



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
FOR THE PLANNING COMMISSION**

DATE: August 16, 2017

FILE NO.: DR-17-04

REQUEST: Class II Design Review to add a nature play playground to the White Oak Savanna Park.

PLANNER: Jennifer Arnold, Associate Planner

Planning Manager 

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION.....	2
EXECUTIVE SUMMARY.....	2
PUBLIC COMMENTS.....	3
RECOMMENDATION.....	3
ADDENDUM: APPROVAL CRITERIA AND FINDINGS.....	4
 EXHIBITS	
PD-1 AFFADAVIT OF NOTICE.....	9
PD-2 NOTICE MAILING PACKET.....	11
PD-3 COMPLETENESS LETTER.....	15
PD-4 APPLICANT'S SUBMITTAL.....	17
PD-5 ORDINANCE NO. 1660.....	145
PD-6 MOTION TO DISMISS INTENT OT APPEAL LUBA No. 2017-068.....	169

GENERAL INFORMATION

OWNER/ APPLICANT:

Ken Worcester, Parks Director
West Linn Parks Department
22500 Salamo Road
West Linn, OR 97068

SITE LOCATION: 2425 Tannler Drive

SITE SIZE: 12.68 acres / 552,352 square feet

LEGAL

DESCRIPTION: Tax Lot 700 of Clackamas County Assessor's Map 21E 35D

COMP PLAN

DESIGNATION: Commercial/Residential

ZONING: OBC, Office Business Center / R-10, Single-Family Residential

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 11, R-10; Chapter 21, OBC; Chapter 56, Parks Design Review

120-DAY RULE: The application declared complete on July 13, 2017. The 120-day period ends on November 13, 2017.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and all Neighborhood Associations on July 28, 2017. A sign was placed on the property on July 31, 2017. Notice was also published in the West Linn Tidings on July 28, 2017. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant proposes a Class II Parks Design Review to construct a nature play playground in the West Linn White Oak Savannah Park. The nature play playground will be installed using field fit building techniques to make adjustments due to topography as they build. The materials are proposed to be mostly natural resources, consisting of logs, boulders, soil and plants. The nature play playground will have many trails and pathways leading to different play areas. The applicant proposes one bathroom on-street designed to be consistent with other City park bathroom structures. Parking will be provided along Tannler Drive and two on-site parking places designated for ADA use only.

The applicable CDC Chapters include:

- Chapter 11, R-10 Single family residential (10,000 square foot minimum lot size)
- Chapter 21, OBC Office Business Center
- Chapter 46, Off-Street Parking, Loading and Reservoir Areas
- Chapter 56, Parks Design Review

Public comments:

No public comments were received as of the publication of this Staff Report

RECOMMENDATION

The Planning Manager recommends approval of application DR-17-04, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of the condition of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Engineering Standards.** The applicant shall construct the driveway approach, associated infrastructures and restoration in the public right of way to City Engineering standards. The plan shall be reviewed and approved by the City Engineer. (see staff finding 15)

The provisions of the Community Development Code Chapter 99 have been met.


Jennifer Arnold, Associate Planner

7-31-17
DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-17-04**

Staff recommends adoption of the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

**Chapter 11
SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

...

Staff Finding 1: This parcel has two zones, (R-10) Single-Family Residential Detached and (OBC) Office Business Center. The proposed area for the new nature play playground will be entirely on the OBC. There is no proposed encroachment on the R-10 zone.

**Chapter 21
OFFICE BUSINESS CENTER**

Staff Finding 2: This parcel has two zones, (R-10) Single-Family Residential Detached and (OBC) Office Business Center. The proposed area for the new nature play playground will be entirely on the OBC. Ordinance No. 1660 added outdoor recreation as a permitted use for the OBC zone on this property only (See Exhibit PD-5).

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

46.090 MINIMUM PARKING SPACE REQUIREMENTS

...

11.	Active parks, playgrounds.	Two to 5 spaces for each acre of active use area other than athletic fields.
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...

Staff Finding 3: The area of the proposed nature play playground is just under an acre. This proposal requires 2-5 spaces. According to the applicant's supplemental submittal, page 77, the applicant proposes 45 on-street parallel parking spaces, and on page 3 of the supplemental submittal 2 proposed off-street ADA spaces. This criteria is satisfied.

**Chapter 56
PARKS AND NATURAL AREA DESIGN REVIEW**

56.020 APPLICABILITY

...

D. Class II design review. The following is a non-exclusive list of Class II parks design review activities or facilities:

1. Site preparation for and/or development of a new park or natural area.

Staff Finding 4: The proposal is for a new nature play playground in an existing City Park. This proposal is a new use for the park, therefore Class II Design Review applies.

56.100 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 parks design review application.

A. Park classification. The proposed park and park programs shall conform to, and agree with, the Parks Master Plan and the parks definitions of CDC 56.015. Reclassifying the purpose of a park and the programs shall require an amendment to the Parks Master Plan.

Park facilities that are not discussed in the Parks Master Plan shall be classified using the criteria of CDC 56.015 and the Parks Master Plan. Once the classification is made, the approval criteria shall take into consideration those program needs and the standards for the specific park type and evaluate the application accordingly.

Staff Finding 5: The proposed nature play playground in the White Oak Savannah Park is classified as a 'special use park' per section 56.015. This criteria is satisfied.

B. Visual and physical accessibility. Many of the City's parks suffer from inadequate visibility, such as Sunburst Park and North Willamette Park, surrounded as they are by housing. Increased frontage on streets allows greater use of on-street parking and less park space being used for parking. The surrounding streets also provide transitions between on- and off-site activities as discussed in subsection (D)(1) of this section. Physical access is also facilitated by having good cognitive locations that can be safely accessed by bike paths and sidewalks. Improved visual access amplifies the investment and positive benefits of parks in that many people who do not stop the car and actually use the park derive emotional benefits by exposure to scenes of open space, trees, and grass fields in a world increasingly dominated by built environments.

Staff Finding 6: The land for the proposed nature play playground is highly visible from the 3,000+ feet of street frontage of Salamo Road and Tannler Drive. The park will also be visible from the Willamette Neighborhood and Savanna Oaks Neighborhood. In addition, the land is also visible from I-205 traffic. This criterion is met.

C. Relationship to the natural environment. (...)

Staff Finding 7: This proposal does not include removal of any significant trees. Per the City Arborist, there are no heritage trees identified on the property. The only proposed vegetation removal are grasses and shrubs for the playground and access paths. All native oak trees will be undisturbed per the applicant's submitted narrative (see page 33). The proposed playground will be terraced to better fit the existing slope. The applicant proposes to construct the playground using 'field fit' techniques. These techniques allow the builder to adjust accordingly to the existing constraints of the land throughout the build. The only proposed building is the public restroom which is designed to match other City Park restroom structures. The criteria is met.

D. Facility design and relationship to the human environment.

1. Architecture (....)

Staff Finding 8: The only proposed building is a restroom structure which will be approximately 225 square feet. The applicant indicates that the structure will be constructed of CMU materials and will be consistent in design with restroom facilities at other West Linn Park locations. The nature play playground will be constructed with natural resources to blend into the environment and fit the area. See staff finding 7. The criteria is met.

2. Material (....)

Staff Finding 9: The proposed nature play playground will incorporate logs, boulders, soil, plants, etc. by design. The criteria is met.

3. Human scale (...)

Staff Finding 10: The proposed restroom building will be a one-story structure approximately 225 square feet. See Staff Finding 7 and applicant's submitted narrative page 34. The criteria is met.

4. Transparency (....)

Staff Finding 11: This criteria applies only to office and commercial buildings and does not apply to public buildings.

E. Transportation Planning Rule (TPR) compliance. The TPR is a State requirement to reduce dependence upon the private automobile, reduce the total number of vehicle miles traveled and reduce carbon monoxide emissions. One way this can be achieved is by providing greater connectivity within the City from one neighborhood to the next so that circuitous, fuel-consuming trips are reduced. Where park space is bisected by a planned arterial connector as identified in the City's Transportation Master Plan, then that arterial shall be constructed as

part of the park project. Where proposed collector or local streets are shown on the Transportation Master Plan or where existing roads stub out adjacent to the parks property, the road shall also go through, except in those cases where one of the following criteria is met:

1. The road will eliminate or adversely affect the functional value of the park (e.g., it would go through the only reasonable location for a planned soccer field).
2. The road will adversely affect the quality or quantity of a natural resource area/open space (e.g., construction of the road will require grading or fill in the resource area; the increased traffic associated with the road will diminish the restorative, contemplative, and natural interpretative opportunities associated with the resource; the impact of the traffic, such as noise, pollutants, and glare, will make the area less attractive as a wildlife habitat or corridor, and/or have adverse environmental impacts on the resource, etc.).
3. The road will be in conflict with the City Charter languages.

Staff Finding 12: There are no streets stubbed out to this property and there are no planned streets to bisect this property. The only proposed structure is the public restroom. The proposal does not include any heating or cooling systems. The criteria is satisfied.

F. Compatibility between adjoining uses.

1. On-site screening from view from adjoining properties of such things as service and storage areas shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:
...
2. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

Staff Finding 13: Tannler Drive is an existing street with no proposed changes. The only proposed structure is the public restroom, which is designed to look like all other City Park restroom structures. The nature play playground will be constructed of natural materials to fit in with the area. The criteria is satisfied.

G. Crime prevention and safety/defensible space. (...)

Staff Finding 14: No lighting is proposed with this application. Parking and restroom structure are close to or on Tannler Drive which provides clear visibility and safety. The criteria is satisfied.

H. Public facilities.

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. In determining the appropriate sizing of the street, the street should

be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists and in keeping with the character of the neighborhood. 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.

Streets shall be installed per Chapter 85 CDC standards. Sidewalks shall be installed per CDC 85.200(A)(16) and 92.010(H). Both chapters allow reduced sidewalk widths to accommodate topographic limitations or to preserve trees.

2. Parking lots. CDC 46.090 explains the parking requirements for the various categories of parks and open space areas. City squares, malls or plazas are exempt from the parking requirements of Chapter 46 CDC. Reduced parking requirements are explained in CDC 56.170. Except for areas accommodating ADA disabled parking and ADA access, parking lots may be constructed with grasscrete.

Staff Finding 15: No new streets are proposed with this development. Forty-five on-street parking will be provided along Tannler Drive. Two ADA accessible parking spaces will be provided on-site (see applicant's supplemental submittal titled 'Park Entrance'). Per condition of approval 1, the applicant shall construct the driveway approach, associated infrastructures and restoration in the public right of way to City Engineering standards and shall be approved by the City Engineer. See Staff Finding 3. See applicant's supplemental submittal pages 3 and 77 for parking plans. Subject to the condition of approval, the criteria is satisfied.

- I. Paths and trails. Paths and trails connect the various activity areas within the park. They can also serve as part of a greater system of connective trails from one neighborhood or destination to another. Just like streets, there is a hierarchy of paths and trails.

...

Staff Finding 16: The applicant proposes on-site system of trails and pedestrian paths with this application. See applicant's supplemental submittal sheet titled 'Nature Play Concept Plan'. The criteria is met.

- J. Provisions for persons with disabilities. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between parking lot(s) and principal buildings and site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

Staff Finding 17: The applicant proposes ADA accessible sidewalks and paths throughout the entire playground. The criteria is met.

PD-1 AFFADAVIT OF NOTICE

AFFIDAVIT OF NOTICE

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

GENERAL

File No. SR-1704 Applicant's Name Coww - Parks Department
Development Name _____
Scheduled Meeting/Decision Date 8-16-17

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

TYPE A /

- A. The applicant (date) 7-28-17 (signed) S. Shroyer
- B. Affected property owners (date) 7-28-17 (signed) S. Shroyer
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 7-28-17 (All) (signed) S. Shroyer
- F. All parties to an appeal or review (date) _____ (signed) _____

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

Tidings (published date) 8-3-17 (signed) S. Shroyer
City's website (posted date) 7-28-17 (signed) S. Shroyer

SIGN

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

(date) _____ (signed) _____

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

TYPE B _____

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

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

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

(date) _____ (signed) _____

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

(date) _____ (signed) _____

p:\devrvw\forms\affidvt of notice-land use (9/09)

PD-2 NOTICE MAILING PACKET

CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. DR-17-04

The West Linn Planning Commission will hold a public hearing on Wednesday, **August 16, 2017, starting at 6:30 p.m.** in the Council Chambers in City Hall, 22500 Salamo Road, West Linn, to consider a request to add a nature play playground to the White Oak Savanna Park (Tax Lot 700 of Clackamas County Assessor's Map 21E 35D). The site is further identified as 2425 Tannler Drive. Class II Design Review is required.

The decision will be based on the applicable approval criteria in chapter 55 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

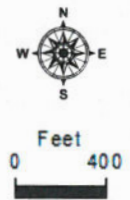
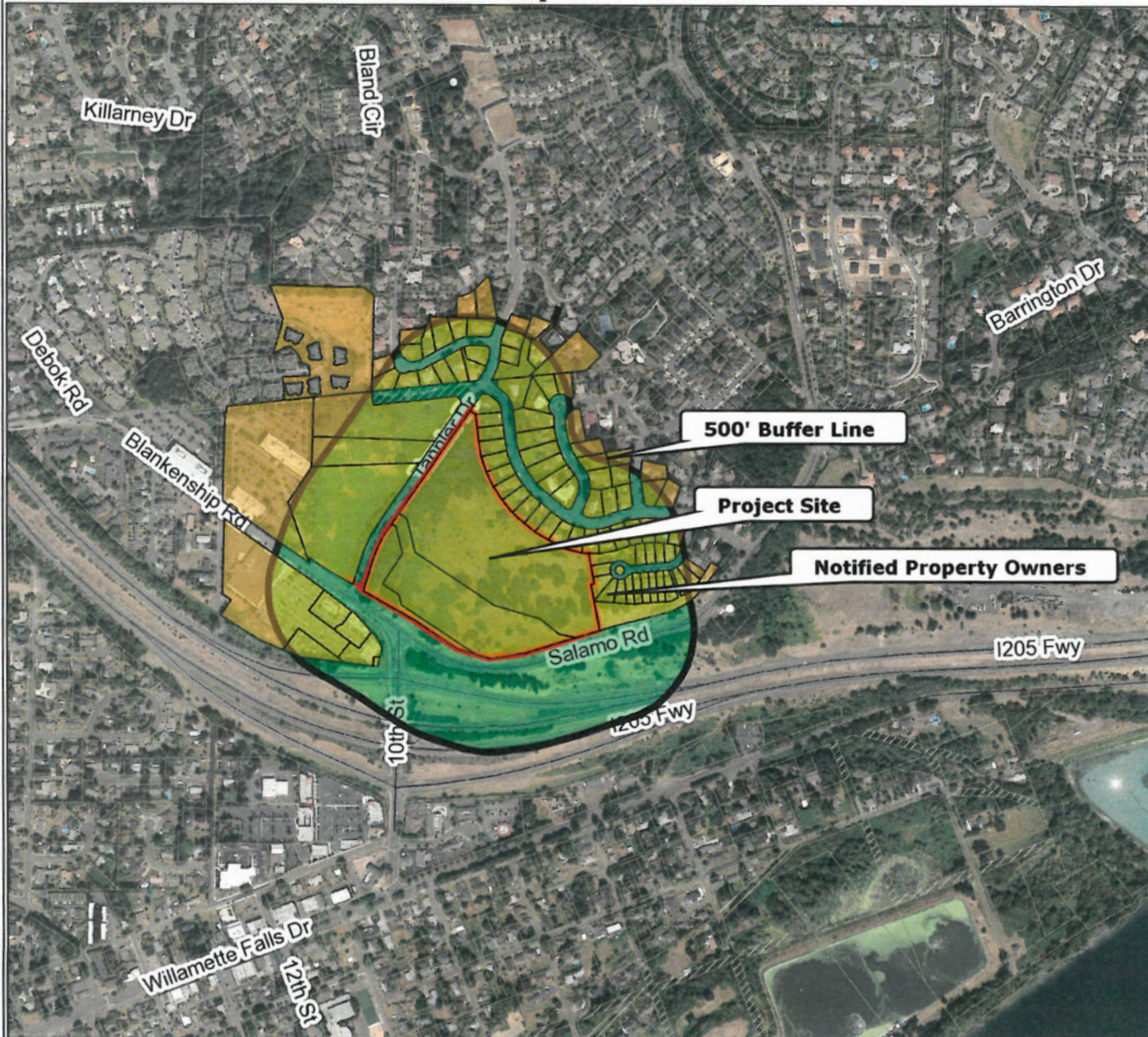
All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/2425-tannler-drive-class-ii-design-review-white-oak-savanna-park>.

At least ten days prior to the hearing, a copy of the staff report will be available for inspection at no cost, or copies can be obtained for a minimal charge per page. For further information, please contact Associate Planner Jennifer Arnold at jarnold@westlinnoregon.gov or 503-742-6057. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

Publish: West Linn Tidings, August 3, 2017

2425 Tannler Drive Notification Map



Scale 1:9,600 - 1 in = 800 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 19-May-17 04:24 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING PLANNING COMMISSION MEETING

**PROJECT # DR-17-04
MAIL: 7/28/17 TIDINGS: 8/3/17**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-3 COMPLETENESS LETTER



CITY OF
West Linn

July 13, 2017

Ken Worcester, Director
City of West Linn Parks and Recreation
22500 Salamo Road #1100
West Linn, Oregon 97068

RE: DR-17-04 application for a Class II Design Review, for a new nature play playground at White Oak Savanna Park

Dear Ken:

You submitted this application on May 18, 2017 which was found to be incomplete on June 8, 2017. Additional information was submitted on June 15, 2017. The Planning and Engineering Departments found that this application is now **complete**. The city has 120 days to exhaust all local review; that period ends November 13, 2017.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. The notice will identify the earliest possible Hearing date by the Planning Commission (tentative date August 16, 2016).

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments

Sincerely,

Jennifer Arnold
Associate Planner

PD-4 APPLICANT'S SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>[Signature]</i>	PROJECT NO(S). DR-17-04	
NON-REFUNDABLE FEE(S) NA	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>White Oak Savanna Park</i> <i>2425 Tanner Dr. West Linn, OR 97068</i>	Assessor's Map No.:
	Tax Lot(s): <i>21E35D 00700</i>
	Total Land Area: <i>12.71 Acres</i>

Brief Description of Proposal:
Nature Play Playground proposal at White Oak Savanna Park

Applicant Name: <i>West Linn Parks and Recreation</i> <small>(please print)</small>	Phone: <i>503-557-4700</i>
Address: <i>Ken Worcester</i>	Email:
City State Zip: <i>22500 Salamo Rd</i> <i>West Linn, OR 97068</i>	<i>Kworchester@westlinnoregon.gov</i>
Owner Name: <i>City of West Linn</i> <small>(please print)</small>	Phone: <i>503-557-4700</i>
Address: <i>Ken Worcester</i>	Email:
City State Zip: <i>22500 Salamo Rd.</i> <i>West Linn, OR 97068</i>	<i>Kworchester@westlinnoregon.gov</i>
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>[Signature]</i>	<i>05/18/17</i>	<i>[Signature]</i>	<i>05/18/17</i>
Applicant's signature	Date	Owner's signature (required)	Date

Application for Design Review for

WHITE OAK SAVANNAH PARK

Submitted to

The City of West Linn, Oregon

May 18, 2017

Applicant:

The City of West Linn

Parks and Recreation Department

22500 Salamo Road

West Linn, Oregon 97068

WHITE OAK SAVANNAH PARK DESIGN REVIEW

TABLE OF CONTENTS

EXHIBITS _____

INTRODUCTION _____

 Development Team _____

 Site Information _____

 Summary of Proposal _____

 Site Description _____

COMMUNITY DEVELOPMENT CODE _____

 Chapter 30 Wetland and Riparian Area Protection _____

 30.100 Approval Criteria _____

 30.110 Mitigation Plan Narrative _____

 30.130 Construction and Management Plan _____

 Chapter 31 Erosion Control _____

 31.060 Approval Criteria _____

 31.070 Erosion and Sediment Control Design Standards _____

 Chapter 33 Storm Water Quality and Detention _____

 33.040 Approval Criteria _____

 33.060 Maintenance and Access Requirements _____

 33.070 Plant Material For Water Quality Facilities _____

 Chapter 46 Off-Street Parking, Loading and Reservoir Areas _____

 46.040 Approval Standards _____

 46.080 Computation of Required Parking Spaces and Loading Area _____

 46.090 Minimum Off-Street Parking Space Requirements _____

 46.120 Driveways Required On Site _____

 46.140 Exemptions To Parking Requirements _____

 46.150 Design and Standards _____

 Chapter 48 Access, Egress and Circulation _____

 48.080 Bicycle and Pedestrian Circulation _____

 Chapter 54 Landscaping _____

 54.020 Approval Criteria _____

 54.030 Planting Strips For Modified and New Streets _____

 54.040 Installation _____

 54.050 Protection of Street Trees _____

 54.060 Maintenance _____

 54.070 Specification Summary _____

 Chapter 56 Parks and Natural Area Design Review _____

 56.015 Definitions _____

 56.020 Applicability _____

 56.060 Phased Development _____

 56.100 Approval Standards – Class II Design Review _____

 56.170 Exceptions to Underlying Parking Provisions _____

CONCLUSION _____

EXHIBITS

- Exhibit A Development Plans (11" x 17" reduced plan set)
 - Sheet L1 Existing Conditions and Demolition Plan
 - Sheet L2 Neighborhood Circulation Plan
 - Sheet L3 Preliminary Site Plan
 - Sheet L4 Preliminary Grading Plan
 - Sheet L5 Preliminary Landscape Planting Plan
 - Sheet L6 Preliminary Utility Plan
- Exhibit B Land Use Applications
- Exhibit C Property Title Information
- Exhibit D Wetland Delineation Report and Supplemental Information
- Exhibit E Pre-Application Conference Notes

**INTRODUCTION
DEVELOPMENT TEAM**

Applicant:

The City of West Linn
Parks and Recreation Department
22500 Salamo Road
West Linn, Oregon 97068
Phone: (503) 557-4700
Fax: (503) 656-4106
Contact: **Ken Worcester, Director**

Property Owner:

The City of West Linn
Parks and Recreation Department
22500 Salamo Road
West Linn, Oregon 97068
Phone: (503) 657-0331
Fax: (503) 650-9041
Contact: **Eileen Stein, City Manager**

SITE INFORMATION

Tax Lot Information: 21E35D 00700, 21E35D 00703

Location: At the corner of Tannler Drive and Blankenship Rd, east of Tannler Dr, north of Salamo Rd

Comprehensive Plan Designation: Commercial and Low Density

Current Zoning: OBC and R10

Project Area: < 1 acres

Pre-application Meeting: at the City of West Linn

SUMMARY OF PROPOSAL

The Applicant is proposing to develop a nature playground within the existing White Oak Savannah.

SITE DESCRIPTION

The property is owned by the City of West Linn and is identified as a Special Use Park in the “West Linn Park Recreation and Open Space Plan.”

The site is bordered on the south and west by Salamo Rd. and Tannler Dr. and on the north by homes on Greene St.

The site is an open natural area with no existing structures onsite. The site is mostly sloped from north to south. Elevation change over the playground site is approximately 60-70 feet, with the highest elevation of 340 feet along the northern border, and the lowest elevation of 270 feet at the southern boundary. Major natural features at the savannah are the Oregon White Oak trees themselves, but they are largely

out of the playground area which is to be constructed in an open sloped field.

COMMUNITY DEVELOPMENT CODE

CHAPTER 30 WETLAND AND RIPARIAN AREA PROTECTION

30.100 Approval Criteria

- A. The Planning Director or Planning Commission, as applicable, shall make findings with respect to the following criteria when approving, approving with conditions, or denying an application. The provisions of the following chapters shall be met as applicable:**
- 1. Chapter 27, Flood Hazard Construction.**
 - 2. Chapter 28, Willamette River Greenway.**
 - 3. Chapter 29, Tualatin River Bank Control.**
 - 4. Chapter 32, Natural Drainageway Protection. (ORD. 1425)**

Response: The subject site is not located within the 100-year flood plain or within proximity to the Willamette or Tualatin Rivers, or any natural drainageways. Therefore, there are no applicable sections of Chapters 27, 28, 29 or 32.

- B. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives which reduce or minimize these impacts shall be selected.**

Response: There are no adverse environmental impacts associated with this site. Additional runoff from added hard surfaces will be collected and treated in a bioswale/raingarden, and remain on site with a possible use of irrigation. In addition, the parking area is planned to be constructed with permeable concrete, asphalt or pavers.

30.130 Construction and Management Plan

- A. A construction plan shall be developed, including timetables and assurances for performance; and,**

Response: The City plans to begin construction of the playground this summer with completion by the end of this same summer of 2017. Further construction such as sidewalks along Tannler Drive, Blankenship Rd. and Salamo Rd. may take place as additional funding or other steps to implement the TSSP in that area take place. A more detailed construction management plan shall be developed and submitted to the City of West Linn in conjunction with the City's review of construction documents.

- B. A management plan shall be developed for ongoing monitoring and maintenance, including assurances for performance.**

Response: The proposed Oak Savannah Playground will be included in the City's Park Maintenance Management System and therefore, ongoing monitoring and maintenance will be up to the City.

- C. Assurances shall be established to rectify any mitigation actions which are not successful. This may include bonding or other surety.**

Response: The playground will be constructed by the City of West Linn; therefore, all assurances for performance are the City's responsibility.

CHAPTER 31 EROSION CONTROL

31.060 Approval Criteria

The City Engineer or designee shall make a written finding, as applicable, with respect to the following criteria when approving, approving with conditions, or denying an Erosion Control Permit.

- A. The Erosion and Sediment Control plan shall follow the guidelines of the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook* (Clackamas County Department of Utilities most current edition).

Response: The Erosion and Sediment Control plan will utilize the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook*. Therefore, this standard is met.

- B. All developments shall be designed to minimize the disturbance of natural topography, vegetation, and soils.

Response: The proposed playground plan has been designed to minimize the disturbance of natural topography, vegetation and soils. The layout is terraced into the hillside to minimize grading. The playground features have been sited to avoid disturbing the desirable trees on site.

- C. Designs shall minimize cuts and fills.

Response: The design has minimal grading proposed, and since most of this project is actually a "design build", "in the field adjustments will take place to minimize all site impacts.

- D. The plan shall prevent erosion by employing prevention practices such as non-disturbance, construction phasing, seeding and mulch covers.

Response: The applicant is proposing to use all appropriate erosion control devices and measures. The applicant proposes a phased construction to plant and seed disturbed areas in the fall for a better success rate.

- E. The plan shall be designed to allow no more than 10 percent cumulative increase in natural stream turbidities, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction, or other legitimate activities, and that cause the standard to be exceeded, may be authorized provided all practicable turbidity control techniques have been applied.

Response: There are no adjacent streams to the property. All adjacent properties and catch basins will be protected with appropriate erosion control devices.

- F. The applicant shall actively manage and maintain erosion control measures and utilize techniques described in the permit to prevent erosion and control sediment during and following development.

Erosion prevention and sediment control measures required by the permit shall remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch, or other permanent soil stabilizing measure.

Response: The applicant plans on seeding, mulching and planting the site as soon as fall rains arrive.

- G. No mud, dirt, rock, or other debris shall be deposited upon a public street or any part of the public stormwater system, surface water system, Water Quality Resource Area, or any part of a private stormwater system or surface water system that drains or connects to the public stormwater or surface water system.

Response: The Applicant will ensure that no mud, dirt, rock or other debris is deposited directly or indirectly on a public street or any part of the public stormwater system, surface water system, or Water Quality Resource Area.

