this site over which the applicant has no control.

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.

FINDING 53: Access to property is a basic property right. All other lots in this area enjoy access.

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.

FINDING 54: The purpose of the TSP's 50 foot separation of driveways is to address public safety concerns and to minimize vehicular conflicts. When driveways are too close to each other, the chance for conflicts between vehicles entering and exiting those driveways increases. Having too many driveways along the street frontage heightens the level of unpredictability and creates hazards for motorists, bicyclists and pedestrians. Conversely, fewer access points and placing access points further apart creates an environment of greater predictability and safety. Those concerns increase as the classification of the street increases from local to arterial status. However in this case, Hood Street is a local street, the speed limit is 25 mph and it is a dead end which means that the safety concerns of the TSP that established the 50 foot separation are not as valid. The applicant explored the feasibility of having a single joint driveway with the law office to the south but grade differences made that impossible (the library lot elevation is three to four feet below the law office property.) The applicant sees nothing detrimental to the TSP or any other City code or provision by allowing the reduced separation.

By allowing the driveway at the proposed location and not pushing it further into the WRA, the Comprehensive Plan's Transportation element (Goal 12) is served:

Goal 1(f) "Provide a transportation system for the City of West Linn that respects and preserves the natural environment on both a neighborhood and City-wide basis."

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

Access to this lot also agrees with the CDC Access chapter’s purpose and applicability sections:

48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties.

CDC 48.020(B) All lots shall have access from a public street or from a platted private street approved under the land division chapter.

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

FINDING 55: The applicant finds that positioning the driveway 40 feet, instead of 50 feet from the existing driveway on the law office property is necessary to accommodate a standard parking lot design per CDC Chapter 46, Parking, and also be respectful of the site constraints imposed by the WRA. If the applicant had proposed only a 45 foot separation, the additional fill needed to extend the parking lot into the WRA would have had significantly greater impacts on the WRA with no appreciable increase in vehicular safety on Hood Street.

The applicant has already made the case that a parking lot constitutes a minimal economic use of the site compared to other, more intense uses. Also, the applicant finds that the development of 12 spaces represents the least number of spaces that can justify the cost of the lot, construction and associated re-vegetation/mitigation. An option to build 16 foot deep compact parking spaces instead of 18 foot deep full sized ones was discussed earlier in the process but was subsequently rejected. The reasons included (1) the modification would only save 280 square feet (2) the experience of Library staff with the existing parking lot is that an all compact parking lot functions very poorly with inadequate space for larger vehicles to maneuver and turn around, and (3) the fact that the library is non-conforming by virtue of failure to meet the 50/50 split of compact and full sized spaces (all spaces are now compact) meant that full sized parking spaces were required to avoid worsening the non-conformity.

The applicant has also shown a commitment to minimize the disturbance in other ways by applying for a variance to eliminate the interior landscaping.

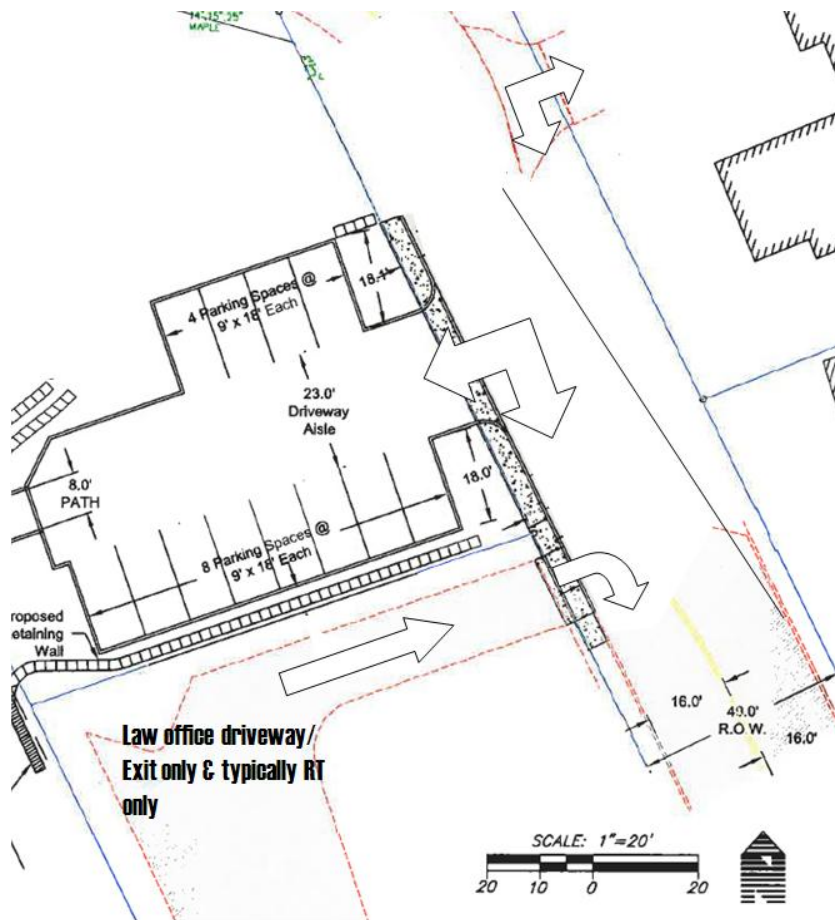
CDC 75.060(E). The exceptional and extraordinary circumstance does not arise from the violation of this code.

FINDING 56: The limitations that the Maddax Creek WRA impose on this lot and its development represent the unique extraordinary circumstances. There have been no violations of the CDC that led to these circumstances.

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.

FINDING 57: The variance to place the driveway ten feet further south will not impose physical limitations nor represent any future limitation on the use of nearby properties.

Figure 20: Turn movements at driveways



Admittedly, traffic will increase on Hood Street over current levels but not to the extent that it will exceed the street's ability to function as a local street. The driveway from the parking lot will maintain a clear vision triangle per CDC Chapter 42. The law office and the library parking lot will be the main trip generators on Hood Street; but virtually every vehicle leaving the law offices exits by turning right (southbound) so it is expected that there will be few conflicts between vehicles exiting or entering the parking lot, the law offices or the residences on Hood Street (Figure 20).

The location of the driveway will also not limit the use or enjoyment of the home across Hood Street since there is a heavily treed/landscaped berm in front of the house which will screen any headlight glare from the driveway (see figure 28).

DESIGN REVIEW

Pursuant to CDC 55.085(B): “[t]he Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C).” CDC 99.035(B) states that a specific approval standard can be waived if the Planning Director determines that “specific information is not necessary to properly evaluate the application,” or if the “specific approval criteria is not applicable to the application.”

FINDING 58: Consistent with the standards of section 55.085, the applicant requests the following waivers from 55.100(A) because either: 1) the information is not necessary to evaluate the application, or 2) the approval criteria is not applicable:

- 1. Waiver is requested for 55.100(A) (2) (Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses) since no accessory structures are proposed. Therefore, the criteria are not applicable.**
- 2. Waiver is requested for 55.100(A)(3) (Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.) relating to additional yard area for structures since the parking lot is not a structure and the existing library already meets the required setbacks. (See “Zoning” discussion.) Therefore the criteria are not applicable.**
- 3. Waiver is requested for 55.100(A) (4) (Chapter 40 CDC, Building Height Limitations, Exceptions) since no new buildings are proposed with this application.**
- 4. Waiver is requested for 55.100(A) (6) (Chapter 44 CDC, Fences) since there are no fences proposed in this application.**
- 5. Waiver is requested for 55.100(A) (9) (Chapter 52 CDC, Signs) since no signs are part of this application.**

6. Waiver is requested for Sections 55.100(B)(5-6)(7b.c,f-j),(E-I),(L-O) relating to Architecture, Multi-family, Commercial and Office projects since no buildings are proposed and sections L-O which relate to Signs, Utilities, Wireless Communication Facilities (WCFs) and Refuse facilities do not apply since no signs, utilities, refuse facilities or WCFs are proposed.

7. Waiver is requested for Section 55.120(L) relating to mailbox locations, since none are proposed with this application and it is therefore not applicable.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

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

1. Chapter 33 CDC, Stormwater Quality and Detention.

FINDING 58 Chapter 33, Storm Water, requires compliance with City of West Linn Public Works Design Standards so as to demonstrate, among other things, that the project will properly control erosion during and after construction and not adversely modify the drainageway or the stability of the slope. The proposal will use water permeable pavers to allow the water to infiltrate the site and either recharge the local aquifer or slowly work into the creek. No on-site detention/treatment is required. Storm water on Hood Street will use an existing storm water catch basin.

2. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

FINDING 59: No accessory structures are proposed so this criterion does not apply.

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

FINDING 60: Setbacks and yard area requirements apply to structures. Since none are proposed, this criteria does not apply.

4. Chapter 40 CDC, Building Height Limitations, Exceptions.

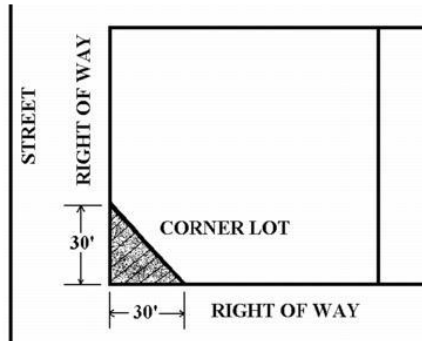
FINDING 61: No buildings are proposed so this criterion does not apply.

5. Chapter 42 CDC, Clear Vision Areas.

FINDING 62: Chapter 42, Clear Vision Area, provisions apply at the entry driveway from Hood Street. The height of the landscaped berm and associated plant materials

will not exceed three feet above the driveway grade nor will there be any other impediments to meeting the clear vision standards, as shown in Figure 21, which is for driveways measuring 24 feet or more in width.

Figure 21: Clear Vision Area



6. Chapter 44 CDC, Fences.

FINDING 63: No fences are proposed so this criterion does not apply.

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

Chapter 46: OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

The parking requirement is based upon the sum requirements of the separate uses per section 46.080(A), which reads:

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

A. Where several uses occupy a single structure or parcel of land or a combination of uses are included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the “retail-bulky” calculation for the sales area and the “service and repair” calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the “general retail store” calculation for the grocery store, the “restaurant” calculation for the restaurant, and the “medical/dental clinics” calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.

FINDING 64: Because the library has “several uses [that] occupy a single structure” by providing both reading areas and a community room, determining the number of parking spaces will require summing the minimum off-street parking space requirements for public buildings and community meeting rooms.

CDC 46.090(B) (3) Library One space per 400 square feet of reading area, plus 1 space per 2 employees.

CDC 46.090(B) (4) Religious institutions and community meeting rooms: One space for every 28 square feet where no permanent seats or benches are maintained.

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

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

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

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

Figure 22: Parking requirements

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

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

FINDING 65: The access driveway off Hood Street is 24 feet wide which meets the minimum dimensional standard for two way driveways. The interior maneuvering aisle is 23 feet wide which meets the minimum aisle dimension. In other words, the parking lot is configured consistent with the CDC. On the subject of a traffic impact analysis (48.025(B) (1)), the City Engineer has determined that a traffic impact analysis is not warranted based on the following facts:

(1) The library parking lot is expected to attract longer term visits (e.g. library employees) while the west parking lot is expected to attract shorter term visits. This will translate into lower trip generation on Hood Street.

