



# CITY OF West Linn

## STAFF REPORT FOR THE PLANNING COMMISSION

**FILE NUMBER:** DR-20-07/VAR-20-02/WAP-20-03

**HEARING DATE:** December 2, 2020

**REQUEST:** Site Design Review to construct/replace the existing Post Office Building with a new Post Office Building or Retail Building with a Shared Parking Area at 5665/5639 Hood Street.

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 19, Chapter 32, Chapter 46, Chapter 48, Chapter 54, Chapter 55, Chapter 75, Chapter 92, and Chapter 99

**STAFF REPORT PREPARED BY:** Jennifer Arnold, Associate Planner

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Planning Manager's Initials: DSW Development Review Engineer's Initials: \_\_\_\_\_

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## GENERAL INFORMATION

<b>OWNER:</b>	West Linn Shopping Center Assoc. LLC 19767 SW 72 <sup>nd</sup> Ave, Suite 100 Tualatin, OR 97062
<b>APPLICANT:</b>	Matt Grady 19767 SW 72 <sup>nd</sup> Ave., Suite 100 Tualatin, OR 97062
<b>CONSULTANT:</b>	Westlake Consultants, Inc. 15115 SW Sequoia Parkway, Suite 150 Tigard, OR 97224
<b>SITE LOCATION:</b>	5665/5639 Hood Street
<b>LEGAL DESCRIPTION:</b>	Clackamas County Assessor's Map 2S-2E-30CA, tax lots 00700 & 00900
<b>SITE SIZE:</b>	approx. 2 acres (Total)
<b>ZONING:</b>	General Commercial (GC)
<b>COMP PLAN DESIGNATION:</b>	Commercial
<b>120-DAY PERIOD:</b>	This application became complete on October 20, 2020. The 120-day maximum application-processing period ends on February 15, 2021.
<b>PUBLIC NOTICE:</b>	Public notice was mailed to the all neighborhood associations and affected property owners on November 12, 2020. The property was posted with a notice sign on November 19, 2020. The notice was published in the West Linn Tidings on November 18, 2020. The notice requirements of CDC Chapter 99 have been met. In addition, the staff report was posted on the City's website November 19, 2020.

## EXECUTIVE SUMMARY

**Site Conditions:** The subject property is located at 5665 Hood Street and is the existing site of the West Linn Post Office. The existing building is 5,100 square feet and includes a drive through lane, parking area, loading dock and has been at this location since 1968. The Post Office was established prior to Oregon land use laws. Ordinance 1129 established the 1983 Community Development Code and listed Postal Services as a permitted use in the General Commercial Zone. This was changed in 1997 by ordinance 1401 that changed the use of Postal Services to a conditionally permitted use. This change was supported due to the amount of rush hour traffic associated with a Post Office. This is considered a conforming conditional use per Community Development Code 65.030(2), since the use was legally established as a permitted use, then legally changed. The existing Post Office utilizes a portion of the neighboring Market of Choice property (Tax Lot 900) for parking of mail trucks and employee vehicles.

**Project Description:** The applicant is proposing to remove the existing commercial building housing the current Post Office and replacing it with a single-story commercial building. The new building has two proposed uses (Option A and Option B). Option A is to construct a 5,255 square foot commercial building on the north western corner of the existing Post Office site (Tax Lot 700) and the building will house a new Post Office exclusively. Option B is to construct a 6,550 square foot commercial building intended to be used as a mixed use commercial/retail building. Both options use the same parking configuration. The two options are proposed due to the uncertainty in the Post Office securing a lease in the new space in addition to finding a secondary location to accommodate the service and delivery trucks associated with sorting and storing packages. The applicant requests a Class I Variance to add two additional parking spaces under Option A to the shared parking area. No variance is proposed for Option B. The existing gravel parking area currently used by the existing post office and on tax lot 900 (Market of Choice property) is within the current Water Resource Protection Area (WRA). The applicant requests a reduction in the WRA buffer due to the site's previously disturbed area.

The land use permits include:

- Class II Design Review
- Class I Variance
- Water Resource Protection Area

**Surrounding Land Use and Zoning:** The subject property is zoned General Commercial (GC). Adjacent zoning and land uses include:

Direction From Site	Zoning	Land Use
North	GC	Commercial Development
East	R-10	Single-family Residential homes
West	GC	Commercial Development

South	GC	Commercial Development
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**Public comments:**

No comments were received as of the publication date of this staff report.

**RECOMMENDATION**

Staff recommends approval of application DR-20-07/VAR-20-02/WAP-20-03 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 conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all submitted drawings (sheet A1.1 “Option A” and A1.1 “Option B”).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. All improvements must be designed, constructed, and completed prior to the issuance of occupancy permits. (See Staff Findings: 46, 47, 48, 50, 52, 55, 56,79,80 & 92)
3. **Mitigation and Re-Vegetation.** Prior to the final approval of the site development permit, all on-site mitigation and re-vegetation shall be completed per the Schott & Associates ‘Natural Resource Assessment’ dated June 2020. (See Staff Findings: 6-8, 10,12, 13, 15, & 16-19)
4. **Covered Bicycle Parking.** The applicant shall cover 50% of the proposed bicycle parking spaces per CDC 46.150(D)(3). (See Staff Finding: 43)
5. **Parking Easement.** The applicant shall record a parking easement for the shared parking area and submit it prior to issuance of the site development permit. (See Staff Finding: 26)
6. **Curb Cut Width Option A:** The width of the curb cuts shall comply with the standards 48.060(B). (See Staff Finding: 55)

# **ADDENDUM**

## **PLANNING COMMISSION STAFF REPORT**

December 2, 2020

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

#### ***I. CHAPTER 19, GENERAL COMMERCIAL, GC***

##### ***19.030 PERMITTED USES***

*The following are uses permitted outright in this zoning district:*

*(...)*

*5. Utilities, minor*

*(...)*

**Staff Finding 1:** The property is in the general commercial zone and the applicant proposes two options for the subject property. Option A replaces the Post Office in its current location and Option B is to construct a general commercial building which could be used by multiple tenants (one potentially being a retail style Post Office). The parking plan is the same for both options and is shared between the existing Market of Choice property and existing Post Office site.