- H. Projects with a minimum development size of one acre, including subdivisions, apartments, commercial and industrial, shall meet the following requirements:
 - 1. The Erosion Prevention and Sediment Control plan is designed by a certified erosion control specialist; and,
 - 2. The developer enters into an agreement with the City stating that in the event an erosion emergency occurs and is not repaired within 24 hours of the time the City notifies the developer, the City may hire a contractor or employ City staff to repair the erosion problem and bill the developer 125% of the cost to the City.

Response: The total playground area is under one acre, nevertheless, the parks department will employ all necessary erosion control measures.

31.070 Erosion and Sediment Control Design Standards

The following specific methods of soil erosion and sediment control shall be used during construction to control visible and measurable erosion. These methods shall be consistent with the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook* (Clackamas County Department of Utilities most current edition).

- A. All land area proposed for excavation, vegetation removal, soil stockpiling, or which will have exposed soil shall be considered part of the development site.
- B. May 1 through September 30, the duration of soil exposure shall be kept to a maximum of 21 days. All disturbed soil that remains exposed for 21 days or more during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following grading or construction, until soils are revegetated or otherwise stabilized.
- C. October 1 through April 30, the duration of soil exposure shall be kept to a maximum of 7 days. All disturbed soil that remains exposed for 7 days or more during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following

grading or construction, until soils are revegetated or otherwise stabilized.

- D. During construction, runoff from the development site shall be controlled, and runoff and sediment resulting therefrom shall be retained on site.
- E. A stabilized pad of gravel shall be laid and maintained at all entrances and exits to any development site from which vehicular traffic may track soil or debris onto the public right-of-way. The gravel pad(s) shall be installed and inspected by city staff prior to any development or site preparation. No other vehicular entrance or exit may be used to access the development site.
- F. Gravel pads shall be maintained to function properly. If the gravel pad does not adequately remove dirt and mud from the vehicle wheels, such that mud tracking is evident off site, additional measures must be taken.
- G. Topsoil removed for development shall be stockpiled and reused to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary, to support revegetation. Soil shall be stockpiled outside of tree dripline, so as not to affect existing tree health.
- H. The owner shall be responsible for the prompt clean-up of all sediments that are carried onto any public or private streets, or onto adjacent property as soon as the owner becomes aware of such problems or within the time required by the City. The owner shall be responsible for cleaning and repairing streets, catch basins, drainageways, storm water drainage facilities, and adjacent properties contaminated or damaged by sediment. Failure to do so will be in violation of this Code.

Response: The methods to manage soil erosion and sediment control identified above will be followed as required.

CHAPTER 33 STORM WATER QUALITY AND DETENTION

33.040 Approval Criteria

The Planning Director and City Engineer shall make written findings with respect to the following criteria when approving, approving with conditions, or denying applications for stormwater detention permits and stormwater quality permits.

- A. Stormwater quality facilities shall meet non-point source pollution control standards required by the Public Works Design Standards.

Response: Almost the entirety of the site will remain pervious after development and will drain consistent with current natural drainage patterns. The only portions of the site that will contain impervious surfaces are where the pathways and program elements are provided on the site. Pathways and areas containing hardscape will sheet flow onto adjacent vegetated areas that will filter stormwater runoff. The only proposed enclosed structure, the public restroom building, will drain from the roof and then sheet flow across the adjacent asphalt and into the adjacent vegetated area that will filter stormwater runoff. The proposed parking area will be constructed from pervious concrete. Any additional runoff will be directed into an onsite raingarden.

- B. Design of stormwater detention and pollution reduction facilities and related detention and water quality calculations shall meet Public Works Design Standards and shall be prepared by a professional engineer licensed to practice in the state of Oregon.

Response: Because stormwater detention facilities are not required for the park use, vegetative strips are proposed to filter stormwater runoff. Therefore the standard is not applicable.

- C. Soil stabilization techniques, erosion control, and adequate improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse unless no feasible alternatives exist. Interbasin transfers of storm drainage will not be permitted.

Response: Stormwater drainage basins are not required or proposed onsite. Therefore the standard does not apply.

- D. Stormwater detention and treatment facilities shall encroach no further than 25 feet into the outside boundary of a water quality resource area. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.

Response: Stormwater detention facilities are not required or proposed on the site, therefore, the criterion does not apply.

- E. Stormwater detention and treatment facilities shall be vegetated with plants from the Metro's native plant list as described in Section 33.070.

Response: The treatment facilities are, in this case, vegetated strips, which either currently exist or will be planted in accordance with Metro's native plant list.

- F. **Projects must either stockpile existing topsoil for re-use on the site or import topsoil, rather than amend subsoils. Soil amendments are allowed only where the applicant can demonstrate they are the only practical alternative for enabling the soil to support healthy plantings, promoting better stormwater treatment, or improving soil infiltration capacity (where appropriate).**

Response: It is anticipated that existing topsoil will be stockpiled for reuse on the site. However, soil amendments will be used in specific areas where necessary to support specific plantings that are proposed there.

- G. **Interim erosion control measures, such as mulching, shall be placed immediately upon completion of grading of the facilities.**

Response: Any necessary interim erosion control measures shall be placed immediately upon completion of grading of the facilities. Therefore, the standard set forth in this section has been met.

33.060 Maintenance and Access Requirements

Maintenance and access requirements shall meet Public Works Design Standards.

Response: Maintenance and access requirements are proposed in compliance with the Public Works Design Standards.

33.070 Plant Material For Water Quality Facilities

Metro's native plant list is incorporated by reference as a part of this chapter. The applicant shall submit a detailed planting plan using species from Metro's native plant list. The intent of this plan is to establish native vegetation to protect against erosion and sediment infiltration. A mix of low maintenance trees, shrubs, and groundcover is preferred with an even distribution.

Response: Appropriate plants will be used.

- A. **The planting plan shall be prepared by a professional landscape architect if the development site contains more than 5,000 square feet of impervious area. The planting plan shall include a table listing the scientific names, size, and quantity of plants.**

Response: It is doubtful the impervious areas will total more than 5,000 square feet, but the site and plantings will be restored and planted in accordance with the restoration and management plan for the park.

- B. **The plan shall include plant location, species, size, and quantity for stormwater detention and treatment facilities. Evergreen trees shall have a minimum height of four feet and deciduous trees shall be at least one-inch caliper in size at the time of planting. Shrubs shall be a minimum of one gallon in size at the time of planting. Spaces shall be filled at mature growth but not so that over planting occurs and overcrowding results. Temporary irrigation systems or other means of ensuring establishment of the plantings must be specified.**

Response: No stormwater detention is proposed; however, stormwater quality will be provided in existing or proposed vegetated areas adjacent to impervious surfaces. All plantings will be restored and planted in accordance with the restoration and management plan for the park. Spacing has been incorporated into the plan to consider overcrowding. Some irrigation may be necessary to support the establishment of new plant material.

- C. **Plantings shall be designed to minimize or eliminate the need for herbicides, fertilizers, pesticides, or soil amendments at any time before, during, or after construction, or on a long-term basis. Plantings shall be designed to minimize or eliminate the need for frequent mowing and irrigation.**

Response: Native plants were chosen for the majority of the plant material in order to minimize the need for herbicides, fertilizers, pesticides or soil amendments. Also slow growth plant varieties have been chosen to reduce the need for frequent mowing and irrigation. Some soil amendments may be required in certain areas to ensure the adequate support of these plants.

- D. **The applicant is responsible for implementing the planting plan during the next fall or spring planting season following permit approval. Prior to planting, noxious vegetation shall be removed. All soil areas must be covered with specified plants and mulch to prevent erosion.**

Response: The Applicant understands that they will be responsible for implementing the planting plan during the next fall or spring planting season following permit approval. All noxious vegetation will be removed and soil areas will be covered with the plants and mulch specified in the planting schedule in order to prevent erosion. Therefore, the standard set forth in this section has been met.

- E. **Plantings shall be incorporated into a Public Improvement Guarantee agreement, which includes a maintenance bond as required by CDC Section 91.010(C). The maintenance bond is required for any project involving stormwater quality and detention facilities.**

Response: The site is owned by the City and is already under public ownership. Planting will be maintained by the City Park Maintenance and Operations Department; therefore, the City will be able to ensure that this work occurs.

CHAPTER 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.040 Approval Standards

Approval shall be based on the standards set forth in this chapter and Chapters 48, Access and Circulation; 52, Signs; and 54, Landscaping. (ORD. 1463)

Response: With the exception of up to four accessible spaces, off-street parking is not being provided with this application. Instead, the Applicant has chosen a design which includes on-street parking in order to reduce the grading and disturbance necessary to create off-street parking. Although off-street parking is not included with this application, the applicant has chosen to respond to Chapter 46 to show that parking requirements are fulfilled with the on-street parking provided. Compliance with Chapters 48, 52 and 54 are also demonstrated below.

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. (ORD. 1463)

Response: As previously mentioned, off-street parking is not proposed with this application. However, the Applicant has chosen to respond to this section to demonstrate that adequate parking has been provided at on-street locations on Tannler Dr. The playground has a combination of passive uses and active uses. The playground is slightly less than one acre, requiring 2-5 spaces per acre. As shown on the attached site plan, a total of 40 on-street parking spaces are included in the development plan including two off street ADA van accessible spaces; therefore, this standard has been met.

- B. To calculate building square footage as a basis for determining how many parking spaces are needed, the area measured shall be gross floor area under the roof measured from the faces of the structure, including all habitable floors and excluding only space devoted to covered off-street parking or loading.

Response: The existing building proposed is a public restroom and is not a primary park use; therefore, no additional parking is required to serve this building.

- C. **Where employees are specified, the employees counted are the persons who work on the premises including proprietors, executives, professional people, production, sales, and distribution employees, during the largest shift.**

Response: The proposed park will not have active employees on-site and will not require designated employee parking spaces. Employees of the City Park Maintenance and Operation Department will periodically visit the site for park clean-up and maintenance activities, but will not require regular use of parking spaces to perform their duties.

- D. **Fractional space requirements shall be counted as a whole space.**

Response: All fractional spaces were counted as a whole space for the purposes of parking space calculation.

- E. **Parking spaces in the public street shall not be eligible as fulfilling any part of the parking requirement except open space/park areas with adjacent street frontage.**

Response: The park has adjacent street frontage on Tannler Dr. All required parking is being provided on-street, as permitted for open space/park areas in this Code Section.

- F. **When an office or commercial development is proposed which has yet to identify its tenants, the parking requirement shall be based upon the "office" or "general retail" categories, respectively.**

Response: The subject application does not include any office or commercial components; therefore, this section is not applicable.

- G. **As permitted uses are replaced with new permitted uses within an existing commercial or business center, modification of the number of parking spaces relative to the new mix of uses is not required unless other modifications of the site which require design review approval pursuant to Chapter 55 are proposed. (ORD. 1463)**

Response: The site is not within an existing business or commercial center; therefore, this section is not applicable.

46.090 Minimum Off-Street Parking Space Requirements

B. **Public and Semi-public Buildings/Uses:**

1. **Hospitals/nursing facilities. One space for each 3 beds + 1 space per 2 employees. (ORD. 1463)**
2. **Lodge, fraternal and civic Spaces to meet the combination assembly (except senior center of uses, Section 46.070(A). and community center). (ORD. 1408)**
3. **Library. One space per 400 square feet of reading area, plus one space per two employees.**

4. Religious institutions and One space for every 4 fixed seats or community meeting rooms. every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained (in main auditorium, sanctuary, or place of worship).
5. Museum, art gallery. One space for each 500 square feet of floor area, plus 1 space for each 2 employees.
6. Primary school, middle school, One space for every Employee, or equivalent private or plus 1 space for each 1000 parochial school. square feet of floor area.
7. Senior high, college, or commercial 0.2 spaces per staff and student. trade school, or equivalent private (ORD. 1463) or parochial school.
8. Day care, kindergarten, or pre- One space per employee, plus one school facilities. space for every 300 sq. ft. of floor area.
9. Youth center or community center. One space per 200 sq. ft. of covered floor area and drop-off facilities where required by CDC Section 46.120.
10. Passive parks, open space areas. One space per five acres to one space per acre unless the open space area is abutting a street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed. (ORD. 1499)
11. Active parks, playgrounds. Two to five spaces for each acre of active use area other than athletic fields. If the park is abutting the street with no intervening homes or land uses, and has at least 300 lineal feet of street frontage where on-street parking is allowed, on-street parking may reduce the amount of required off-street parking by up to one-half. (ORD. 1499)
12. Athletic field (baseball, soccer, etc.) 40 spaces per athletic field. If the park has at least 300 lineal feet of street frontage where parking is allowed, on-street parking may reduce the amount of required offstreet parking by up to one-half. (ORD. 1463)
13. Boat ramp. 40 spaces per launch ramp (50% at 9'X20'; 50% at 10'X40' marked "trailers only").
14. Senior center. One space per 150 sq. ft. and dropoff facility per CDC Section 46.120.
15. Trailhead. Four spaces (includes one handicapped space).
 - (a) On-street parking may substitute for the required off-street parking provided it is contained within the roadway frontage of trail land area; and,
 - (b) Vehicles must be able to approach and leave the trailhead parking area in both directions of travel without having to use driveways as turnaround areas. (ORD. 1391)

Response: The playground has a requirement of 2-5 spaces. The requirement is met with 40 on street spaces on Tannler Dr.

- F. **Maximum parking.** While it is important to establish minimum standards to ensure that adequate parking is available, it is equally important to establish maximum parking standards to reduce paved impermeable areas, to reduce visual impact of parking lots, and to encourage alternate modes of transportation. For these reasons, parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum by more than 10 percent except by variance. (ORD. 1463)

Response: The standards of this Section apply to off-street parking spaces. Even though, the Applicant is exceeding the minimum number of parking spaces by more than 10%, the provisions of the Section will not apply to on-street parking. In addition, the on-street spaces will not result in a negative visual impact in the same way off-street parking can.

- G. **Parking reductions.** CDC Section 55.100(H)(5) explains reductions of up to 10 percent for development sites next to transit stops and up to 10 percent for commercial development sites adjacent to large multi-family residential sites. (ORD. 1463)

Response: Parking reductions are not requested as part of this application. The plan for the site meets the minimum parking requirements for the site.

- H. **For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The car pool/van pool spaces shall be clearly marked "Reserved - Car pool/Van pool Before 9 a.m." (ORD. 1425)**

Response: The park will only require periodic maintenance by City employees. None of the uses in the park require daily or regular employee shifts. Employee parking is not required on the site.

- I. **Existing developments along transit streets or near transit stops may redevelop up to 10 percent of the existing parking spaces to provide transit oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities. (ORD. 1425)**

Response: The site has not yet been developed and thus is not an existing development. Therefore the criterion is not applicable.

46.120 Driveways Required On Site

Any school or other meeting place which is designed to accommodate more than 25 people at one time, shall provide a 15-foot wide driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers. Depending on functional requirements, the width may be increased with Planning Director approval.

Response: The park does not necessarily qualify as a “meeting place.” Furthermore, driveways are only required for off-street parking facilities. With the exception of ADA parking spots, the development plan for the park only includes on-street parking. The 9-foot wide parallel parking stalls and adjacent street right-of-way are adequate for maneuvering of vehicles and loading and unloading of passengers.

46.140 Exemptions To Parking Requirements

To facilitate the design requirements of Chapter 58, properties in the Willamette Falls Drive Commercial District/Overlay Zone, located between 10th and 16th Streets, shall be exempt from the requirements for off-street parking as identified in this chapter. Any off-street parking spaces provided shall be designed and installed per the dimensional standards of this Code. (ORD. 1463)

Response: The site is not located in the Willamette Falls Drive Commercial District/Overlay Zone. Therefore the exemption standards set forth in this section do not apply to this site. On-street parking has been provided to meet parking requirements.

46.150 Design and Standards

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design Standards:

- 1. "One standard parking space" means a minimum for a parking stall of 8 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 9 feet in width and 18 feet in length (9 X 18). When multi-family parking stalls back onto a main driveway, the stalls shall be 9 X 20. (ORD. 1463)**

Response: Only standard on-street parking stalls are proposed. All parking stalls are at least 9-feet wide and 20-or 23-feet in length. Therefore, the standard set forth in this section has been met.

- 2. Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and Section 46.150(B) and placed nearest to accessible building entryways and ramps.**

Response: Two disabled, van accessible stalls has been provided off street, consistent with current federal dimensional standards and Section 46.150 (B), as demonstrated below. The disabled parking spaces are located immediately adjacent to the trail entrance to the park, offering the best available access to the park features.

- 3. Parking spaces located in the public right-of-way that require backing movements or other maneuvering within a street or right-of-way are permitted with City Engineer approval as is in the case of Willamette Falls Drive parking facilities.**

Response: With the exception of the accessible spaces, all of the parking for the proposed park is provided in the public right-of-way.

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

Response: No service drives are proposed on the site; therefore, this standard is not applicable.

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

Response: All spaces will have clear access to Tannler Dr.

6. Except for single and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces. (ORD. 1463)

Response: All spaces will be clearly delineated with permanent paint.

7. Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. The remainder of the areas used for parking may use a permeable paving surface designed to reduce surface runoff. Parking for public parks or trailheads may use a permeable paving surface designed to reduce surface runoff for all parking areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve. (ORD. 1463)

Response: All proposed parking will be paved. Therefore, the requirement is met.

8. Off-street parking spaces for single and two-family residences shall be improved with an asphalt or concrete surface, or a permeable parking surface designed to reduce surface runoff, to specifications as approved by the Building Official. Other parking facilities for two- and single-family homes that are to accommodate additional vehicles, boats, recreational vehicles, and trailers, etc. need not be paved. All parking for multi-family residential development shall be paved with concrete or asphalt. (ORD. 1463)

Response: No single-, two- or multi-family components are proposed with the park plan. Therefore, the standard does not apply.

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

Response: There will be one access drive that meets these criteria

10. **Access drives shall have a minimum vision clearance as provided in Chapter 42, Clear Vision Areas.**

Response: The access drive meets these criteria.

11. **Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least 4 inches high located 2 feet back from the front of the parking stall. Alternately, landscaped areas or sidewalks adjacent to the parking stalls without wheel stops shall be two feet wider.**

Response: These will be provided.

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

Response: Permeable paving will be used for off-street parking.

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

Response: No lighting is planned for off street parking.

14. **Directional arrows and traffic control devices, which are placed on parking lots shall be identified and installed.**

Response: No off-street parking is provided; therefore, the standard does not apply.

15. **The maximum driveway grade for single-family housing shall be 12 percent. Deviations for steep lots may be approved by the Planning Director. Where a driveway is approved for grades greater than 12 percent, the last 16 feet in front of the garage must maintain a maximum grade of 12**

percent. The grade break at the bottom of driveways where they meet the public sidewalk or street, shall allow for a smooth transition (e.g., one percent). (ORD. 1463)

Response: Single-family housing is not proposed with this application. Therefore, the criteria set forth in this section does not apply.

16. **Visitor or guest parking must be identified by painted "GUEST" or "VISITOR."**

Response: The site is proposed to be a public park with equal access for all members of the public. Differentiation between guests and visitors is unnecessary.

17. **The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.**

Response: The off street parking is less than 5%. The on street parking will match the grade of Tannler Dr.

18. **Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., 1-foot high berm) plus landscaping. The defensible space of the parking lot should not be compromised.**

Response: The off street parking comprises less than 50% of the street frontage.

19. **Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as: (ORD. 1463)**
- a. **Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or,**
 - b. **Twelve spaces in a group with six spaces abutting together; or,**
 - c. **Two groups of twelve spaces abutting each other, but separated by a 15-foot wide landscape area including a six-foot wide walkway.**
 - d. **Parking areas improved with a permeable parking surface may be designed using the configurations shown in a, b, and c, above except that groups of up to 18 spaces are allowed. (ORD. 1463)**

Response: The off street parking will be only two accessible stalls.

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

Response: The off street parking will be only two accessible stalls.

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

Response: These requirements shall be met.

22. The parking spaces shall be close to the related use.

Response: Parking spaces are located on-street immediately adjacent to the site and in close proximity to the playground. Therefore, the standard set forth in this section has been met.

23. Permeable parking spaces shall be designed and built to City standards. (ORD. 1463)

Response: The parking will be built to city standards.

**B. Accessible Parking Standards for Persons With Disabilities:
If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever is more stringent:**

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

Response: According to the table in this section, one accessible parking space is required and two are provided on the attached site plan. Therefore, the standard set forth in this section has been met.

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

Response: A total of two van accessible parking space are being provided off street. Therefore, this standard has been met. The disabled parking spaces are van accessible and have a loading, unloading area. The space is located immediately adjacent to the playground entrance. Therefore, this standard is met.

3. Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.

Response: The proposed spaces meet both ADA vertical and horizontal slope standards. Therefore, this standard has been met.

4. Where any differences exist between this section and current federal standards, those standards shall prevail over this Code section.

Response: The Applicant understands that where differences exist between this section and current federal standards, those standards shall prevail over this Code section.

5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide. The van stall shall have an adjacent 8-foot wide aisle. All other

accessible stalls shall have a 6-foot wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.

Response: The two disabled parking spaces provided are van accessible spaces and have been designed to the standards stated above. The stall is 8 feet wide with a 96-inch access aisle, as shown on the Site Plan, Exhibit A. Therefore, this standard is met.

C. Landscaping in Parking Areas: Reference Chapter 54, "Landscaping."

Response: Please refer to the responses provided to Chapter 54 in this narrative for demonstration of compliance with the applicable standards.

D. Bicycle Facilities and Parking:

- 1. Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan.**
- 2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclist's locks securing the frame and both wheels. The bicycle parking shall be no more than 50 feet from the entrance to the building, well lit, observable, and properly signed.**
- 3. Bicycle parking must be provided in the following amounts: (See table on the next page.)**

Response: Park uses are not identified in the table referred to in this section. However, a total of 6 bicycle spaces will be provided in close proximity to the playground. Bike parking will be a secure stationary rack that the bicycles can be locked to. Therefore, the requirement is met.

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.080 Bicycle and Pedestrian Circulation

- A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)

Response: Multi-family dwellings are not proposed as part of this application. Nevertheless, a trail system is being provided on-site connecting activity areas. The trails on-site will be mostly 6 to 8 feet wide and composed of asphalt, a durable all-weather material.

- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in Section 85.200(A)(3)(e) of this Code.

Response: A subdivision is not proposed as part of this application. Therefore, the standard does not apply.

- C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to provisions of Chapter 55, Design Review. (AMENDED PER ORD. 1463; 10/00)

Response: The site is not a commercial or industrial site. Thus, the criterion does not apply.

CHAPTER 54 LANDSCAPING

54.020 Approval Criteria

- A. Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three 2-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

Response: All of the native oak trees will be saved. The playground is being built in an open field.

- B. To encourage tree preservation, the parking requirement may be reduced by one space for every significant tree that is preserved in the parking lot area for a maximum reduction of 10 percent of the required parking. The City Parks supervisor or arborist shall determine the significance of the tree and/or landscaping to determine eligibility for these reductions.

Response: There are no significant trees in the proposed parking area.

- C. **Developers must also comply with the Municipal Code chapter on tree protection.**

Response: All significant trees are being protected.

- D. **Heritage trees. Heritage trees are trees which, because of their age, type, notability, or historical association are of special importance. Heritage trees are trees designated by the City Council following review of a nomination. A heritage tree may not be removed without a public hearing at least 30 days prior to the proposed date of removal. Development proposals involving land with heritage tree(s) shall be required to protect and save the tree(s). Further discussion of Heritage trees is found in the Municipal Code.**

Response: There are no Heritage trees present on the site. Therefore, this criteria does not apply.

- E. **Landscaping - by type, location and amount.**
 - 1. **Residential uses (non-single family). A minimum of 25 percent of the gross area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under Section 55.100. Parking lot landscaping may be counted in the percentage.**

Response: No residential uses are proposed on the site therefore, the standard does not apply.

- 2. **Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.**

Response: 99.5 % of the site will be retained as a natural landscape.

- 3. **All uses (residential uses [non-single family] and non-residential uses):**
 - a. **The landscaping shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area. There shall be one shade tree planted for every eight parking spaces. These trees shall be evenly distributed throughout the parking lot to provide shade. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. The perimeter landscaping, explained in Section 54.020(E)(3)(d), shall not be included in the 10 percent figure. Parking lots with 10-20 spaces shall have a minimum 5 percent of interior of the parking**

lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the 5 percent. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one third for the area with the permeable parking surface only.(ORD. 1463)

Response: The proposed plan meets this requirement.

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

Response: The proposed plan meets this requirement.

- c. The soils, site, proposed soil amendments, and proposed irrigation system shall be appropriate for the healthy and long term maintenance of the proposed plant species.

Response: The proposed plan meets this requirement.

- d. A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking, loading, or service area, or driveway is contiguous to an adjoining parcel, there shall be an intervening five-foot wide landscape strip. The landscaped area shall contain:
 - 1) Street trees spaced as appropriate to the species, not to exceed 50 feet apart on the average;
 - 2) Shrubs, not to reach a height greater than three feet six inches, spaced no more than five feet apart on the average; or,
 - 3) Vegetative ground cover such as grass, wild flowers, or other landscape material to cover 100 percent of the exposed ground within two growing seasons. No bark mulch shall be allowed except under the canopy of low level shrubs.

Response: Does not apply

- e. If over 50 percent of the lineal frontage of the main street or arterial adjacent to the development site

comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet in width and shall include terrain variations (e.g., 1-foot high berm) plus landscaping. This extra requirement only applies to one street frontage.

Response: Does not apply

- f. A parking, loading, or a service area which abuts a property line shall be separated from the property line by a landscaped area at least five feet in width and which shall act as a screen and noise buffer and the adequacy of the screen and buffer shall be determined by the criteria set forth in Section 55.100(C) and (D) except where shared parking is approved under Section 46.040. (ORD. 1408)

Response: Does not apply.

- g. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Response: The proposed plan meets this requirement.

- h. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation.

Response: The proposed plan meets this requirement.

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

Response: There are no outdoor storage or service areas located on the site. Therefore, the criterion does not apply.

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

Response: Areas that are newly landscaped do not contain a plant mixture that will impede views into the site. Therefore, the proposed landscaping will not further prohibit surveillance of the site from what is already possible. Therefore, this criteria has been met.

- k. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so

that the facilities do not interfere with vehicular or pedestrian circulation.

Response: Irrigation systems will be required for all landscaping introduced to the site. However, landscaping introduced to the site will require minimal irrigation as the majority of species proposed are native. Any irrigation systems will be located away from pedestrian circulation on the site and will be placed so as to promote proper maintenance. Therefore, this standard has been met.

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

Response: The proposed plan meets this requirement.

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

Response: The proposed plan meets this requirement.

F. Landscaping (trees) in new subdivision.

1. Street trees shall be planted by the City within the planting strips (minimum six-foot width) of any new subdivision in conformity with the Street Tree Plan for the area, and in accordance with the planting specifications of the Parks and Recreation Department. All trees shall be planted during the first planting season after occupancy. In selecting types of trees, the City Arborist may determine the appropriateness of the trees to local conditions and whether that tree has been overplanted, and whether alternate species should be selected. Also see Section 54.040(C)(12).
2. The cost of street trees shall be paid by the developer of the subdivision.

3. The fee per street tree, as established by the City, shall be based upon the following:
 - a. The cost of the tree;
 - b. Labor and equipment for original placement;
 - c. Regular maintenance necessary for tree establishment during the initial two-year period following the City schedule of maintenance; and,
 - d. A two-year replacement warrantee based on the City's established failure rate.

Response: A subdivision is not proposed with this application, therefore, this criteria does not apply.

54.030 Planting Strips For Modified and New Streets

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

Response: Modifications to an existing street or construction of a new street are not part of the park plan. The criteria do not apply.

54.040 Installation

- A. All landscaping shall be installed according to accepted planting procedures.
- B. The soil and plant materials shall be of good quality.
- C. Landscaping shall be installed in accordance with the provisions of this code.
- D. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.