(2) Hood Street is a dead-end with only six properties accessing it.

(3) The other properties are occupied by low trip generators (e.g. three single family homes and one small 1,600 square foot law office building)

(4) There is a four way traffic stop at the Hood Street and Burns Street intersection which effectively modulates the speed and flow of traffic.

Regarding consolidation of driveways (48.025(B)(2)(8)), the applicant contacted the owners of the law offices south of the proposed parking lot with an eye to constructing a shared two way driveway on Hood Street. Although the owners were receptive, further study revealed that it would mean the complete removal of the arbor vitae along the common property line. It would also require considerable grading of the library parking lot. The resultant design would also produce at least two fewer parking spaces for the library and eliminate one to two spaces on the law office property. For those reasons, the consolidation option was rejected. (The applicant notes that this section allows separate and direct access to Hood Street as proposed and that a shared driveway is just listed as an option.)

9. Chapter 52 CDC, Signs.

FINDING 66: No signs are proposed so this criterion does not apply.

10. Chapter 54 CDC, Landscaping.

FINDING 67: The proposed landscaping will attractively screen the site and provide effective seasonal shade. Perimeter landscaping to the south and east is being provided per code 54.020(E) (3) (b) (d) in terms of width of the landscaping and also the appropriate distribution of trees and plants. The landscape plan's exclusive use of native vegetation will meet the requirements of this chapter and also integrate effectively with an existing arbor vitae hedge along the south property line and the WRA's forest canopy which will extend over the northern edge of the parking lot.

The requirement that five percent of the interior of the parking lot shall comprise landscaping (54.070(6)) will not be met so that the parking lot's footprint is reduced which in turn means that the parking lot will be less intrusive upon the WRA. The applicant has applied for a class II variance to waive the interior parking lot landscaping requirement.

54.020(E) (2) requires that 20% of the total site shall comprise landscaping. Over 50% of the site, mostly below the top of bank towards Maddax Creek is left in a natural state, so the criterion is met.

CDC 55.100(B) (1) *The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.*

FINDING 68: No buildings are proposed, so this criterion does not apply.

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.*

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.*

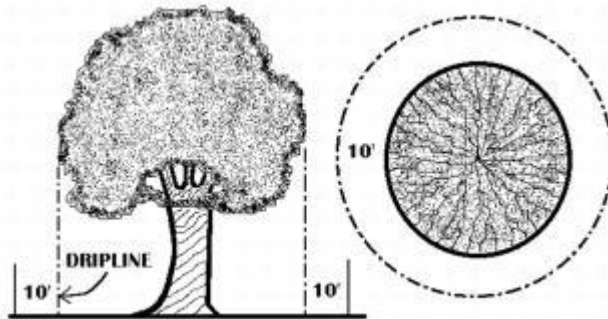


Figure 23: PROTECTED AREA = DRIPLINE + 10 FEET

FINDING 68: Virtually the entire site comprises Type I and II lands so 55.100(B)(2)(b) is not applicable since it applies to the development of non-Type I and II lands. (There are no trees in the non-Type I and II lands.) The City Arborist has visited the site and determined that there are no significant trees in the footprint of the proposed parking

lot, footpath, retaining walls and adjacent areas that will be disturbed during construction. There are no heritage trees on this property.

The only trees impacted by this project will be a small tree cluster at the northwest corner of the parking lot which may be removed to accommodate ADA grades for the footpath connecting with the library. These trees were not considered significant by the City Arborist.

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

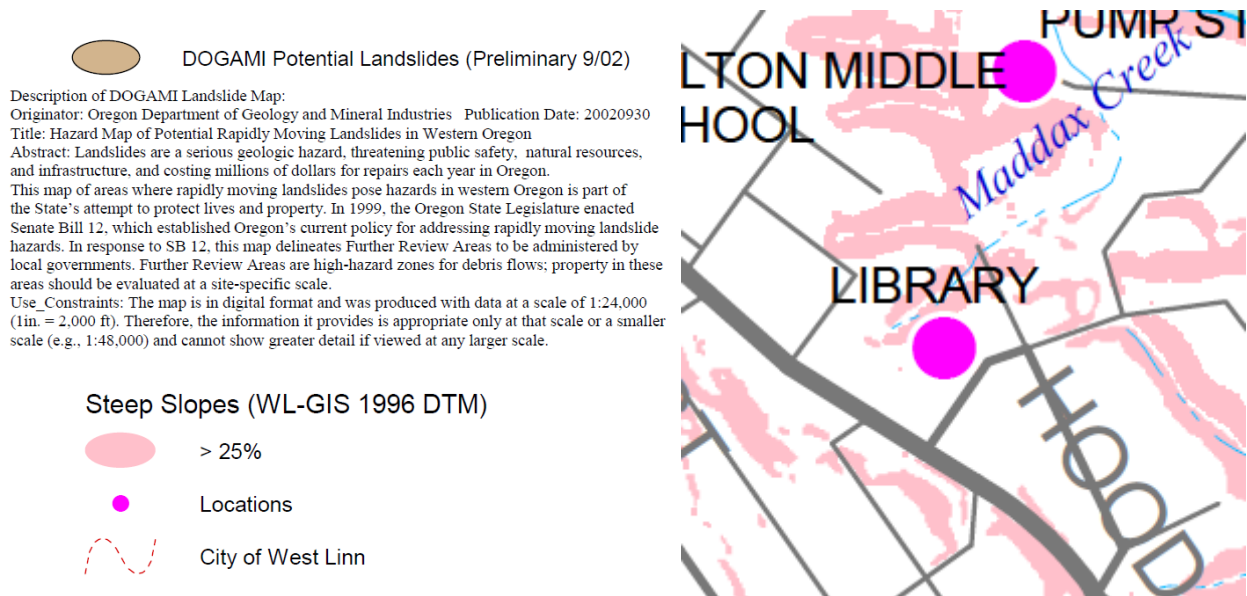
FINDING 68: The area above the top of bank comprises a previously graded and disturbed area. This is where the parking lot will go. A small portion of the parking lot and associated retaining walls will extend up to 20 feet beyond the top of bank down towards Maddax Creek. The disturbance of this portion of WRA will be limited to 1,469 square feet. The creek and the majority of the site will not be modified.

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 determination.

FINDING 69: On the subject of site hazards, the applicant sees none at this site. Referencing the Oregon Department of Geology and Mining Industries (DOGAMI) map (Figure 25) which shows landslide potential and steep slopes the applicant finds that no landslide potential exists at this site (no brown areas are mapped near the library). The DOGAMI map also identifies slopes over 25% (shown in pink) which have implications only as far as erosion and identifying the rear portion of the site as a ravine.

Erosion control measures will be in place to avoid excavated or disturbed soils from sluffing down the hillside towards Maddax Creek, 70-80 feet from the construction activity.

Figure 25: DOGAMI map



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

FINDING 69: The proposed parking lot is located to the side of the library so it meets the criterion. Section 55.100(B) (7) (d-e) requires that parking lots accommodate pedestrians with pathways linking the parking lot to their destination. The proposed design accomplishes that with an eight foot wide pathway to the rear of the library. It will be ADA compatible and constructed of a water permeable pavers. Pedestrians would also be able to access the library via the Hood Street sidewalk to Burns Street. A sidewalk along the south edge of the entry driveway connecting the parking lot with Hood Street is an appropriate refuge for pedestrians so they can stay out of the driveway and avoid vehicles.

CDC 55.100(C) and (D) "Compatibility between Adjoining Uses, Buffering and Screening" and "Privacy and Noise," respectively require that the parking lot impacts be successfully mitigated when the site is near residential development. Typical parking lot impacts include engine noise, door slamming, human voices and headlight glare during winter months and evenings.

FINDING 70: The home on the east side of Hood Street (5725 Hood Street) is 75 feet from the parking lot driveway and is the one most likely impacted by parking lot activity (conversations, headlight glare and noise of car engines and car doors closing).



Figure 26: Surrounding area photo

To address this, the applicant would defer to the noise study for this property conducted in July 2007 by Elki Lahav PE., Principal Acoustic Engineer. At that time, an office building with 12 parking spaces was being applied for. The 2007 footprint was comparable to the proposed library parking lot. The access driveway was in the same location. With a similar number of parking spaces and lack of change in the immediate area, it is reasonable to conclude that the 2007 study’s findings would still be applicable. Mr. Lahav determined that the proposed development would not exceed the City’s noise standards. Table IV of the 2007 report determined that the sound of a parking or idling car, as measured at 70 feet from the car, which is the distance to the nearest house at 5725 Hood Street, will be 43-48 dBA which would be well below the 55 dBA allowed per DEQ between 7am-10pm.

Figure 27: DEQ noise standards

<u>7am – 10 pm</u>	<u>10 pm – 7am</u>
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75dBA	L ₁ – 60 dBA

These are the Oregon DEQ noise standards (OAR Div. 35)

To further mitigate noise and glare, the parking lot will have a landscaped 10-foot wide berm along Hood Street. This should reduce many of the impacts. Concerns for

residents of 5725 Hood Street are also addressed by the fact that there is an existing three to four foot high berm on that property which runs along the edge of the paved portion of Hood Street (see photo below looking east from the proposed parking lot driveway). The berm hosts a dense screen of coniferous and deciduous trees to the extent that, particularly in summer months, the house is not visible. Please note the row of arbor vitae on the left side of the photos below (Figure 28) which extends across most of the home's front elevation.

Figure 28: Photos from parking lot driveway towards 5725 Hood Street, hidden behind treed berm.



The buffering to the south, towards the professional law offices, would be mitigated by the existing arbor vitae screen shown in Figure 29 below.



Figure 29: Row of Arbor Vitae along the south property line of the proposed parking lot

The buffering to the north is provided by the WRA itself. There are 110 and 140 feet of dense forest canopy and understory between the parking lot and homes at 5798 Hood Street and 1580 Bolton Street respectively (Figure 30).



Figure 30: Vegetative screen in the WRA to the north of the proposed parking lot

A secondary consideration is that this parking lot, because of its location, would be less attractive to most library visitors when compared with the existing parking lot which is the first lot that library visitors see as they turn off Willamette Drive. The proposed lot is also further from the main library entrance. Consequently, this parking lot would probably be more popular among staff, who would presumably be at the library for up to eight hours between opening and closing hours. The latest closing time is Monday to Wednesday at 8pm.

Lower turnover should translate into fewer trips and reduced noise and glare.

CDC 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 determination 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.

FINDING 71: The applicant is requesting, per this section, that the City Engineer allow for minimal improvements with a half street limited to the frontage of the parking lot so as to reduce impacts in the WRA. The applicant proposes a 20 foot wide paved street width adjacent to the parking lot. The frontage adjacent to the parking lot would also include a curb and four foot wide sidewalk. Apart from pedestrian facilities in the Hood Street ROW, the applicant will provide a pedestrian link/refuge adjacent to, and south of, the access driveway (Figure 31).

North of the parking lot towards the WRA, there would be no curb or sidewalk and the 20 foot street width would taper to the width of the existing 12 foot wide driveway width that serves 5798 Hood Street at the bottom of the hill. By using reduced widths and eliminating curb and sidewalk north of the parking lot, the applicant can properly address the various comprehensive plan policies which seek to minimize development within the WRA.