The applicant proposes to treat stormwater onsite and discharge it to a downstream existing stormwater system. The applicant has provided engineer prepared stormwater reports to show adequate downstream capacity.

The West Linn Planning Director has determined that stormwater water quality/quantity facilities that are part of a development proposal are minor utilities. Community Development Code Chapter 99.060.A(3) gives this authority. The determination is based on: 1. The City's Clean Water Act permits require the installation of appropriate stormwater facilities as part of development; 2. The City has historically interpreted stormwater facilities as a minor utility and permitted in all zones in the City; and 3. The legislative intent that can be traced through the definition amendments of major and minor utilities. The differences between major and minor utilities were more clearly stated in the past by the identification of impact from the "use". This legislative intent clearly identifies stormwater facilities as minor utilities. Therefore, the stormwater facility is permitted and the criteria is met.

##### ***19.060 CONDITIONAL USES***

*The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter [60](#) CDC, Conditional Uses:*

*(...)*

*21. Postal services*

*(...)*

**Staff Finding 2:** The subject property legally established the Post Office in this location in 1968. Ordinance 1129 established the 1983 Community Development Code and listed Postal Services as a permitted use in the General Commercial Zone. This was changed in 1997 by ordinance 1401 that changed the use of Postal Services to a conditionally permitted use. This is considered a conforming conditional use per Community Development Code 65.030(2) since the use was legally established, then legally changed. The criteria are met.

*19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS*

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

- 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 2. The average minimum lot width shall be 50 feet.*
- 3. The average minimum lot depth shall not be less than 90 feet.*

**Staff Finding 3:** Both Option A and Option B utilize existing lots of record and the applicant does not propose any changes to the lot width, depth or front lot line length. The existing front lot length of tax lot 700 (5665 Hood Street) is 140 feet. The average lot width of this property is 110 feet and the average lot depth is 165 feet. These criteria are met.

- 4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply.*
- 5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C)(1)(d).*

**Staff Finding 4:** The subject property is surrounded by the following development and zones:

Direction	Zone	Development
North	GC	Commercial Development
East	R-10	Single-family Residential homes
West	GC	Commercial Development
South	GC	Commercial Development

**Cascade Springs Pond and Creek** separate the subject property from the nearest residentially zoned property. The applicant has proposed an approximate 42 foot setback to the eastern property line from the edge of the parking lot. These criteria are met.

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

(...)

**Staff Finding 5: The applicant is proposing two options for the property at 5665 Hood Street. Option A is proposed to have a maximum height of 34 feet, and Option B is proposed to be 32 feet in height. In both options, the building height will appear to be 6 feet shorter when viewed from the public right-of-way due to grade changes. Option A and Option B are both proposed to be less than the maximum height permitted in the zone. This criterion is met.**

## **Chapter 32**

### **WATER RESOURCE AREA PROTECTION**

#### **32.060 APPROVAL CRITERIA (STANDARD PROCESS)**

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.

2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC [32.090](#) and [32.100](#), respectively.

**Staff Finding 6: The applicant proposes to share parking with the adjacent Market of Choice parking lot (tax lot 900). This graveled parking area is currently used by the existing Post Office and the only area within the Water Resource Area Protection (WRA). The applicant proposes minimal impacts to the WRA due to the amount of mitigation and re-vegetation proposed in this area. The applicant proposes an alternative review. The applicant is also minimizing the impact on the WRA by not constructing a structure within the WRA. On-site mitigation and re-vegetation are required by Condition of Approval 3 and shall be per the Schott & Associates “Natural Resource Assessment” in Exhibit O of the applicant’s submittal dated June 2020. The criteria is met.**

*B. Storm water and storm water facilities.*

*1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:*

*a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or*

*b. Under CDC [32.070](#), the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.*

*Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.*

**Staff Finding 7: The applicant proposes to utilize the existing stormwater outfall and does not propose any impacts to the reduced WRA setback. This existing stormwater outfall is**

proposed to be the primary method of conveyance. On-site mitigation and re-vegetation are required by Condition of Approval 3 and shall be per the Schott & Associates “Natural Resource Assessment” in Exhibit O of the applicant’s submittal dated June 2020. The criteria are met.

2. *Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:*
  - a. *Accepted engineering practice requires it;*
  - b. *Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City’s Tree Technical Manual and mitigated per CDC [32.090](#);*
  - c. *There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and*
  - d. *There are no reasonable alternatives available*

*A geotechnical report may be required to make the determination regarding slope stability.*

**Staff Finding 8:** See Staff finding 7. The applicant proposes to use the existing stormwater outfall as no other reasonable alternative is available. The utilization of the existing stormwater outfall does not encroach on any significant trees or require tree removal. The applicant proposes mitigation with native plants to keep impact to a minimum and to ensure no erosive effects on the WRA. The criteria are met.

3. *Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).*

**Staff Finding 9:** The applicant does not propose any changes to the existing roadway or driveways. No roadside stormwater conveyance swales are proposed. The criteria are met.

7. *Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.*

**Staff Finding 10:** Staff adopts applicant findings found in Exhibit O, page 13 of the applicant’s submitted ‘Natural Resource Assessment’. The applicant proposes a Water Quality treatment vault which will discharge to the existing outfall. On-site mitigation and re-vegetation are required by Condition of Approval 3 and shall be per the Schott & Associates “Natural



**Resource Assessment” in Exhibit O of the applicant’s submittal dated June 2020. The criteria are met.**

5. *Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.*

**Staff Finding 11: The applicant does not propose any public stormwater facilities requiring access and maintenance. The criteria are met.**

8. *Storm detention and treatment and geologic hazards. Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.*

**Staff Finding 12: The applicant does not stormwater detention as the existing conveyance system has capacity and the applicant does not propose additional impervious area. This criteria is met.**

**32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)**

*Applications reviewed under the alternate review process shall meet the following approval criteria:*

A. *The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC [32.060\(D\)](#).*

**Staff Finding 13: Staff adopts the applicant’s findings on page 6 of the Schott & Associates June 2020 “Natural Resource Assessment” in Exhibit O of the applicant’s submittal. The existing conditions of the property identify a stream with fringe wetlands down a steep slope on tax lot 900. The majority of the existing WRA buffer is vegetated on the steep slope with native over story maple trees. The WRA buffer currently extends into the existing graveled parking area and considered a previously disturbed area (PDA) established in 2001. The applicant proposes a reduced WRA buffer and development is proposed to be contained within the PDA. Per condition of approval 3, the applicant shall mitigate the reduced WRA buffer. The criteria are met.**

B. *If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:*

1. *The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).*
2. *The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.*
  - a. *Removal of invasive vegetation.*
  - b. *Planting native, non-invasive plants (at minimum, consistent with CDC [32.100](#)) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC [32.090](#)(C).*
  - c. *Providing permanent improvements to the site hydrology that would improve water resource functions.*
  - d. *Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.*

**Staff Finding 14: The applicant has proposed a reduced WRA due to the previously disturbed area on the property. The proposed area of development for the commercial building is outside of the WRA with exception of the parking area on tax lot 900. The slope of the parking area is less than 15%. The applicant proposes mitigation in combination with a reduced WRA buffer to provide higher functional resource protection. The applicant proposes mitigation of native species and removal of invasive plant life. The criteria are met.**

*C. Identify and discuss site design and methods of development as they relate to WRA functions.*

**Staff Finding 15: The applicant has proposed development of the commercial building is entirely on tax lot 700 (existing Post Office site) and a proposed parking area is planned for the existing gravel area on tax lot 900 (Market of Choice property). This gravel parking lot is within the WRA. The applicant has proposed a reduced WRA due to the previously disturbed area on the property. The applicant proposes to pave the parking area, install a new refuse receptacle and landscaping within this area. With the reduced WRA buffer the applicant does not propose and developmental impacts to the functional resource. The applicant does not propose any impacts to the existing forested area adjacent to the site and the resource. Per condition of approval 3, the applicant must mitigate per the submitted Schott and Associates 'Natural Resource Assessment'. The criteria are met.**

*D. Address the approval criteria of CDC [32.060](#), with the exception of CDC [32.060](#)(D).*

**Staff Finding 16: See Staff Findings 6-12. The criteria are met.**

### 32.090 MITIGATION PLAN

A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC [32.040](#) do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC [32.100](#), Re-Vegetation Plan Requirements.

**Staff Finding 17: The applicant proposes to restore TDAs with native vegetation. On-site mitigation and re-vegetation are required by Condition of Approval 3 and shall be per the Schott & Associates “Natural Resource Assessment” in Exhibit O of the applicant’s submittal dated June 2020. The existing gravel area is considered a PDA and the applicant has requested a reduced WRA buffer. The criteria are met.**

B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):

1. On-site mitigation by restoring, creating or enhancing WRAs.
2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:
  - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
  - b. The mitigation will provide equal or superior ecological function and value.
3. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:
  - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
  - b. The mitigation will provide equal or superior ecological function and value.
4. Purchasing mitigation credits through DSL or other acceptable mitigation bank.

**Staff Finding 18: The applicant proposes on-site mitigation per Schott & Associates “Natural Resource Assessment” in Exhibit O of the applicant’s submittal in Exhibit PD-1. The applicant proposes to mitigate 2,402 square feet with native plants and the removal of non-native, invasive plant life. The applicant also proposes a reduced WRA setback due to the previously disturbed area. Subject to condition of approval 3, the criteria are met.**

C. Amount of mitigation.

1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.
2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.
3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a

*legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.*

**Staff Finding 19: The applicant proposes to restore on-site TDAs with native vegetation. The applicant proposes a reduced WRA setback due to the previously disturbed area and no impacts to the reduced WRA setback. The applicant proposes 2,402 square feet of mitigation within the WRA. Subject to condition of approval 3, the criteria are met.**

*D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter [99](#) CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.*

*E. A mitigation plan shall contain the following information:*

- 1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*
- 2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.*
- 3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC [32.100](#).*
- 4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.*
- 5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety.*

**Staff Finding 20: Staff adopts applicant findings found in Exhibit PD-1, page 20-21 and 33 of the Schott & Associates “Natural Resource Assessment” in Exhibit O of the applicant’s submittal. The criteria are met.**

#### **32.100 RE-VEGETATION PLAN REQUIREMENTS**

*A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC [32.090](#) and vegetative enhancement of CDC [32.080](#), tree and vegetation plantings are required according to the following standards:*

- 1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.*
- 2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*
- 3. Plant coverage.*
  - a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of*

disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

b. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

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

5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.

7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.

8. To enhance survival of tree replacement and plantings, the following practices are required:

a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

**Staff Finding 21: Staff adopts applicant findings found in Exhibit PD-1, page 21 to 24 of the Schott & Associates "Natural Resource Assessment" in Exhibit O of the applicant's submittal. The criteria are met.**

## **II. CHAPTER 38, ADDITIONAL YARD AREA REQUIRED, EXCEPTIONS TO YARD REQUIREMENTS, STORAGE IN YARDS, PROJECTIONS INTO YARDS**

### **38.030 SETBACK FROM STREET CENTERLINE REQUIRED**

A. *To assure improved light, air, and sight distance and to protect the public health, safety and welfare, a setback in addition to the yard requirements of the zone may be required where the right-of-way is inadequate. A determination shall be made based on the street standards contained in CDC [85.200\(A\)](#).*

B. *The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the City's Comprehensive Plan Map, and in such case the setback shall be not less than the setback required by the zone plus one-half of the projected road width as required under CDC [85.200\(A\)](#); however*

C. *The minimum distance from the wall of any structure to the centerline of an abutting street shall not be less than 25 feet plus the yard required by the zone. This provision shall not apply to rights-of-way of 50 feet or greater in width.*

**Staff Finding 22: Hood Street is classified as a local street with a current right-of-way (ROW) width of 40 feet. The applicant proposes to dedicate 9.5 feet to the Hood Street ROW to create a 49.5' ROW. Both proposed options continue the sidewalk on Hood Street along 5655 Hood Street's frontage. Option B provides for on-street parking, but on-street parking could not be provided in Option A due to the loading ramp/drive-through Lane. Both Option A and Option B are proposed to be greater than 25 feet from the centerline of Hood Street. These criteria are met.**

## **III. CHAPTER 41, BUILDING HEIGHT, STRUCTURES ON STEEP SLOPES, EXCEPTIONS**

### **41.005 DETERMINING HEIGHT OF BUILDING**

A. *For all zoning districts, building height shall be (...)*

**Staff Finding 23: The subject property is not located within any historic or commercial design districts. Proposed Option A is 34 feet in height and proposed Option B is 32 feet in height. Both options will appear 6 feet shorter from Hood Street due to grade changes. The maximum height given the proximity to residentially zoned property is 35 feet in height. This criterion is met.**

## **IV. CHAPTER 42, CLEAR VISION AREAS**

### **42.020 CLEAR VISION AREAS REQUIRED, USES PROHIBITED**

A. *A clear vision area shall be maintained on the corners of all property adjacent to an intersection as provided by CDC [42.040](#) and [42.050](#).*

B. *A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the street centerline*

*grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed. (Ord. 1192, 1987)*

**Staff Finding 24: The applicant proposes to utilize the existing Hood Street entrances to the property and maintain compliance with the clear vision requirements of CDC 42.020 and 42.050. For Option A, the applicant proposes a mid-way access and another access for the truck ramp. The truck ramp is not proposed in Option B. The criteria are met.**

#### **42.030 EXCEPTIONS**

*The following described area in Willamette shall be exempt from the provisions of this chapter. The units of land zoned General Commercial which abut Willamette Falls Drive, located between 10<sup>th</sup> and 16<sup>th</sup> Streets. (...)*

**Staff Finding 25: The subject property is not located within the Willamette Falls Commercial Design District located between 10<sup>th</sup> and 16<sup>th</sup> Streets of the Willamette area. This criteria does not apply.**

### **V. CHAPTER 46, OFF-STREET PARKING, LOADING AND RESERVOIR AREAS**

#### **46.050 JOINT USE OF PARKING AREA**

*A. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:*

- 1. The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;*
- 2. The location and number of parking spaces that are being shared;*
- 3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*
- 4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.*

*B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately. (Ord. 1547, 2007; Ord. 1622 § 25, 2014)*

**Staff Finding 26: The applicant is the owner of both properties (5665 and 5639 Hood Street) and proposes to reconfigure the parking area between the two buildings (new commercial building and existing Market of Choice) to be open and shared. The applicant has proposed enough parking spaces to meet the requirements for both uses. In addition, the applicant has proposed a Class I Variance for 2 additional parking spaces under Option A. The shared parking is not intended to have overlapping parking, but an open parking area that has capacity to serve both uses. The applicant is required to submit a recorded parking easement prior to issuance of a site development permit per condition of approval 5. Subject to the conditions of approval, the criteria is met.**

**46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED**

*Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and the required parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks connected with the business or use with the exception of small (under one-ton) delivery trucks or cars.*

**Staff Finding 27: The applicant does not propose the storage of materials or vehicles in the parking lot that would occupy required parking spaces. This criteria is met.**

**46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE**

*A. Off-street parking spaces for single- and two-family dwellings shall be located on the same lot with the dwelling.*

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

*(...)*

*3. Employee parking areas for carpools and vanpools shall be located closer to the entryway to the building than general employee parking.*

*(...)*

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

**Staff Finding 28: The applicant does not propose any residential uses with this application. The 40 proposed parking spaces are proposed to be shared with employees and customers. The furthest parking space from the building is approximately 180 feet. In both Option A and Option B parking spaces abut the existing Market of Choice parking area. The applicant does not propose any stacked or valet parking with this application. All ADA accessible parking spaces are proposed close to the building's entry. These criteria are met.**

**46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA**

*A. Where several uses occupy a single structure or unit of land...*

*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.*

*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.*

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

*E. On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer.*

*(...)*



**Staff Finding 29:** The applicant proposes to share parking with the Market of Choice for both proposed options. The applicant proposes 178 total parking spaces. The Market of Choice requires 137 of those parking spaces. The existing Post Office site has 27 existing parking spaces and 8 spaces in the gravel PDA area on tax lot 900. Option A requires 22 spaces and Option B requires 28 spaces. The applicant proposes that employees and patrons share the parking area. The applicant is requesting a variance for additional parking. These criteria are met.

#### *46.090 MINIMUM PARKING SPACE REQUIREMENTS*

*(...)*

*C. Commercial.*

*(...)*

*2. General retail store, except as provided below.*

*One space for every 240 sq. ft. of gross floor area.*

*(...)*

**Staff Finding 30:** The applicant used the general retail store calculations for this standard which requires 22 parking spaces for Option A. Option B is proposed to be a general retail/commercial use and would be required to follow that parking standard. In Option B the building is proposed to be 6,550 square feet and would require 28 parking spaces. The Market of Choice use requires 137 parking spaces. In total the applicant has proposed 178 parking spaces to be shared. Staff adopts the applicant's findings on pages 11 and 12 of the submitted narrative found in Exhibit PC-1. The criteria are satisfied.

#### *46.150 DESIGN AND STANDARDS*

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

*A. Design Standards.*

*1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.*

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

*(...)*

**Staff Finding 31:** The applicant proposes a shared parking configuration with 178 total parking spaces. Of those 178 total spaces, the applicant proposes only 6 compact spaces (96% of proposed parking accommodates larger cars). 2 proposed ADA spaces for the Post Office/ General Retail building are proposed near the entry of the building. There is no proposed

**change to the 4 ADA spaces currently near the Market of Choice entrance. All ADA spaces and ramps meet the federal dimensional standards. These criteria are met.**

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

**Staff Finding 32: In Option A, the applicant has proposed a shared loading/service drive to accommodate drop off parcels and mail at the mailboxes. The applicant has designed this area to facilitate the flow of traffic and provided stacking/queuing room of 2 cars in this drive. There is no loading/service drive proposed in Option B and the parking area has been designed to facilitate the flow of traffic. The site plan for both Option A and Option B depicts clear access areas for all parking and loading areas. The applicant does not propose and stacked parking. The applicant proposes to clearly mark the parking spaces and drive aisles in both options. The criteria are met.**

- 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.*
- 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. Driveways shall measure at least 20 feet from the back of sidewalk to garage or the end of the parking pad to accommodate cars and sport utility vehicles without the vehicles blocking the public sidewalk.*

**Staff Finding 33: All parking and drive aisles are proposed to be paved but no residential uses are proposed with this application. This criteria 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.

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

11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Such parking spaces may be provided without wheel stops if the sidewalks or landscaped areas adjacent the parking stalls are two feet wider than the minimum width.

**Staff Finding 34: The applicant proposes compliance with the clear vision standards in both options. Wheel stops will be provided for all parking spaces. These criteria are met.**

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

**Staff Finding 35: The applicant identifies all stormwater from off-street parking areas to be collected and conveyed to the stormwater facility for treatment. The applicant has submitted a stormwater analysis in exhibits D and E of the applicant's submittal. This criterion is met.**

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

**Staff Finding 36: The applicant has proposed an illumination plan with on-site lighting that is deflected downward and away from surrounding residences and public rights-of-way. This criterion is met.**

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

(...)

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

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

**Staff Finding 37: The applicant has proposed directional arrows on the submitted site plans for both options. The proposed directional arrows will help facilitate the flow of traffic through the parking areas. No specific visitor/guest parking and no residential development**

are proposed with this application. The parking area is proposed to have a grade of less than 5%. These criteria are met.

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

**Staff Finding 38: The applicant does not propose parking along the main lot frontage of Hood Street in Option A. In Option A drive-through loading lane that parallels the entire frontage along Hood Street. In Option B, the proposed building, pedestrian ramp, stairs, and landscape strip consume more than 50% of the Hood Street frontage. This criterion is met.**

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

- a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or*
- b. Twelve spaces in a group with six spaces abutting together; or*
- c. Two groups of 12 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 subsections (A)(19)(a), (b) and (c) of this section except that groups of up to 18 spaces are allowed.*
- e. The requirements of this chapter relating to total parking lot landscaping, landscaping buffers, perimeter landscaping, and landscaping the parking lot islands and interior may be waived or reduced pursuant to CDC [32.110](#)(F) in a WRA application without a variance being required.*

**Staff Finding 39: The applicant proposal provides a parking and site plan for both options. The parking plan is the same for both Option A and Option B. The largest grouping of spaces is a group of 12 with 6 spaces abutting together (definition b above). These criteria are met.**

*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... 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, and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.*

**Staff Finding 40: The applicant proposes to continue the existing pedestrian walkway on tax lot 900 (Market of Choice property) through the Post Office site. The pedestrian walkway**

extends from the entrance of Market of Choice north through the new parking configuration and connects with the walkway for the proposed building. This is the same pedestrian walkway proposal in both Option A and B and is greater than 6 feet in width. This criterion is met.

(...)

*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):*

<i>MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES</i>	<i>TOTAL NUMBER OF ACCESSIBLE SPACES</i>	<i>NUMBER OF VAN- ACCESSIBLE SPACES REQUIRED, OF TOTAL</i>	<i>SPACES SIGNED "WHEELCHAIR USE ONLY"</i>
26 – 50 (...)	2	1	–

**Staff Finding 41: Option A requires one accessible space and Option B requires two. The applicant has proposed 2 ADA accessible spaces for both Option A and Option B. The applicant does not propose and changes to the existing Market of Choice ADA parking. These criteria are 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.*

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

*4. Where any 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.*

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

**Staff Finding 42: The applicant proposal has located the accessible parking spot nearest the building entryway. All accessible spaces meet ADA standards. These criteria are met.**

(...)

*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:*

<i>LAND USE CATEGORY</i>	<i>MINIMUM REQUIRED BICYCLE PARKING SPACES</i>	<i>MINIMUM COVERED AMOUNT</i>
<i>Retail Sales</i>	<i>0.33 spaces per 1,000 gross sq. ft.</i>	<i>50%</i>

**Staff Finding 43: Option A is a proposed 5,255 square foot Post Office and requires 2 bike parking spaces. The applicant has broken the uses of Option B (6,550 square foot building) up into three different commercial uses and requires 4 spaces. Since Option B requires more bicycle parking spaces, the applicant has proposed a total of 4 spaces for both options. Per condition of approval 4, a minimum of 2 proposed bicycle parking spaces must be covered. Subject to the conditions of approval, these criteria are met.**

(...)

*F. (See Figures 1 and 2 below.) Minimum Standards for Parking Lot Layout*

<i>ANGLE OF PARKING</i>	<i>DIRECTION OF PARKING</i>	<i>aisle width</i>		<i>Dimension 'A'</i>		<i>Dimension 'B'</i>	
		<i>Stall width</i>		<i>Stall width</i>		<i>Stall width</i>	
		<i>9.0'</i>	<i>8.0'</i>	<i>9.0'</i>	<i>8.0'</i>	<i>9.0'</i>	<i>8.0'</i>
<i>(...)</i> <i>90°</i> <i>(...)</i>	<i>DRIVE-IN</i>	<i>23.0'</i>	<i>23.0'</i>	<i>18.0'</i>	<i>16.0'</i>	<i>9.0'</i>	<i>8.0'</i>

**Staff Finding 44:** The proposal is for the parking spaces to be drive-in at a 90 degree angle, which requires a drive aisle width of 23 feet regardless of whether the space is standard or compact. The applicant proposes a minimum 24 foot drive aisle for all parking spaces. This criterion is met.

## **VI. CHAPTER 48, ACCESS, EGRESS AND CIRCULATION**

### **48.025 ACCESS CONTROL**

#### **B. Access Control Standards**

*1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)*

**Staff Finding 45:** The applicant submitted a trip generation report by Kittelson & Associates dated June 4, 2020. This trip generation report was updated on June 14, 2020 and noth reports are included in Exhibit PC-1. The applicant has proposed to use the existing access points on tax lot 700 (Existing Post Office) and on tax lot 900 (Market of Choice). This criterion is met.

*2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*

**Staff Finding 46:** The applicant proposes to utilize the existing access drive from Hood Street for both options. The applicant was not required consolidate existing access points. This criterion is met.

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

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

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

*c) Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access*

*point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.*

**Staff Finding 47: The applicant proposes Option 3 for access to the subject property. The access points currently exist off of Hood Street for both Option A and Option B. These criteria are met.**

*4. Subdivisions fronting onto an arterial street.*

*(...)*

*5. Double-frontage lots.*

*(...)*

**Staff Finding 48: The subject property has frontage Hood Street. The application does not include a subdivision or double frontage lots. The criteria are met.**

*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 and non-traversable medians.*

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

**Staff Finding 49: The proposal does not create any new intersections or non-traversable medians. CDC 48.060 is addressed in Staff Findings 44-46. These criteria are met.**

*7. Number of access points.*

*8. Shared driveways.*

**Staff Finding 50: The applicant proposes to utilize the existing access drive from Hood Street for both options. The applicant was not required consolidate existing access points, but does propose to remove the northern most existing access off Hood Street in Option B. The proposed drive aisles are 24' wide to accommodate for two-way traffic in the parking lot area. These criteria are met.**

*C. Street connectivity and formation of blocks required.*

*In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:*

*1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.*

**Staff Finding 51: The applicant's proposal does not create any new blocks. This criterion does not apply.**



2. *Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.*

**Staff Finding 52: The applicant proposed to dedicate 9.5 feet to the Hood Street ROW to match adjacent property. The applicant is required to construct the half street improvements on Hood Street along the property frontage. The applicant will mitigate any impacts to public right-of-way infrastructure per Condition of Approval 2. Subject to the Conditions of Approval, this criterion is met.**

(...)

*48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES*

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

- A. Service drives for non-residential uses shall be fully improved with hard surface pavement:*
  - 1. With a minimum of 24-foot width when accommodating two-way traffic; or*
  - 2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.*
  - 3. Meet the requirements of CDC 48.030(E)(3) through (6).*
  - 4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.*

**Staff Finding 53: The applicant proposes a 24-foot, two-way, shared access drive from Hood Street that is improved with asphalt. The criteria are met.**

- B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.*
- C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.*
- D. Gated accessways to non-residential uses are prohibited unless required for public safety or security.*

**Staff Finding 54: The subject property is not proposing any gated accessways or service drives. Option A will have a drive aisle for delivery trucks public mail drop off. This drive aisle also provides for two vehicles to be stacked in this lane. Option B is for general commercial uses with a possible retail Post Office and does not include this delivery/drop off drive aisle. The accessways through the parking areas are proposed to be 24 feet wide to accommodate two-way traffic. These criteria are met.**

(...)

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

- A. Minimum curb cut width shall be 16 feet.*

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

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

*1. On an arterial when intersected by another arterial, 150 feet.*

*(...)*

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

*D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:*

*1. On an arterial street, 150 feet.*

*2. On a collector street, 75 feet.*

*3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

**Staff Finding 55:** The nearest intersection from a public street to the curb cuts serving this proposal is over 100 feet. The applicant proposes to use the existing curb cut off Hood Street in both Option A and Option B. The applicant proposes to remove the northern most existing access to the Post Office in Option B due to the location of the proposed building. There is no proposed change to the existing Market of Choice access from Hood Street. In Option A the northern most curb cut is proposed at 36.7 feet and per condition of approval 6, the applicant must modify the curb cut to comply with the maximum 36 feet requirement. Subject to the conditions of approval, the criteria are met.

*E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.*

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

*G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.*

**Staff Finding 56:** The applicant is not proposing any new curb cuts on Highway 43 or rolled curbs. Line of sight is addressed in Staff Finding 24. These criteria do not apply.

*(...)*

#### **48.080 BICYCLE AND PEDESTRIAN CIRCULATION**

*(...)*

*c. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.*

**Staff Finding 57:** The applicant has proposed bicycle parking onsite and has proposed to extend the existing pedestrian path from the entry of Market of Choice, through the parking area and to the new proposed building. This pedestrian walkway is wider than 6 feet and will lead to the sidewalk extension on Hood Street along 5655 Hood Street's frontage. These criteria are met.

## **VII. CHAPTER 52, SIGNS**

### **52.210 APPROVAL STANDARDS**

*All signs shall meet the following standards:*

*(...)*

**Staff Finding 58:** The applicant is not proposing any signs at this time. The applicant notes that the signs identifying tenants will be displayed above windows and directional signs will be installed in compliance with the standards of CDC Chapter 52, but no specific are proposed. Tenants will be responsible for securing appropriate sign permits. These criteria are met.

## **VIII. CHAPTER 54, LANDSCAPING**

### **54.010 PURPOSE**

*The purpose of this chapter is to provide for the design, selection (...)*

### **54.020 APPROVAL CRITERIA**

*(...)*

*E. Landscaping – By type, location and amount.*

*1. Residential uses (non0single-family). (...)*

*2. Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped.*

*Parking lot landscaping may be counted in the percentage. (...)*

**Staff Finding 59:** The applicant has submitted a landscaping plan (see sheets L/1 and L/2 of the applicant's submittal). This criteria is met.

## **CHAPTER 55, DESIGN REVIEW**

### **55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW**

*B. Relationship to the natural and physical environment.*

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

**Staff Finding 60:** The subject site contains no heritage trees. This criteria does not apply.

*2. All heritage trees...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...shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section...*

*a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements...*

**Staff Finding 61:** There are no heritage trees or significant trees on the site. A portion of the property proposed to be landscaped is considered Type II lands. The area of the proposed development is on Type IV land. The criteria is met.

*b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees...*

**Staff Finding 62:** No development is proposed on Type I or Type II lands with this application. This criteria does not apply.

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

**Staff Finding 63:** Staff adopts the applicant's findings on page 24 (Exhibit PC-1 applicant's narrative). See Staff Findings 6-21. Staff finds that the criteria is met.

*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.*

**Staff Finding 64:** Staff adopts the applicant's findings on page 24 of the applicant's narrative (Exhibit PC-1 applicant's narrative). The criteria is met.

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

**Staff Finding 65:** The applicant has proposed 5-foot setback from common property lines to allow for required landscaping and screening. This also serves as adequate light and air circulation and fire protection. The criteria is met.

*6. Architecture.*

*a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.*

**Staff Finding 66:** Staff incorporates applicant findings found on page 24 (Exhibit PC-1 applicant's narrative). This criterion is met.

*b. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that "step*

down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

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

d. *Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.*

**Staff Finding 67: Staff incorporates applicant findings found on pages page 25 (Exhibit PC-1 applicant’s narrative). These criteria are met.**

e. *The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency...*

**Staff Finding 68: Staff incorporates applicant findings on pages 25 (Exhibit PC-1 applicant’s narrative). These criteria are met.**

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

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

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

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

**Staff Finding 69: Staff incorporates applicant findings on pages 26-27 (Exhibit PC-1 applicant’s narrative). These criteria are met.**

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

*a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or....facing the local street with highest traffic levels...*

*(...)*

*c. Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access...*

**Staff Finding 70: Option A: The proposed commercial building is located 30 feet from the Hood Street ROW after the proposed dedication. This distance accommodates for the additional area needed for delivery truck loading and a drive through mail drop off lane for the Post Office. Option B: The proposed building is 1 foot from the Hood Street ROW after dedication. This accommodates for a sidewalk, landscaping strip, and road widening. These criteria are satisfied.**

*d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces...*

*e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.*

*(...)*

**Staff Finding 71: Paths and accessways are provided with the proposed commercial building for both options (see Applicant's submittal sheet A 1.1 "Option A' and Sheet A1.1 "Option B"); these criteria are met.**

*(...)*

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

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

*a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.*

*b. The size of the buffer required to achieve the purpose in terms of width and height.*

*c. The direction(s) from which buffering is needed.*

*d. The required density of the buffering.*

*e. Whether the viewer is stationary or mobile.*

**Staff Finding 72: Staff incorporates applicant findings on page 31 (Exhibit PC-1 applicant's narrative). These criteria are met.**

*2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:*

- a. What needs to be screened?*
- b. The direction from which it is needed.*
- c. How dense the screen needs to be.*
- d. Whether the viewer is stationary or mobile.*
- e. Whether the screening needs to be year-round.*

**Staff Finding 73: Staff incorporates the applicant's findings on page 31 (Exhibit PC-1 applicant's narrative). These criteria are met.**

*3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

**Staff Finding 74: The applicant proposes to screen all HVAC rooftop equipment. These criteria are met.**

*D. Privacy and noise.*

- 1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.*
- 2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.*
- 3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.*
- 4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)*

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

**Staff Finding 75: The proposal does not include residential dwelling units so criteria 1-2, above, do not apply. Regarding noise, the properties on each side of the subject property are**

**also zoned commercial. The property to the east is zoned residential. Staff incorporates the applicant's findings on pages 31-32 (Exhibit PC-1 applicant's submittal). The criteria is met.**

(...)

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

- 1. A deck, patio, fence, low wall, hedge, or draping vine;*
- 2. A trellis or arbor;*
- 3. A change in level;*
- 4. A change in the texture of the path material;*
- 5. Sign; or*
- 6. Landscaping.*

**Staff Finding 76: Staff incorporates applicant findings- see applicant's submittal page 32 (Exhibit PC-1 applicant's submittal). These criteria are met.**

*H. Public transit.*

- 1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:*
  - a. The location of other transit facilities in the area.*

(....)

**Staff Finding 77: The nearest public transit stop is on Willamette Drive (HWY 43). This stop is approximately 470 feet from the subject property and there are no public transit stops down Hood Street. The existing transit stops serve the entire Central Village Commercial area which this development is part of. These criteria are met.**

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

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

**Staff Finding 78: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. The City Engineer has reviewed the submitted**



**Trip Generation Letters. See applicant submitted Trip Generation Letters (Exhibit P of the applicant's submittal); these criteria are met.**

*2. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.*

*Per the submittals required by CDC 55.130(E), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.*

**Staff Finding 79: The applicant has submitted a Stormwater Management Report, prepared by a licensed engineer, which complies with the West Linn Public Works Design Standards, shows no adverse off-site impacts, and provides sufficient factual data to support the conclusions of the plan. The subject property does not contain any known landslide hazards. Any geotechnical hazards associated with on-site soil structure can be remediated per the PBS Engineering report included in the Natural Resource Assessment. The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, these criteria are met.**

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

**Staff Finding 80: The water system has sufficient water volume and pressure to serve the proposed building. The applicant shall complete and submit a fire flow test per Condition of Approval 2. These criteria are met.**

*4. Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.*

**Staff Finding 81: The existing sanitary sewer line is sufficient to serve the proposed structure. The criteria is met.**

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

**Staff Finding 82: The applicant has proposed a solid waste and recycling storage area to the east of the commercial building. The storage area is also screened. The criteria is met.**

*J. Crime prevention and safety/defensible space.*

1. *Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.*
2. *Interior laundry and service areas shall be located in a way that they can be observed by others.*
3. *Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.*

**Staff Finding 83: Staff incorporates applicant findings found on page 33 (Exhibit PC-1 applicant's submittal). The criteria is met.**

4. *The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.*
5. *Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.*
6. *Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.*

**Staff Finding 84: The applicant has provided a proposed lighting plan that illuminates all areas vulnerable to crime. The parking areas and primary pedestrian walkways will be fully lighted. The light fixtures will comply with bulb standards and be directed downward. See Sheet E1.0 and Sheet E.2.0 of the applicant's submittal; these criteria are met.**

7. *Lines of sight shall be reasonably established so that the development site is visible to police and residents.*

**Staff Finding 85: See Staff Finding 24; this criterion is met.**

*K. Provisions for persons with disabilities.*

1. *The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at*

*least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.*

**Staff Finding 86: Staff incorporates applicant finding on pages 34 (Exhibit PC-1 applicant's submittal). These criteria are met.**

*L. Signs.  
(...)*

**Staff Finding 87: The applicant is not proposing any signs with this application. Any future tenants of the commercial building are responsible for obtaining any necessary sign permits for future signs. This criteria is met.**

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

**Staff Finding 88: All electrical utilities are already underground at this location. Any new utilities associated with this application are also proposed to be underground. The criteria are met.**

*(...)*

#### **55.125 TRANSPORTATION ANALYSIS**

*Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).*

**Staff Finding 89: See Staff Finding 45. This criteria is met.**

#### **55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS**

*A. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:*

- 1. A minor exception that is not greater than 20 percent of the required setback.  
(....)*

*B. The Planning Director may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as the following criteria are met:*

- 1. The minor exception is not greater than 10 percent of the required parking;*  
*(....)*

*C. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met:*

- 1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;*  
*(....)*

**Staff Finding 90: The applicant is not requesting any setback, parking, sign or landscape exceptions under this section. Therefore the criteria does not apply.**

### *III. CHAPTER 75, VARIANCES AND SPECIAL WAIVERS*

#### *75.020 CLASSIFICATION OF VARIANCES*

*A. Class I Variance. Class I variances provide minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions:*

- 1. Required Yard and Minimum Lot Dimensional Requirements. Required yards may be modified up to 20 percent, lot dimensions by up to 10 percent and lot area by up to five percent if the decision-making authority finds that the resulting approval:*
  - a. Provides for a more efficient use of the site;*
  - b. Preserves and incorporates natural features into the overall design of the project;*
  - c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and*
  - d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*
- 2. Off-street parking dimensional and minimum number of space requirements may be modified up to 10 percent if the decision-making authority finds that the use is designed for a specific purpose, which is intended to be permanent in nature.*
- 3. Dimensional sign requirements may be modified up to 10 percent if the decision-making authority finds that the proposed larger sign is:*
  - a. Necessary for adequate identification of the use on the property; and*
  - b. Compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.*
- 4. Landscaping requirements in the applicable zone may be modified up to 10 percent if the decision-making authority finds that the resulting approval:*
  - a. Provides for a more efficient use of the site;*
  - b. Preserves and incorporates natural features into the overall design of the project; and*

- c. *Will have no adverse effect on adjoining property.*

**Staff Finding 91:** The applicant has proposed a Class I Variance to grant two additional parking spaces. These two additional spaces are within the 10% increase permitted in this section. This requested variance is for Option A and intended to be used by the new Post Office. Staff adopts the applicant's findings on pages 36-37 of the applicant's submitted narrative (Exhibit PC-1). The applicant is not requesting a variance for Option B. The criteria are met.

#### *IV. CHAPTER 96, STREET IMPROVEMENT CONSTRUCTION*

##### *96.010 CONSTRUCTION REQUIRED*

###### *A. New construction.*

*(...)*

**Staff Finding 92:** The applicant shall install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

##### *96.020 STANDARDS*

*Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided, that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.*

**Staff Finding 93:** The applicant shall install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

#### *XIII. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL*

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

*(...)*

###### *B. Pre-application conferences.*

*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:*

*(...)*

###### *o. Variances;*

*(...)*

**Staff Finding 94:** The applicant attended a pre-application conference with City staff on May 2, 2019. The criteria are met.

##### *99.060 APPROVAL AUTHORITY*

- B. Planning Commission authority. The Planning Commission shall have the authority to:*  
(...)
- e. Class II variance or special waiver (Chapter 75 CDC).*  
(...)

**Staff Finding 95: The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for December 2, 2020.**

*99.080 NOTICE*

*Notice shall be given in the following ways:*

- A. Class A Notice. (...)*

**Staff Finding 96: The applicant proposal has been properly noticed by the City. Please see Staff Report for the Planning Commission Exhibit PC-6. These criteria are met.**