Response: The proposed plan meets this requirement.

54.050 Protection of Street Trees

Street trees may not be topped or trimmed unless approval is granted by the Parks Supervisor or, in emergency cases, when a tree imminently threatens power lines.

Response: Topping or trimming of street trees are not proposed with this application. Therefore, the criterion does not apply.

54.060 Maintenance

- A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Response: The site is owned by the City and upkeep of landscaping will be the responsibility of the Parks Operations and Maintenance Department. The Department will maintain the park as long as the property is under City ownership. Maintenance will include refuse removal, fertilization and mowing of turf areas and repairs to irrigation systems, among other things.

- B. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:**
 - 1. It will not interfere with the maintenance or repair of any public utility;**
 - 2. It will not restrict pedestrian or vehicular access; and,**
 - 3. It will not constitute a traffic hazard because of reduced visibility.**

Response: The City Parks Operations and Maintenance Department will ensure that landscaping is adequately maintained so as not to interfere with public utilities, restrict pedestrian or vehicular access or constitute a traffic hazard.

54.070 Specification Summary

Response: All landscaped areas have been designed to adhere to the provisions of this code and the specification summary of this section. No parking lot areas front on right-of-way in the proposed Site Plan, therefore landscaping is not required along the right of way area. Much more than twenty percent (20%) of the area is being retained as a natural landscape. Finally, only a minimal off-street parking areas is proposed, therefore landscaping is not required in parking areas.

CHAPTER 56 PARKS AND NATURAL AREA DESIGN REVIEW

56.015 Definitions

There are eight categories of park and natural resource facilities as established in the Parks Master Plan. The categories are:

- 1. Active-oriented parks**
- 2. Passive-oriented parks**
- 3. Mini-parks**
- 4. Special use areas**
- 5. Linear parks/open space**
- 6. City beautification areas**
- 7. Pathways and trails**
- 8. Natural resource areas**

Passive-oriented parks.. Passive-oriented parks focus is upon unstructured play, relaxation, family picnics and similar activities. These parks are often within walking or biking distance of most users; the activities they support often become a daily pastime for neighborhood children. Support facilities, such as covered picnic or play areas, etc. are discouraged unless the facilities of a more community wide nature are included at the park.

Response: The proposed playground will be an active use area within a larger passive use park, therefor the park will receive a “special use” designation. Access to the resource areas and connections with the rest of the park are provided with a series of trails linking the two halves of the park. The design of the playground has been primarily determined through an extensive public input process and thus will meet identified community needs. Therefore, the criteria set forth in this section has been met.

56.020 Applicability

- A. This chapter applies to the development of all new parks and natural resource areas. It also applies to changes including the introduction of new facilities and major repairs at existing parks and natural resource areas. No work, except as exempted in CDC 56.025, may take place in these parks and natural resource areas without first obtaining a permit through this chapter and through the appropriate decision-making body. CDC Chapter 55, Design Review, shall not apply to park development or structures or facilities in parks. Unless specifically exempted by this chapter, all relevant CDC chapters shall apply.

Response: Because this application involves the development of a new facility, the proposal is subject to the provisions of this chapter.

- B. There are two classes of Park Design Review--Class I and Class II. Class I Park Design Review applies to minor changes to park facilities. It is reasonable and appropriate that a simpler but more focused set of standards shall apply. Class II Park Design Review applies to the development of any new park or significant changes to an existing park or natural area. The specific submittal standards and approval criteria are explained in Sections 56.070 through 56.100.

Response: The proposal is for a new playground, a significant change, thus Class II Design Review criteria shall apply to this application.

- D. **Class II Design Review. The following is a non-exclusive list of Class II Parks Design Review activities or facilities:**
1. Site preparation for, and/or development of a new park or natural area.
 2. Outward expansion of an existing park or natural area.
 3. Addition or reduction of more than 10 percent of total square footage of an existing building, including any dimensional change if it would result in encroachment towards a natural resource area.
 4. Any program change that results in a change in the function and classification of the park or resource area (e.g., from active park with playing fields to passive park with no playing fields. Any change that puts park program at odds with, or in violation of, Parks Master Plan).
 5. Any change or proposed development, which by its scale or scope of work, requires that a full and comprehensive review be undertaken in the public forum. See "Exemptions" for buildings over 10,000 square feet.

Response: The application includes the development of a new active use area. Additionally, the scale and scope of work of the development will require a full and comprehensive review be undertaken in a public forum. Thus, the application qualifies as a Class II Parks Design Review.

56.060 Phased Development

The applicant may elect to develop the site in phases, also known as stages. The applicant shall delineate the boundaries of the phases on a map and provide a narrative that explains what improvements or facilities can be expected with each phase and when development for each phase is to be initiated. The decision-making authority must approve phased development with a clearly stated timeline for each phase, per the provisions of Section 99.125. Once work on a phase is initiated by the approved timeline, it is not necessary that all the work of that phase be completed by the timeline date so long as reasonable progress is being made.

Response: With the exception of future potential TSP related improvements, phased development is not proposed with this application, provided the Department can afford all the development listed. Therefore, the criteria are not applicable.

56.100 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 parks design review application.

- A. **Park classification.** The proposed park and park programs shall conform to, and agree with, the Parks Master Plan and the parks definitions of section 56.015. Re-classifying the purpose of a park and the programs shall require an amendment to the Parks Master Plan.

Park facilities that are not discussed in the Parks Master Plan shall be classified using the criteria of CDC 56.015 and the Parks Master Plan. Once the classification is made, the approval criteria shall take into consideration those program needs and the standards for the specific park type and evaluate the application accordingly.

Response: The proposed park is classified as a “special use park” per section 56.015. Therefore, this standard has been met.

- B. **Visual and physical accessibility.** Many of the City’s parks suffer from inadequate visibility such as Sunburst Park and North Willamette Park, surrounded as they are by housing. Increased frontage on streets allows greater use of on-street parking and less park space being used for parking. The surrounding streets also provide transitions between on and off-site activities as discussed in section 56.100(C)(5). Physical access is also facilitated by having good cognitive locations that can be safely accessed by bike paths and sidewalks. Improved visual access amplifies the investment and positive benefits of parks in that many people who do not stop the car and actually use the park, derive emotional benefits by exposure to scenes of open space, trees, and grass fields in a world increasingly dominated by built environments.

Response: The White Oak Savannah is bordered by over 3000' of street frontage on Salamo Rd and Tannler Dr. It is also quite visible from the Willamette neighborhood and from traffic on I-205. The new playground will be located in plain view from all of these thoroughfares.

C. Relationship to the natural environment.

1. **The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at the direction of the City Manager.**

Response: Per discussion with City Staff, there are no heritage trees present on the site. Therefore, the criteria do not apply.

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 2(a-c) below. It is important to acknowledge that all trees are not significant.**
 - a. **Areas of the park that include non Type I and II lands shall protect all heritage trees, all significant trees through the careful layout of streets, building pads, playing fields, and utilities. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (b) below. Exemptions of subsection (c) below shall apply.**

Response: There are no significant trees planned for removal with this development, and no Heritage trees on site.

- b. **Areas of the park that include Type I and II lands shall protect all heritage, significant and nonsignificant trees. Groundcover, bushes etc. shall be protected and may only be disturbed to allow the construction of trails or accessing and repairing utilities. Exemption of subsection (c) below shall apply.**

Response: The only vegetation slated for removal are shrubs and grasses that will be removed to construct the playground and the access paths.

3. **In the case of natural resource areas, the topography shall be preserved to the greatest degree possible. Conversely, in non-natural resource areas, it is recognized that in order to accommodate level playing fields in an active-oriented park,**

extensive grading may be required and the topography may be modified.

Response: All of the native oak trees will be undisturbed. The playground is terraced to better fit the existing slopes of the open field it is being constructed in. As a design build project, further “field fit” of the actual components will facilitate this even further.

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.**

Response: The structures planned for the park include a restroom facility, picnic area, and various playground structures. The site has no history of slumping. Thus, this criterion has been met.

5. **The park shall be designed in such a way as to take advantage of scenic views and vistas from the park site, as long as such views can be obtained without eliminating significant trees or other natural vegetated areas.**

Response: The entire park is located on a high hillside with unobstructed views of the Willamette River valley to the south. Thus, this criteria has been met.

D. Facility design and relationship to the human environment

1. **Architecture. Whereas most park buildings are small in size and compatible with existing structure(s) on site and on adjoining sites, the possibility of larger facilities exists. Larger buildings are defined as those over 1,000 square feet and under 10,000 square feet in size. In those cases, contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure. Also important is breaking the larger building into smaller visual components so that the mass of the building is not so apparent. This is especially relevant when the building is near the perimeter of the park. However, certain uses, by virtue of their functional and spatial requirements, are large and can never be made visually equal or even compatible with nearby homes. Such uses shall not be prohibited from locating at active-oriented park facilities on architectural grounds so long as the applicant's architect has broken down the building's horizontal plane into smaller visual components and stepped down the building at the end closest to the offsite structure(s). “Smaller visual components” shall be defined as changes in the horizontal plane every 100 feet created by indentations or pop-outs at least three feet in depth. “Stepping down” shall be defined as bringing the park building's end section that is closest to off-site dwellings to**

half the distance between the highest ridgeline of the park structure and the highest ridgeline of the nearest off-site structure. In those cases where visual component breakdown or stepping down is not feasible, the applicant may rely on transitions in terms of distance as reasonable mitigation between on and off-site buildings. An appropriate minimum distance to achieve mitigation shall be either 150 feet or an existing public right-of-way.

Response: The only building proposed on the site is the restroom building which will be approximately 225 square feet in size. The restroom building will be made of CMU material and will be consistent in design with restroom facilities at other park locations.

2. **Material. Park structures shall emphasize natural material: such as exposed timbers, wood with brick and stone detail. Colors are subdued earth tones: grays, brown, off-whites, black, slate, and greens.**

Response: The proposed playground is a nature themed playground and will incorporate logs, boulders, soil, plants, etc. by design. Thus, the criteria set forth in this section has been met.

3. **Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (e.g., average range of human perception). For large buildings, defined as over 1,000 square feet and less than 10,000 square feet in size, human scale shall be accommodated by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, visual breaks (exaggerated eaves, indentations, belly boards, ledges, cornices, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally, but particularly within the first 10 to 15 feet as measured vertically.**

Response: The restroom building will be a one-story structure approximately 225 square feet and is; therefore, designed to be a human scale. Thus, the criteria set forth in this section have been met.

4. **Transparency. For all enclosed buildings in the park, with the exception of public restrooms, storage and utility buildings, the main/front building elevation shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting building elevation, allow natural/ambient interior lighting and enhance defensible space. One side elevation shall provide at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100- foot long building elevation shall have at least 60 feet (60% of 100) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being**

used. When this exemption is applied to a building elevation(s), the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations in addition to any transparency required by a side elevation, and vice versa. The transferred transparency is not required to be at pedestrian level and may be incorporated into clerestories or dormers. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

Response: The restroom building will be used as public restrooms and is; therefore, not required to contain windows. Thus, the standard does not apply.

E. Transportation Planning Rule (TPR) compliance.

The TPR is a state requirement to reduce dependence upon the private automobile, reduce the total number of vehicle miles traveled and reduce carbon monoxide emissions. One way this can be achieved is by providing greater connectivity within the city from one neighborhood to the next so that circuitous, fuel consuming trips are reduced. Where park space is bisected by a planned arterial connector as identified in the City's Transportation Master Plan, then that arterial shall be constructed as part of the park project. Where proposed collector or local streets are shown on the Transportation Master Plan or where existing roads stub out adjacent to the parks property, the road shall also go through, except in those cases where one of the following criteria is met:

1. The road will eliminate or adversely affect the functional value of the park (e.g., it would go through the only reasonable location for a planned soccer field).
2. The road will adversely affect the quality or quantity of a natural resource area/open space (e.g., construction of the road will require grading or fill in the resource area, the increased traffic associated with the road will diminish the restorative, contemplative, and natural interpretative opportunities associated with the resource; the impact of the traffic, such as noise, pollutants, and glare, will make the area less attractive as a wildlife habitat or corridor, and/or have adverse environmental impacts on the resource, etc.).
3. The road will be in conflict with the city charter languages.

Response: There are no streets stubbed to the property and there are no streets planned to bisect the property, thus the standard does not apply.

F. Compatibility between adjoining uses.

1. On-site screening from view from adjoining properties of such things, as service and storage areas shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:
 - a. What needs to be screened?
 - b. The direction from which it is needed.

- c. How dense the screen needs to be.
- d. Whether the viewer is stationary or mobile.
- e. Whether the screening needs to be year around.
- f. Consideration shall be given to the proper screening of lights so that no off-site glare is produced.

Response: No onsite storage facilities are proposed with the application. Therefore, the criteria set forth in this section is not applicable.

- 2. **Roof top air-cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.**

Response: No roof top heating or cooling systems are being proposed. Therefore, the criteria set forth in this section is not applicable.

- G. **Crime prevention and safety/defensible space.**
 - 1. **Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.**

Response: The only enclosed building on the premises will be the restroom building. The restroom building is not required to have windows per Section 56.100(D)4. Thus, the standard does not apply.

- 2. **The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime, to enhance public safety and away from natural resource areas to minimize disturbance of wildlife.**

Response: No lighting is proposed in conjunction with this application. Therefore, this standard has been met.

- 3. **Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as large parking lots, stairs, ramps, and abrupt grade changes during hours of intended use or operation.**

Response: The park hours will be from sunrise to sunset. Therefore, lighting will not be necessary in pedestrian areas because the park is not open during the night when lighting would be needed. Therefore, the criteria set forth in this section is not applicable.

- 4. **Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person. All projects undergoing design review shall use low- or high-pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional.**

Response: The park hours will be from sunrise to sunset. Therefore, lighting will not be necessary in pedestrian areas because the park is not open during the night when lighting would be needed. Therefore, the criteria set forth in this section is not applicable.

5. **Playing fields and court areas shall not be illuminated unless they are separated from nearby homes by adequate distance and/or screening. Adequate distance shall be at least 150 feet. Adequate screening shall be on or off-site fences, walls, terrain variation or vegetation. (trees, etc.)**

Response: No playing fields or courts are proposed with the application. Therefore, the criteria set forth in this section is not applicable.

6. **Lines of sight shall be reasonably established so that the park and its facilities are visible to police and nearby residents.**

Response: The park is surrounded by two streets and a line of homes. Lines of sight will be adequate.

7. **Large or visually inaccessible parks should ensure that at least some emergency vehicle access is provided to the park's interior.**

Response: As stated above, the park can be safely accessed and viewed by police and other emergency services from Tannler and Salamo. The playground can be accessed from the entrance on Tannler.

8. **Closure times may be posted and/or gates may be installed at city parks to discourage their use at night if necessary for crime prevention and/or public safety.**

Response: The park will be open from sunrise to sunset. The hours of operation for the park will be posted throughout the park at various locations.

9. **Park landscaping shall accommodate safety concerns with appropriate use of plant types and ease of maintenance.**

Response: The landscaping being introduced to the site will be spaced so that line of sight is not obstructed, thereby increasing safety. As shown on the attached Preliminary Landscape Planting Plan, plant varieties that are easy to maintain are being used in the park, thereby helping to reduce safety concerns.

H. Public facilities.

1. **Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to City's Improvement Standards and Specifications. In determining the appropriate sizing of the street, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists and in keeping with the character of the neighborhood. 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.

Sidewalks shall be installed per Sections 85.200(A)(16) and 92.010(H). Both chapters allow reduced sidewalk widths to accommodate topographic limitations or to preserve trees. Streets shall be installed per Chapter 85 standards.

Response: No new streets are proposed as part of this application. Therefore, the standards set forth in this section do not apply.

2. **Parking lots.** CDC Section 46.090 explains the parking requirements for the various categories of parks and open space areas. City squares, malls or plazas are exempt from the parking requirements of Chapter 46. Reduced parking requirements are explained in Section 56.170. Except for areas accommodating ADA disabled parking and ADA access, parking lots may be constructed with a permeable product.

Response: On-street parking is being provided as part the subject application. A total of 40 parallel parking spaces are possible along Tannler Dr. Additionally two ADA parking spaces are provided off street. Compliance with Section 46.090 and Section 56.170 have been demonstrated in other sections of this narrative.

- I. **Paths and trails.** Paths and trails connect the various activity areas within the park. They can also serve as part of a greater system of connective trails from one neighborhood or destination to another.

Response: An on-site system of trails and pedestrian paths has been included in the design of the playground.

Just like streets, there is a hierarchy of paths and trails.

1. **Paths that connect the right-of-way and/or parking lot with the main activity area(s) of the park need to accommodate pedestrians, bicyclists, and persons with disabilities (as grades allow). The path shall be paved and 5 to 8 feet wide. Lesser dimensions are allowed where topography and trees limit width. The grade shall be kept to fewer than five percent where the terrain allows. The path may be illuminated if the facility is programmed for night use.**

Response: All proposed paths in the park are at least five-feet wide. Grades do not exceed 5%. Illumination is not provided on the trails, as the park does not operate before sunrise or after sunset.

2. **Paths that provide a link through the park to neighborhoods on either side must be recognized for their value in addressing the TPR, particularly in those cases where connecting roads through the park or natural area are not provided per Section 56.100(C)(6). These trails or paths may be paved, 5-8 feet wide and may be illuminated. Narrower path sections are permitted in response to**

topography and to preserve trees. Illumination is especially important for this group if these paths are used by early morning and early evening bicycle and pedestrian commuters. Directional signs are needed for this type of trail and user group.

Response: The trail system in the park provides connections across the park to surrounding neighborhoods and links with offsite sidewalks and pathways. The playground paths will be connected to these trails.

3. **Smaller or reduced width paths, within park boundaries, can be built to link lesser activity areas or areas of attraction. Walkers, cyclists, or runners who do multiple loops for exercise often use these paths. These paths may be crushed gravel or paved and at least six feet wide.**

Response: The existing trails in the Oak Savannah are these types of trails.

4. **Nature trails are typically three to six feet wide, gravel, hog fuel, or packed earth. These trails are especially attractive to persons seeking quieter parts of the park for natural interpretation or solitude. Other user groups often use them for exercise loops. Trails and footbridges in natural areas should be designed to minimize disturbance of significant resources. Limiting access to creek beds, potentially erosive slopes, or wetlands by humans and dogs is an important measure if habitat or resource protection is to be addressed. At least initially, the use of these trails by all user groups should be encouraged. Changes or restrictions to some user groups shall be based on empirical observations at that specific site.**

Response: No nature trails are proposed within the playground area. These trails do however exist already at the White Oak Savannah.

5. **Disabled access paths allow disabled persons to access specific activity areas in the park at grades that meet ADA standards. Many parks have special disabled access paths with interpretive areas and viewpoints to allow visual, if not physical, access to natural resource areas. Usually, these paths are 50-200 meters long, 8 feet wide, and clearly identified.**

Response: ADA accessible paths and sidewalks are provided for the entire playground, thus, the criteria set forth in this section has been met.

6. **Paths or trails that link parks, schools, neighborhoods, and the community and even integrate with adjacent cities or regional trails may be paved, 5-10 feet wide. The paths or trails should follow easily identified cognitive routes with good surveillance and defensible space.**

Response: The onsite trail system already connects with the offsite sidewalks and pathways in the neighborhood surrounding the park. Thus, the criteria set forth in this section has been met.

7. All paths and trails shall be clearly identified with signs. They shall be laid out to attract use and to discourage people from cutting across landscaped areas or impacting environmentally sensitive areas.

Response: A series of directional and informational signs will be placed on the trail system.

- J. Provisions for persons with disabilities. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between parking lot(s) and principal buildings and site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

Response: As previously mentioned, all of the playground's paths are ADA compliant.

- K. Miscellaneous criteria. Selected elements of the following chapters shall be met. It is not necessary to respond to all the submittal standards or approval criteria contained in these chapters, only those elements that are found to be applicable by the Planning Director at the pre-application conference pursuant to CDC Chapter 99.030(B) and (C):
 1. Chapter 33, Storm Water Quality and Detention.
 2. Chapter 34, Accessory Structures.
 3. Chapter 38, Additional Yard Area Required.
 4. Chapter 40, Building Height Limitations and Exceptions.
 5. Chapter 42, Clear Vision Areas.
 6. Chapter 44, Fences & Screening Outdoor Storage.
 7. Chapter 46, Off-Street Parking and Loading.
 8. Chapter 48, Access.
 9. Chapter 52, Signs.
 10. Chapter 54, Landscaping. In addition, landscape plans shall incorporate plants which minimize irrigation needs without compromising recreational facilities or an attractive park environment.

Response: All applicable chapters of the code have been addressed in this narrative.

56.170 Exceptions to Underlying Parking Provisions

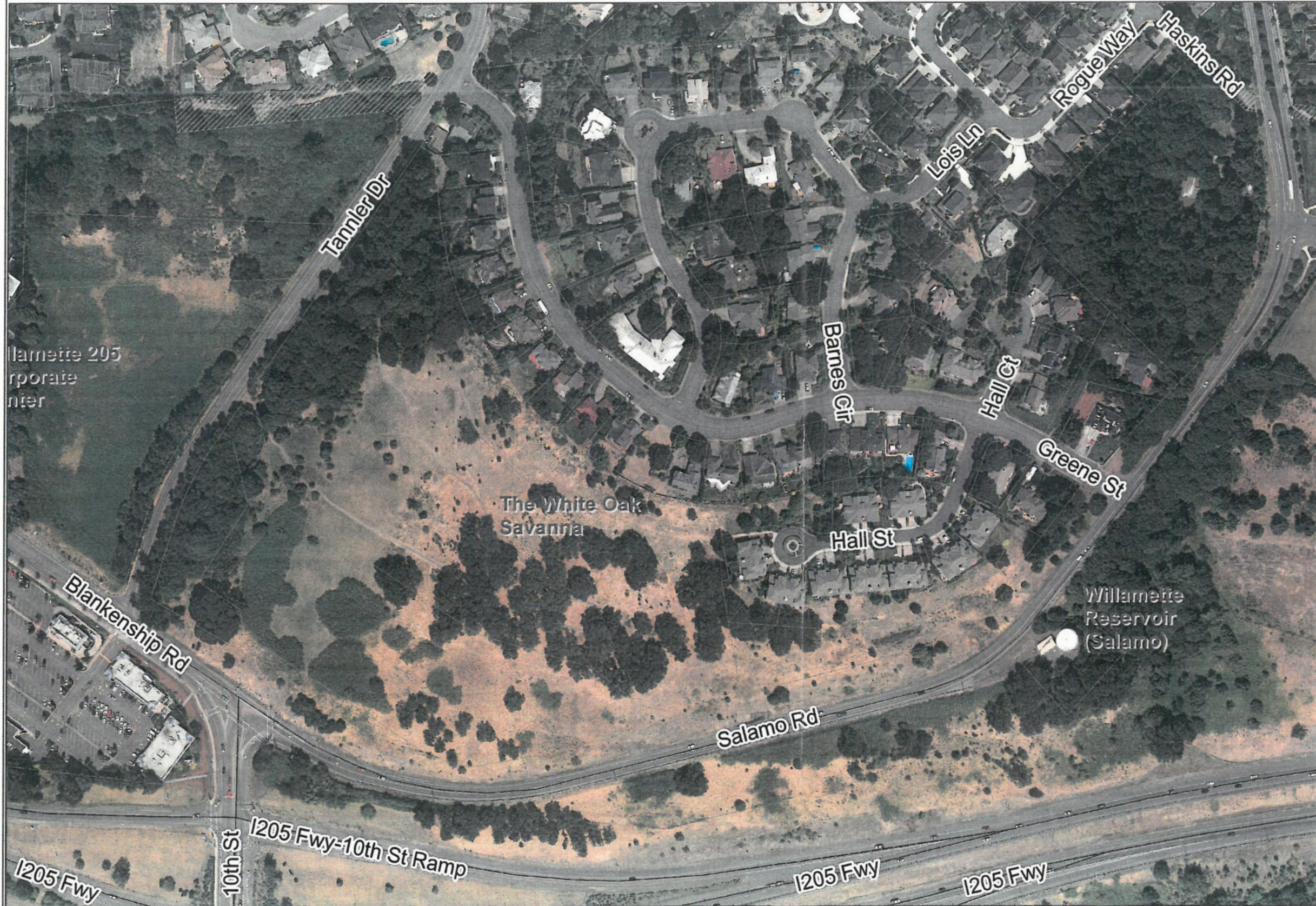
The Planning Director may grant up to a 50 percent exception to the offstreet parking dimensional and minimum number of space requirements in the applicable zone so long as one of the following criteria is met:

1. There is an opportunity for shared parking and there is written evidence that the property owners are willing to enter into a legal agreement; or,

2. **Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.**

Response: Exceptions to parking standards are not requested by the Applicant. Therefore, the standard does not apply.

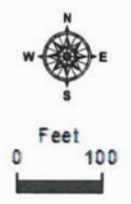
Compliance with all applicable criteria for development of a playground have been demonstrated in this narrative. The Applicant respectfully requests approval of this application for Class II Park Design Review for the subject site.