South of the parking lot frontage, the proposed street, curb and sidewalk improvements will tie into the existing curb and sidewalk adjacent to the law offices.



Figure 31: Hood Street proposed improvements

On site storm drainage will be handled by the use of water permeable pavers which will allow infiltration into the ground below. No detention or treatment is required. Storm water in the Hood Street ROW will be collected by an existing storm water catch basin at the base of the hill. Additional storm water runoff associated with new impermeable surfaces in Hood Street will be compensated for by the design and

construction of a water treatment swale/rain garden on the east side of the Hood Street ROW outside of the WRA. Both the reduced street width and the method of addressing storm water are consistent with “Metro’s Habitat Friendly Development Practices.”

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

FINDING 72: Whereas a previous criterion sought to screen the site; this criterion encourages the opposite through the elimination of barriers and improving visual access. Fortunately, the applicant can rely on excellent lines of sight from the two floors of windows in the library’s reading areas which will look out onto the parking lot (see Figure 32).



Figure 32: Surveillance from library’s northeast corner windows towards parking lot

From the south, surveillance is poor given the screen of arbor vitae. Notwithstanding the fact that the arbor vitae are on the law office property, they cannot, per the City Arborist, be trimmed without increasing the chances of their mortality. Surveillance from the east is marginal since the berms and landscaping on both sides of the street will obscure the parking lot from residents of 5725 Hood Street. Meanwhile, the

parking lot will be almost invisible to homeowners north of the site given the WRA's vegetation.

Parking lot lighting will comprise two pole mounted lights directed towards the parking lot and a low walkway light (Figure 33). These lights will be LED and directed away from the WRA so as not to disturb habitat areas.

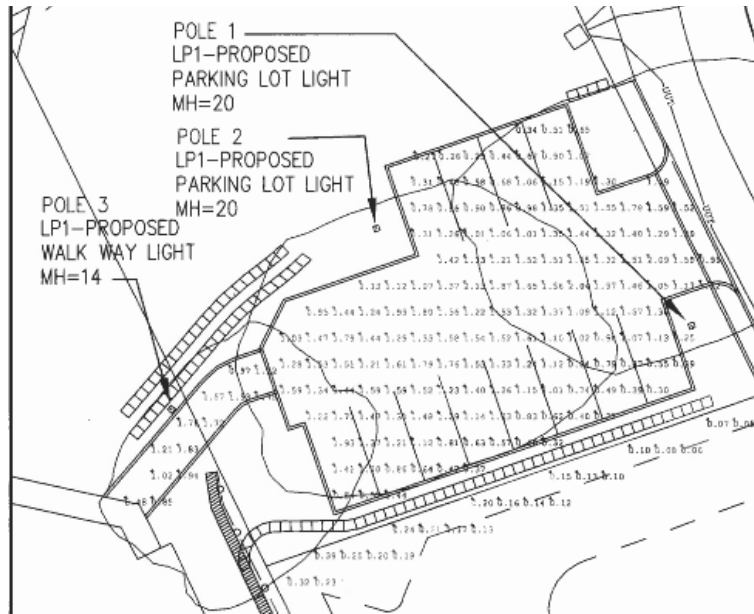


Figure 33: Photometric drawing with proposed light locations shown

CDC 55.100(K) " Provisions for Persons with Disabilities" requires ADA accessible facilities.

FINDING 73: An ADA and pedestrian path from the parking lot to the library will be provided consistent with this section. The applicant considers a footpath providing ADA access between the library and the parking lot to be an important acknowledgement of the needs of disabled patrons. Currently, ADA access to the lower floor of the library is limited in that users must rely on an elevator from the main floor. If the elevator is inoperable, there is no ADA access to the lower floor of the library. Whereas grades make construction of direct ADA access from the main parking lot west of the library to the lower floor at a maximum five percent grade difficult if not impossible; a pathway from the lower level to the proposed east parking lot would meet allowable ADA grades and require less distance travelled.

Alteration/Expansion of a Non-Conforming Structure Permit

CDC 66.080(B) (2) states:

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

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

FINDING 74: The intent of this chapter, and specifically (a) above, is to make sure that changes to non-conforming structures do not worsen the non-conformity. Ideally, structures will be altered to bring them into full conformance with the code or, at least, closer towards that goal.

The library is a “non-conforming structure” on three counts:

- 1.** Per section 46.090(B) (3), the library should have 53 spaces and it only has 35 spaces. The 12 new spaces will not be enough to meet code but will move the library into greater conformance.
- 2.** The CDC requires a 50/50 split of compact and full sized spaces. Section 46.150(A) (1) states that *“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).* The existing 35 library parking stalls only qualify as compact spaces. The 12 new full sized parking spaces will not be enough to meet the 50/50 split standard but will move the library to greater conformance.
- 3.** CDC 32.090(B) requires that development on lots partially in the WRA shall not disturb more than 5,000 square feet of the WRA, including access roads and driveways. The existing library, the west parking lot and the rear patio area already represent 13,750 square feet of disturbed area within the WRA transition and setback. Because a new 25 foot long footpath and retaining wall will encroach 402 square feet into the WRA, an “alteration/expansion of a non-conforming structure” permit is required. The applicant notes that this request could be considered redundant since a Class II variance is also being applied for to allow the encroachment as well.

The applicant finds, regarding the inadequate parking, that the additional 12 parking spaces will bring the total up to 47 which will move the library towards conformance with the 53 parking space requirement. Thus, the additional parking will help satisfy 66.080(B) (2) (a).

The applicant finds, regarding the inadequate mix of compact and full sized parking spaces, that the additional 12 full sized parking spaces will move the library towards greater conformance with the required 50/50 dimensional mix. Specifically, 12 of the 47 parking spaces will now be full sized which means that over 25 percent will be full sized compared to zero percent today. Thus, the additional full sized parking will help satisfy 66.080(B) (2) (a).

Regarding the non-conformity associated with 13,750 square feet of encroachment into the WRA, the additional encroachment comprises 402 square feet for the footpath to the parking lot and a portion of two small retaining walls. The area is partially disturbed by previous development.

The applicant acknowledges the fact that the non-conformity associated with the library's encroachment into the WRA will increase slightly (2.9%) by this development. To address that increase, a Class II Variance has been applied. Assuming the variance is approved, the requirements of the section 66.080(B) (2) (a) will be met.

By meeting the criteria of the land use permits associated with this application, the applicant will satisfy all other applicable CDC provisions as required by section 66.080(B)(2)(b).

Conformance with the underlying Office Business Center (OBC) zone standards

21.030 PERMITTED USES

The following uses are permitted outright in this zone:

- 1. Business equipment sales and services.*
- 2. Business support services.*
- 3. Communications services.*

4. *Cultural exhibits and library services.*
5. *Family day care.*
6. *Financial, insurance and real estate services.*
7. *Medical and dental services.*
8. *Parking facilities.*
9. *Participant sports and recreation, indoor.*
10. *Personal services and facilities.*
11. *Professional and administrative services.*
12. *Utilities, minor.*
13. *Transportation facilities (Type I). (Ord. 1226, 1988; Ord. 1401, 1997; Ord. 1590 § 1, 2009)*

FINDING 75: The two properties are zoned OBC. The library is a permitted use according to section 21.030(4) and the proposed parking facilities are allowed by 21.030(8).

21.070 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 requirements for uses within this zone:*
1. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
 2. *The average minimum lot width shall be 35 feet.*
 3. *The average minimum lot depth shall not be less than 90 feet.*
 4. *The minimum yard dimensions or minimum building setback area from the lot line shall be:*
 - a. *For an interior side yard, seven and one-half feet.*
 - b. *For a side yard abutting a street, 15 feet.*

c. For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.

5. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

6. The maximum lot coverage shall be 50 percent.

7. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

FINDING 76: The applicant finds that the parking lot is not a building, as defined by CDC Chapter Two, "Definitions," wherein a building is "any structure used or intended for supporting or sheltering any use or occupancy." Per that definition, a parking lot is not a building. Consequently the building setbacks do not apply. That having been said, the decision making body has the authority under Chapter 55.100(C) to require setbacks as needed to adequately buffer the use from adjacent uses.

The library meets the OBC setbacks. The rear setback varies between 66-80 feet which exceeds the required 20 foot rear setback. The library's side yard setbacks of eight feet to the east and 90 feet to the west exceed the 7.5 foot setback. The front setback on Burns Street is 11 feet which falls between the minimum setback of zero feet and the maximum setback of 20 feet.

The library lot coverage is 26.2 percent which is under the maximum 50 percent amount. (Parking lots are not calculated in the lot coverage but if it did it would be well under the 50% lot coverage.) The library is 24 feet tall which is below the maximum 35 foot height.

Appendices:

Noise Study (2007)

The applicant is submitting a stamped acoustic engineer's study from 2007 to satisfy the submittal requirements of section 55.120(M) based on the fact that the proposed use in the 2007 study was an office building with a 12 space parking lot that used a similar footprint to this application's 12 space parking lot. Site conditions have not changed since 2007.

Applicant note: References to the "Coston Building" in this noise study refers to the proposed office building and 12 space parking lot at the proposed library parking lot site (tax lot 2401)



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July 9, 2007

Mr. Tony Yarguen
Yraguen Architect LLC
6663 SW Beaverton Hillsdale Hwy. #136
Portland, Oregon 97225

Re: Coston Building Development, Acoustical Evaluation

The Coston Building to be constructed on a site bounded by Hood Street to the East, the Heritage Building to the South (1579 Burns Street), the West Linn Library to the West, and a creek to the North. (see maps below)

The City of West Linn requires a noise study as per Community Development Code (CDC) Chapter 55. This report provides said study.

On 1:00 PM July 2, 2007 *A Acoustics* conducted sound data collection to establish existing ambient sound levels. The data collection site, 5750 Hood Street West Linn Oregon 97068, is indicated on Map I below.

This report contains findings and analysis of the measured sound data together with analysis of acoustical impacts and compliance with acoustical regulations for the project during the construction phase and during normal operation after completion.

Noise Regulations

This project is subject to two different City of West Linn regulations: Development Code, and Municipal Code (see details below). The latter is more restrictive. It is recommended that a conservative design criterion should comply with both standards.

Development Code

This project is subject to the City of West Linn Community Development Code section 55.100(D): "Privacy and noise", (<http://www.ci.west-linn.or.us/Services/Planning/CDC/CommDevCode/CDC-Ch.55.pdf>). This code includes tables on page 55-26 (ORD. 1442): allowable sound levels. These limits are shown in Table I below:

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Table I
West Linn Community Development Code section 55.100(D)
Page 55-26 (ORD. 1442)
Allowable Sound Level Within 25 Feet of a Dwelling

Statistical Noise	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
L ₅₀	55 dBA	50 dBA
L ₁₀	60 dBA	55 dBA
L ₀₁	75 dBA	60 dBA
Impulse Sound	100 dB	80 dB

L₅₀, L₁₀, and L₀₁ are the sound levels in dBA, which are reached or exceeded 50%, 10% and 1% of the measurement time, respectively.

Municipal Code

City Municipal Code #5.487 "Sound Level and Noise" applies after completion of the project to the operation of the finished development. City Municipal Code #5.487 can be found at: <http://www.ci.west-linn.or.us/Information/CityDocuments/Municode/Ch05rev05-05.pdf>

The following Table II shows the maximum sound levels allowable at the property line.

Table II
Allowable Sound Level at Noise Sensitive Use Property Line

Statistical Noise	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
L ₅₀	55 dBA	45 dBA
L ₁₀	60 dBA	50 dBA
L ₀₁	70 dBA	55 dBA
Impulse Sound	95 dB	80 dB

Data collection

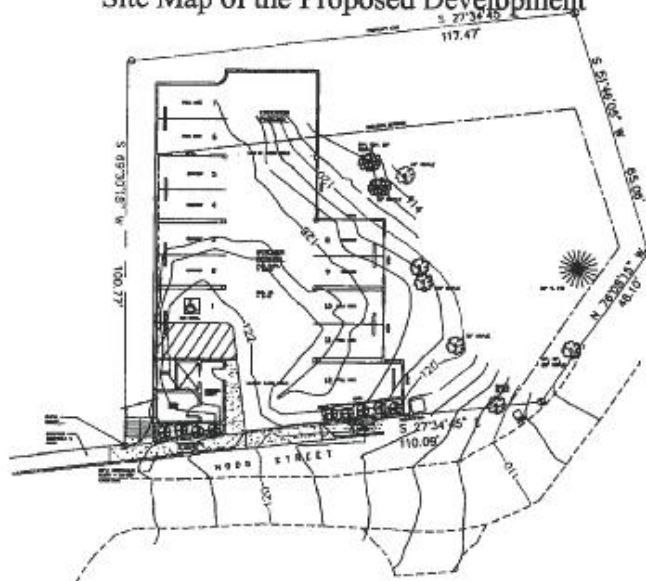
A precision sound pressure level meter (Type I) was placed at the recording location, at 5750 Hot Street. (see Map I). Sound data together with a calibration signal were recorded on to an acoustical computer. Observations of ambient and other noise sources such as wind, traffic and other pertinent factors were noted during the data collection intervals. Data was computer time-stamped at one-second intervals.

Data collection occurred between 1:00 p.m. and 1:16 p.m. July 2, 2007. Skies were clear, air temperature 82° F, and the loudest ambient sound was from vehicular traffic.

MAP I
Aerial Photo with Sound Recording Location



MAP II
Site Map of the Proposed Development



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Findings

Table III is a summary of the study results:

TABLE III

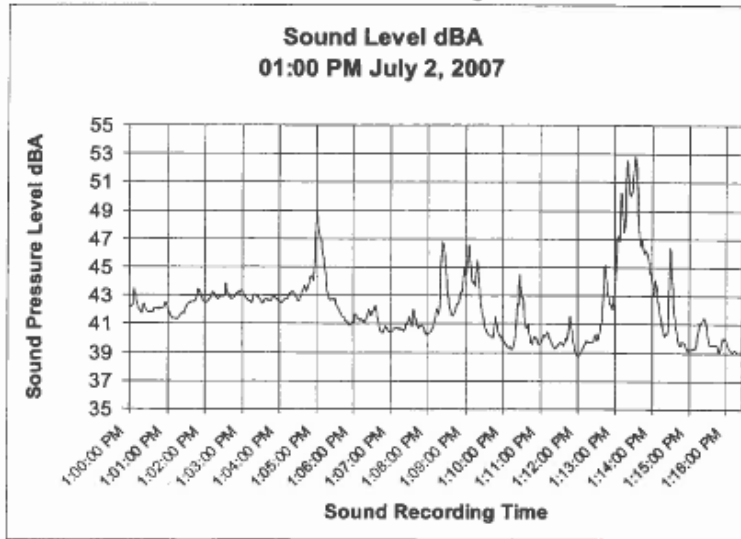
RECORDING NUMBER	ALLOWABLE DAYTIME SOUND LEVEL (TABLE II)			RECORDED AMBIENT SOUND LEVEL		
	L ₅₀	L ₁₀	L ₀₁	L ₅₀	L ₁₀	L ₀₁
1	55 dBA	60 dBA	70 dBA	52 dBA	45 dBA	51dBA

Table III shows that the existing ambient sound levels at the collection station do not exceed sound level limitations for "noise sensitive use".

The following graphs depict sound level data for analysis for the measurement interval using two graphical representations of the data:

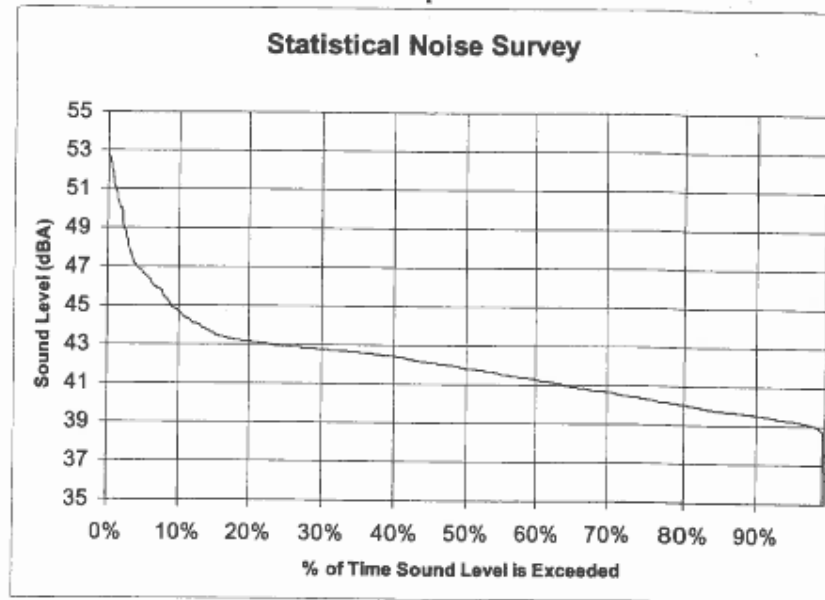
1. Graph 1 shows the sound level as recorded. The X-axis is time of the sound measurement and the Y-axis is sound level in dBA.
2. Graph 2 shows the same data with data points sorted according to sound level and plotted against the percentage of the time period during which each sound level occurred. The X-axis is the percent of the measurement time and the Y-axis is sound level in dBA. This representation of the sound data is necessary to calculate the L₅₀, L₁₀ and L₀₁ values. For example the L₅₀ value is the sound level, in dBA, which was reached or exceeded during 50% of the measurement time period.

**Graph 1
Sound Recording**



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Graph 2

**"Noise Sensitive Use" Sites**

After development there will be three "noise sensitive use" sites:

- 1) House at 1575 Burns Street
- 2) House at 5725 Hood Street
- 3) West Linn Library

PREDICTED SOUND LEVELS

Sound sources associated with the new development may include:

1. Traffic pattern changes on Holly Streets
2. Parking lot sound. Automobiles driving, idling. Car doors closing
3. HVAC condenser
4. Truck mounted carpet-cleaning equipment servicing the development
5. Parking lot sweepers
6. Garbage trucks
7. Delivery trucks
8. Construction activity (during construction only)
9. Maintenance activity
10. Tenant activity

Maximum speed of parking cars is approximately 10 mph. Sound at this speed, including idling, is between 65 dBA to 60 dBA at a distance of ten feet from the car. Sound levels

decrease with distance from the vehicle. Table IV shows expected sound levels of a car at different distances.

Table IV
Expected Sound Level in dBA of an Idling or Parking Car

DISTANCE FROM THE CAR IN FEET	10	30	50	70	80	100	120
SOUND LEVEL IN DBA	69-65	50-55	46-51	43-48	42-47	40-45	38-43

Car parking and idling sound may reach the house at 1575 Burns Street at a level of 50 dBA.

The proposed development includes office use expected to be open from 7:00 AM to 6:00 PM Monday through Friday. Daytime sound from cars in the parking lot will be about the same as the existing ambient sound levels. Normal sound from vehicles on "commercial property" is exempt from sound limitation by city code.

Cleaning crew vehicles may arrive and leave during nighttime periods as defined by City code. Sound from these vehicles will predominately occur in the range of 38 to 43 dBA and are within the city code nighttime standard for hourly L₅₀.

The impact sound of car doors closing will reach the property line of the home on 1575 Burns Street at 80 dB. City code maximum for impact sound is 95 dB (peak meter response) for daytime and 80 dB for nighttime.

HVAC equipment is a source for outdoor sound emission. The Heritage Building, south of this proposal, (1579 Burns Street) has HVAC condenser equipment facing the proposed Coston Building. Additionally the West Linn Library also emits HVAC sound in the direction of the proposed building.

HVAC condensers serving this project may be placed South, West or North (along the creek) to comply with impact to sound sensitive sites. Acoustical engineering design review of the proposed HVAC system should be conducted prior to any installation to insure that the equipment will operate within acoustical code limits. Some equipment may not meet code for this project. It is recommended that acoustical engineering be coordinated with HVAC design to avoid costly retrofit modifications for code compliance.

Truck or van mounted carpet cleaning equipment is another potential sound source. Sound from the open doors of a carpet cleaning truck or van will be approximately 72 dBA at 50 feet for water-cooled equipment and 79 dBA at 50 feet for air-cooled equipment. Sound will be 10 dBA lower on the non-open door side of the vehicle. Open doors will usually face the building being cleaned to facilitate hoses entering the building. Sound from some vehicle-mounted carpet cleaning equipment parked on Hood Street may exceed the sound level maximums for daytime and/or nighttime for sound reaching the two houses on East of Hood Street. It is recommended that either a quiet truck-mounted or inside-building system be used to comply with sound code.

Parking lot cleaning of this project may cause temporary sound impact for the West Linn Library. Since parking lot cleaning usually occurs during nighttime hours when the Library is closed, this sound will not impact the Library operation.

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Garbage trucks generate short-term high noise levels and may cause temporary sound impact for the house on Hood Street. Limitation of sound from garbage collection is exempted by city code if it occurs during weekday, daytime hours and weekends and federal holidays from 8:00 AM to 5:00 PM. It is recommended that garbage service near the house on Hood Street be scheduled during the exempt time periods.

Delivery trucks for the development include medium sized trucks, and UPS/FedEx type trucks servicing the retail and office spaces. Sound from the medium sized and package car trucks are expected to be consistent with the normal sound of parking lot usage. It is recommended that delivery and shipping be scheduled during the exempt time periods.

It is expected that normal tenant activity by retail and office tenant use including sound from customers and office clients will occur predominately indoors and comply with the normally accepted trade practices for office and retail operations. These sounds are expected comply with City code for normal operational hours. Unusually noisy tenants such as certain manufacturing or amplified music venues may exceed sound limitations. Lease restrictions and appropriately designed tenant improvements can be effective in tenant sound emission compliance.

Construction Period Sound

New construction sound may include the following:

1. Removal of existing structures and waste material.
2. Grading
3. Material delivery
4. Construction tools, vehicles, and activities.

Much of construction sound comes from engines (mostly diesel) providing operating power and compressed air. Table V shows expected noise levels at a distance of 50 feet from construction equipment. Not all equipment listed in Table V will be used in the construction.