Blannette 205
Corporate
Center

The White Oak
Savanna

Willamette
Reservoir
(Salamo)



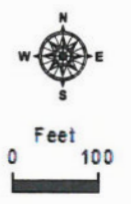
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WEST LINN GIS

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Base map



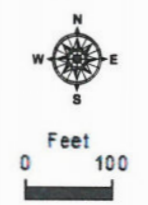
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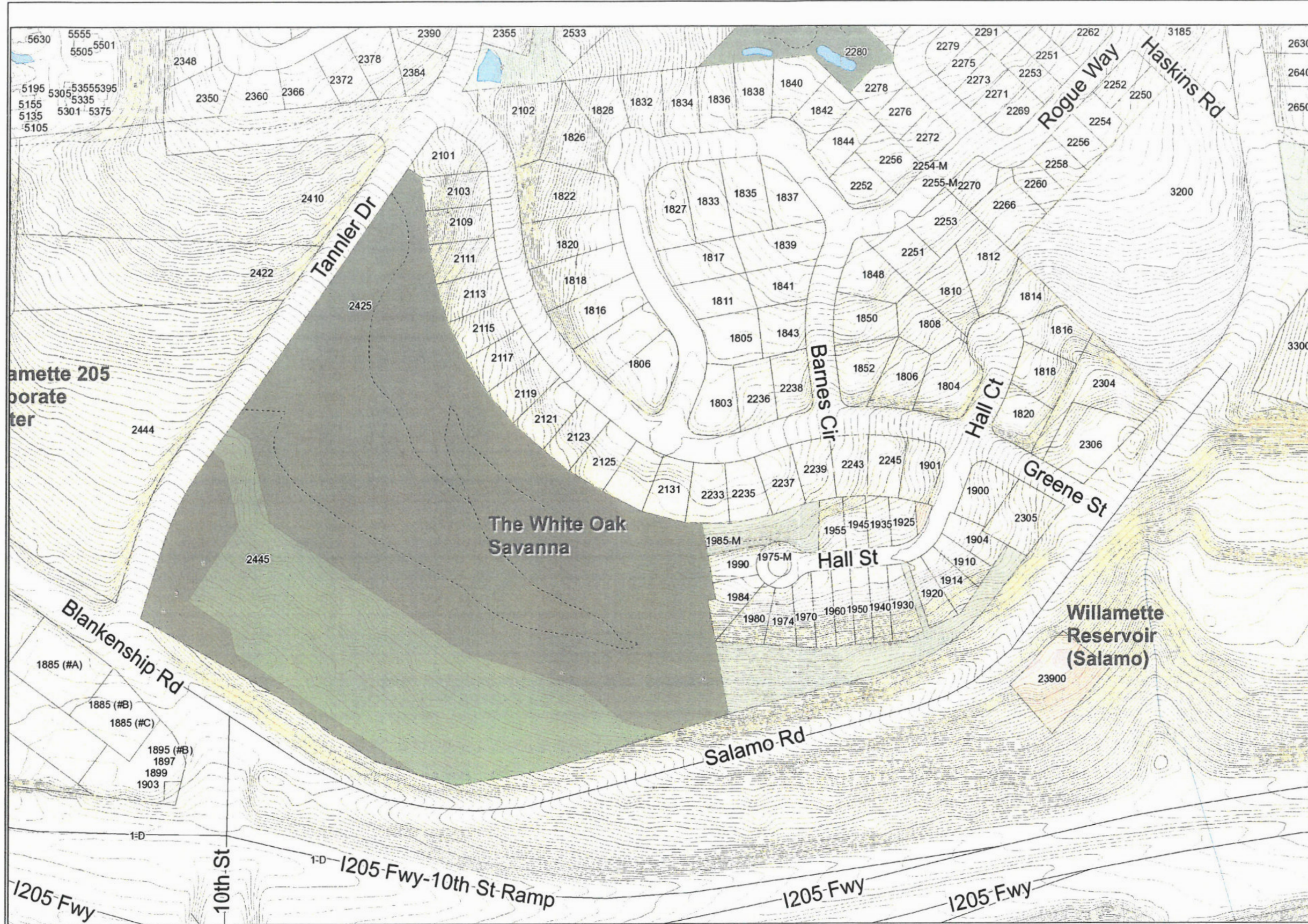


*Terrain
Steep slope*



Map created by: PCOUNTER
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WEST LINN GIS

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*Terrain
Contours 2' & 10''*



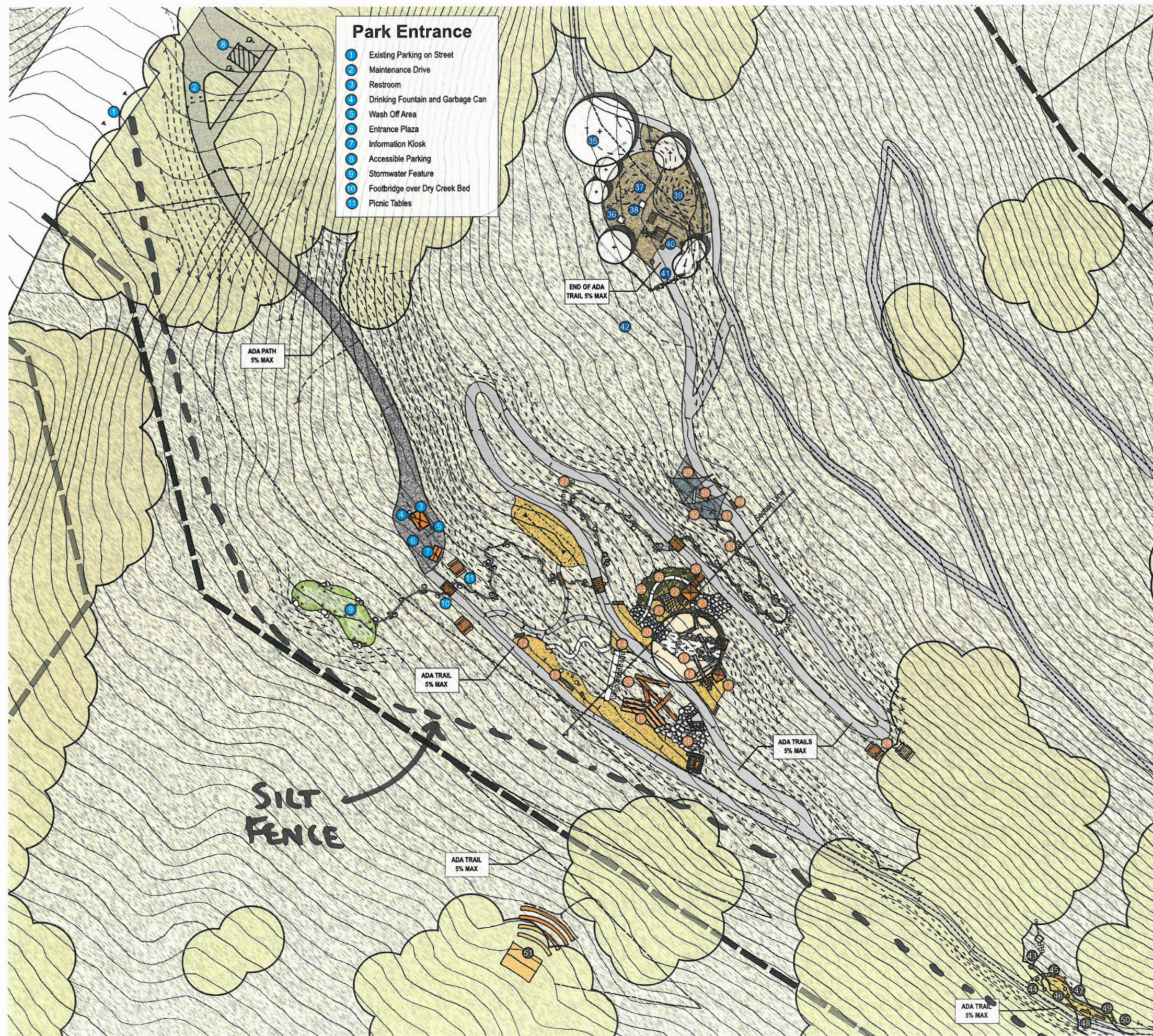
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Nature Playscape Concept Plan

White Oak Savanna Park February 16, 2017



- ### Park Entrance
- 1 Existing Parking on Street
 - 2 Maintenance Drive
 - 3 Restroom
 - 4 Drinking Fountain and Garbage Can
 - 5 Wash Off Area
 - 6 Entrance Plaza
 - 7 Information Kiosk
 - 8 Accessible Parking
 - 9 Stormwater Feature
 - 10 Footbridge over Dry Creek Bed
 - 11 Picnic Tables

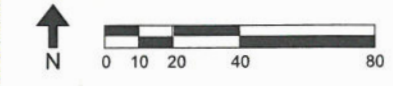
- ### Savanna Adventure Area
- 22 Wood Bench Seating (TYP)
 - 23 Musical Instruments Area
 - 24 Hillside Fort with Double Slides
 - 25 Log Amphitheater and Climbing Area
 - 26 Boulder Climbing and Stone Fort Ruins
 - 27 Covered Structures for Shade
 - 28 Log Climbing and Fort Building Zone
 - 29 Large Native Oak Tree
 - 30 Access from Boulder Climbing
 - 31 Climbing Net Entrance
 - 32 Tube and Tower Ladder Access from Lower Level
 - 33 Oak Landmark Tower
 - 34 Native Planting Area
 - 35 Giant Covered Slide
 - 36 Level Access to Tower
 - 37 Boulder Access Steps
 - 38 Picnic Tables

- ### Water Play Area
- 39 Hand Pump Water Source
 - 40 Water Play Channels
 - 41 Water Course with Weirs
 - 42 Shade Sails
 - 43 Play Stream
 - 44 Benches

- ### Mud Play Zone
- 35 Shade Tree
 - 36 Water Source
 - 37 Main Mud Pit
 - 38 Work Tables
 - 39 Mud Hill and Slide Spot
 - 40 Lincoln Log Building Area
 - 41 Entrance Arch
 - 42 Water Line

- ### Oak Plaza
- 45 Acorn Run Through Field Grass
 - 46 Acorn Mashers
 - 47 Retaining Wall with Ball Drop Feature
 - 48 Basalt Mashers
 - 49 Interpretive Signage
 - 50 Glider Swings
 - 51 Short Retaining Wall
 - 52 Lending Library
 - 53 Amphitheater and Shelter

**GRADING
PLAN**



White Oak Savanna Park - Nature Playscape

Design Development



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City of West Linn Parks and Recreation
22500 Salamo Road
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kworcester@westlinnoregon.gov
503.557.4700

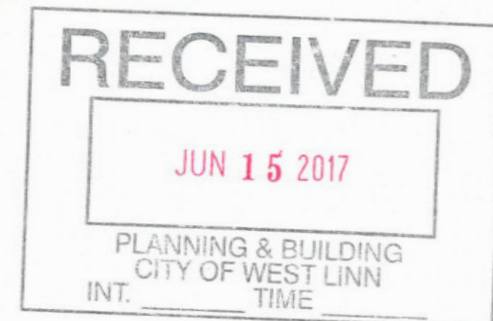


Michelle Mathis, Landscape Architect
Learning Landscapes Design
111 SE Madison St.
Portland, OR 97214
michelle@learninglandscapesdesign.com
503.347.4523

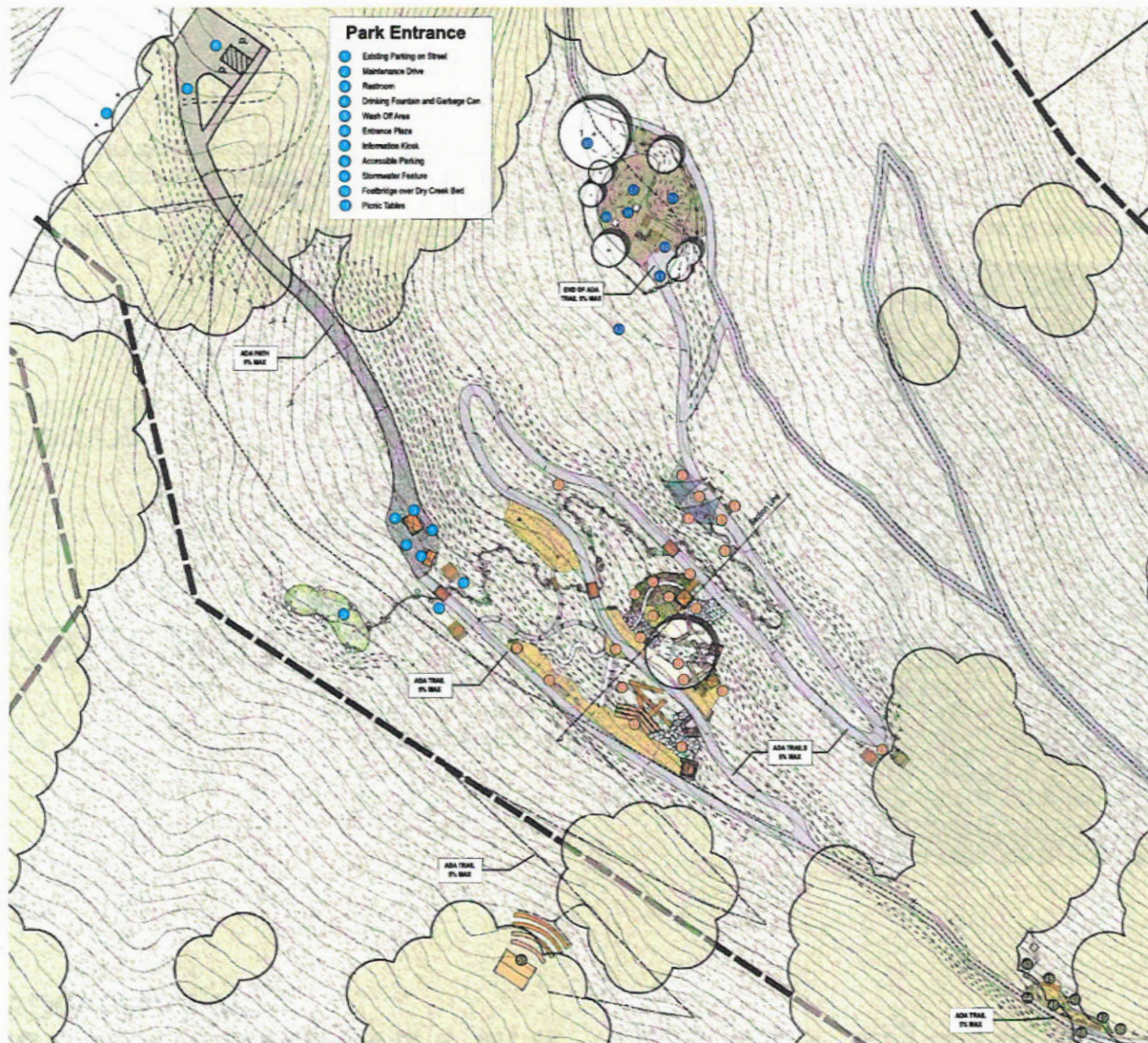
This package is a design development set. Final details and construction approaches will be negotiated with the client and selected contractor. We do not anticipate producing a full CD Set - with the exception of a few key components as identified throughout this document.



White Oak Savanna Park
2425 Tannler Dr.
West Linn, OR 97068



5/30/2017



- Park Entrance**
- Existing Parking on Street
 - Maintenance Drive
 - Restroom
 - Drinking Fountain and Garbage Can
 - Wash Off Area
 - Entrance Plaza
 - Information Kiosk
 - Accessible Parking
 - Stormwater Features
 - Footbridge over Dry Creek Bed
 - Picnic Tables

Nature Playscape Concept Plan

White Oak Savanna Park February 16, 2017

Savanna Adventure Area

- Wood Bench Seating (TYP)
- Musical Instruments Area
- Hillside Fort with Double Slides
- Log Amphitheater and Climbing Area
- Boulder Climbing and Stone Fort Ruins
- Covered Structures for Shade
- Log Climbing and Fort Building Zone
- Large Native Oak Tree
- Access Area Boulder Climbing
- Climbing Net Entrance
- Tube and Tower Ladder Access from Lower Level
- Oak Lighthouse Tower
- Native Planting Area
- Giant Covered Slide
- Level Access to Tower
- Boulder Access Steps
- Picnic Tables

Water Play Area

- Hand Pump Water Source
- Water Play Channels
- Water Course with Weirs
- Shade Walls
- Play Stream
- Benches

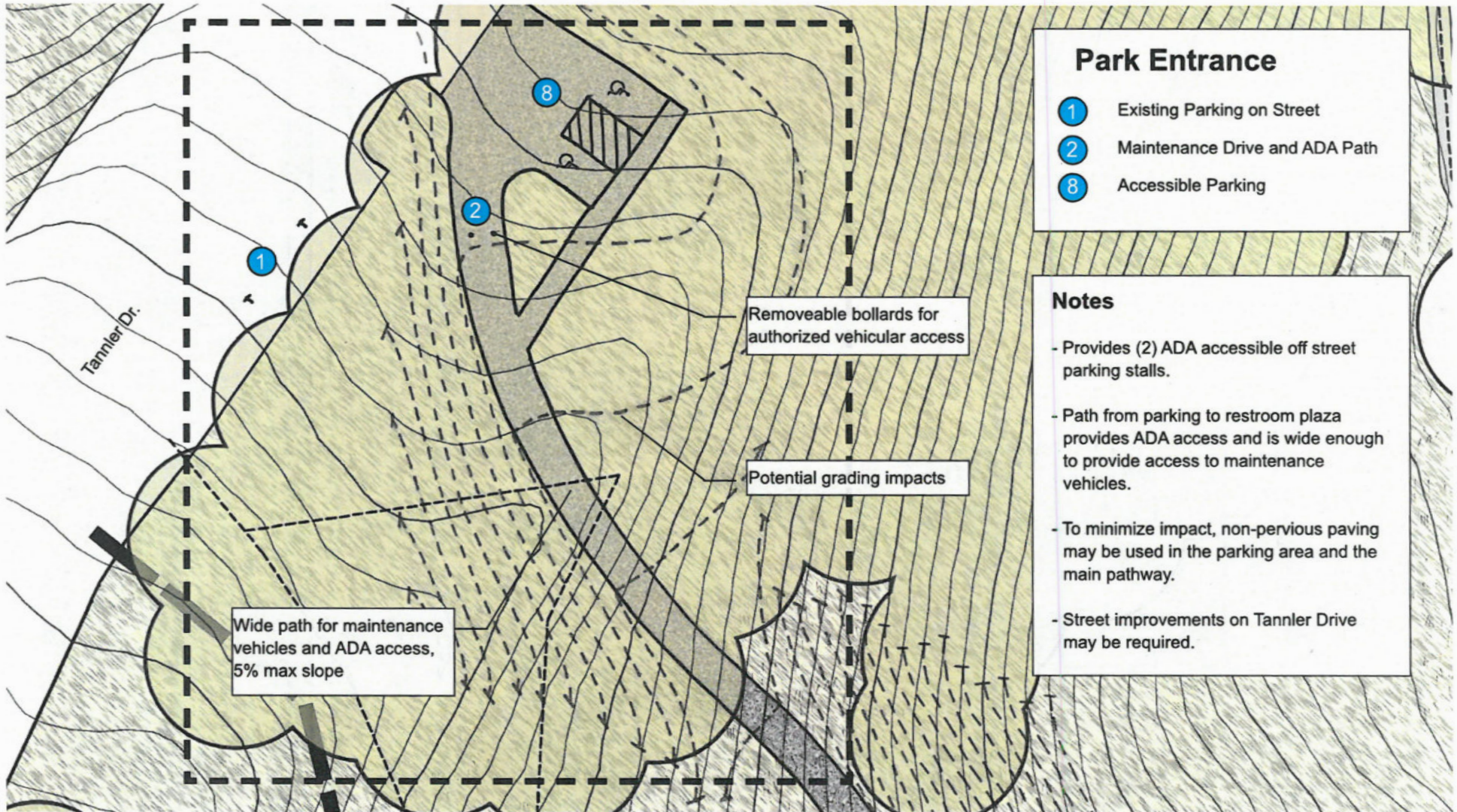
Mud Play Zone

- Shade Tree
- Water Source
- Main Mud Pit
- Work Tables
- Mud Hill and Slide Spot
- Lincoln Log Building Area
- Entrance Arch
- Water Line

Oak Plaza

- Acorn Run Through Field Grass
- Acorn Mashers
- Retaining Wall with Ball Drop Feature
- Small Mashers
- Interpretive Signage
- Older Seatings
- Short Retaining Wall
- Lending Library
- Amphitheater and Shelter





Park Entrance

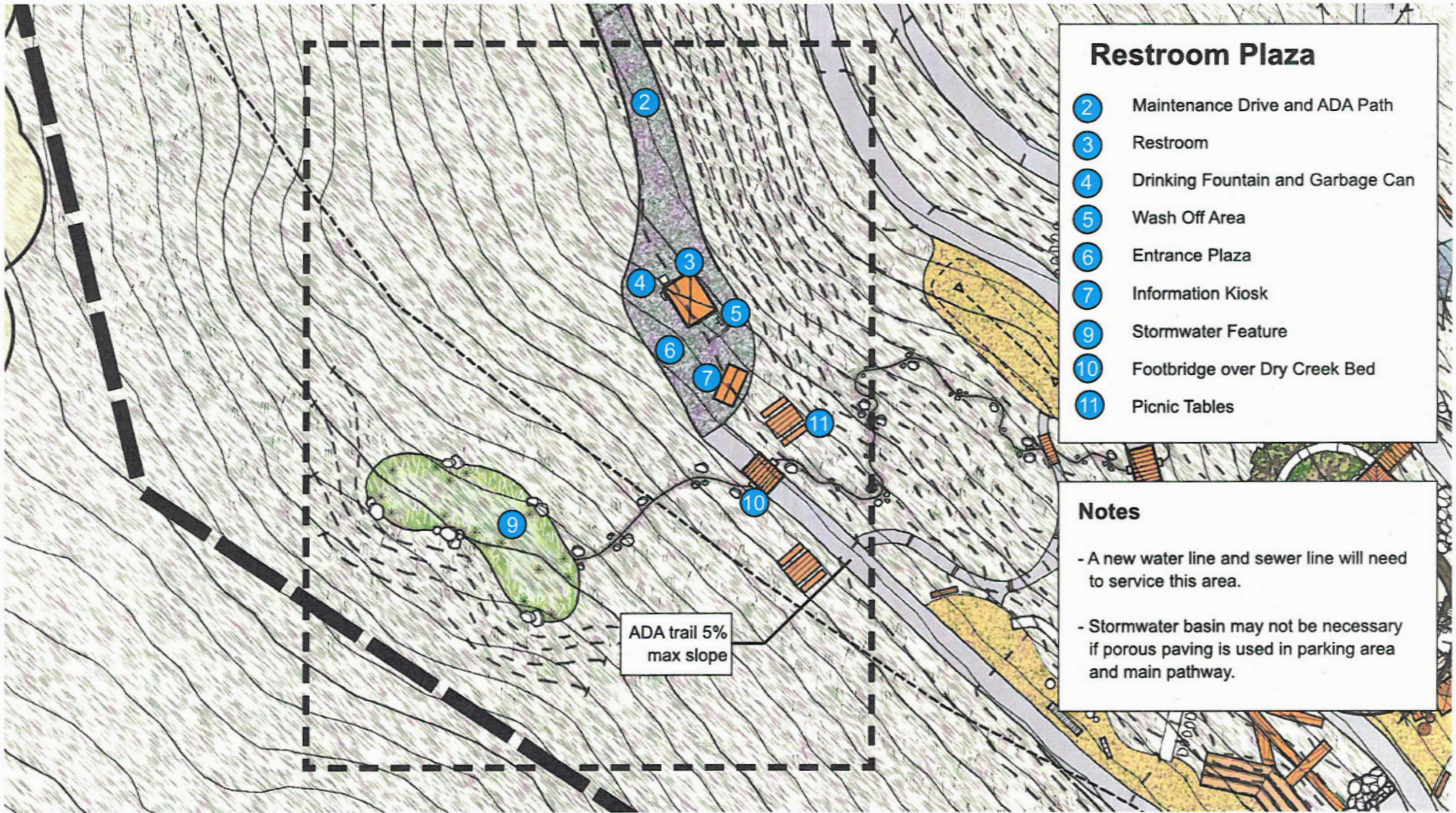


Tannler Dr - Existing Parallel Parking

Park Entrance



Porous Concrete Paving - Example



Restroom Plaza

- ② Maintenance Drive and ADA Path
- ③ Restroom
- ④ Drinking Fountain and Garbage Can
- ⑤ Wash Off Area
- ⑥ Entrance Plaza
- ⑦ Information Kiosk
- ⑨ Stormwater Feature
- ⑩ Footbridge over Dry Creek Bed
- ⑪ Picnic Tables

Notes

- A new water line and sewer line will need to service this area.
- Stormwater basin may not be necessary if porous paving is used in parking area and main pathway.

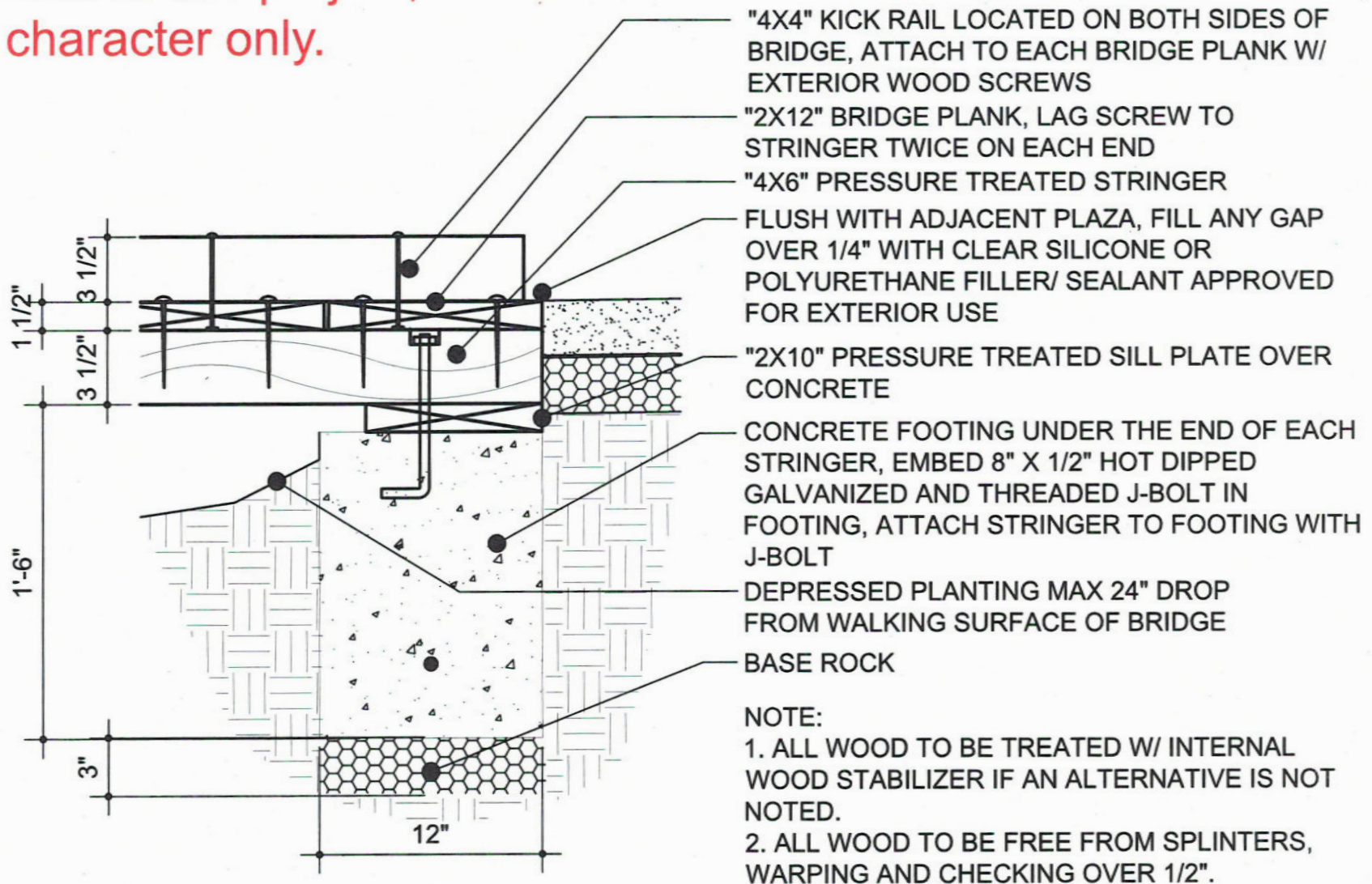
Restroom Plaza



Foot Bridge - Example

Example Detail - not specific to this project, for character only.

Restroom Plaza



Foot Bridge - Example

Restroom Plaza



Pre-fabricated Restroom - Example

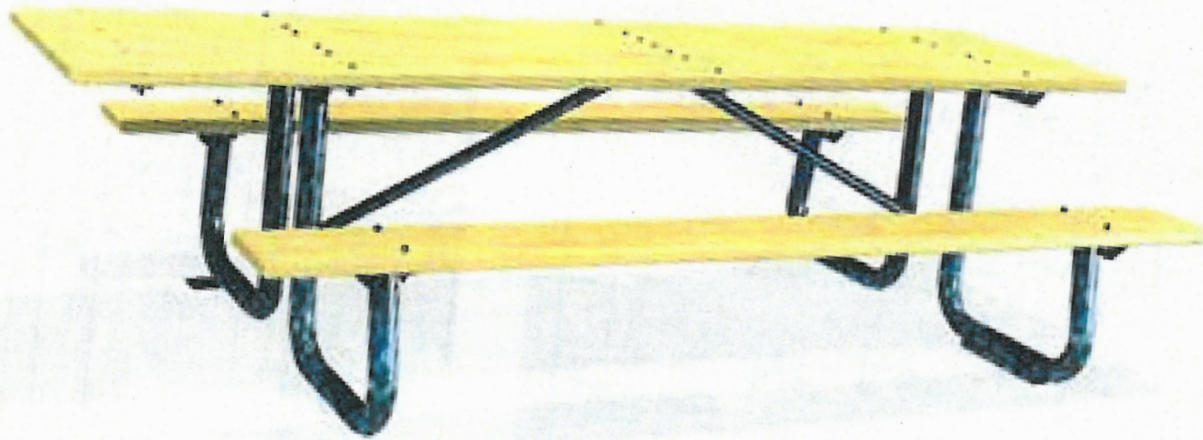
Restroom Plaza



Message Board Kiosk
509-004-99

Oregon Corrections Information Kiosk

Restroom Plaza

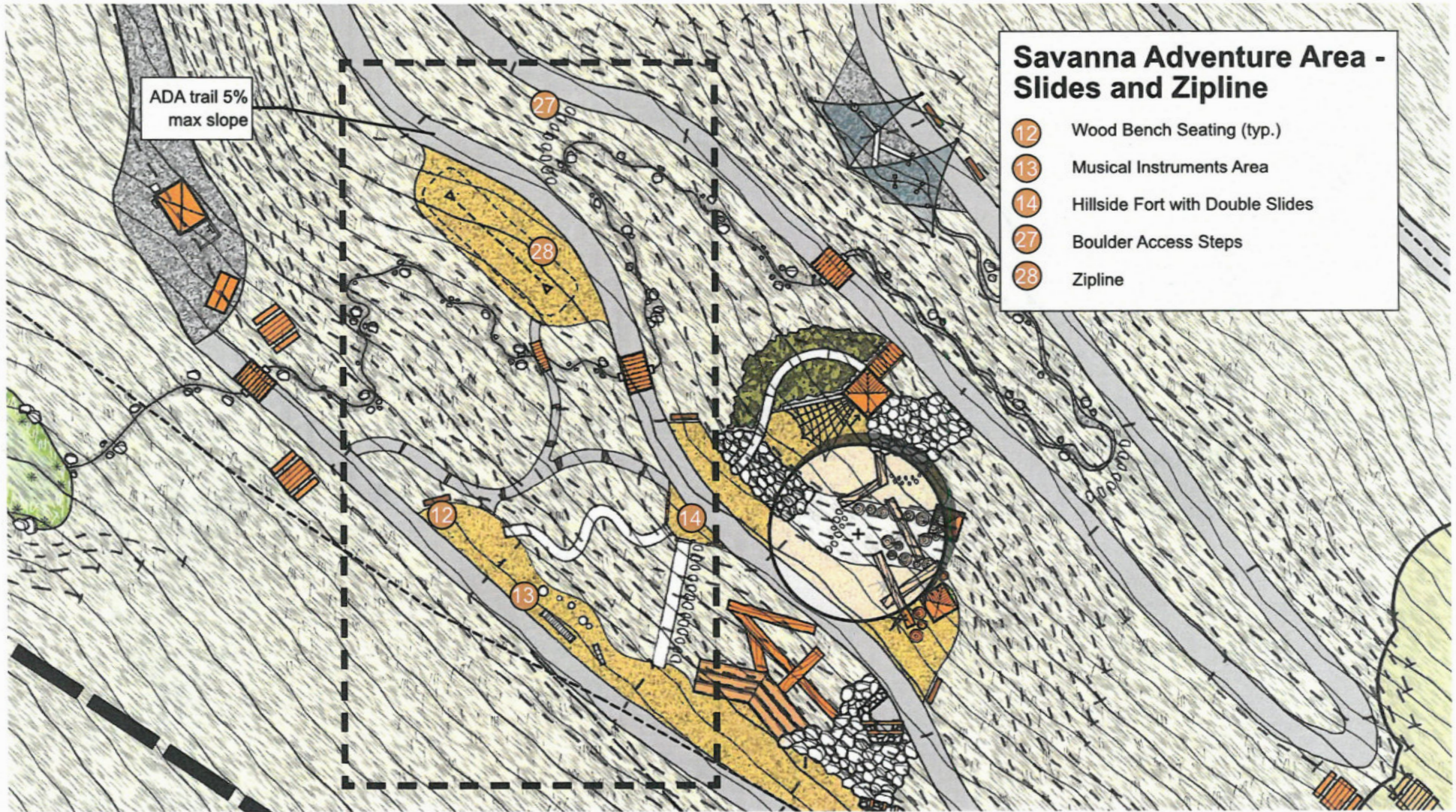


Oregon Corrections Picnic Table

Restroom Plaza



Foot Rinsing Station and Drinking Fountain - Example



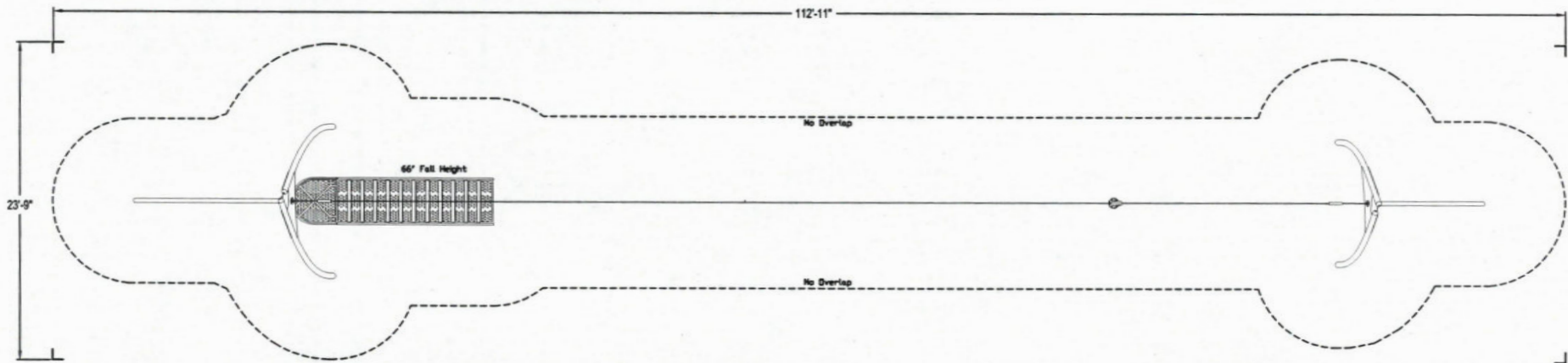
Savanna Adventure Area - Slides and Zipline



Zipline - Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Slides and Zipline



Zipline - Example Detail

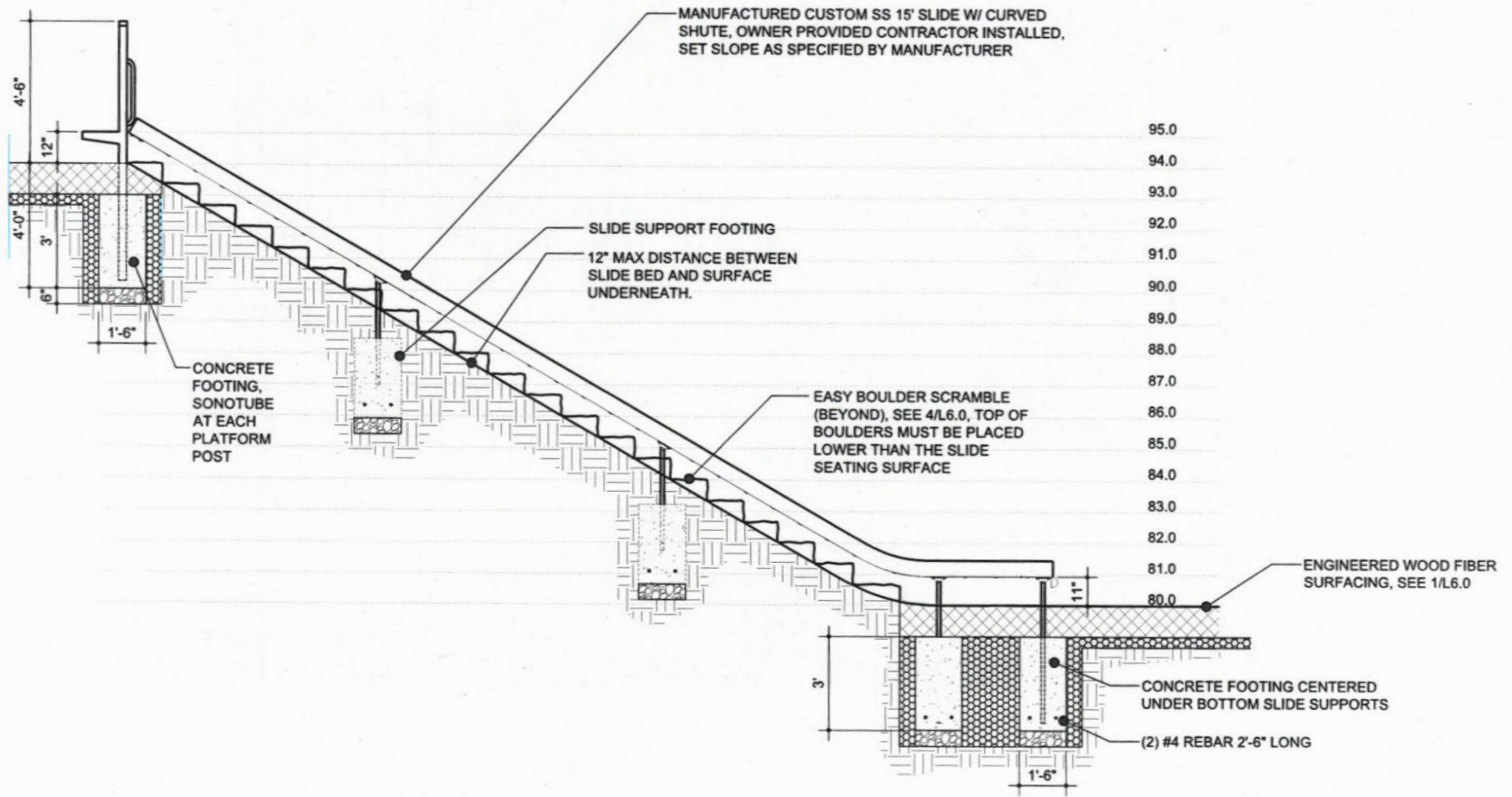
Savanna Adventure Area - Slides and Zipline



Long Embankment Slide - Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Slides and Zipline



Slide - Example Detail

Savanna Adventure Area - Slides and Zipline



Long Embankment Slide - Example

Savanna Adventure Area - Slides and Zipline

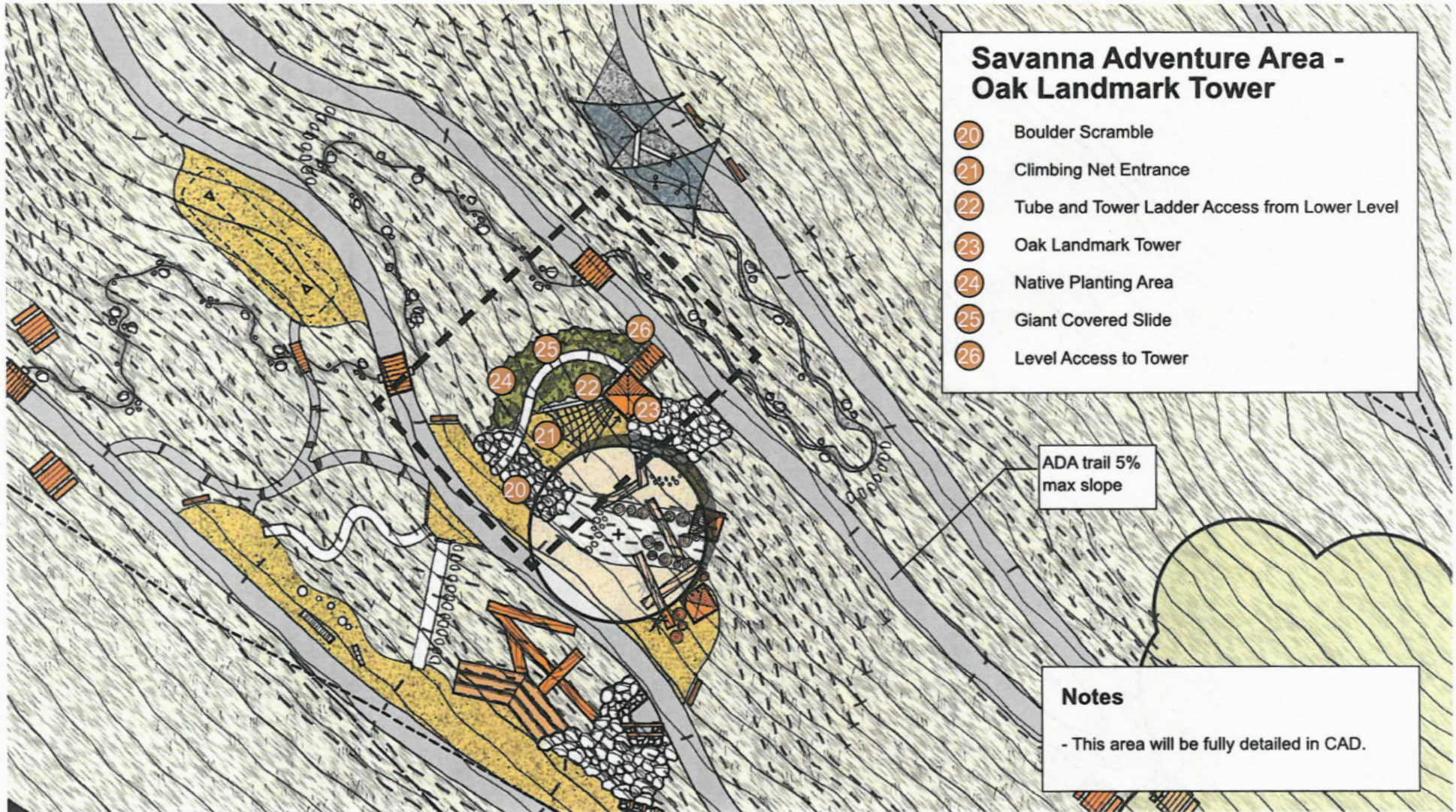


Musical Instruments

Savanna Adventure Area - Slides and Zipline



Crushed aggregate pathway reinforced with horizontal wood logs/posts - Example



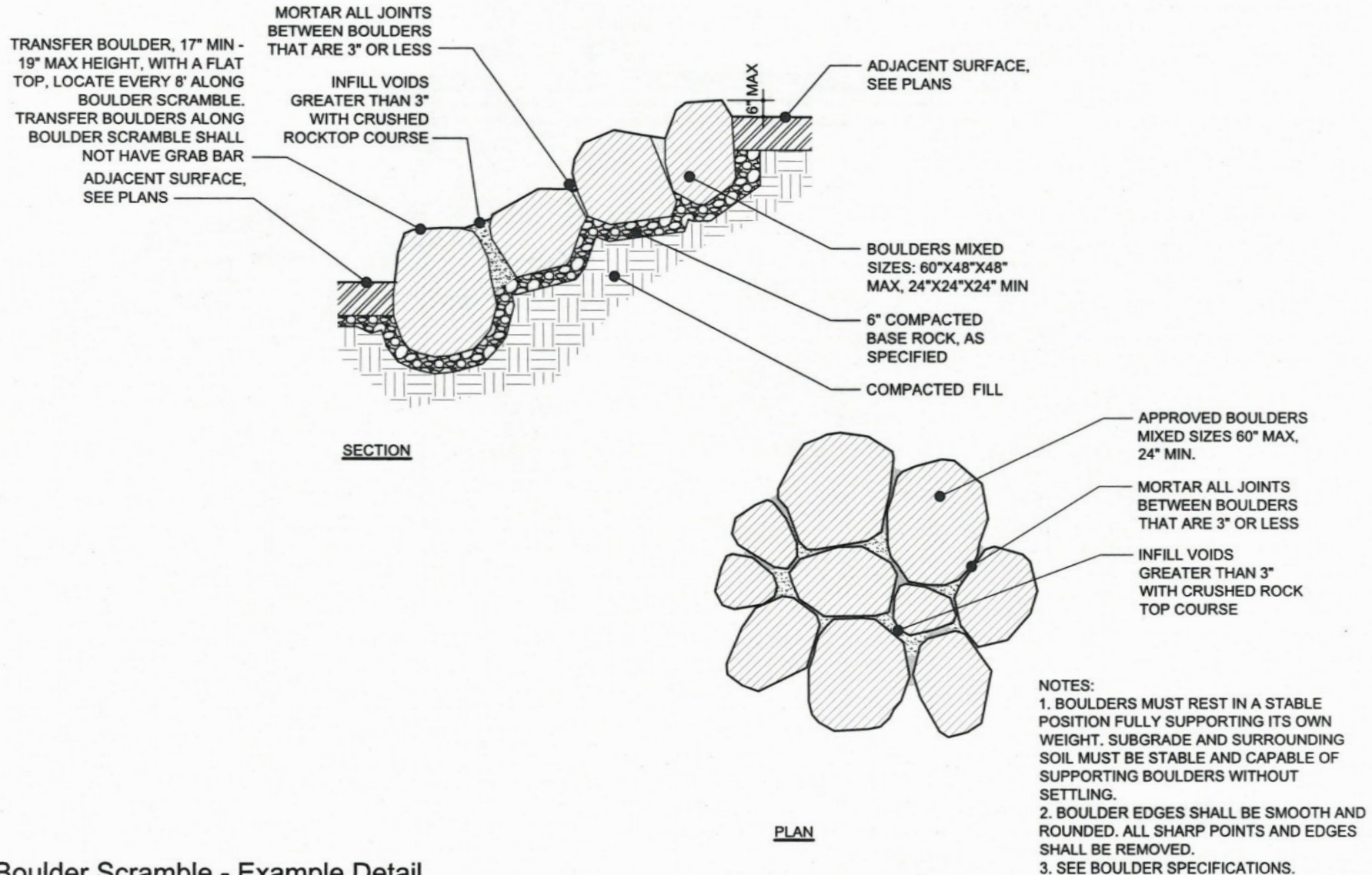
Savanna Adventure Area - Oak Landmark Tower



Boulder Scramble - Example

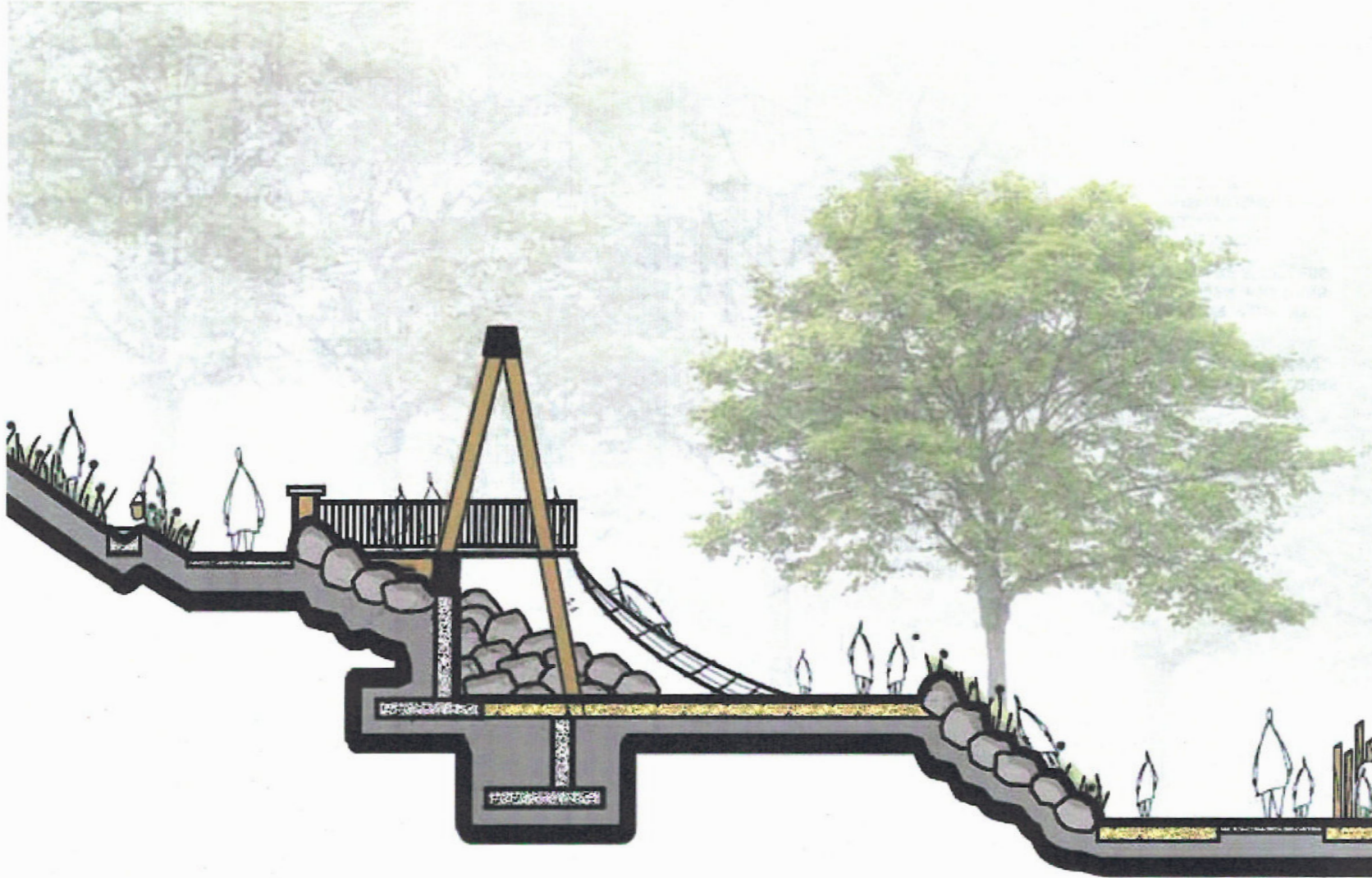
Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Oak Landmark Tower



Boulder Scramble - Example Detail

Savanna Adventure Area - Oak Landmark Tower



Landmark Tower - Concept Sketch

Savanna Adventure Area - Oak Landmark Tower



Landmark Tower - Example

Savanna Adventure Area - Oak Landmark Tower



Landmark Tower - Example

Savanna Adventure Area - Oak Landmark Tower



Landmark Tower - Example

Savanna Adventure Area - Oak Landmark Tower



Landmark Tower - Example

Savanna Adventure Area - Oak Landmark Tower



Embankment Tube Slide - Example

Savanna Adventure Area - Oak Landmark Tower

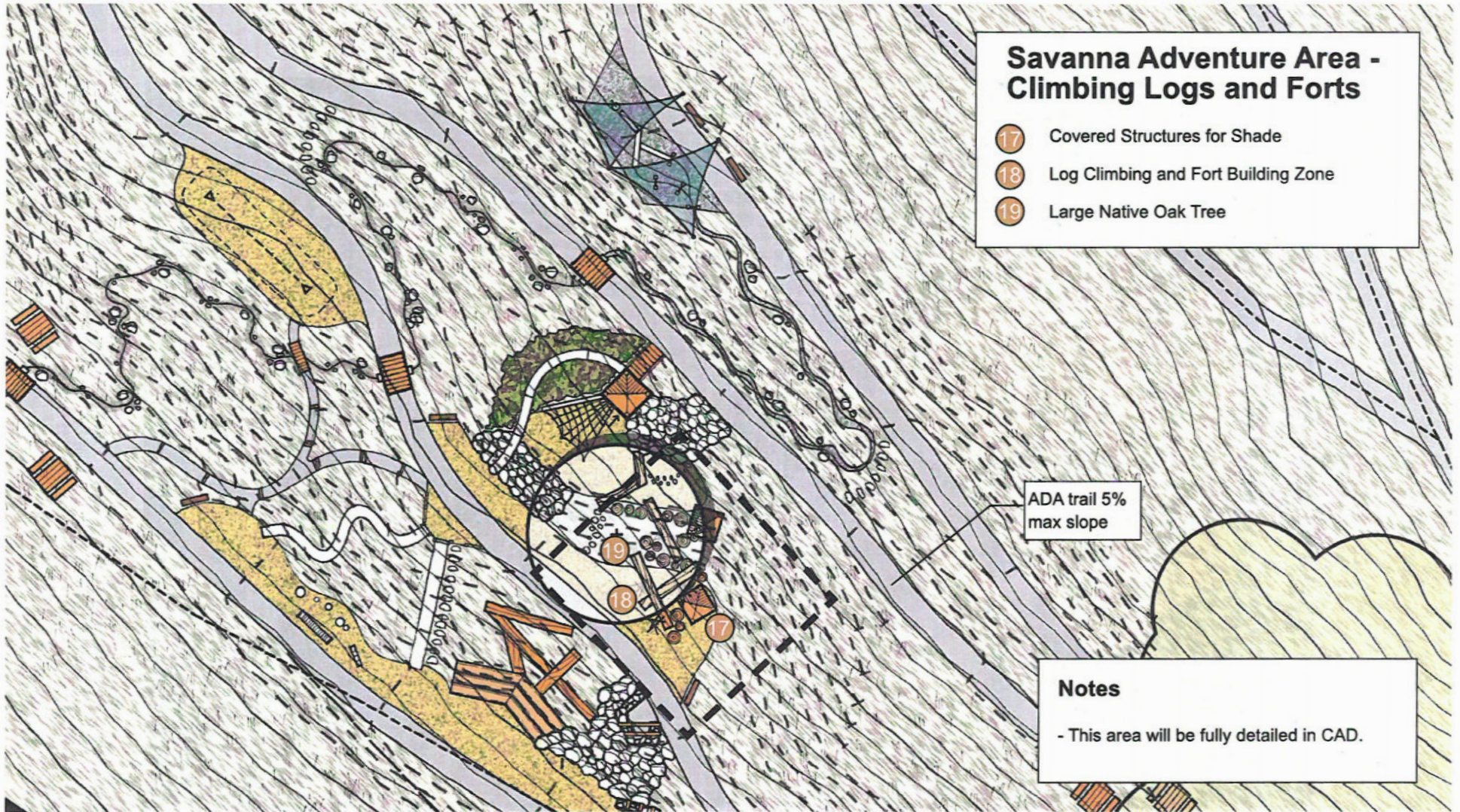


Net Climber to Landmark Tower - Example

Savanna Adventure Area - Oak Landmark Tower



Accessible Bridge to Landmark Tower - Example



Savanna Adventure Area - Climbing Logs and Forts



Crisscross Log Climber - Example

Savanna Adventure Area - Climbing Logs and Forts



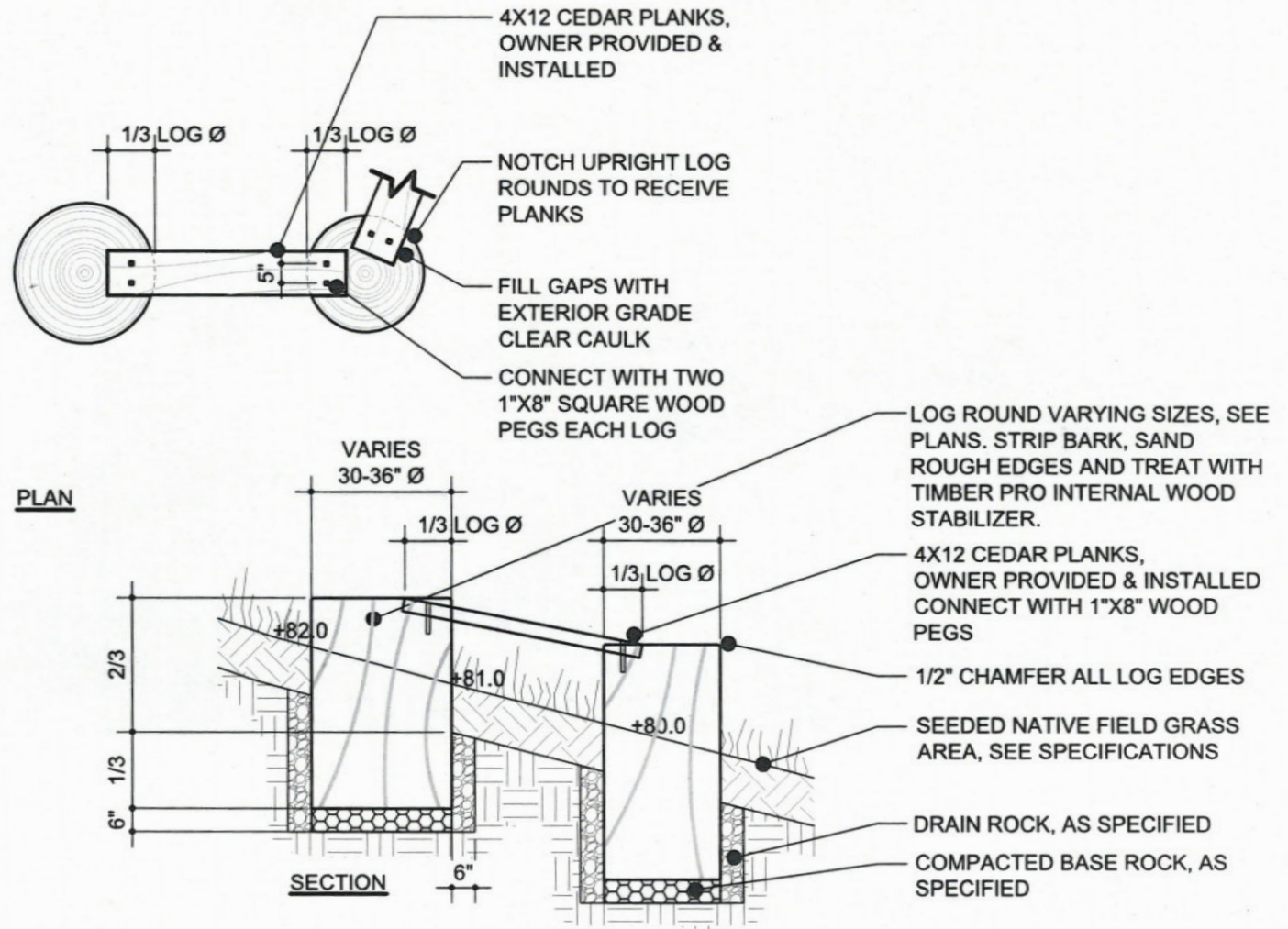
Log Plank Pathway- Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Climbing Logs and Forts

NOTES:

1. SEE SITE PLAN FOR LOG PLACEMENT. FINAL PLACEMENT OF ALL LOGS WILL BE APPROVED IN THE FIELD BY THE OWNER'S REP.
2. BURY A MIN. OF 1/3 OF OVERALL MASS OF LOG BELOW LOWEST ADJACENT GRADE. LOG MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING LOG WITHOUT SETTLING OR MOVEMENT.
3. LOG MUST BE FREE OF SPLINTERS, WARPING OR CHECKING OVER 1/2".
4. REMOVE ALL BRANCHES, STUMPS AND KNOTS.