Sound from construction is specifically exempted from limitation by city code if such sound occurs during weekday daytime hours or Saturdays between 9:00 AM and 5:00 PM. It is recommended that construction sounds be scheduled to occur during the exempted time periods.

Table V
Construction Equipment and the Expected Sound at 50 feet

		NOISE LEVEL (dBA) AT 50 FT					
		60	70	80	90	100	110
EARTH MOVING	COMPACTERS (ROLLERS)		H				
	FRONT LOADERS		-----				
	BACKHOES		-----				
	TRACTORS		-----				
	SCHRAPERS, GRADERS		-----				
	PAVERS				H		
	TRUCKS			-----			
MATERIALS HANDLING	CONCRETE MIXERS		-----				
	CONCRETE PUMPS			H			
	CRANES (MOVABLE)		-----				
	CRANES (DERRICK)				H		
STATIONARY	PUMPS		H				
	GENERATORS		-----				
	COMPRESSORS		-----				
IMPACT EQUIPMENT	PNEUMATIC WRENCHES			-----			
	JACK HAMMERS AND ROCK DRILLS			-----			
	PILE DRIVERS (PEAKS)				-----		
OTHER	VIBRATOR		-----				
	SAWS		-----				

Note: Based on Limited Available Data Samples

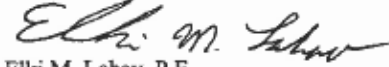
A-24

CONCLUSION

Employing the recommendations, and assumptions contained in this report, the sound impact from this development will comply City of West Linn Community sound regulations.

If you have any question please call us at (503) 977-2690.

Sincerely,
A ACOUSTICS



Elki M. Lahav, P.E.
Principal Acoustical Engineer



A-25











WILLAMETTE FALLS DR

EPPERLY WAY

Fields
Bridge
Park



Mitigation Example	
Trees and Shrubs	
	VINE MAPLE (18)
	WESTERN RED CEDAR (18)
	SALAL (300)
	SALMONBERRY (300)
	MAINDENHAIR FERN (300)
	RED COLUMBINE (300)
	DEER FERN (300)
	MITIGATION AREA (15,000 SQ. FT.)



DATE: 09/01/2012

DESIGNED BY: MP

CHECKED BY: LC

SHEET NO. L2

LIBRARY PARKING EXPANSION
OFFSITE MITIGATION PLAN

CITY OF WEST LINN - PUBLIC WORKS
22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

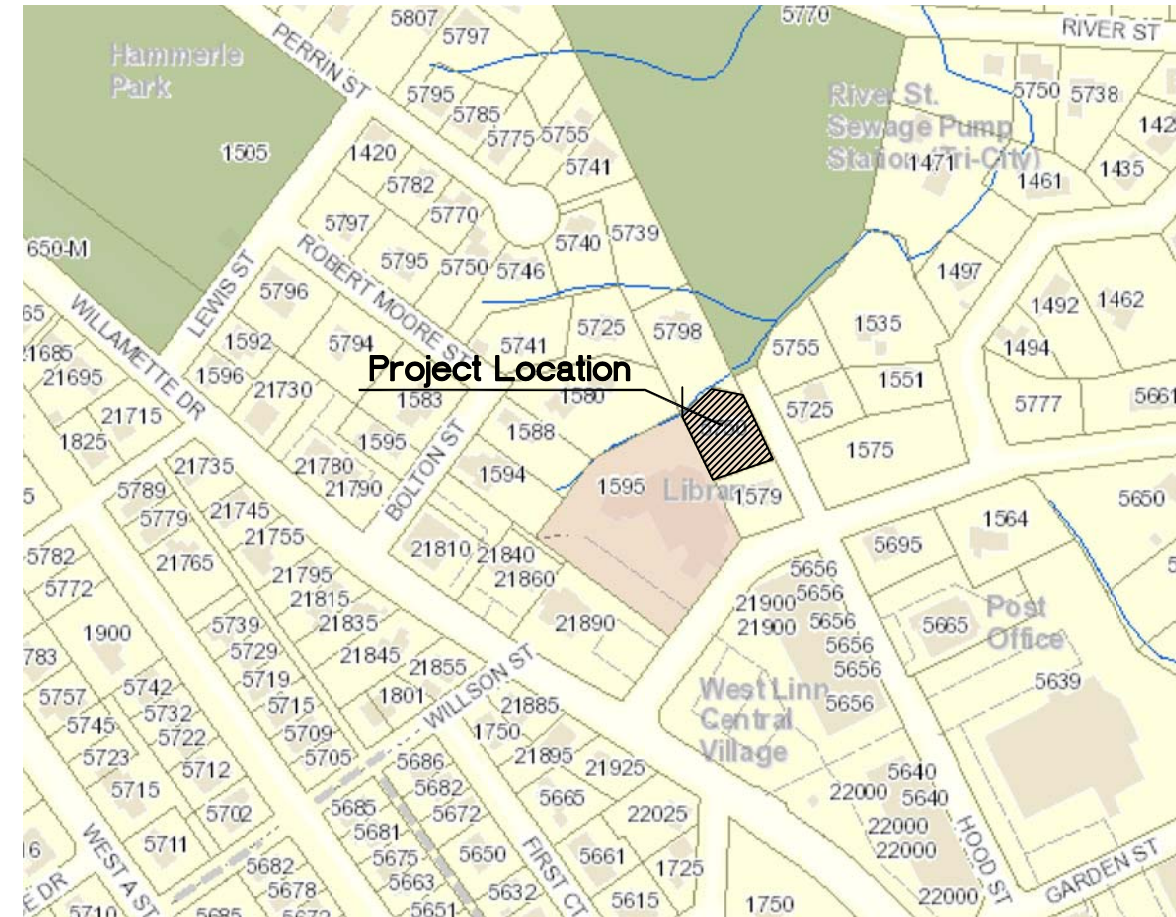


CITY OF WEST LINN, OREGON LIBRARY PARKING EXPANSION PROJECT NUMBER CIP-1202

SEPTEMBER 2012

Index of Drawings

- 1 of 7 Cover Sheet
- 2 of 7 Existing Conditions Plan
- 3 of 7 Slope Analysis Plan
- 4 of 7 Site and Dimension Plan
- 5 of 7 Demolition Plan
- 6 of 7 Disturbed Area Plan
- 7 of 7 Grading and Erosion Control Plan
- L1 Landscape Plan
- L2 Mitigation Plan
- EL1 Lighting Plan



Location Map
NTS

TOPOGRAPHIC/SITE SURVEY

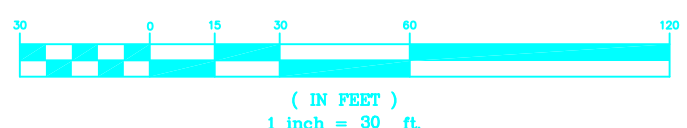
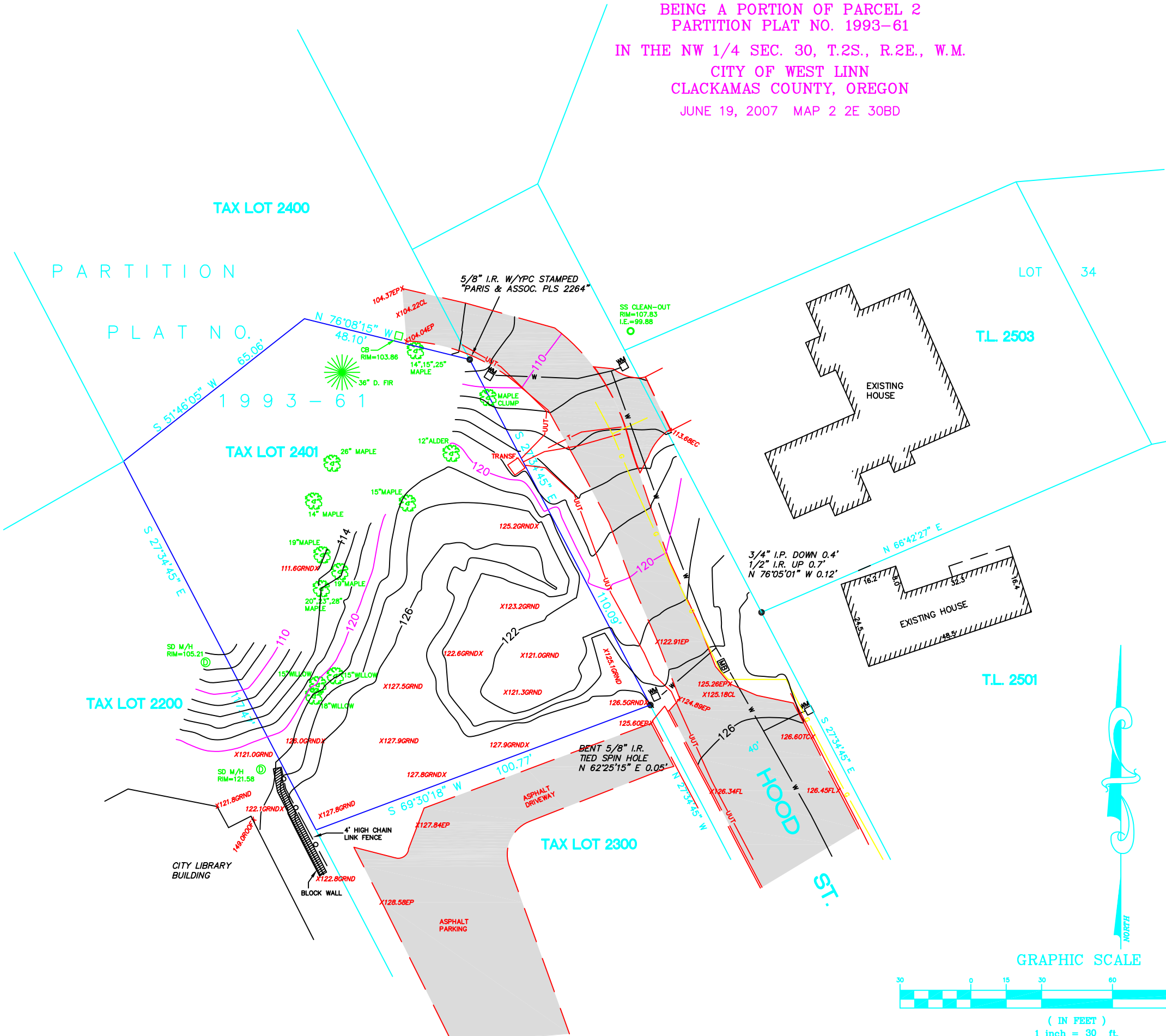
FOR:
BILL AND ALMA COSTON
 BEING A PORTION OF PARCEL 2
 PARTITION PLAT NO. 1993-61
 IN THE NW 1/4 SEC. 30, T.2S., R.2E., W.M.
 CITY OF WEST LINN
 CLACKAMAS COUNTY, OREGON
 JUNE 19, 2007 MAP 2 2E 30BD

LEGEND:

- FOUND MONUMENT AS NOTED
- I.R. IRON ROD
- I.P. IRON PIPE
- W/YPC WITH YELLOW PLASTIC CAP
- WM WATER METER
- UUT— MULTIPLE UNDERGROUND UTILITIES – TV, QLN, PGE
- W— WATER LINE
- G— NATURAL GAS LINE
- MB MAILBOX
- X0.0GRND SPOT ELEVATION GROUND
- X0.00EP SPOT ELEVATION EDGE OF PAVEMENT
- X0.00EC SPOT ELEVATION EDGE OF CONCRETE
- X0.00CL SPOT ELEVATION CENTERLINE ROAD
- X0.00TC SPOT ELEVATION TOP OF CURB
- X0.00FL SPOT ELEVATION FLOWLINE

NOTES:

1. ELEVATIONS ON NGVD 1929 DATUM, DETERMINED USING GPS.
2. THE BOUNDARIES AS SHOWN ON THIS MAP ARE APPROXIMATE ONLY. THIS MAP DOES NOT REPRESENT A SURVEY TO BE RECORDED, BUT WAS DONE FOR SITE/TOPO INFORMATION ONLY.
3. THIS SURVEY IS MADE FOR THE ORIGINAL PURCHASER OF THE SURVEY ONLY. ANDY PARIS & ASSOCIATES, INC. ASSUMES NO LIABILITY FOR INFORMATION SHOWN HEREON TO ANY OTHER INSTITUTIONS OR SUBSEQUENT PURCHASERS OF THE PROPERTY.
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6. THE LOCATION AND OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
7. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
8. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. THERE MAY EXIST EASEMENTS, CONDITIONS, OR RESTRICTIONS THAT COULD AFFECT THE TITLE OF THIS PROPERTY. NO ATTEMPT HAS BEEN MADE IN THIS SURVEY TO SHOW SUCH MATTERS THAT MAY AFFECT TITLE.



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 15, 1987
 HAROLD P. SALO
 2264
 EXPIRES: JUNE 30, 2008

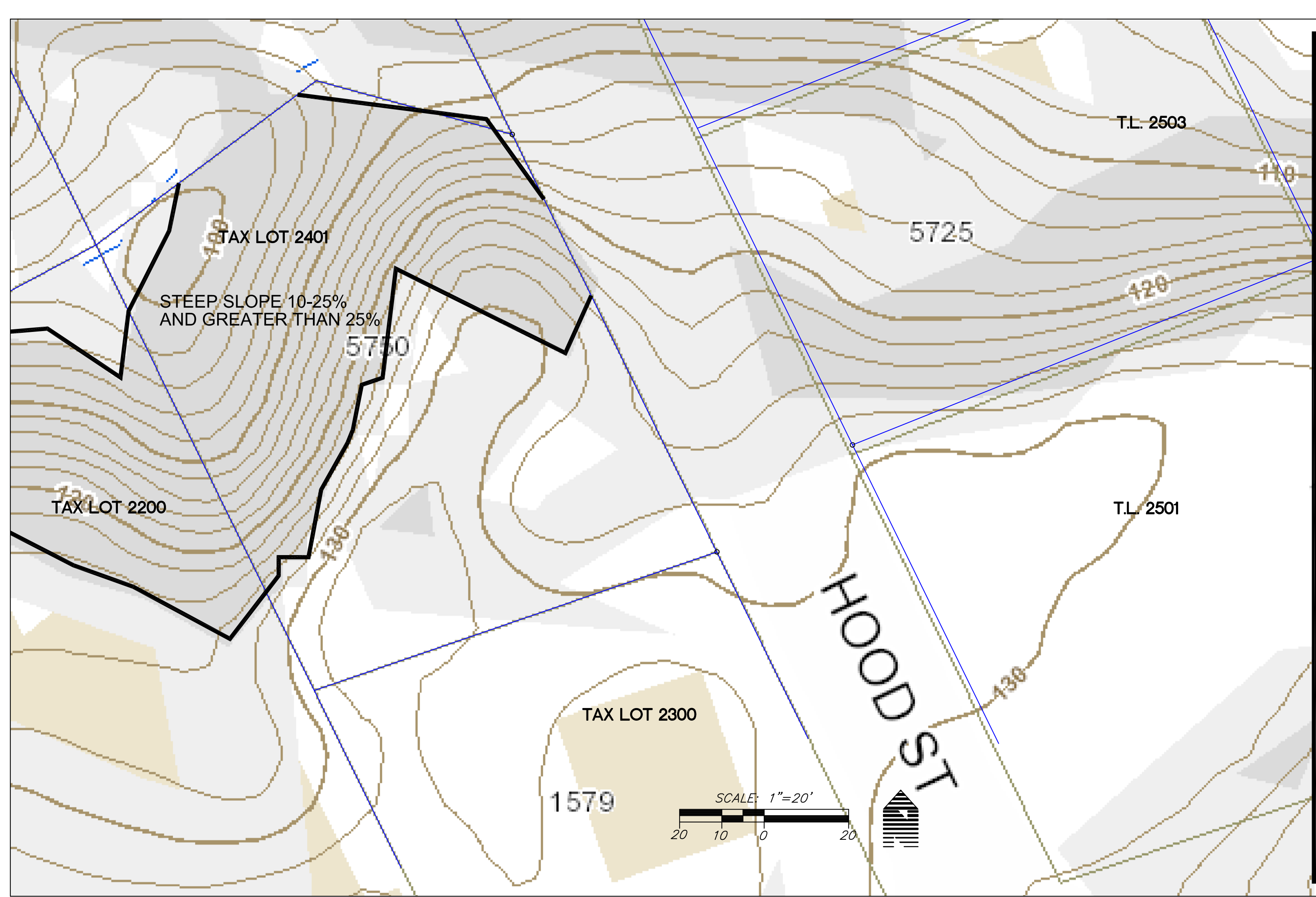
SURVEYED BY:
ANDY PARIS AND ASSOCIATES, INC.
 16057 BOONES FERRY ROAD
 LAKE OSWEGO, OREGON 97035
 PH: 503-636-3341

PROJECT: 07005
 DRAWING: 07005TP1.DWG

DATE: 09/01/2012
 DESIGNED BY: KQL
 CHECKED BY: LC
 SHEET NO. 2 OF 7

LIBRARY PARKING EXPANSION
 EXISTING CONDITIONS PLAN
 CITY OF WEST LINN – PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

CITY OF WEST LINN
 PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800
 WEST LINN, OR 97068
 PUBLIC WORKS • ENGINEERING DEPARTMENT



STEEP SLOPE 10-25%
AND GREATER THAN 25%

TAX LOT 2401

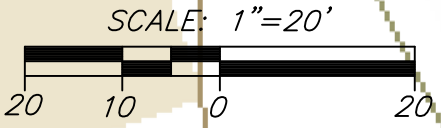
TAX LOT 2200

TAX LOT 2300

T.L. 2503

T.L. 2501

HOOD ST



DATE: 09/01/2012

DESIGNED BY: KQL

CHECKED BY: LC

SHEET NO. 3 OF 7

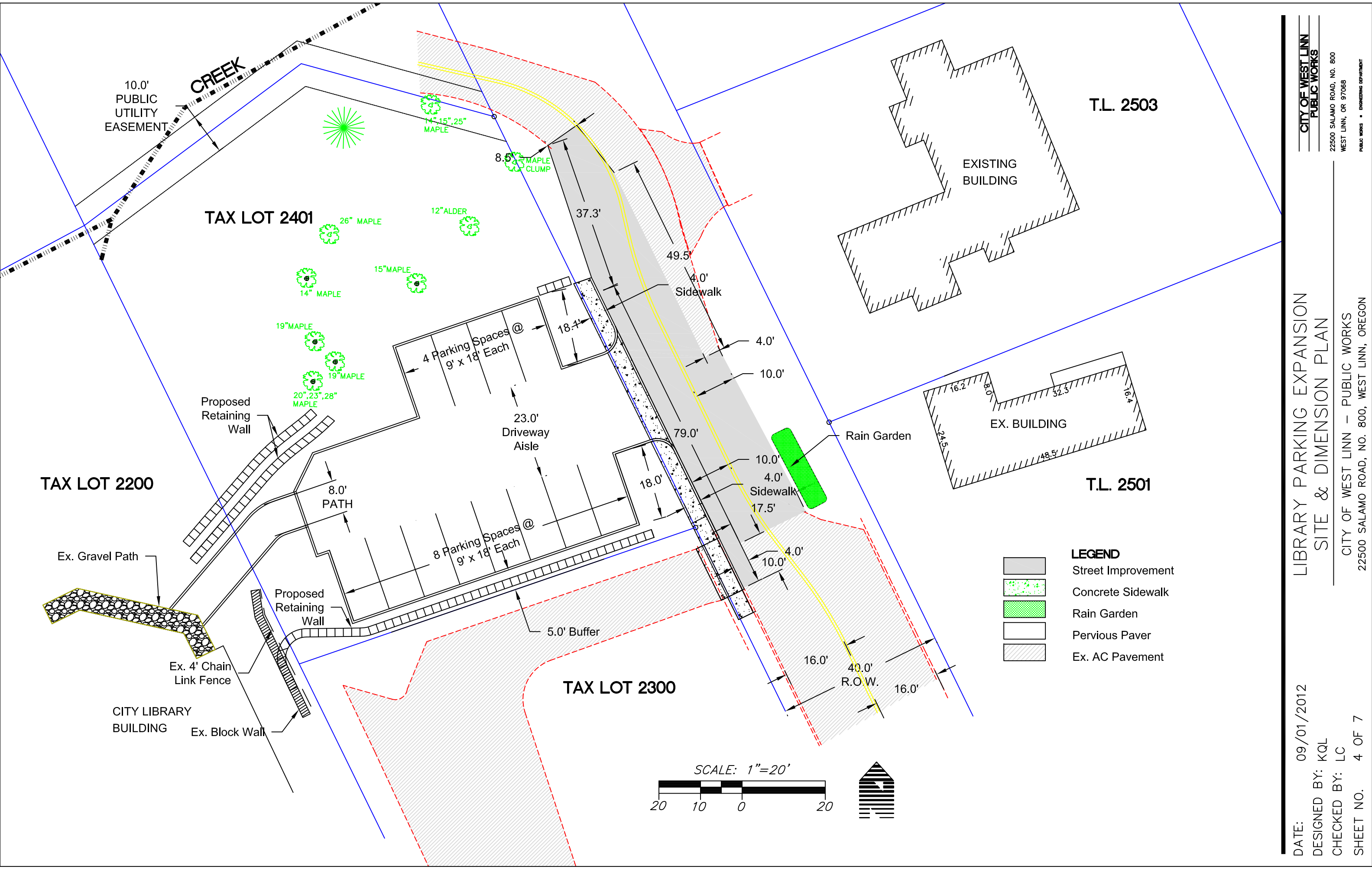
LIBRARY PARKING EXPANSION
SLOPE ANALYSIS PLAN

CITY OF WEST LINN - PUBLIC WORKS
22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

CITY OF WEST LINN
PUBLIC WORKS

22500 SALAMO ROAD, NO. 800
WEST LINN, OR 97068

PUBLIC WORKS • ENGINEERING DEPARTMENT



LIBRARY PARKING EXPANSION
SITE & DIMENSION PLAN
CITY OF WEST LINN – PUBLIC WORKS
22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

T.L. 2503

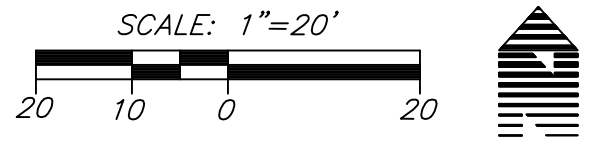
TAX LOT 2401

TAX LOT 2200

TAX LOT 2300

T.L. 2501

- LEGEND**
-  Street Improvement
 -  Concrete Sidewalk
 -  Rain Garden
 -  Pervious Paver
 -  Ex. AC Pavement



EXISTING BUILDING

EX. BUILDING

10.0'
PUBLIC
UTILITY
EASEMENT

CREEK

26" MAPLE

12" ALDER

14" MAPLE

15" MAPLE

19" MAPLE

19" MAPLE

20", 23", 28" MAPLE

8.5' MAPLE CLUMP

Proposed Retaining Wall

Proposed Retaining Wall

Ex. Gravel Path

8.0' PATH

Ex. 4' Chain Link Fence

CITY LIBRARY BUILDING

Ex. Block Wall

4 Parking Spaces @
9' x 18' Each

23.0' Driveway Aisle

8 Parking Spaces @
9' x 18' Each

5.0' Buffer

Rain Garden

4.0' Sidewalk

4.0' Sidewalk

16.0' R.O.W.