Log Plank Pathway- Example Detail

Savanna Adventure Area - Climbing Logs and Forts



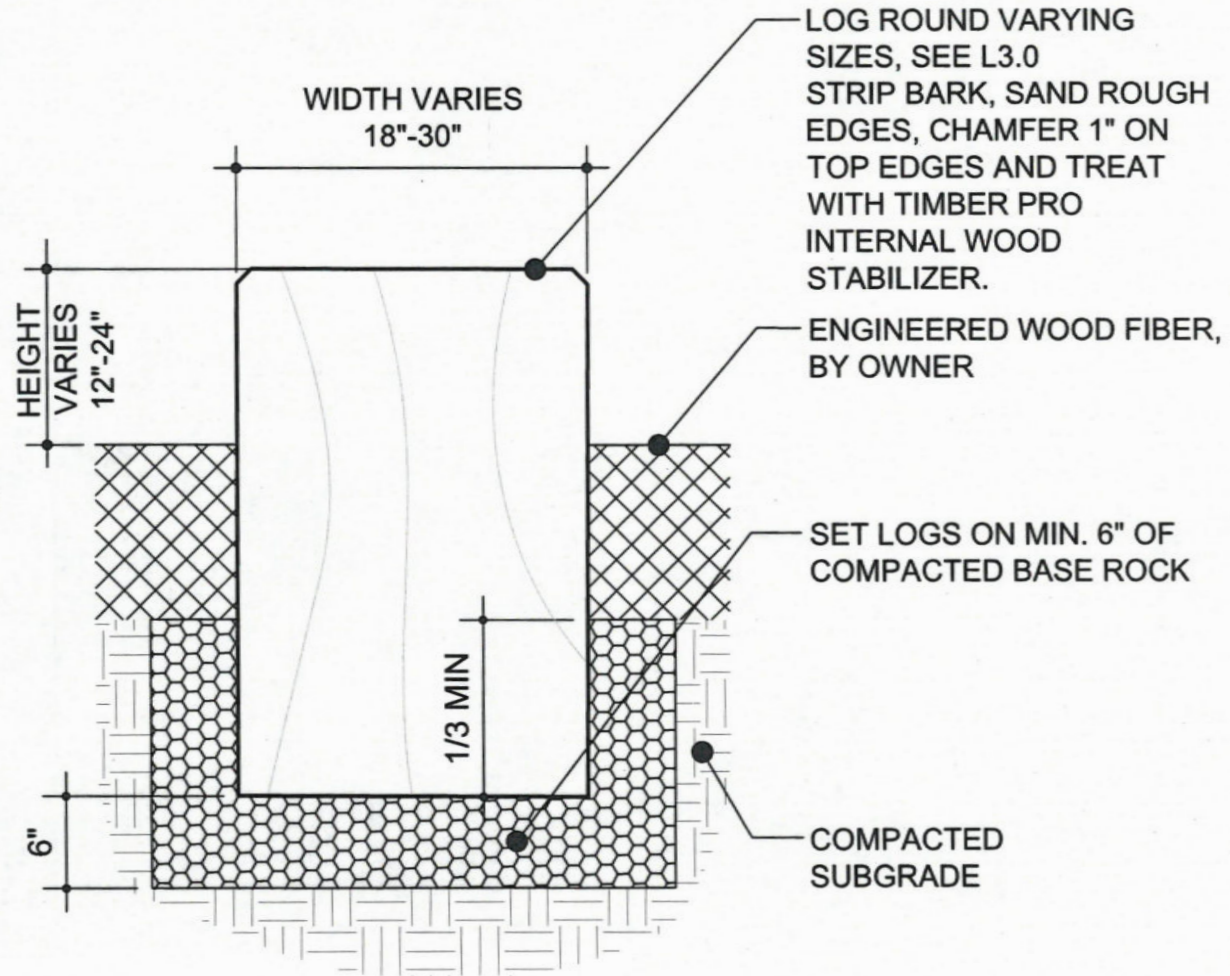
Log Steppers - Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Climbing Logs and Forts

NOTES:

1. SEE L3.0 FOR LOG PLACEMENT.
2. FINAL PLACEMENT OF ALL LOGS MUST BE APPROVED IN THE FIELD BY THE OWNER'S REP.
3. BURY A MIN. OF 1/3 OF OVERALL MASS OF LOG INTO SUBGRADE. LOG MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING LOG WITHOUT SETTLING OR MOVEMENT.
4. LOGS MUST BE FREE OF SPLINTERS, WARPING OR CHECKING OVER 1/2"
5. REMOVE ALL BRANCHES, STUMPS AND KNOTS.



Log Steppers - Example Detail

Savanna Adventure Area - Climbing Logs and Forts

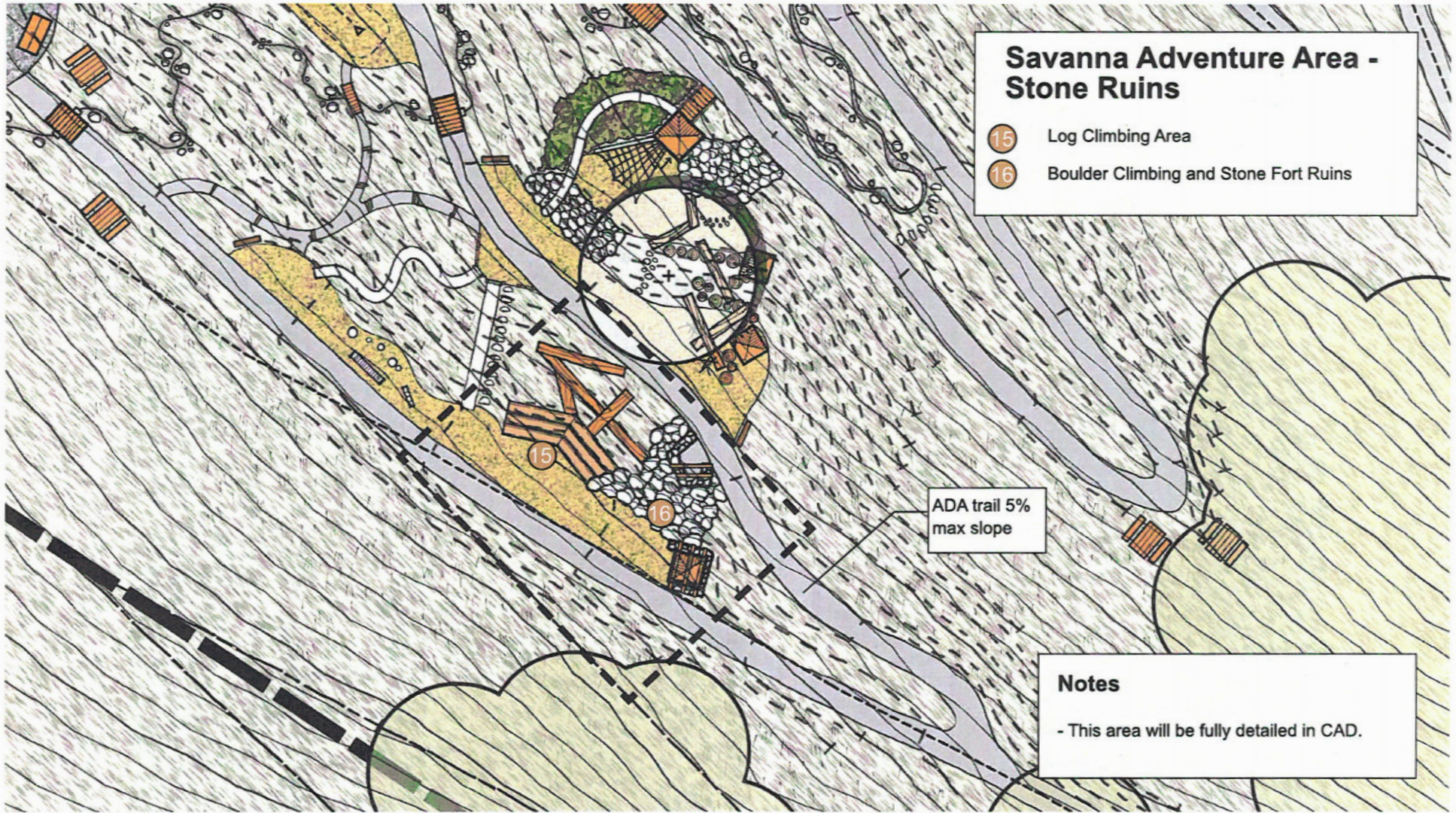


Fort Building - Example

Savanna Adventure Area - Climbing Logs and Forts



Fort Building Platforms with Posts - Example



Savanna Adventure Area - Stone Ruins

- 15 Log Climbing Area
- 16 Boulder Climbing and Stone Fort Ruins

ADA trail 5% max slope

Notes

- This area will be fully detailed in CAD.

Savanna Adventure Area - Stone Ruins



Horizontal Climbing Logs - Example

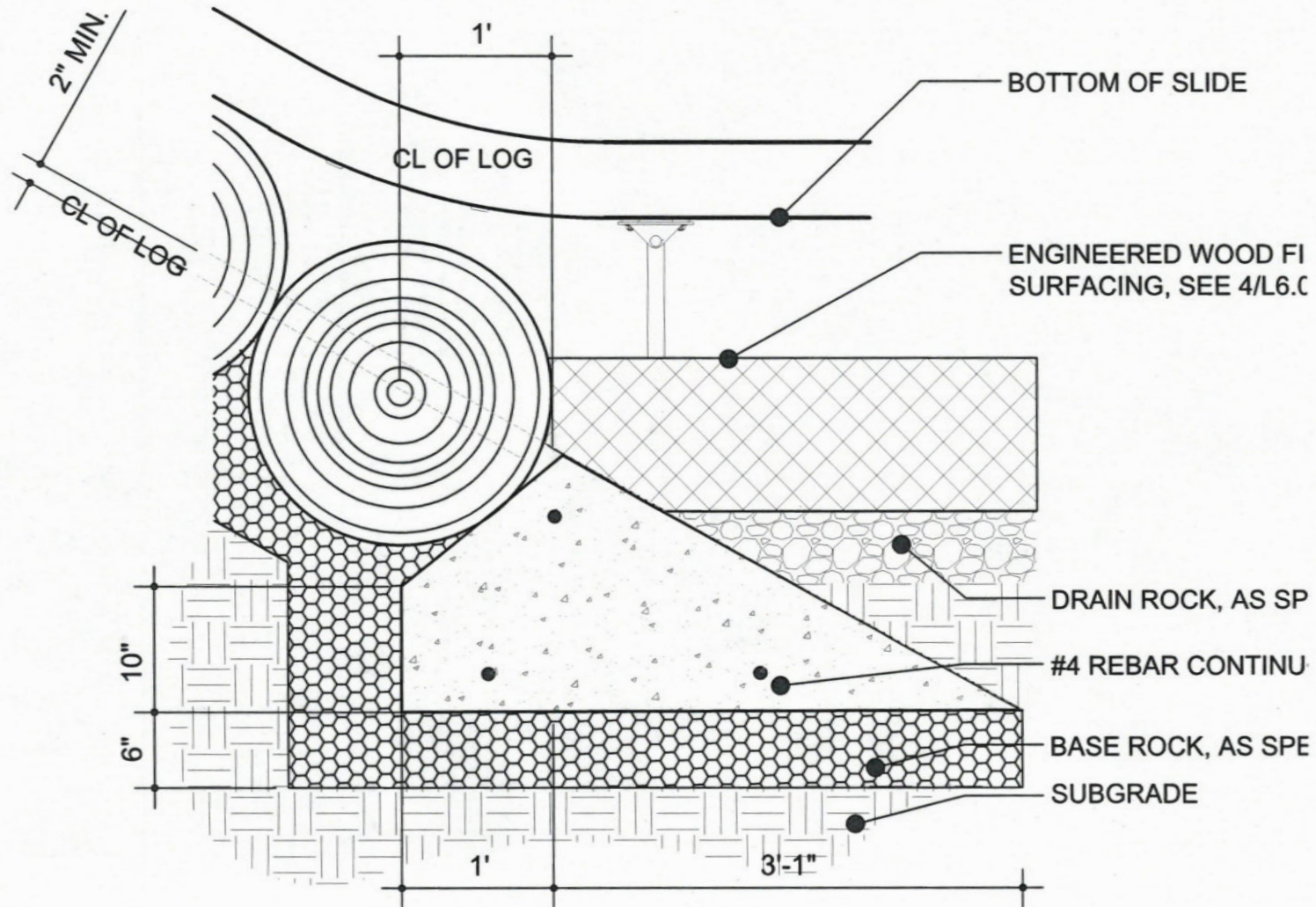
Savanna Adventure Area - Stone Ruins



Horizontal Climbing Logs - Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Stone Ruins



Horizontal Climbing Log Footing - Example Detail

Savanna Adventure Area - Stone Ruins



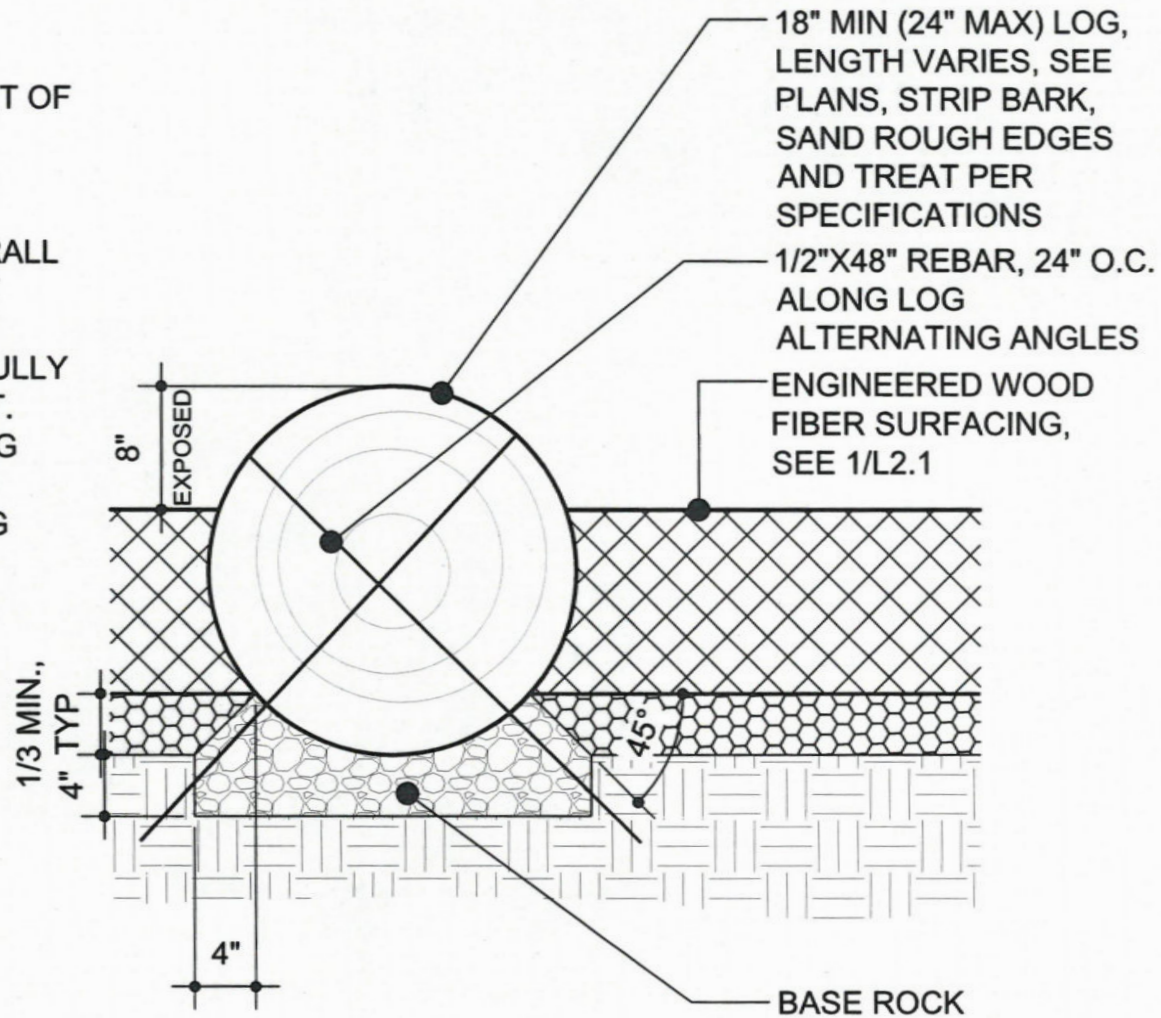
Balancing Logs on Hill- Example

Example Detail - not specific to this project, for character only.

Savanna Adventure Area - Stone Ruins

NOTES:

1. SEE SITE PLAN FOR LOG PLACEMENT. FINAL PLACEMENT OF ALL LOGS WILL BE APPROVED IN THE FIELD BY THE OWNER'S REP.
2. BURY A MIN. OF 1/3 OF OVERALL MASS OF LOG BELOW LOWEST ADJACENT GRADE. LOG MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING LOG WITHOUT SETTLING OR MOVEMENT.
3. REBAR COUNTERSET 1" AND GAP FILLED WITH WOOD FILLER.
4. LOG MUST BE FREE OF SPLINTERS, WARPING OR CHECKING OVER 1/2".
5. REMOVE ALL BRANCHES, STUMPS AND KNOTS.



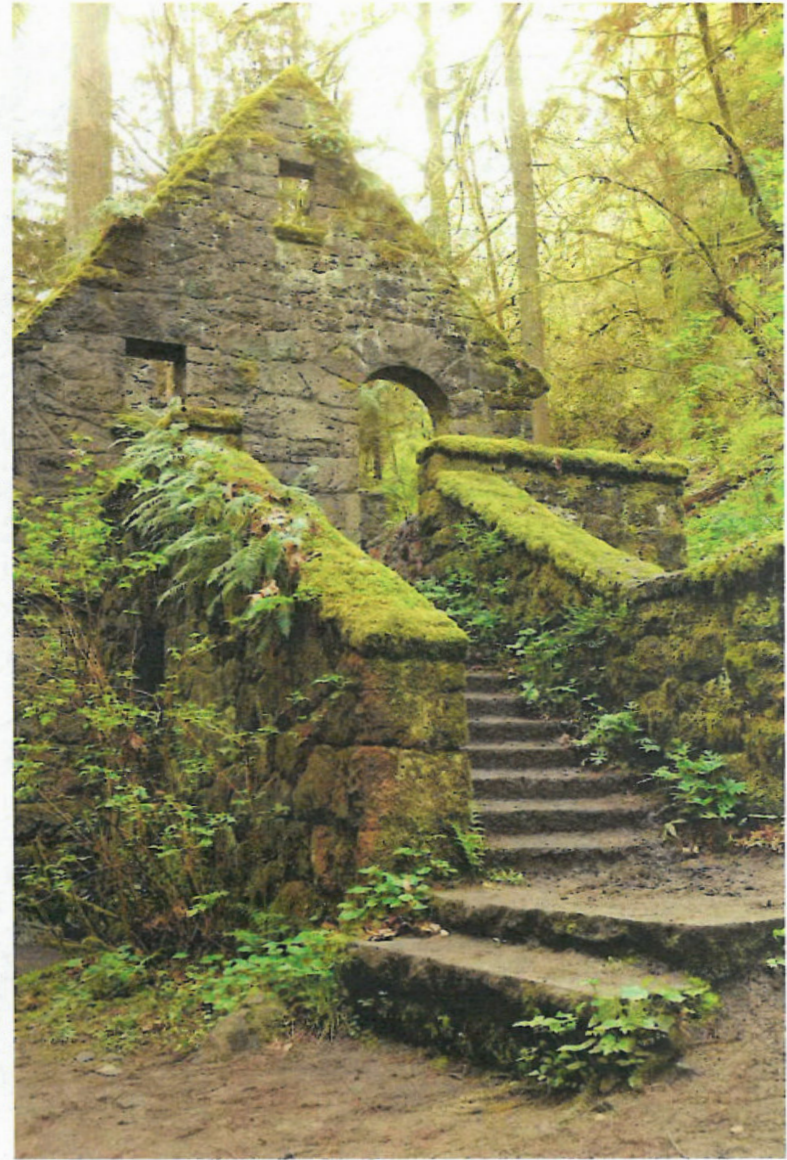
Balancing Log at Grade - Example Detail

Savanna Adventure Area - Stone Ruins

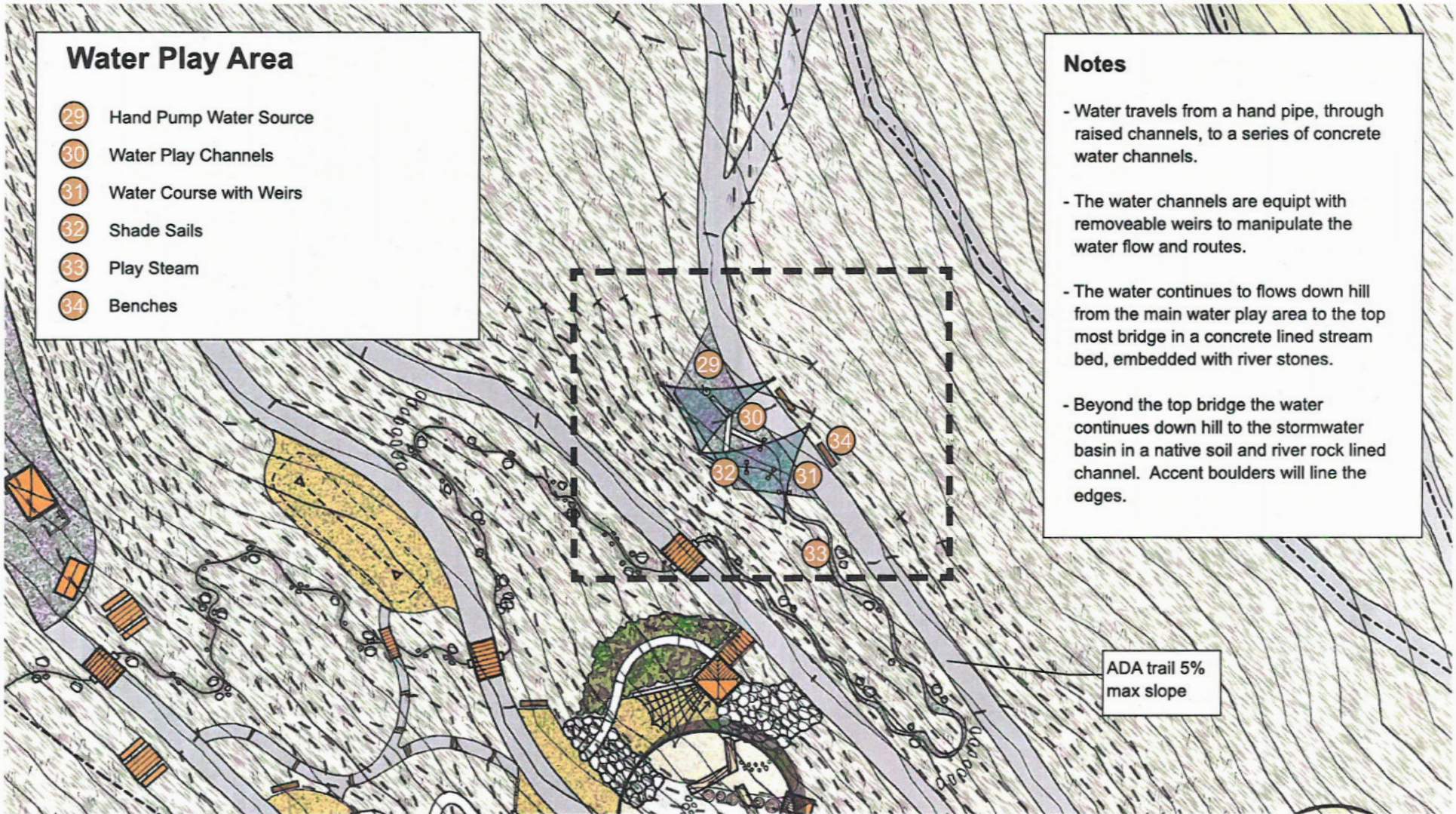


Stone Ruins - Example

Savanna Adventure Area - Stone Ruins



Stone Ruins - Example



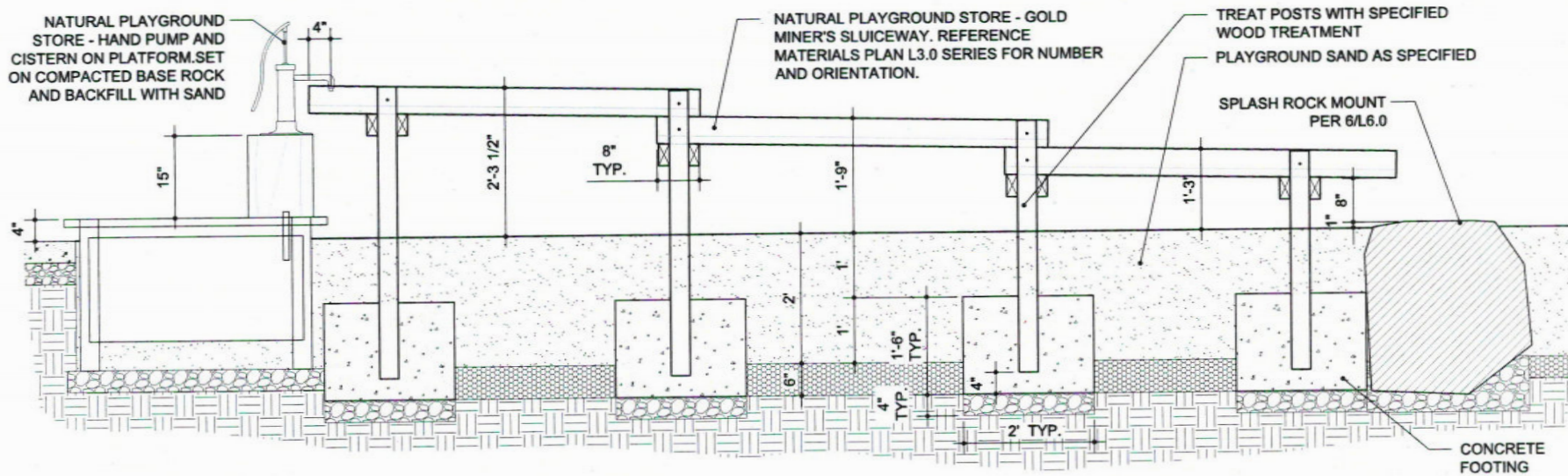
Water Play Area



Water Pump and Raised Channel - Example

Example Detail - not specific to this project, for character only.