37.3'

49.5'

18.4'

4.0'

10.0'

79.0'

10.0'

4.0'

17.5'

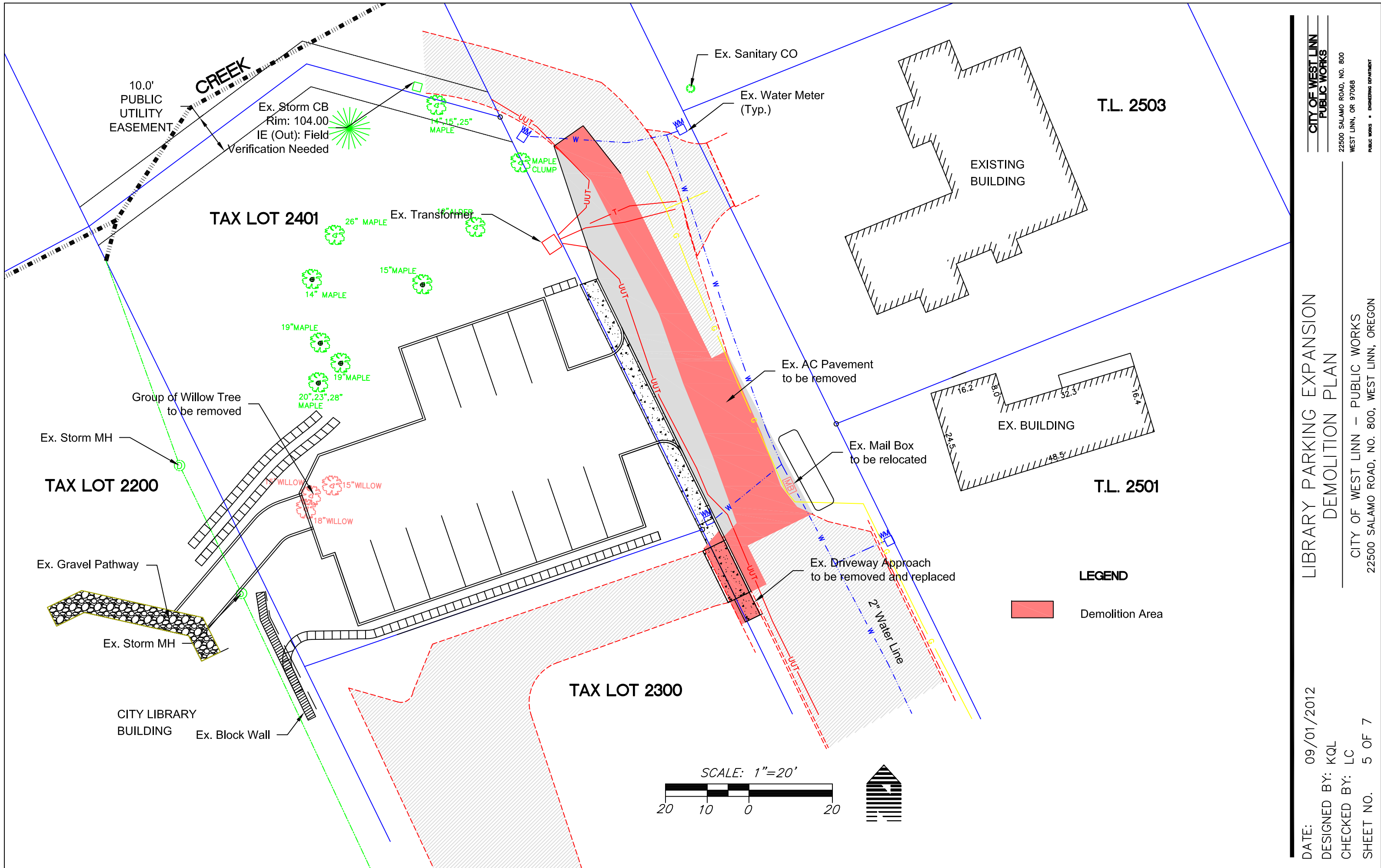
4.0'

10.0'

16.0'

40.0'

16.0'



T.L. 2503

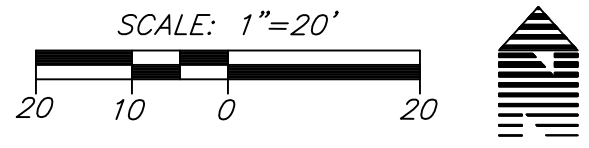
TAX LOT 2401

TAX LOT 2200

T.L. 2501

TAX LOT 2300

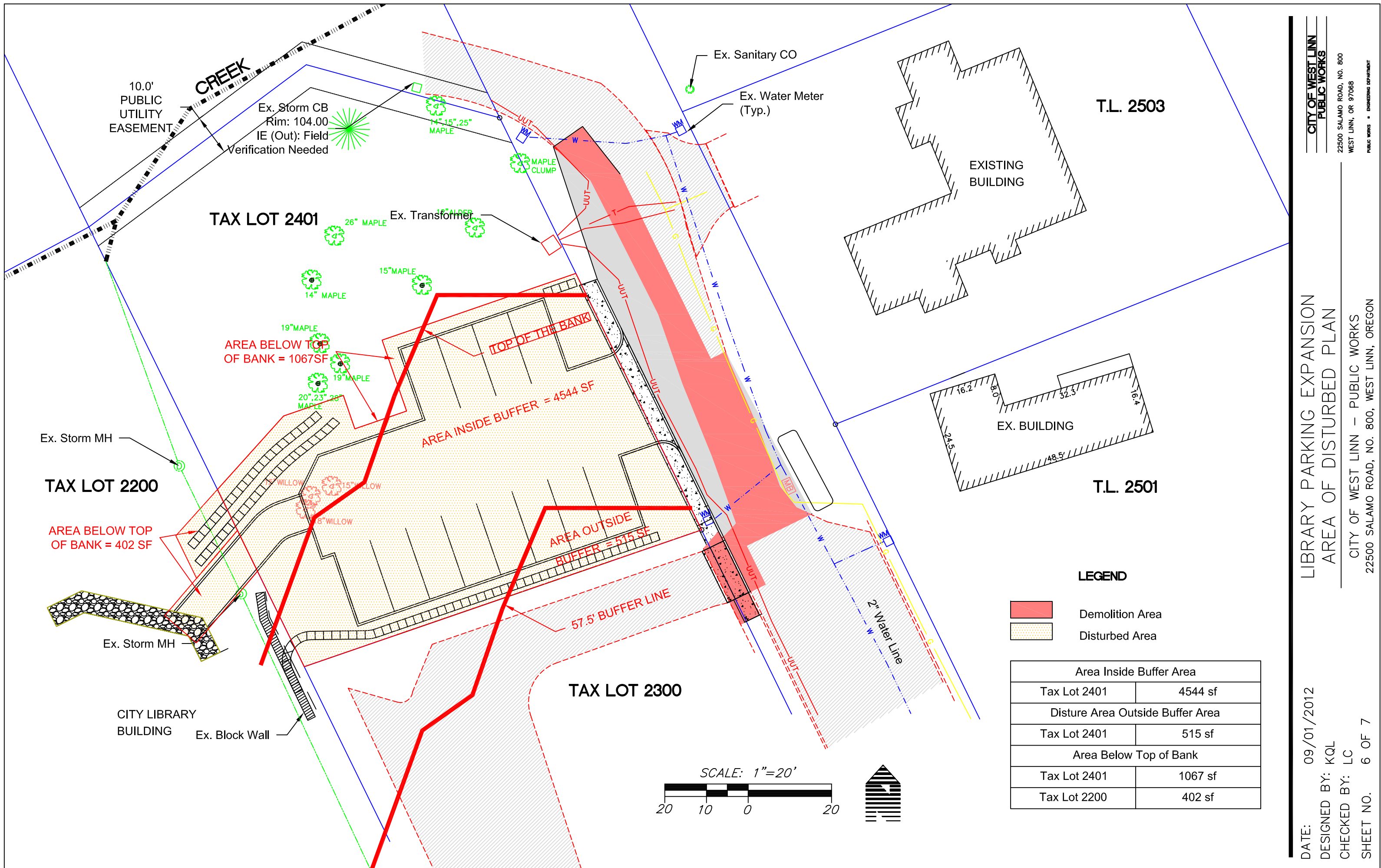
LEGEND
 Demolition Area



DATE: 09/01/2012
 DESIGNED BY: KQL
 CHECKED BY: LC
 SHEET NO. 5 OF 7

CITY OF WEST LINN
 PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800
 WEST LINN, OR 97068
 PUBLIC WORKS • ENGINEERING DEPARTMENT

**LIBRARY PARKING EXPANSION
 DEMOLITION PLAN**
 CITY OF WEST LINN – PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON



T.L. 2503

EXISTING BUILDING

EX. BUILDING

T.L. 2501

TAX LOT 2401

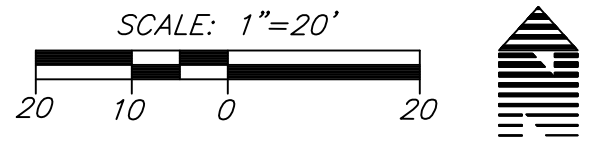
TAX LOT 2200

TAX LOT 2300

LEGEND

- Demolition Area
- Disturbed Area

Area Inside Buffer Area	
Tax Lot 2401	4544 sf
Disture Area Outside Buffer Area	
Tax Lot 2401	515 sf
Area Below Top of Bank	
Tax Lot 2401	1067 sf
Tax Lot 2200	402 sf