Water Play Area



Water Pump and Raised Channel - Example Detail

Water Play Area



Concrete Channel and Weirs - Example

Water Play Area



Concrete Water Course - Example

Water Play Area



Concrete Play Stream - Example

Water Play Area

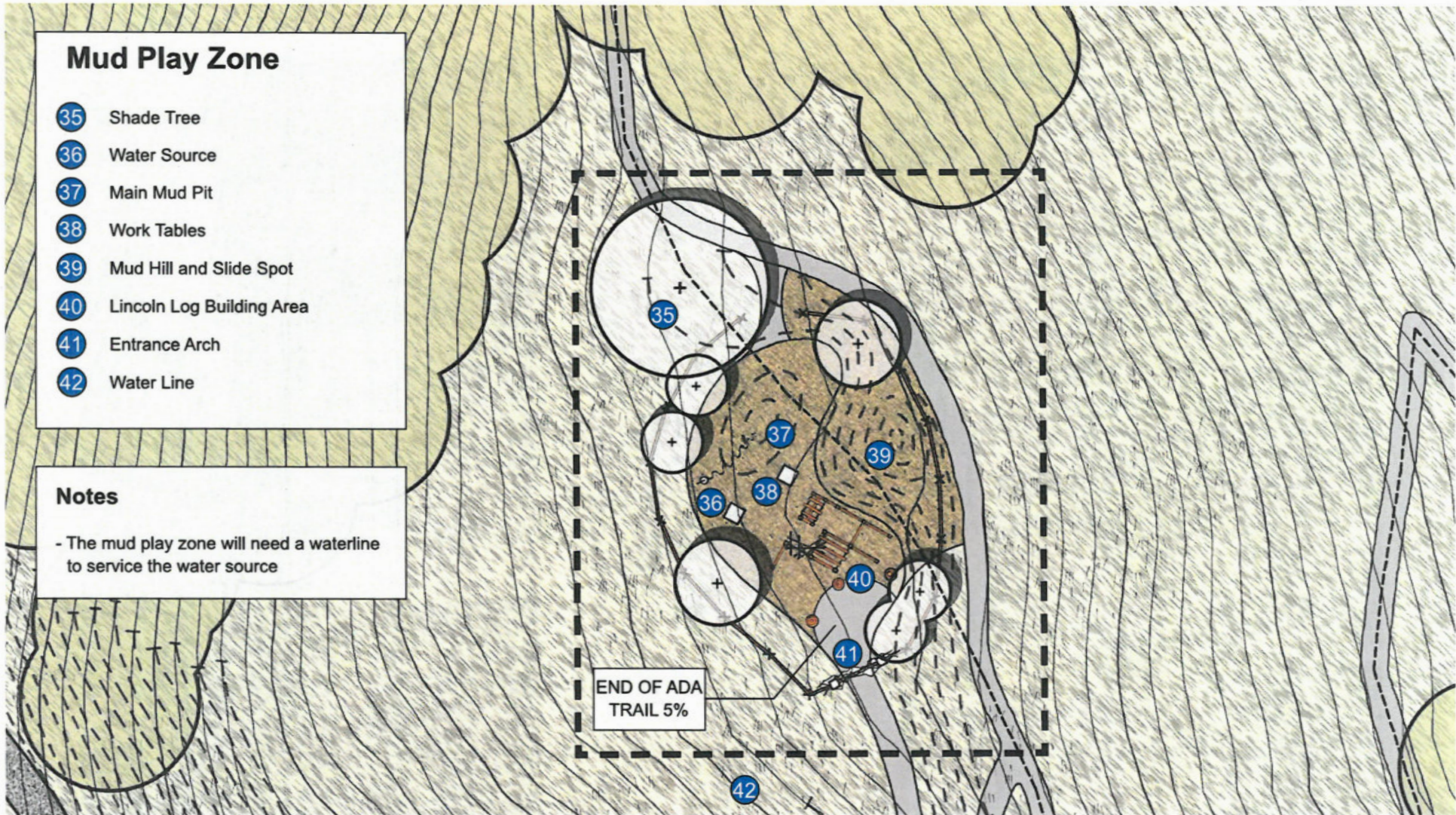


River Rock Lined Play Stream - Example

Water Play Area



Shade Sails - Example



Mud Play Zone



Water Pump and Foot Rinsing Station - Example

Mud Play Zone



Work Tables - Example

Mud Play Zone



Mud Pit - Example

Mud Play Zone



Mud Pit - Example

Mud Play Zone



Mud Slide - Example

Mud Play Zone



Loose Parts Building - Example

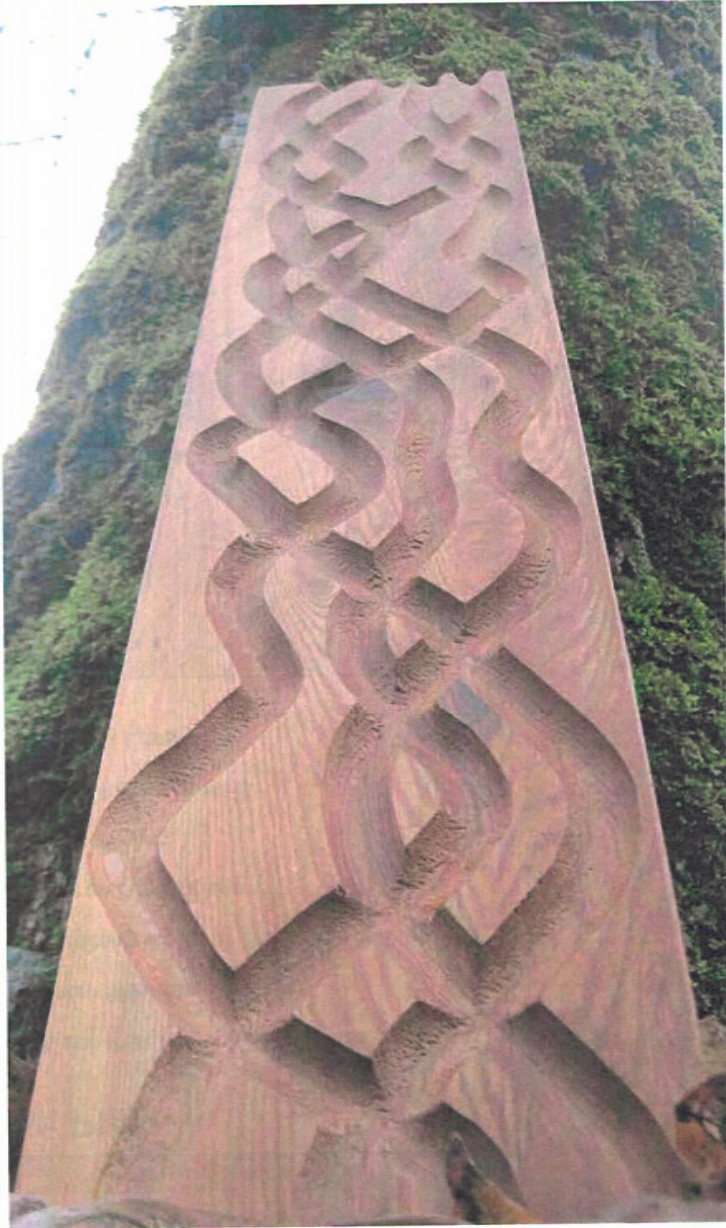
Mud Play Zone



Loose Parts Building - Example



Oak Plaza



Acorn Run - Example



Oak Plaza



Acorn Drop - Example

Oak Plaza



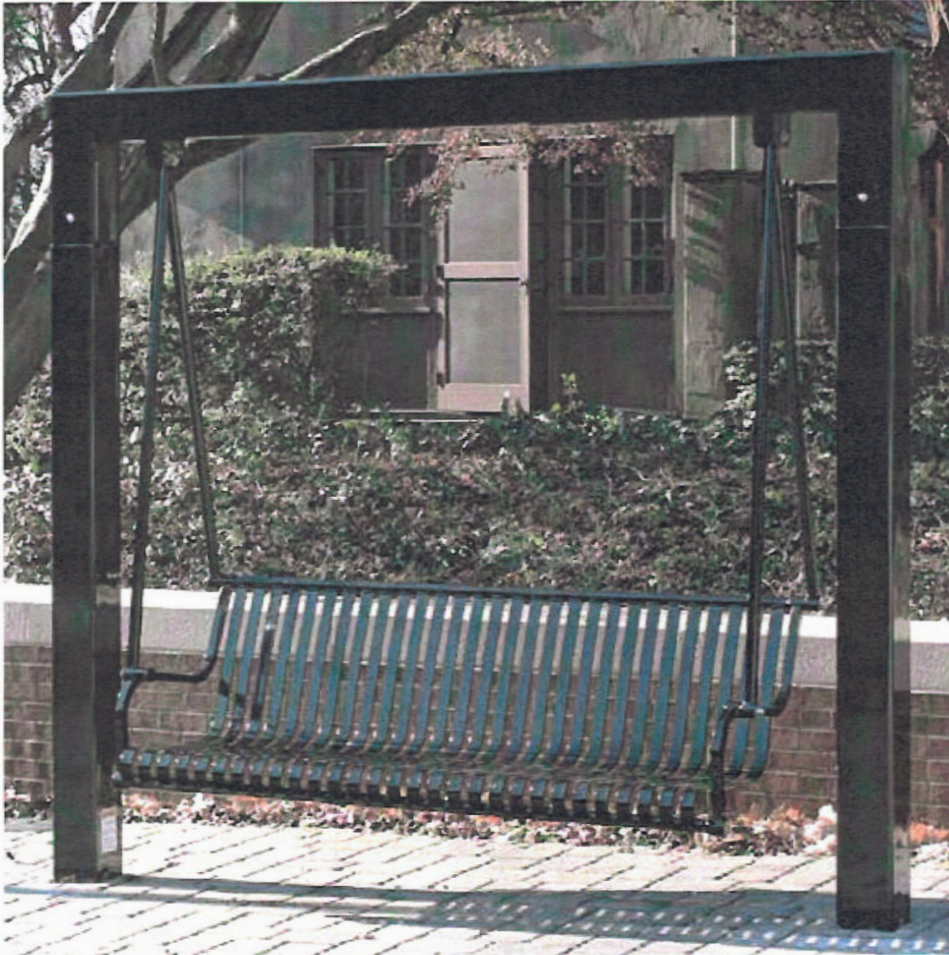
Acorn Drop - Example

Oak Plaza



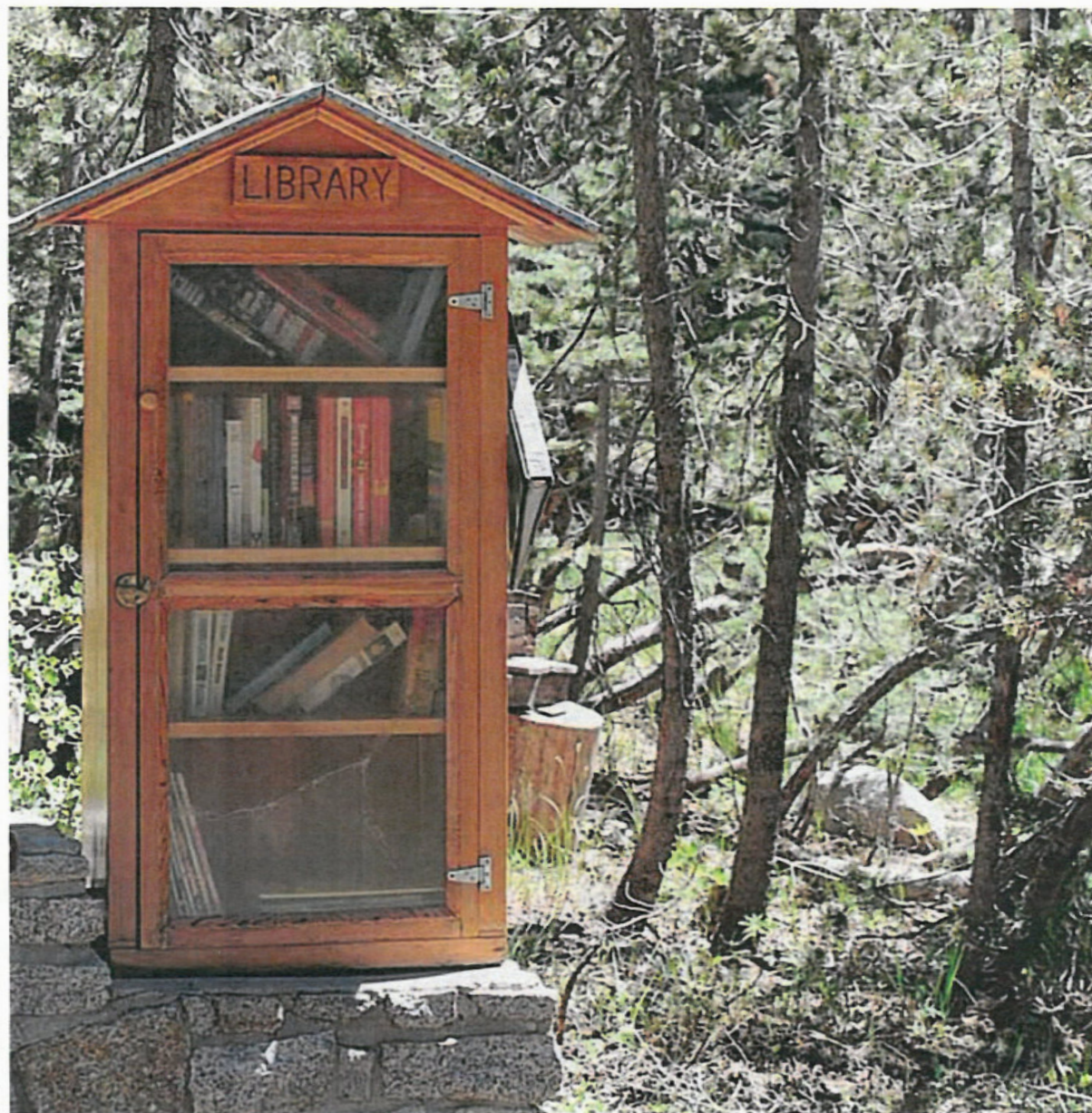
Acorn Masher - Example

Oak Plaza

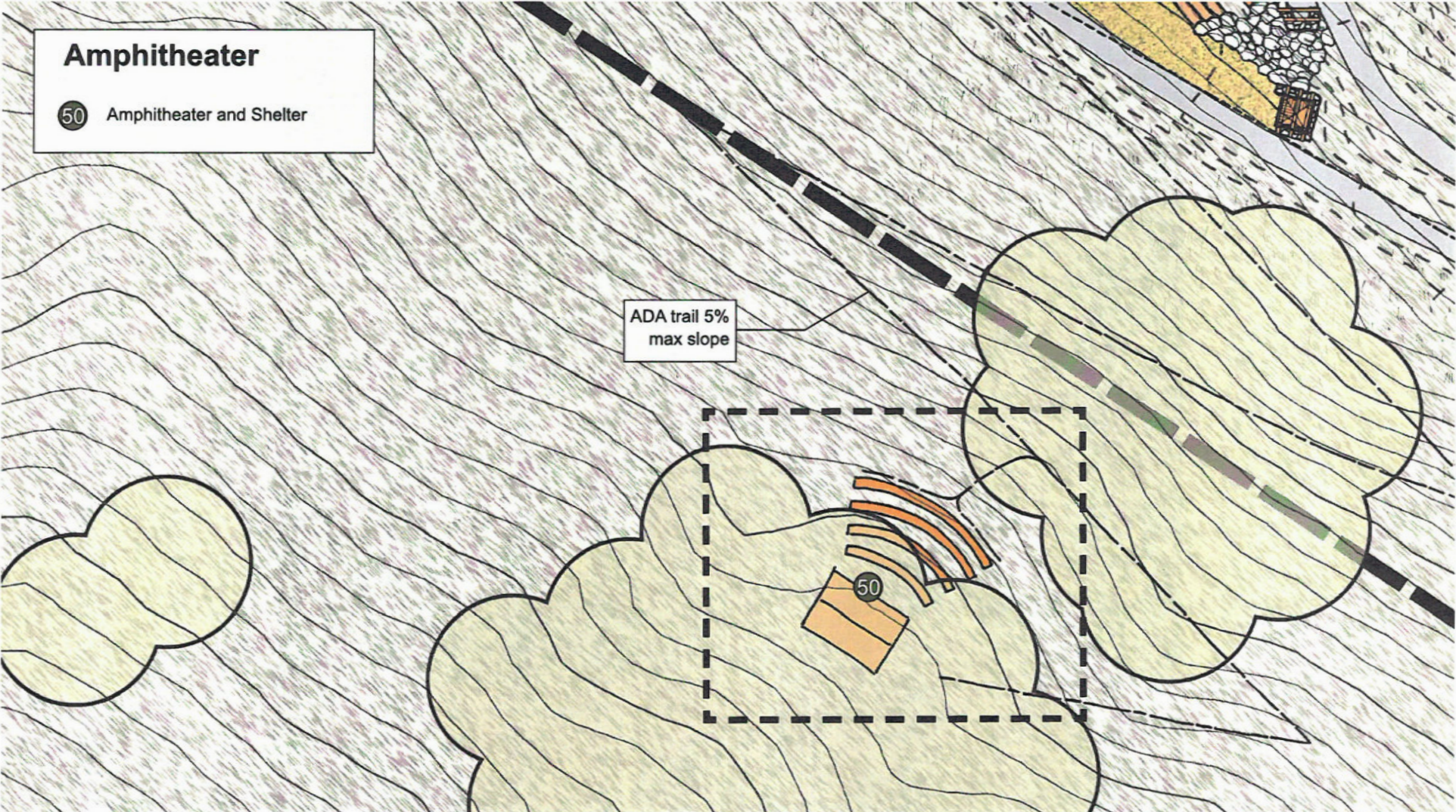


Glider Benches - Example

Oak Plaza



Lending Library - Example

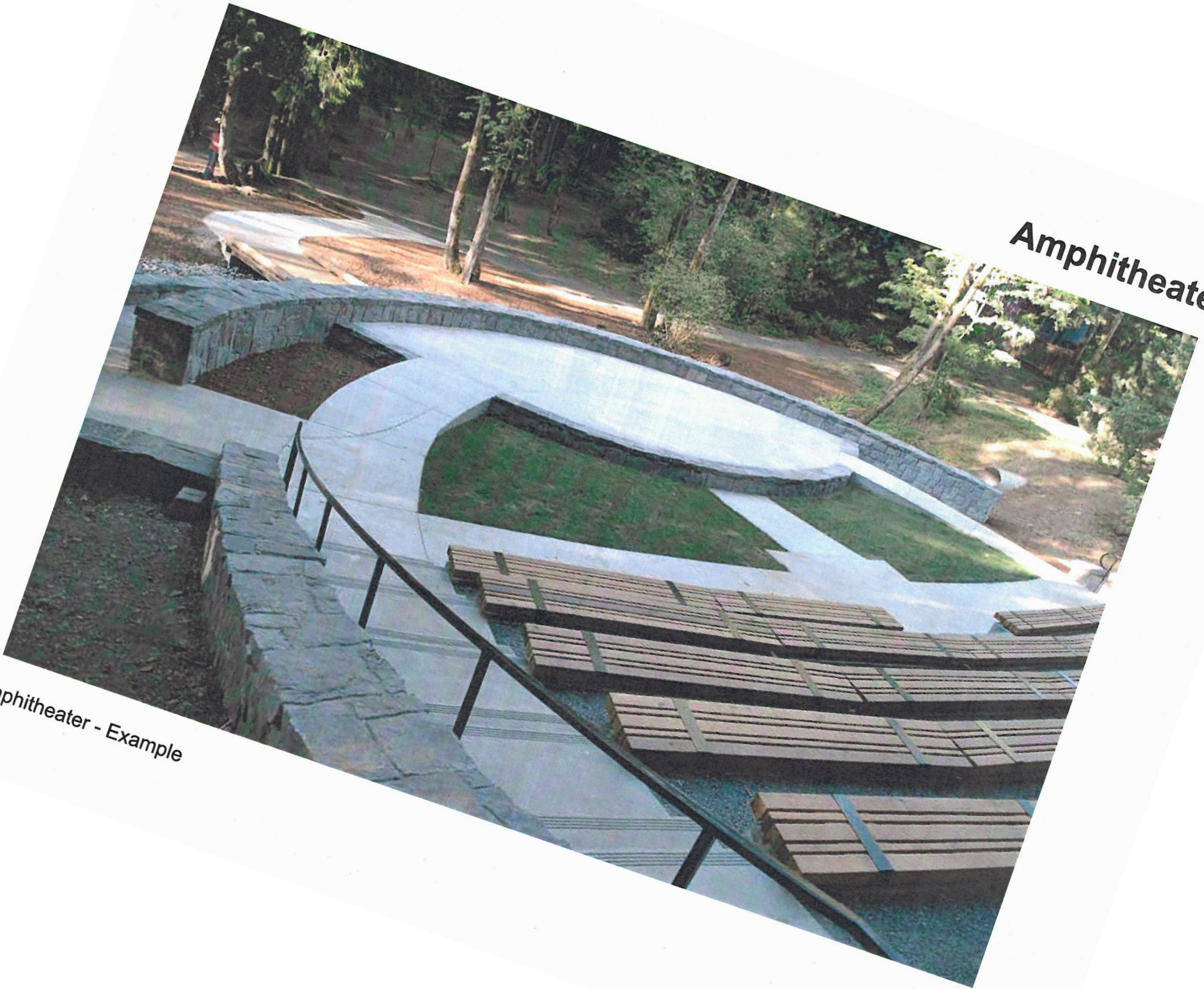


Amphitheater



Amphitheater - Example

Amphitheater

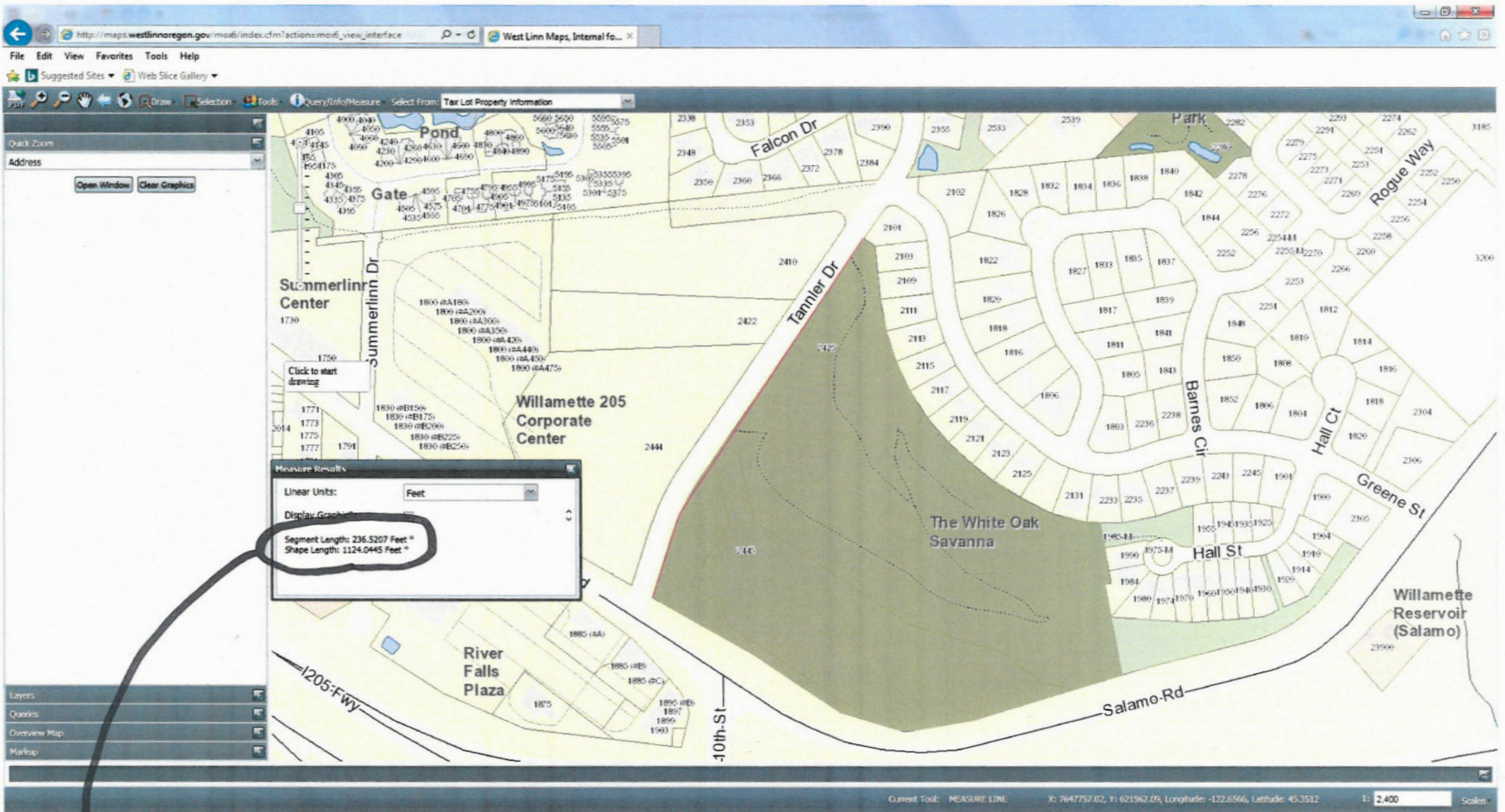


Amphitheater - Example

Amphitheater



Amphitheater - Example



TANNER DR. ON STREET PARALLEL PARKING
 1124' - OVER 45 SPACES @ 24' LONG SPACES

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.080 Bicycle and Pedestrian Circulation

- A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)

Response: Multi-family dwellings are not proposed as part of this application. Nevertheless, a trail system is being provided on-site connecting activity areas. The trails on-site will be mostly 6 to 8 feet wide and composed of asphalt, a durable all-weather material.

- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in Section 85.200(A)(3)(e) of this Code.

Response: A subdivision is not proposed as part of this application. Therefore, the standard does not apply.

- C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to provisions of Chapter 55, Design Review. (AMENDED PER ORD. 1463; 10/00)

Response: The site is not a commercial or industrial site. Thus, the criterion does not apply.

CHAPTER 54 LANDSCAPING

All landscape planting will be with native plants, and done in the field, with plant materials chosen at the time of installation to return disturbed areas to natural conditions that existed before work began, therefore no landscape plan will be provided. The Parks Department has a well-established history of using a more than adequate amount of planting material and this project will be no exception.

54.020 Approval Criteria

- A. Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three 2-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

Response: All of the native oak trees will be saved. The playground is being built in an open field.

ADDED
THIS FOR
LANDSCAPE PLAN
REQ

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

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Response: All of the native oak trees will be saved. The playground is being built in an open field.

PD-5 PUBLIC COMMENTS

No Public Comments Received

PD-5 ORDINANCE NO. 1660

ORDINANCE NO. 1635

AN ORDINANCE AMENDING NUMEROUS CHAPTERS OF THE COMMUNITY DEVELOPMENT CODE TO MAKE THE CODE CONSISTENT WITH THE OREGON REVISED STATUTES AND OREGON ADMINISTRATIVE RULES, RE-ORGANIZE TEXT, AND MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, City Council Goals provide for "Continue[d] efforts to update & improve the Community Development Code";

WHEREAS, The Planning Commission held a public hearing on October 1, 2014, and recommended the City Council adopt the proposed maintenance updates to the Community Development Code as contained within Chapters 1, 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 32, 34, 36, 37, 38, 42, 44, 46, 48, 54, 55, 56, 59, 60, 65, 67, 68, 75, 76, 81, 85, 91, 92, 99 and 106; and

WHEREAS, Community Development Code Chapter 98 defines the procedures for legislative decision making.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendment. West Linn Community Development Code (CDC) Section 1.030 is amended as follows:

01.030 COMPLIANCE

- A. Except as otherwise specifically provided by this zoning code, no building or other structure shall be erected, constructed, established, occupied, altered, maintained, improved, ~~altered~~, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this code, except in conformity with conditions prescribed for each of the several zones and general regulations established in this code hereunder.
- B. It shall be unlawful for any person to erect, construct, establish, occupy, alter, improve, enlarge, or use, or cause to be used, any building, structure, improvement

or use of premises located in any zone described in this zoning code contrary to the provisions of this code. Where this zoning code imposes greater restrictions than those imposed or required by other rules or regulations or code provisions, the provisions of this zoning code shall control.

SECTION 2. Repeal. West Linn CDC Section 1.050 [Certificate of Occupancy] is repealed in its entirety. Any municipal code provisions in conflict with Section 1.050 are also repealed.

SECTION 3. Amendment. West Linn CDC Section 2.030, Specific Words and Terms, is amended as follows:

...

~~**Access.** The way or means by which pedestrians and vehicles enter and leave property.~~

~~**Access point.** An access point includes a driveway, public or private street or access easement.~~

~~**Bankful stage.** The stage or elevation at which water overflows the natural banks of a stream or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two year recurrent flood elevation may be used to approximate the bankful stage.~~

...

~~**City Engineer.** The City Engineer of West Linn, Oregon, or his or her authorized agent.~~

...

FLOODPLAIN DEFINITIONS

Area of shallow flooding. A designated AO or AH zone as seen on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard. The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Base flood. The flood having a one percent chance of being equated or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Base flood elevation. The base flood elevation is the elevation (normally in feet above sea level) which the base flood is expected to reach.

Below-grade crawlspace. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lower adjacent

exterior grade. The height of the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed four feet at any point.

Design flood elevation. The elevation of the 100-year storm as defined in FEMA Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped floodprone soils or similar methodologies.

FEMA (Federal Emergency Management Agency). The agency which administers the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Flood management areas. All lands contained in the Flood Management Area Overlay Zone, which include: lands within the 100-year floodplain, flood area, and floodway as shown on the FEMA flood insurance map dated June 17, 2008; the area of inundation for the February 1996 flood; and lands which have documented evidence of flooding.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, base. The flood having a one percent chance of being equaled or exceeded in any given year.

Floodplain. Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

Floodway. The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated by the City. The floodway includes the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood.

Floodway fringe. The area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of Chapter 27 CDC.

...

Grade, Street. The slope of a road, street, or other public way, or sidewalk specified in terms of percentage of slope.

~~**Grade, ground level.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.~~

Grade: The finished ground level adjoining the building at all exterior walls.

...

~~**Structure.** Anything built or 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).~~

Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in one or more of the following areas:

A. Slope: Land that has slopes of 35 percent or more over more than 50 percent of the site, as shown on the RLIS topography GIS layer.

B. Drainage: All lands within the ~~100-year floodplain~~ designated floodway as shown on the appropriate FEMA flood panel.

C. Geological hazard: All ~~existing or known~~ landslide areas shown in the City's Natural Hazard Mitigation Plan ("NHMP") and identified as "landslide potential exists" on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area.

Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in one or more of the following areas:

Slope: Land that has slopes between 25 percent to 35 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

Drainage: All drainage courses identified on the Water Resource Area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100 year flood plain.

Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures.

Type III lands have slopes between 15 percent to 25 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas.

Type IV lands have slopes between 25 percent to 35 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

...

Top of bank. ~~The same as "bankful stage."~~

...

Utilities. All lines, ~~and~~ facilities and services related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity, or similar service. There are two classes of utilities – major and minor:

Utility, major. A major utility facility or service ~~that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects.~~ "Major utility" includes, but is not limited to; a substation; pump station; water storage tank; sewerage treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A minor utility facility or service ~~that will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of generating or disrupting traffic or access to adjacent properties, creating noise or causing adverse visual effects.~~ "Minor utility" includes, but is not limited to; overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

SECTION 4. Amendment. West Linn CDC Section 09.030 is amended as follows:

09.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Community recreation.
2. Family day care.
3. Residential home.
4. Single-family detached residential unit.
5. Utilities, minor.
6. Transportation facilities (Type I).
- 7. Manufactured home.**

SECTION 5. Amendment. West Linn CDC Section 09.050 is amended as follows:

09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~5. Manufactured home, subject to the provisions of CDC 36.020,
Manufactured Homes Standards.~~
- 56.** Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 6. Amendment. West Linn CDC Section 10.030 is amended as follows:

10.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Community recreation.
2. Family day care.
3. Residential home.
4. Single-family detached residential unit.
5. Utilities, minor.

6. Transportation facilities (Type I).

7. Manufactured home.

SECTION 7. Amendment. West Linn CDC Section 10.050 is amended as follows:

10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~
56. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 8. Amendment. West Linn CDC Section 11.030 is amended as follows:

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
- 7. Manufactured home**

SECTION 9. Amendment. West Linn CDC Section 11.050 is amended as follows:

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.

2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- ~~6. Manufactured homes subject to the provision of CDC 36.020, Manufactured Home Standards.~~
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 10. Amendment. West Linn CDC Section 12.030 is amended as follows:

12.030 PERMITTED USES

The following uses are permitted outright in this zone.

1. Single-family detached residential unit.
2. Single-family attached residential units.
3. Community recreation.
4. Family day care.
5. Residential home.
6. Utilities, minor.
7. Transportation facilities (Type I).
- 8. Manufactured home.**

SECTION 11. Amendment. West Linn CDC Section 12.050 is amended as follows:

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.

~~6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 12. Amendment. West Linn CDC Section 13.030 is amended as follows:

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Single-family attached residential unit.
3. Duplex residential unit.
4. Community recreation.
5. Family day care.
6. Residential home.
7. Utilities, minor.
8. Transportation facilities (Type I).
- 9. Manufactured home.**

SECTION 13. Amendment. West Linn CDC Section 13.050 is amended as follows:

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
- ~~6. Manufactured homes subject to the provisions of CDC 36.020.~~
7. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

SECTION 14. Amendment. West Linn CDC Section 19.090 is amended as follows:

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

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

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to 60.030(C).

SECTION 15. Amendment. West Linn CDC Section 27.060 is amended as follows:

27.060 APPROVAL CRITERIA

The Planning Director shall make written findings with respect to the following criteria when approving, approving with conditions, or denying an application for development in flood management areas.

A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below ~~bankfull stage~~ the ordinary high water line shall not count toward compensating for fill.

SECTION 16. Amendment. West Linn CDC Section 28.040 is amended as follows:

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

T. The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas Not Designated as HCAs" shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas Not Designated as HCAs" goes to the edge of a clearly defined top of

bank, the applicant's home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of ~~natural~~ grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

...

BB. A new dock subject to the approval criteria of this Chapter.

CC. Public docks, gangways, and other water related accessory facilities.

SECTION 17. Amendment. West Linn CDC Section 28.110 is amended as follows:

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

...

I. Dock and other water-dependent structures

...

3. In no case except as provided in this section shall the **a private** ramp and **private** dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the **private** dock closest to the center of the river.

...

7. For **both only** single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

SECTION 18. Amendment. West Linn CDC Section 28.130 is amended as follows:

28.130 GRADING PLAN

A. Docks, shall be reviewed and approved by Department of State Lands for the area within their jurisdiction. The grading plan shall be at the same scale as the site plan (CDC 28.120) and shall show **or attach**:

A.1. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals.

B2. The location of the proposed drainageways.

C3. FEMA elevation certificate.

D. "No rise analysis" for potential impacts to the designated floodplain or floodway, if necessary. All grading in the 100-year and 1996 floodplain areas and in areas at, or below,

OHWM shall require a study by an accredited professional to demonstrate that the addition or removal of material including the addition of rip rap and other stabilization measures will not adversely impact the subject property plus

~~upstream or downstream properties by causing erosion or deposits on those properties, particularly in the event of a flood.~~

~~4. Show erosion control measures.~~

SECTION 19. Amendment. West Linn CDC Section 32.060 [Approval Criteria (Standard Process)], Table 32-2, "Required Width of WRA," shall be amended to delete all occurrences of "Edge of bankfull stage" in the column entitled, "Starting Point for Measurements from Water Resource."

SECTION 20. Amendment. West Linn CDC Section 36.020 is amended as follows:

36.020 MANUFACTURED HOMES STANDARDS

Manufactured homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.

A. The unit shall satisfy the requirements for a manufactured home as defined in CDC ~~03.030~~ 02.030.

SECTION 21. Repeal. West Linn CDC Section 37.030(A) [SPECIFIC HOME OCUPATION USES PROHIBITED] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of 37.030(A) are also repealed.

SECTION 22. Amendment. West Linn CDC Section 38.060 is amended as follows:

38.060 PROJECTIONS INTO REQUIRED YARDS

~~A. An open deck may extend into an existing utility easement, provided a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and that no posts are installed within the easement. No other structures shall be allowed in an easement.~~

...

E. The presence of an easement within a required yard is a limitation to projections. Uncovered open porches, decks, or balconies, not more than 30 inches in height above ~~natural~~ grade and not covered by a roof or canopy, may extend or project into a required front or rear yard until the projection reaches a utility easement or comes within five feet of the property line, whichever is more provides a greater distance from the property line. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. ~~No encroachment into a utility easement is not allowed,~~ except as provided below.

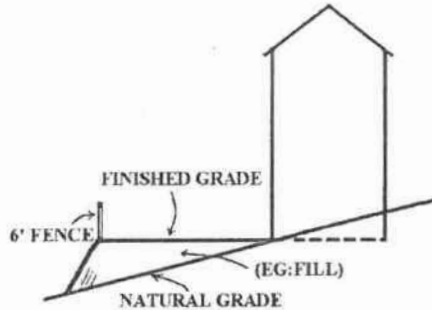
1. Uncovered open porches, decks, or balconies may extend into an existing utility easement, provided:

a. a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and

b. that no posts are installed within the easement

2. These provisions do not apply in the Willamette Historic District.

SECTION 23. Amendment. The untitled diagram in West Linn CDC Section 44.020(B) is amended to read "~~Natural~~ Grade."



SECTION 24. Amendment. West Linn CDC Section 46.150 is amended as follows:

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

...

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

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

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
1-25	1	1	-
26-50	2	1	-
51-75	3	1	-
76-100	4	1	-
101-150	5	-	1
151-200	6	-	1
201-300	7	-	± 2
301-400	8	-	± 2
401-500	9	-	2
501-999	2 percent of total spaces	-	1 in every 8 6 accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	-	1 in every 8 6 spaces or portion thereof

SECTION 25. Amendment. West Linn CDC Section 48.025 is amended as follows:

48.025 ACCESS CONTROL

...

B. Access control standards.

...

6. Access spacing.

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

b) Private drives and other access ways are subject to the requirements of 48.060.

SECTION 26. Amendment. West Linn CDC Section 55.100 is amended as follows:

55.100 APPROVAL STANDARDS - CLASS II DESIGN REVIEW

...

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.

...

~~2. **Drainage.** A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine off-site impacts from a 25-year storm. The City Engineer shall adjust storm drainage facilities for applications which contain permeable parking surfaces based upon a quantitative analysis of the increased water retention and water quality characteristics of the permeable parking surface.~~

~~Catch basins shall be installed and connected to pipelines leading to storm sewers or drainageways.~~

~~All plans will then be reviewed by the City Engineer.~~

SECTION 27. Amendment. West Linn CDC Section 55.110 is amended as follows:

55.110 SITE ANALYSIS

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The parcel boundaries, dimensions, and gross area.
2. Contour lines at the following minimum intervals:

- a. Two-foot intervals for slopes from zero to 25 percent; and
 - b. Five- or ten-foot intervals for slopes in excess of 25 percent.
3. A slope analysis which identifies portions of the site according to the slope ranges as follows:
- a. ~~Type I - Zero to 15 percent~~ **(Under 15 percent)**;
 - b. ~~Type II - Sixteen~~ **(Between Fifteen** to 25 percent);
 - c. ~~Type III - (Between Twenty-six~~ **25** to 35 percent);
 - d. ~~Thirty-six to 50 percent;~~ **Type IV (Over 35 percent)**
 - e. ~~Greater than 50 percent.~~
4. The location and width of adjoining streets.
5. The drainage patterns and drainage courses on the site and on adjacent lands.
6. Potential natural hazard areas including:
- a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
 - b. ~~Seeps and springs~~ Water Resource Areas as defined by CDC 32;
 - c. ~~Designated~~ Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
 - d. ~~Areas having a high erosion potential~~ Landslide Vulnerable Analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.

SECTION 28. Amendment. West Linn CDC Section 60.030 is amended as follows:

60.030 ADMINISTRATION AND APPROVAL PROCESS

- A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).
- B. All approved conditional use applications in new buildings or buildings with a major modification, shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).
- C. All approved conditional use applications within existing buildings shall not be subject to design review.

SECTION 29. Amendment. West Linn CDC Section 81.050 is amended as follows:

81.050 APPROVAL CRITERIA

- A. The City Council shall approve ~~or deny~~ a boundary change proposal based on findings and conclusions addressing the following criteria:
 - ~~1. If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and~~
 - ~~2. For all boundary changes, that the proposal complies with the criteria of Metro Code Section 3.09.050(Dd) and, if applicable, (e).~~

SECTION 30. Amendment. West Linn CDC Section 81.055 is amended as follows:

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a ~~zone change zoning~~ **zoning designation**. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

...

SECTION 31. Amendment. West Linn CDC Section 81.060 is amended as follows:

81.060 EXPEDITED PROCESS

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

B. An expedited boundary change proposal ~~shall~~ **may** be considered by the City Council without a public hearing. The Council decision on the proposal shall be considered the final decision for purposes of compliance with Metro Code Chapter 3.09.

SECTION 32. Repeal. West Linn CDC Section 81.070 [**APPEALS**] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 81.070 are also repealed.

SECTION 33. Amendment. West Linn CDC Section 85.170 is amended as follows:

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

A. General.

...

6. Where the proposed subdivision site includes hillsides, ~~or where erosion hazard potential exists, including Type I and II lands~~ as defined in CDC 02.030 **Type I and II lands**, ~~and or~~ any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the ~~standards and requirements of Chapter 24 CDC, Planned Unit Development, as well as the~~ requirements for erosion control as described in CDC 85.160(F)(2), shall be addressed in a narrative.

...

F. Storm.

~~1.~~ A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

~~2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff downstream or constriction created upstream impacts. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.~~

~~3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 10-year storm incident and agree with the factual information provided in response to subsection (F)(2) of this section.~~

~~4. The detention facilities shall be designed by a licensed engineer to meet City standards. The detention facilities should include a vegetation plan for the facility and environs, if applicable.~~

SECTION 34. Amendment. West Linn CDC Section 85.200 is amended as follows:

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

...

E. Lot Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

...

5. Type I Lands shall require a report submitted by an engineering geologist, and Type I and Type II Lands shall require a Geologic Hazard report.

~~5. Where landslides have actually occurred, where the area is identified as a hazard site in the West Linn Comprehensive Plan Report, or where field investigation by the City Engineer confirms the existence of a severe landslide hazard, development shall be prohibited unless satisfactory evidence is additionally submitted by a registered geotechnical engineer which certifies that methods of rendering a known hazard site safe for construction are feasible for a given site. The City Engineer's field investigation shall include, but need not be limited to, the following elements:~~

~~a. Occurrences of geotropism.~~

~~b. Visible indicators of slump areas.~~

~~c. Existence of known and verified hazards.~~

~~d. Existence of unusually erosive soils.~~

~~e. Occurrences of unseasonably saturated soils. The City Engineer shall determine whether the proposed methods or designs are adequate to prevent~~

~~landslide or slope failure. The City Engineer may impose conditions consistent with the purpose of these ordinances and with standard engineering practices including limits on type and intensity of land use, which have been determined necessary to assure landslide or slope failure does not occur.~~

~~6. All cuts and fills shall conform to the Uniform Building Code.~~

...
J. Supplemental provisions.
...

~~10. Annexation and street lights. Developer and/or homeowners association shall, as a condition of approval, pay for all expenses related to street light energy and maintenance costs until annexed into the City, and state that: "This approval is contingent on receipt of a final order by the Portland Boundary Commission, approving annexation of the subject property." This means, in effect, that any permits, public improvement agreements, final plats, and certificates of occupancy may not be issued until a final order is received.~~

SECTION 35. Amendment. West Linn CDC Section 85.210 is amended as follows:

85.210 LOT LINE ADJUSTMENT APPROVAL STANDARDS

A. The Director shall approve or deny a request for a ~~lot~~ property line adjustment based on the criteria stated below:

1. An additional lot or parcel ~~buildable lot~~ shall not be created by the lot line adjustment. ~~and~~
2. ~~The~~ existing parcel shall not be reduced in size by the adjustments below the minimum lot size established by the approved zoning for that district.
3. By reducing the lot size, the lot or structure(s) on the lot shall not be in violation of the site development regulations for that district. For example, the lot line adjustment shall maintain setback requirements and shall not result in an overall loss of density below 70 percent, except as allowed by CDC 85.200(J)(7).
4. ~~The lot line adjustment is 3. The lot line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine not a replat of the subdivision is in order. A replat is the complete reconfiguration and realignment of a subdivision's lot lines as defined by ORS chapter 92.~~
4. ~~The lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.~~

...
5. The lot line adjustment will not affect existing ~~public utility~~ easements ~~nor~~ existing utilities unless an easement vacation is obtained, replacement easements are dedicated or ~~and~~ any required utility relocations are paid for by the applicant.

- 6. Any appeal must be filed in accordance with CDC 99.240.
- B. The provisions of CDC 85.070 shall also apply to lot line adjustments.

SECTION 36. Amendment. West Linn CDC Section 99.030 is amended as follows:

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

...

B. Pre-Application Conference.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

...

- f. Historic design review(~~Class I and~~ Class II);

SECTION 37. Amendment. West Linn CDC Section 99.038 is amended as follows:

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

...

C. The letter shall be sent by ~~certified mail, return receipt requested,~~ to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. . .

SECTION 38. Amendment. West Linn CDC Section 99.060 is amended as follows:

99.060 APPROVAL AUTHORITY

B. Planning Commission Authority. The Planning Commission shall have the authority to:

- 1. Make a recommendation to approve, deny, or approve with conditions to the Council:
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
 - b. A quasi-judicial zone change ~~involving a concurrent application for a quasi-judicial Plan Map amendment as provided by CDC 99.030(A) pursuant to CDC (Chapter 105 CDC), excluding applications requesting the designation or removal of designation for a historic resource.~~
 - c. ~~The designation of an historic landmark.~~
- 2. Approve, deny, or approve with conditions the following applications:
 - a. ~~A quasi-judicial zone change application (Chapter 105 CDC).~~

~~a. b. A~~ temporary use or structure application (Chapter 35 CDC), not including uses allowed through another land use approval process.

~~b. c. A~~ conditional use (Chapter 60 CDC). . .

C. City Council Authority. The Council shall have the authority to:

1. Approve, deny, or approve with conditions applications for the following development applications:

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).

b. A quasi-judicial zone change ~~involving a concurrent application for a quasi-judicial Plan Map amendment (pursuant to CDC Chapter 105 CDC).~~

D. Historic Review Board authority.

...

2. Make recommendations to the approval authority specified in this section regarding the following:

...

~~g. A zone change for property containing a historic resource.~~

SECTION 39. Amendment. West Linn CDC Section 99.070 is amended as follows:

99.070 Consolidation of Proceedings

A. Whenever an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC 99.060, in the following order of preference: City Council, Planning Commission **or Historic Review Board**, or the Planning Director.

1. ~~Except for~~ **However**, expedited land division applications which shall be processed as described in **ORS Chapter 197 ORS, regardless of the number of approvals requested. For example, if a conditional use permit (CUP) and Class I design review application were submitted, ordinarily the CUP would be heard by the Planning Commission, and Class I design review by the Planning Director. This hierarchy dictates that the higher body, the Planning Commission, would hear the consolidated hearing.**

B. When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director's authority to precede the subsequent decision required for review by the decision making body.

SECTION 40. Amendment. West Linn CDC Section 99.080 is amended as follows:

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

...

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.

...

D. Notice for a boundary change applications shall comply with the requirements of ~~Chapter 222 ORS and relevant Metro statutes.~~ ORS 197.763, ORS Chapter 222, and the Metro Code.

SECTION 41. Amendment. West Linn CDC Section 99.160 is amended as follows:

99.160 Decision by Director

A. Pursuant to CDC 99.060(A), the Director is authorized to make certain decisions, and no hearing shall be held except where the Director has an interest in the outcome of the decision, due to some past or present involvement with the applicant or other interested persons or in the property or surrounding property, and cannot render an impartial decision. In such cases, the application shall be reviewed by the Director's designee, the application shall be subject to the jurisdiction of the Planning Commission.

SECTION 42. Amendment. West Linn CDC Section 99.180 is amended as follows:

99.180 Exparte Contacts, Impartiality, Disqualification and Abstention

...

F. Rights of abstaining or disqualified member of the hearing body

2. If sufficient members of a hearing body abstain or are disqualified, that renders the hearing body unable to take action on the application consistent with the applicable authority of the hearing body, then the application shall be review as follows: all members of the hearing body shall be reinstated and participate in the decision of the application, consistent with the rule of necessity.

a. Planning Director disqualified – referred to Planning Director's designee, or if no alternatives available, referred to the Planning Commission City Council for hearing and decision.

b. Historic Review Board disqualified – referred to Planning Commission for hearing and decision.

c. Planning Commission disqualified – referred to City Council for hearing and decision.

d. City Council disqualified – referred to Planning Commission for hearing and decision. City Council will hear it and make a decision if the disqualified member's vote is required to achieve a quorum and reach a decision on the matter, and no other person can act in the place of the disqualified person.

e. City Council acting as appellate hearing authority disqualified – decision of the original authority becomes the final City decision.

SECTION 43. Repeal. West Linn CDC Section 99.325(D) [Eligibility for extensions] is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 99.325(D) are also repealed.

SECTION 44. Amendment. West Linn CDC Section 105.040 is amended as follows:

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

A. The Planning Commission shall ~~decide~~ **make a recommendation to the Council on a zone change applications which does** not involve Comprehensive Plan Map amendments as provided by CDC 99.060. ~~A petition for review by the Council may be filed as provided by CDC 99.240.~~

SECTION 45. Amendment. West Linn CDC Section 106.020 is amended as follows:

106.020 VIOLATION OF CODE PROHIBITED

No person shall:

- A. erect, construct, **establish, occupy, alter, maintain, enlarge, use or cause to be used,** any building, ~~or~~ structure, **improvement, or use premises, in violation of this code;** or
- B. transfer any land in violation of this **zoning code or any amendment thereto.**

SECTION 46. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 47. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 48. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [46-49]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 49. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 8th day of December, 2014, and duly PASSED and ADOPTED this 8th day of December, 2014.

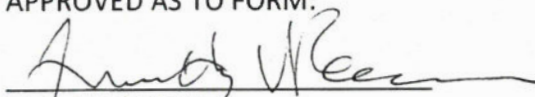


JOHN KOVASH, MAYOR



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY

PD-6 MOTION TO DISMISS INTENT OT APPEAL LUBA No. 2017-068

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

July 27, 2017

VIA U.S. MAIL

Land Use Board of Appeals
Attn: Kelly Burgess
Department of State Lands Building
775 Summer Street NE, Suite 330
Salem, OR 97301-1283

**Re: *Jeff Parker and Tannler Properties, LLC v. City of West Linn*
LUBA No. 2017-068; Motion to Dismiss the Notice of Intent to Appeal**

Dear Kelly:

Enclosed for filing on behalf of Jeff Parker and Tannler Properties, LLC are the original and one (1) copy of a Motion to Dismiss Notice of Intent to Appeal.

Please process this filing. Thank you for your assistance.

Very truly yours,



Michael C. Robinson

MCR:rsr
Enclosures

cc: Tim Ramis (via First Class U.S. Mail) (w/encls.)

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III.

Respondent City of West Linn has as its mailing address and phone number: 22500 Salamo Road, West Linn, Oregon 97068, 503.657.0331.

Respondent has as its legal counsel in this matter: Tim Ramis, City Attorney, Jordan Ramis PC, 2 Centerpointe Drive, 6th Floor, Lake Oswego, Oregon 97035, 503.598.7070 x 173.

DATED: July 27, 2017

PERKINS COIE LLP

By: 
Michael C. Robinson, OSB 910909
David J. Delmar, OSB 150904
1120 NW Couch Street, Tenth Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

*Attorneys for Petitioners
Jeff Parker and Tannler Properties, LLC*


1
2 **CERTIFICATE OF FILING AND SERVICE**

3 I hereby certify that on July 27, 2017, I filed the original and one (1)
4 copy of this **MOTION TO DISMISS NOTICE OF INTENT TO APPEAL**
5 with the Land Use Board of Appeals via United States Postal Service, certified
6 mail, return receipt requested, at the following address: Land Use Board of
7 Appeals, Department of State Lands Building, 775 Summer Street NE, Suite
8 330, Salem, Oregon 97301-1283.
9

10 I further certify that on July 27, 2017, I served a true and correct copy of
11 this **MOTION TO DISMISS NOTICE OF INTENT TO APPEAL** on all
12 persons listed or referenced in paragraph III of this Notice pursuant to
13 OAR 661-010-0015(2) by United States Postal Service, first-class mail, at the
14 addresses listed or referenced in paragraph III of this Notice.
15

16 DATED: July 27, 2017

17 **PERKINS COIE LLP**

18
19 By 
20 Michael C. Robinson, OSB 910909
21 David J. Delmar, OSB 150904

22 *Attorneys for Petitioners*
23 *Jeff Parker and Tannler Properties, LLC*
24