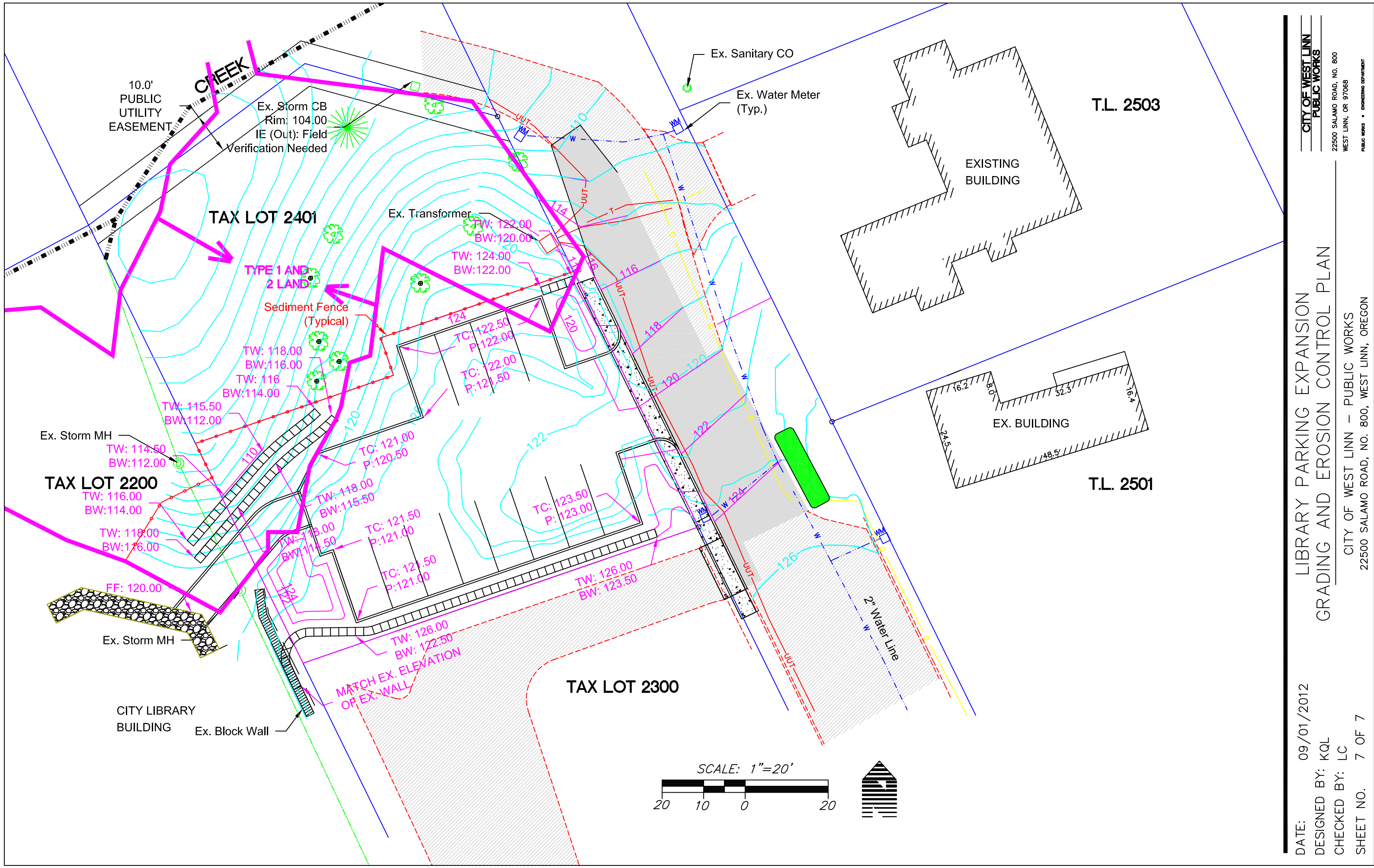
LIBRARY PARKING EXPANSION
AREA OF DISTURBED PLAN

DATE: 09/01/2012
 DESIGNED BY: KQL
 CHECKED BY: LC
 SHEET NO. 6 OF 7

CITY OF WEST LINN
PUBLIC WORKS

22500 SALAMO ROAD, NO. 800
WEST LINN, OR 97068

PUBLIC WORKS • ENGINEERING DEPARTMENT



10.0'
PUBLIC
UTILITY
EASEMENT

CREEK

TAX LOT 2401

TYPE 1 AND
2 LAND

Sediment Fence
(Typical)

TW: 118.00
BW: 116.00

TW: 116
BW: 114.00

TW: 115.50
BW: 112.00

Ex. Storm MH
TW: 114.50
BW: 112.00

TAX LOT 2200
TW: 116.00
BW: 114.00

TW: 118.00
BW: 116.00

FF: 120.00

Ex. Storm MH

CITY LIBRARY
BUILDING

Ex. Block Wall

Ex. Storm CB
Rim: 104.00
IE (Out): Field
Verification Needed

Ex. Transformer

TC: 122.00
BW: 120.00

TW: 124.00
BW: 122.00

TC: 122.50
P: 122.00

TC: 122.00
P: 121.50

TC: 121.00
P: 120.50

TW: 118.00
BW: 115.50

TW: 115.00
BW: 114.50

TC: 121.50
P: 121.00

TC: 121.50
P: 121.00

TAX LOT 2300

MATCH EX. ELEVATION
OF EX. WALL

TW: 126.00
BW: 122.50

TC: 123.50
P: 123.00

TW: 126.00
BW: 123.50

Ex. Sanitary CO

Ex. Water Meter
(Typ.)

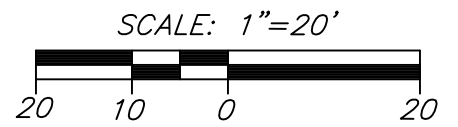
T.L. 2503

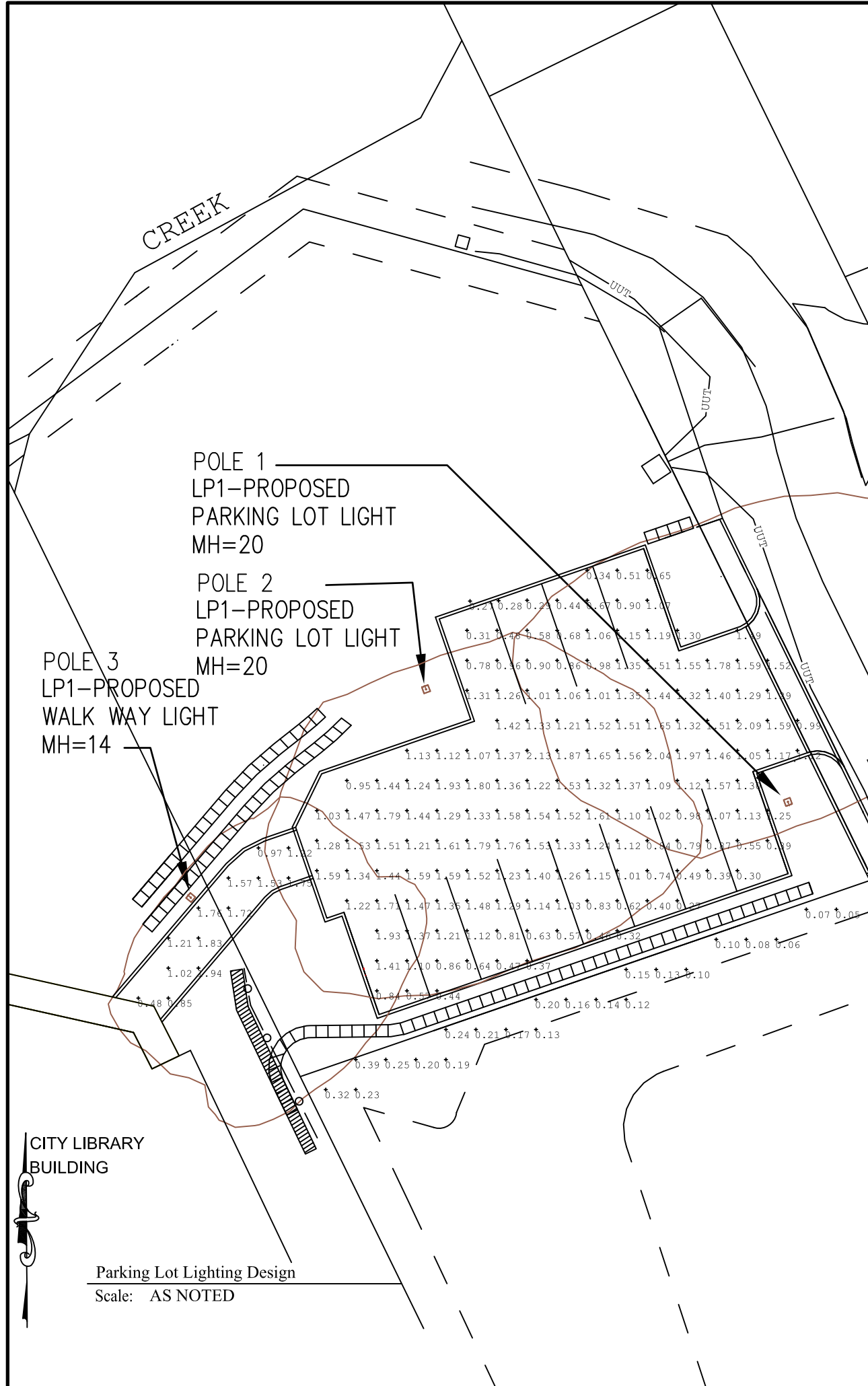
EXISTING
BUILDING

EX. BUILDING

T.L. 2501

2" Water Line





CITY LIBRARY BUILDING

Parking Lot Lighting Design
Scale: AS NOTED

OFFSITE PRIVATE LIGHT POLLUTION

LOCATION	TARGET	MAXIMUM SPILL OVER
OFFSITE SOUTH	ACHIEVED	0.39 FC

LUMINAIRE SCHEDULE

PROJECT: LIBRARY PARKING EXPANSION

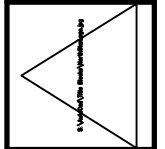
QTY	LABEL	DESCRIPTION	MH	WATTS	INITIAL LUMENS	ARM	ARRANGEMENT	LLF
2	LP1-PARKING LOT LIGHT	MH, COOPER 'TRIBUTE' LUMINAIRE MOUNTED ON A METAL POLE WITH SPILL LIGHT ELIMINATOR DISTRIBUTION	20	100	8100	0.667	SINGLE	0.690
1	LP2-WALK WAY LIGHT	MH, COOPER 'TRIBUTE' LUMINAIRE MOUNTED ON A METAL POLE WITH SPILL LIGHT ELIMINATOR DISTRIBUTION	14	70	5700	0.667	SINGLE	0.690

NUMERIC SUMMARY

PROJECT: LIBRARY PARKING EXPANSION

LABEL	CALC TYPE	UNITS	AVG	MAX	MIN	AVG/MIN
PARKING LOT	ILLUMINANCE	FC	1.18	2.13	0.27	4.37
WALKWAY	ILLUMINANCE	FC	1.37	1.94	0.48	2.85

Northstar Electrical Contractors
19450 S.W. Cipole Road, Suite 107
Tualatin, Oregon 97062-7111
Phone 503-612-0840
Fax 503-612-0891
Email: Itgdesign@NorthStarElect.com



LIBRARY PARKING
EXPANSION
WEST LINN

REV DATE	NO.	REV DESCRIPTION

Title: STREETLIGHTING
Designed by: Adam Suminski
Checked by: Ken Murphy
Date: 8/30/2012

DWG. NO
EL1
Project No.:

