
Tannler Drive Mixed-Use Development

West Linn, Oregon

Request for
Class II Design Review Approval
and
Property Line Adjustment Approval

Prepared for
ConAm Properties, LLC

Prepared by
Otak, Inc.



HanmiGlobal Partner

Otak Project No. 17122
Submitted July 13, 2015
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APPLICATION SUMMARY

REQUEST:

Class II Design Review approval is requested for development of a mixed use project consisting of seven mixed-use buildings and an accessory clubhouse on the west side of Tannler Drive north of Blankenship Road. Each of the seven buildings will have a commercial space located on their ground levels. The upper levels of each building above the first floor will include multi-family residential units. A total of 180 multi-family residential dwelling units are proposed. Garages will be provided on the ground levels of each mixed-use building and in separate small garage buildings.

The proposed mixed-use development project's driveway system will connect with the driveways and parking area of the Willamette 205 office development to the west. A reciprocal access agreement has been recorded between these properties. The driveways and sidewalks of the Willamette 205 office development will provide for a pedestrian and vehicular connection between the proposed Tannler Drive Mixed-Use project to Blankenship Road.

Property Line Adjustment approval is requested amongst the three involved properties. The property line between tax lot 200 and tax lot 102 would be moved to the south to result in tax lot 200 being reduced to approximately 1.17-acres in size. The property line between tax lot 102 and tax lot 100 would be relocated to the north. This would result in tax lot 100 being decreased in size to approximately 3.18-acres in size. As a result of the adjustment of these two property boundaries, tax lot 102 would be increased to approximately 7.01-acres in size.

Tax lots 102 and 100 included in the Design Review application as the proposed site of the mixed-use development with a combined size of 10.19-acres. Tax lot 200 should be considered as an out parcel for the purposes of that application.

LOCATION:

2444, 2422 and 2410 Tannler Drive. The proposed development project site is located on the west side of Tannler Drive, north of a vacant parcel which fronts on Blankenship Road

PARCEL DESCRIPTION:

Tax lots 100, 102 and 200 of CCTM 2S1E 35C.

COMPREHENSIVE PLAN MAP DESIGNATION:

Commercial

ZONING:

OBC (Office Business Center)

PROJECT DEVELOPMENT TEAM

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I. REQUEST

Class II Design Review approval is requested for plans for development of a mixed-use residential and commercial project consisting of seven buildings on the west side of Tannler Drive north of Blankenship Road. Each of the seven mixed-use buildings will have a commercial space located on its first floor. Covered parking serving the residential uses above will also be located on the first floors of the seven mixed-use buildings. Levels two, three, and four of each building will include multi-family residential units. A total of 180 multi-family residential dwelling units are proposed.

A clubhouse recreation center and leasing office building are proposed. Both commercial and residential tenants will have access to the clubhouse building and outdoor recreational facilities adjacent to that building and elsewhere on the site.

The proposed development project will have an entrance driveway from Tannler Drive approximately 670 feet north of Blankenship Road. A primary driveway will wind through the site from this entrance to the southwestern corner of the project site, connecting with an existing driveway within the adjacent Willamette 205 office project to the west. Eight short dead end driveways will extend off of this primary driveway providing access to the majority of the mixed-use project's parking spaces and to the commercial spaces within the project. Sidewalks will also extend through the site, including along the primary driveway and the eight dead end driveways.

The proposed development's driveway and sidewalk system will connect with the driveways and sidewalks of the Willamette 205 commercial office project. A reciprocal access agreement has been recorded between these properties. The driveways and sidewalks of the Willamette 205 office project will provide for a connection to Blankenship Road.

In addition, **Property Line Adjustment** approval is requested for adjustment of the three involved lots. The property line between tax lot 200 and tax lot 102 will be moved to the south to result in tax lot 200 being reduced to approximately 1.17-acres in size. The property line between tax lot 102 and tax lot 100 will be relocated to the north. This will result in tax lot 100 being decreased in size to approximately 3.18-acres in size. As a result of the adjustment of these two property boundaries, tax lot 102 will be increased to approximately 7.01-acres in size.

Tax lots 102 and 100 are included in the Design Review application as the site of the proposed mixed-use development. All site development activities will occur on tax lot 102. This parcel is what is generally referred to in this report as the actual development site. Tax lot 100 will be an open space parcel that is included as part of the mixed-use project development proposal, but no development is proposed for this lot. Tax lot 200 is not part of the site for the purposes of the Design Review application.

II. SITE AND VICINITY INFORMATION

A. Location

The proposed development site is located approximately 240-feet north of the intersection of Tannler Drive and Blankenship Road. The site is located on the west side of Tannler Drive, a collector street. The property consists of portions of three existing tax lots

(Clackamas County Assessor Map No. 21E35C, Tax Lots 100, 102 and 200). Property line adjustments will be made amongst the three affected properties so that two parcels totaling 10.19 acres will be provided, with one smaller parcel to the south. Preliminary approval of the property line adjustments is requested as part of this application.

B. Site Conditions

The proposed development site is currently undeveloped. The site is covered with native grasses, blackberry bushes, other bushes and shrubs, and a variety of trees including oak and Douglas fir among others. An aerial photo of the site and vicinity is included as Sheet P1.0. The development site slopes fairly steeply from an elevation of over 390 feet at the site's northern boundary with the Greene Street right-of-way to 230 feet at its southwest corner. Existing topography is included on the Aerial Photo/Site Analysis Plan, Sheet P1.0 and other plans. Most of the site has an existing slope of greater than 15 percent, with lesser gradient areas located primarily in the southeastern portion of the site. A slope analysis by percent slope as laid out by Development Code Section 55.110 is included as part of Sheet P1.3.

C. Surrounding Land Uses and Zoning

The River Falls shopping center - which includes a Haggen's grocery store, restaurants and other services - is located across Blankenship Road to the south within one-tenth of a mile of the proposed mixed-use development project site. The site is also located within one-half mile of a variety of commercial services and employment uses within the Willamette commercial district on the south side of I-205, including the Marketplace Shopping center and the commercial uses on Willamette falls Drive.

Neighboring zoning and land uses are as follows:

- To the west and adjacent to the project site's western boundary, the property is zoned OBC and is developed with three office buildings within the Willamette 205 office complex;
- To the north is single-family residential development which is zoned R-10(insert number of adjacent houses bordering site; I think it's just 5 or 6); and to the north and northwest are multifamily residential development in the Madison Heights condominiums and the Summerlinn Apartments. This area is zoned R-2.1;

No adjacent residential development of any type borders the development portion of this site; the nearest residential uses are separated from the development portion of this site by the open space area on Tax Lot 100.

- To the east across Tannler Drive is the City of West Linn' White Oak Savanna Park and a vacant parcel which is in private ownership. The area to the east is zoned OBC; and
- Directly to the south of the proposed development site is a vacant parcel (tax lot 200) which is zoned OBC. Across Blankenship Road further to the south is the River Falls Shopping Center which is zoned GC.

D. Emergency Services

The project site is served by the Tualatin Valley Fire and Rescue District (TVFRD). The nearest TVFRD station is Station 58 located at 1860 Willamette Falls Drive. City of West Linn Police Department is located at 22825 Willamette Drive. Both the Fire and Police stations are located within approximately one-half mile of the site.

E. Parks

The project site is adjacent to the City of West Linn-owned White Oak Savanna Park to the east across Tannler Drive. The White Oak Savanna Park has trails, overlook areas, and natural areas. The project site is located within one-quarter mile of the developed North Willamette Neighborhood Park which is located to the northwest. The North Willamette Park includes two play structures, a tennis court, a basketball court, picnic areas, and trails.

F. Schools

The area of the site is served by the West Linn High School (located at 5464 West "A" Street); the Rosemont Ridge Middle School (located at 20001 Salamo Road); and the Willamette Primary School (located at 1403 12th Street).

G. Transit

TriMet Route 154 travels east-to-west along Blankenship Road to the south of the project site. The closest transit stop is located in front of the Willamette 205 commercial office project, approximately 200-foot walking distance south of the southwestern corner of the proposed development site. Route 154 provides hourly transit service to the Oregon City Transit Center and to Highway 43 from 6:30 AM to 7:00 PM Monday through Friday. Connections to other transit routes from Route 154 can be made at the Oregon City Transit Center and to Highway 43.

III. PROPOSED DEVELOPMENT PLAN

The proposed development plans include seven multi-purpose commercial spaces and 180 multi-family residential dwelling units within seven buildings. Commercial spaces and covered parking will occupy the south sides of the ground levels of all seven buildings. Residential units will occupy the second, third, and fourth floors of the buildings. Proposed buildings #1, #2, #3, and #7 will appear as four-stories in height when viewed from the southern or lower side of the buildings. Buildings #4, #5, and #6 will appear to be three-story buildings when viewed from the south due to a different roof form on these buildings. All of the buildings will appear as three-story buildings when viewed from the uphill northern sides of the buildings.

Commercial Uses

Together, the seven buildings will contain 1,973 square feet of leasable commercial space in seven different ground level spaces which will be available for use by any of the permitted use in the OBC zoning district (West Linn Community Development Code, the "CDC", Section 21.030), and any use allowed as a conditional use in that zone if a conditional use permit is first obtained from the City of West Linn (CDC 21.060). Each of the commercial spaces will have its

own ground level entrance conveniently located near parking spaces and internal site walkways.

Residential Uses

In addition, the seven multi-use buildings will provide 22 three-bedroom units, 97 two-bedroom units, and 61 one-bedroom residential dwelling units. All residential unit types are dispersed throughout all buildings. Like units generally stack from floor to floor. The residential units will be accessed by breezeway stair towers. All residential units will have private decks. Internal storage spaces are available on the ground level of each building. Storage spaces may be rented by any tenant.

The general appearance of the proposed multi-family residential buildings is a craftsman inspired style with gable roof forms, decorative trim and vertically oriented windows. A wainscot and column bases of cultured stone provide a distinguishable base element that provides texture to the pedestrian zone. A color palette of neutrals and earth-tones make up the main body of the buildings, while accent colors at bay windows and balconies provide dynamic elements that are scattered throughout the site.

The clubhouse (approximately 3,800 square feet) and pool are of a complimentary style to the buildings. The use of gables, porches and dormers create a scale that provides a warmth and welcoming entry element. Being centrally located, the clubhouse and large pool area are an integral part to the entire complex helping to encourage a sense of community by providing both indoor and outdoor gathering places for activity.

Access and Parking

A total of 322 parking spaces are proposed within the project site. Covered parking spaces will be provided on the ground levels of all seven multi-use buildings and within five freestanding garage buildings throughout the site. A total of 176 covered parking spaces will be provided. Six disabled person accessible parking spaces are included within the covered parking space total. In addition, 148 surface parking spaces will be provided. Surface parking provided will include ten additional disabled accessible parking spaces. All parking spaces for commercial tenants and customers/clients are considered to be included in the designated visitor parking spaces on the site. These visitor spaces are included as part of the total surface parking spaces. An estimated 20 additional on-street parking spaces are provided on Tannler Drive adjacent to the proposed development site to serve visitors and guests.

Site Utilities

The Preliminary Composite Utility Plan for the project is included as Sheet P4.0. The site will be served by the public sanitary sewer line in Tannler Drive. The sewer line is located on the west side of Tannler and has adequate depth and capacity to serve the site. A connection is proposed near the south end of the proposed development.

The project site is on the border between the City of West Linn's water system's Bland zone above the site and the Willamette zone below the site. The development of the site will be best served from the Bland zone above as recommended by the City's Engineering Department in the following comments received by the project team on June 30, 2015:

- Static pressure at the finished floor level would range between 120 psi and 138 psi across the proposed development, if served from the Bland pressure zone. This will require installation of pressure reducing valves for all service connections, but would result in appropriate service pressures across the entire development.
- Assuming a required fire flow of 2,500 gpm (multi-family and commercial), main extension from the intersection of Tannler Road and Greene Street should be a minimum size of 8-inch diameter. Residual pressures at hydrants on Tannler at the south end of the development would still be near 80 psi under fire flow conditions.

The development plans propose extending an 8 inch public water line down Tannler from Greene Street to the main access driveway into the project site. Domestic and fire protection services would extend into the site from here. The private water line will be routed down the middle of the site to serve each building.

The storm water management plan for the project will consist of a surface detention pond in the southwestern corner of the site. The detention pond will be bordered by retaining walls on all sides except for the maintenance access to the pond. The retaining walls are necessary due to the steep slopes of the site and adjacent roads. The pond is fed by a water quality swale running east to west below the southern fill wall. The swale will be graded into the existing ground. The swale will be fed from a flow splitter manhole which will divert high flows directly into the pond and low flows to the swale.

A Preliminary Storm Drainage Report for the project is included as Appendix C.

IV. COMPLIANCE WITH CDC CHAPTER 21 –OFFICE BUSINESS CENTER, OBC, ZONE

Each applicable section of Chapter 21 is shown below in italics along with a response following each section explaining how applicable standards are met.

PROPOSED USES

21.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 21.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.*
- B. A use permitted under prescribed conditions, CDC 21.050, is a use for which approval will be granted provided all conditions are satisfied, and:*
 - 1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and*
 - 2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).*
- C. The approval of a conditional use (CDC 21.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.*

Response: No response to these procedural provisions is necessary.

21.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. *Business equipment sales and services.*
2. *Business support services.*
3. *Communications services.*
4. *Cultural exhibits and library services.*
5. *Family day care.*
6. *Financial, insurance and real estate services.*
7. *Hotel/motel, including those operating as extended hour businesses.*
8. *Medical and dental services.*
9. *Parking facilities.*
10. *Participant sports and recreation, indoor.*
11. *Personal services and facilities.*
12. *Professional and administrative services.*
13. *Utilities, minor.*
14. *Transportation facilities (Type I).*

Response: Seven commercial spaces are proposed within the Tannler Drive mixed-use project. The commercial spaces are all located on the first floor of each of the proposed mixed-use buildings. The commercial spaces range from 280 to 314 square feet in size. The total gross leasable floor area of the seven commercial spaces is 1,973-square feet. The uses which will occupy the commercial spaces will likely be amongst the permitted use types listed above – especially the types which are typically found in smaller commercial spaces such as financial, insurance and real estate services; business support services; communication services; personal services; or professional and administrative uses. Future tenants of the commercial spaces within the mixed-use project will be directed to the City of West Linn to ascertain if their use type is permitted in the zone; whether there is sufficient parking provided for their type of use; and to obtain a business license.

21.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. *Animal sales and services: veterinary (small animals) as prescribed with no exterior runs or storage.*
2. *Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure.*
3. *Signs, subject to the provisions of Chapter 52 CDC.*
4. *Temporary use, subject to the provisions of Chapter 35 CDC.*
5. *Home occupation, subject to provisions of Chapter 37 CDC.*
6. *Wireless communication facilities, subject to the provisions of Chapter 57 CDC.*
7. *Eating and drinking establishments, subject to the following limitations:*
 - a. *The use shall constitute no more than 20 percent of the total floor area of the building in which it is located.*
 - b. *The use shall not include any drive-through facilities.*

Response: Similar to the response above, it is possible that the uses which will occupy the commercial spaces will be amongst the limited use types listed above – especially the types which are typically found in smaller commercial spaces such as small veterinary clinics and small eating and drinking establishments with no drive-through facilities. Future tenants of the commercial spaces within the mixed-use project will be directed to the City of West Linn to ascertain if their use type is meets the requirements for a limited use allowed in the zone; whether there is sufficient parking provided for their type of use; and to obtain a business

license. The one difference to this statement is that the limited use type – multiple-family units is already proposed, as a mixed use in conjunction with commercial development. All 180 of the proposed multi-family dwelling units will be located above the first floor of each of the proposed buildings.

CDC 21.050.2 allows multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of each structure. CDC 21.020.A and B distinguish between uses permitted outright (those uses allowed by CDC 21.030) and uses permitted under prescribed conditions allowed by CDC 21.050. CDC 21.020.B provides that uses allowed under prescribed conditions “is a use for which approval will be granted provided all conditions are satisfied...”. This section explains why the prescribed conditions for multi-family residential units are satisfied.

A use permitted under prescribed conditions is not a conditional use. *Anderson v Pedan*, 587 P2d 59, 284 Or 313(1978). Further, CDC 02.010 defines “conditional use” in a way that makes it clear that it is different from either permitted uses, or uses permitted under specified conditions. Finally, each zoning district in the CDC calls out permitted uses, uses permitted under prescribed conditions, and conditional uses separately from one another.

The applicant proposes a mixed use project consisting of 180 unit multi-family units, above the first floor only, in seven structures, with commercial development on the first floor of each of the seven structures. The Planning Commission must approve the use as long as the prescribed conditions for the multi-family residential use are satisfied.

The prescribed conditions for the use are described below, followed by findings explaining how each prescribed condition is satisfied.

A. Multiple-family Units. The proposed residential dwelling units meet the definition of “multiple family residential units” in CDC 02.010 because each of the seven structures contains 3 or more dwelling units in a horizontal or vertical arrangement.

B. Mixed-Use. The CDC does not define the term “mixed use” but the Planning Commission can find that the proposed arrangement of residential and commercial development in each of the seven structures on the same site constitutes a mixed use, a combination of two uses.

C. In Conjunction with Commercial Development. The phrase “commercial development” is not defined in the CDC but CDC 02.010 defines “development” as it is defined in ORS 227.215(1). The term includes any manmade change that involves, among other activities, the construction of buildings. The Applicant proposes the construction of seven buildings and a clubhouse on the site. The construction of the seven commercial spaces constitutes development.

Further, the term “commercial” is not defined in the CDC but Webster’s Third New International Dictionary of the English Language, Unabridged (1993) definition of commercial is something concerned with or engaged in commerce.

The uses that can occupy the seven tenant spaces on the first floor of each of the seven buildings can be any of the commercial uses allowed as permitted uses in CDC 21.030, uses permitted under prescribed conditions in CDC 21.050, conditional uses in CDC 21.060, or

home occupations allowed by CDC Chapter 37, as long as the home occupation is a use allowed by the OBC zone.

CDC 21.050.2 does not require any certain commercial use allowed in the OBC zone, nor that there be a minimum number of commercial uses, nor a minimum amount of commercial square footage, nor that the commercial development have a tenant when the development is proposed or constructed but only that there be commercial development construction of a tenant space for a commercial use. To require anything beyond what the plain language of the CDC requires for the prescribed use is to insert words in the standard not inserted by the legislative body that enacted this provision, the West Linn City Council. Nevertheless, the applicant has a vested interest in leasing the commercial development spaces so that they are not vacant but this is not one of the prescribed conditions.

The phrase “in conjunction” is not defined by the CDC but the *Webster’s* dictionary definition of “conjunction” means the action of two or more events or things occurring at the same time. Webster’s, *Id.* Because the applicant proposes the construction of commercial and residential uses at the same time, the Planning Commission can find that the multiple-family units are in conjunction with the commercial development.

D. First Floor. The CDC does not define “first floor” but CDC 02.010 defines “story, first” as the lowest level of a building which qualifies as a story. The Planning Commission can find that the first floor of each of the seven structures (excluding the clubhouse) is the first story as defined and that the Applicant satisfies the prescribed condition that each structure have a commercial development on the first floor if multiple-family units are proposed on the floors above.

As explained above, the Planning Commission can find that the proposed use is allowed in the OBC zone and satisfies the prescribed conditions.

COMPLIANCE WITH REQUIRED DIMENSIONAL REQUIREMENTS

21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

- 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 2. The average minimum lot width shall be 35 feet.*

Response: The proposed development site (tax lot 102) will have over 600 feet of frontage along Tannler Drive, and will have a minimum average lot width (north-south) of 580-feet. These standards are satisfied.

- 3. Repealed by Ord. 1622.*
- 4. The yard dimensions or building setback area from the lot line shall be:*
 - a. Interior side yard, a minimum of seven and one-half feet.*
 - b. Side yard abutting a street, no minimum.*
 - c. Rear yard, a minimum of 25 feet.*
 - d. Front yard, no minimum and a 20-foot maximum. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape*

areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

Response: The proposed development site plan provides for a 20-front yard setback along Tannler Drive (after dedication of additional right-of-way) for buildings 7, 8 and the clubhouse consistent with the maximum setback standard for buildings along the street. The front yard areas will be occupied by a combination of landscaping, a paved ramped sidewalk from the public sidewalk to the internal sidewalk system, and the retaining walls adjacent to the ramped sidewalk.

All primary buildings will be located at least 25-feet from the western or rear property line. All buildings will exceed the minimum 7.5-foot interior side yard setback standards as they apply to the northern and southern property lines of the adjusted tax lot 102. All secondary buildings such as the clubhouse and separate garage buildings are also located consistent with the setback standards of Section 21.070A.4.

5. The maximum lot coverage shall be 50 percent.

Response: The proposed development's site plan provides for 1.88 acres of lot coverage of the 7.01 acre site, or approximately 27 percent lot coverage. The CDC Section 02.030 definitions define "lot coverage" as "the area covered by a building or buildings." This definition does not include other impervious surfaces such as parking areas, driveways, sidewalks, or recreational facilities such as the proposed pool and pool deck.

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 area.

Response: The proposed buildings will be located over 200 feet from the closest low or medium zoned area (the R-10 zoned area to the east across Tannler Drive and north of the White Oak Savanna Park). Therefore, the maximum building height standard is three and one-half stories or 45 feet for all of the proposed structures. The maximum height of any of the proposed buildings is 42 feet as measured from the uphill side or front of the building, using the method described in CDC Section 41.005.A.

B. The requirements of subsections (A)(1) through (4) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Response: No modifications of the requirements of subsections (A)(1) through (4) are requested. This subsection is not applicable.

21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon criteria set forth in CDC 60.070(A) and (B).

Response: The proposed development plan does not propose any conditional uses within the mixed-use project. Therefore, this section is not applicable.

21.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

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

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

Response: See the responses elsewhere in this report addressing the applicable standards of the above-listed CDC chapters.

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

Response: The proposed development does not provide for development of a detached single-family residence. Therefore, Design Review approval of the proposed development plans is required. See the responses to the applicable standards of CDC Chapter 55, Design Review, below.

V. COMPLIANCE WITH CHAPTER 55 DESIGN REVIEW

I. Why Class II Design Review?

Response: Section 55.020.A specifies what kind of development proposal qualifies for a Class I Design Review application, and also lists very minor items which require no design review approval at all. The proposed mixed-use development is not consistent with any of the development-related activities listed as qualifying for Class I Design Review. Section 55.020.B provides that Class II design review applies to all uses/activities, except those uses/activities listed under Class I design review, and the exemptions of CDC 55.025. The proposed development plans for the Tannler Drive Mixed-Use project also do not satisfy the exemption listed in Section 55.025. Therefore, a Class II Design Review is required.

2. Comment on Applicability of Certain Approval Standards of Chapter 55 Relative to this Application

Proposed multi-family residential dwelling units are “needed housing.” ORS 197.303(1) defines “needed housing” as “housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels” and includes “multiple family housing for both owner and renter occupancy...” ORS 197.303(1). Local governments must permit needed housing in one or more zoning districts and "with sufficient buildable land to satisfy that need." ORS 197.307(3). Local governments may only impose “clear and objective

standards, conditions and procedures regulating the development of needed housing.” ORS 197.307(4).

The local government's standards must be clear and objective on the face of the ordinance. ORS 227.173(2). Furthermore, in any appeal to LUBA or an appellate court that involves an ordinance required to contain clear and objective approval standards, conditions, and procedures for needed housing, the local government bears the burden of demonstrating that the standards, conditions, and procedures are capable of being imposed only in a clear and objective manner. ORS 197.831. Finally, these “clear and objective” standards, conditions, and procedures must not have the effect of “discouraging needed housing through unreasonable cost or delay.” ORS 197.307(4).

The legislature's policy goal in enacting the “needed housing” statutes “was to prevent local governments from using their “land use regulations to exclude certain housing type****.” *Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 156 (1998) *aff'd* 158 Or App 1, 970 P2d 685, *rev den* 328 Or 594 (1999). In fact, ORS 197.307(1) states that the “availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income * * * * is a matter of statewide concern.”

LUBA has interpreted these statutes to preclude local governments from applying subjective, discretionary criteria to applications for needed housing:

“‘Needed housing’ is not to be subjected to standards, conditions or procedures that involve subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community. Such standards, conditions or procedures are not clear and objective and could have the effect ‘of discouraging needed housing through unreasonable costs or delay.’”

Rogue Valley Association of Realtors, 35 Or LUBA at 158 (emphasis added). Further, LUBA has specifically held that a standard requiring that a development be “compatible with surrounding development” was not clear and objective. *Rogue Valley Association of Realtors*, 35 Or LUBA at 157 (citing Land Conservation and Development Commission policy that served as basis for legislative enactment of needed housing statute). *See also Clark v. Coos County*, 53 Or LUBA 325 (2007) (local code approval standard that requires that proposed uses be compatible with surrounding uses is subjective). The Court of Appeals has also held that a local code standard is not “clear and objective” when it can “plausibly be interpreted in more than one way.” *Tirumali v. City of Portland*, 169 OR App 241, 246, 7 P3d 761 (2000).

The City of West Linn has determined that it will provide an opportunity for development of apartments and multiplex units. West Linn Comprehensive Plan (the “Plan”), Goal 10, “Housing”, Policy 2. The Plan also requires the City to “[a]dhere to clear and objective standards to promote timely and predictable plan review.” Plan, *Id.*, Policy 8.

Therefore, the application for the Tannler Drive mixed-use project—which proposes 180 units of multiple-family housing in the OBC zoning district—constitutes “needed housing” for the purposes of ORS 197.307. As a result, the City of West Linn must only apply clear and objective standards, conditions and procedures to the housing portion of the application.

Furthermore, these standards, conditions and procedures cannot have the effect of discouraging

needed housing through unreasonable cost or delay. In the narrative below, the applicant identifies those provisions of the CDC that are not clear and objective and thus not applicable to the application. Within this legal framework, the applicant attempts to provide as much information as possible about the project.

3. Responses to the Applicable Sections of CDC Chapter 55

Each applicable section of Chapter 55 is shown below in italics along with a response following each section explaining how the standard is met.

CDC SECTION 55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

Response: The application is by ConAm Properties, LLC. ConAm Properties, LLC has an option to purchase the development site. The application form has been signed by one of the property owners, Jeff Parker, on behalf of himself and by a representative of the other property owner William S. Wilt.

B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.

Response: A pre-application conference regarding the proposed development application was held on June 18, 2015. The City of West Linn's notes for the pre-application conference are included in Appendix A.

C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.

Response: The site is located within the boundaries of the Willamette Neighborhood Association. A meeting with the Willamette Neighborhood Association which included a discussion of the proposed development application was held on July 8, 2015. The site is located adjacent to the boundaries of the Savanna Oaks Neighborhood Association. A meeting with the Savanna Oaks Neighborhood Association which included a discussion of the proposed development application was held on July 7, 2015. Documentation regarding contact with both neighborhood associations to set up the meetings is included in Appendix B to this report.

D. The applicant shall submit a completed application form and:

Response: A completed application form was submitted to the City of West Linn Planning Department on July 10, 2015.

2. The development plan for a Class II design review shall contain the following elements:

a. A site analysis (CDC 55.110);

Response: The attached plan set (and enclosed large scale plan set) includes Sheet P0.0, Cover Sheet; Sheet P1.0 Aerial Photo/Site Analysis Plan; Sheet P1.1 Existing Conditions Plan; and Sheet P1.3 Slope Analysis Plan. Together, these plan sheets include all applicable information listed in CDC Section 55.110;

b. A site plan (CDC 55.120);

Response: The attached plan set (and enclosed large scale plan set) includes Sheet P2.0, Preliminary Site Plan; Sheet P2.1 Preliminary Dimensioned Site Plan; Sheet P4.0 Preliminary Composite Utility Plan; Sheet L1.1 Preliminary Landscape Plan; Sheet A1.0 Architectural Site Plan. Together, these plan sheets include all applicable information listed in CDC Section 55.120;

c. A grading plan (CDC 55.130);

Response: The plan set includes a Preliminary Grading Plan illustrating all applicable information listed in CDC Section 55.130. See Sheet P3.0:

d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);

Response: The plan set includes architectural plans, elevations, and building sections;

e. A landscape plan (CDC 55.150);

Response: The plan set includes Preliminary Landscaping Plans illustrating all applicable information listed in CDC Section 55.150. See Sheets L1.0;

f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;

Response: The plan set includes a Preliminary Composite Utility Plan illustrating all applicable information listed in CDC Section 55.100 (1) through (5). See Sheet P4.0. Proposed trash and recycling enclosures are illustrated on the Preliminary Site Plan (Sheet P2.0) and other site-related plans. Elevations and a plan view of the trash enclosures are included as Sheet A3.08;

g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;

Response: Preliminary Lighting Plans are included with a Lighting Report in Appendix G to this application narrative. Together, the plans and report address all applicable information required by CDC Section 55.100(J) and CDC 46.150(A)(13);

h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and

Response: CDC 55.070.D.2.h requires submittal of a noise study demonstrating that the application will meet Oregon Department of Environmental Quality (“DEQ”) noise standards if requested by City of West Linn staff before or during the pre-

application conference. City of West Linn staff did not make such a request. Therefore, the DEQ noise standards may not be applicable approval standards.

However, CDC 55.100.D.4 requires that activities or businesses that can reasonably be expected to generate noise in excess of the standards in West Linn Municipal Code 5.487 must submit a noise study and mitigate the noise. The uses in the proposed Tannler Drive mixed-use project are not reasonably anticipated to exceed the standards of the West Linn Municipal Code. Typical noise associated with the proposed small scale commercial and multi-family development types are car-related noises, laundry exhaust noise, lawn care equipment noise, and music and other resident-related noises.

The proposed Tannler Drive mixed-use project will provide an open space buffer between the site and existing developments to the north. In addition, the ambient noise level in the area due primarily to highway-related noise from I-205 and from the parking area at the River Falls shopping center are such that the proposed development is not expected to lead to significant noise conflicts arising between the proposed development on site and neighboring uses. Development of portions of the site with any sort of developed use may cause some noise impacts upon adjacent open space uses.

In addition, small-scale retail, service, or office uses which might be anticipated to occupy the commercial spaces within the development also would be anticipated to have lesser noise levels than the ambient noise levels produced by the large scale commercial uses and the highway. The proposed commercial spaces are all located on ground levels of the buildings facing south so that noises from these uses would be expected to travel primarily southward, and that the proposed buildings would block any transmission of noises from the commercial uses towards the north.

i. Documents as required per the Tree Technical Manual.

Response: Appendix D includes an arborist's report prepared by consulting arborist Morgan Holen. The report includes all of the documents required by the Tree Technical Manual.

3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.

Response: No exceptions to CDC standards have been requested. Therefore, this requirement is not applicable.

4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, plus all applicable referenced approval criteria.

Response: An application narrative which includes a tree report, a geotechnical report, a traffic impact analysis report and other documents; and 11 x 17 copies of the required plans listed above; were submitted to the City of West Linn Planning Department.

E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.

Response: A materials and colors board which provides samples of proposed exterior building materials and preliminary color selections has been submitted as part of the Design Review application submittal.

F. The applicant shall pay the required deposit and fee.

Response: A completed application form; 11 x 17 copies of the required plans listed above; an application narrative which includes a tree report, a geotechnical report, a traffic impact analysis report and other documents; a materials and colors board, and the required application fee and deposit of \$20,800.00 were submitted to the City of West Linn Planning Department on July 10, 2015.

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

A. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

Response: No additional information was requested by the City of West Linn Planning Director.

B. The Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

Response: No waivers to the submittal requirements have been requested.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW ...

Response: This section is not applicable because the current request is not a request for Class I Design Review approval as explained in Section V.1. of this application narrative. The current application instead request Class II Design Review approval. The standards applicable to a Class II Design Review request are addressed below.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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

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

- 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*

Response: Accessory structures are defined in CDC Section 0.2030, Specific Words and Terms, as “a subordinate structure with a maximum area of 1,500 square feet...located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use.” The only accessory structures with total areas of less than 1,500 square feet proposed are the eight separate garage buildings (maximum size of 1,000 square foot) and the two 580 square foot trash enclosures. Therefore, the accessory use provisions of this CDC chapter are applicable to these garages and trash enclosure structures. Compliance of these structures with the standards of Chapter 34 are addressed under Section VI of this report below.

The clubhouse (approximately 3,800 square feet) and pool are uses which are incidental and subordinate to the principal uses of the project for various commercial uses and for multi-family residential use. CDC Chapter 34.060 contains standards which apply to accessory uses, such as proposed in this application, which exceed 1,500 square feet in size. Therefore, this accessory use and its structures is required to meet the minimum OBC district minimum or maximum setback standards and other development standards that apply to the principal uses.

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

Response: No yard area exceptions are proposed, nor do any of the situations requiring a yard area exception due to existing development on an abutting lot exist adjacent to the site. No storage will be allowed or provided for within the project's required front yard along Tannler Drive. Therefore, none of the provisions of CDC Chapter 38 are applicable to the current review.

3. *Chapter 40 CDC, Building Height Limitations, Exceptions.*

Response: This entire Chapter has been repealed. There are therefore no applicable standards of this Chapter which need to be responded to.

4. *Chapter 42 CDC, Clear Vision Areas.*

Response: The applicable standards of Chapter 42 are addressed in Section VII of this report below.

5. *Chapter 44 CDC, Fences.*

Response: The applicable standards of Chapter 44 are addressed in Section VIII of this report below.

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

Response: Responses to applicable standards of CDC Chapter 46 are addressed below in Section IX of this report.

7. *Chapter 48 CDC, Access, Egress and Circulation.*

Response: Responses to applicable standards of this CDC Chapter are addressed below.

8. *Chapter 52 CDC, Signs.*

Response: Responses to applicable standards of CDC Chapter 52 are addressed below.

9. *Chapter 54 CDC, Landscaping.*

Response: Responses to applicable standards of CDC Chapter 54 are addressed below.

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*

Response: There are no designated heritage trees on the subject site based upon the findings of the attached arborist's report by Morgan Holen (Appendix D) and concurred with by City Arborist Mike Perkins. Therefore, this standard is not applicable to the current review.

2. *All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.*
 - a. *Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.*

Response: The development site does not include any Type I or II lands as defined in CDC Chapter 02.020. Therefore, this standard is not applicable.

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

Response: The project site slopes relatively steeply from north to south. There are no defined drainageways on the site. The proposed development plan orients the proposed buildings, parking areas, and driveways parallel to the slope in order to limit changes to the site as much as practical. Nevertheless, substantial cutting is necessary in the northern portion of the mixed-use project site and filling is necessary in the southern portion of the site to reduce slopes internal to the development so as to limit gradients on the main driveway and walkways through the site. Retaining walls will be located at both the northern and southern edges of the proposed development area, as well as along the site's eastern and western sides and internal to the site near the clubhouse and along the northern and western edges of the stormwater pond. Existing orientation of the site's slope and drainage will be maintained.

The phrase "shall be preserved to the greatest extent possible" in the above standard is subjective because it requires the exercise of discretion to determine if the topography is preserved "to the greatest extent possible" and may, therefore, not be a basis for denial under the residential design review standards under ORS 197.307(4).

4. *The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.*

Response: Section 4.5.1 - Slope Stability in the GeoDesign report dated July 28, 2014 (at p. 10) related to this site states "Published geologic hazard data indicate that the site is not mapped within an area of landslide topography, slump, debris flow, or other hazards (including faulting or seismic hazards). The nearest ancient landslide feature is mapped more than ½ mile to the west of the site, which resulted from the excavation of the nearby interstate at the toe of the landslide." The site is within the limits of the "Landslide Hazard Area" shown on Map 17 of the West Linn Natural Hazards Mitigation Plan document (see map in Appendix F). The "Landslide Hazard Area" shown on Map 17 is in the NE corner of the site in the location of steep slopes identified on the Site Analysis Plan (P1.3). There are no buildings proposed with this "Landslide Hazard Area" shown on P1.3.

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.*

Response: All proposed residential buildings will be separated by a minimum of 50 feet. All proposed residential buildings will be separated from all other buildings (garage buildings, trash enclosures) by a minimum of 35 feet. The closest neighboring building to the west within the Willamette 205 office complex will be located over 50-feet from proposed buildings 3 and 4. Garage buildings located to the south of the clubhouse will be separated from the clubhouse by a minimum of approximately 10-feet. The garages and the clubhouse will be single-story buildings. Therefore, substantial distances will be provided between the proposed on-site buildings and other on-site buildings and neighboring buildings on adjoining properties such that adequate light and air circulation will be provided, as well as adequate separation for fire protection purposes.

The phrase "adequate distance" in this standard is subjective and requires the exercise of discretion to determine if there is adequate distance between on- and off-site buildings and may, therefore, not be a basis for denial under ORS 197.307(4).

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.*

Response: There are no other buildings on the subject site. There is substantial separation between the proposed development site and other neighboring developments other than the 205 Willamette office park immediately to the west. The proposed mixed-use project is of a totally different mixture of land uses than that adjacent project. Therefore, design clues for the proposed mixed-use project were sought instead from the Summerlinn apartments further to the west. The proposed Tannler Drive Mixed-Use project's buildings are designed to be similar in scale and design to the Summerlinn apartment buildings. The proposed buildings'

pitched roofs, materials such as masonry bases and fiber cement siding, and the use of lots of windows are complementary to the character.

The words ‘compatible’ and ‘complimentary’ are subjective because they require the exercise of discretion and may, therefore, not be the basis for a denial under the residential design review standards under ORS 197.30794).

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.

Response: The location of the nearest single family home in the neighborhood to the north is over 250-feet north of the northwestern-most building in the proposed mixed-use project (building 2). To the east of the project site is dedicated open space within the White Oak Savana Park. To the west is the commercial office park.

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.

Response: The proposed design of the buildings is compatible with city architecture and draws on the styles of homes in the nearby neighborhoods to create a pleasing aesthetic, proportions and massing.

The phrases ‘manifestly superior’ and ‘adequately separated’ are subjective because they require the exercise of discretion and may, therefore, not be a basis for denial under ORS 197.307(4).

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.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the “height and width” ratio referenced in this section.

Response: The proposed mixed-use project addresses human scale by eliminating long flat facades and by breaking them with exterior porches and decks. Garages are set back to help define the ground floor. Garage entrances are enhanced with wood and stone columns. Main stairway entrances are surrounded by single-story frames that create a more intimate entry. Façade articulation, utilizing bays and balconies, breaks building façades vertically into visibly understandable building masses.

- 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. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.*

Response: The commercial space utilizes a glass storefront system that spans 90% of the front wall. This provides ample viewing and daylighting into the space. The side of the commercial space is also glazed, providing 40% of total wall transparency to the side wall.

- 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.*

Response: The building façades are broken up with numerous indentations and relief for decks and entryways. The elevation also incorporates bay projections to add depth to the façade.

Multiple pitched roofs provide variation in both height and overhangs.

There are no flat elevations that exceed 100-feet in length. Cultured stone accents are provided at the garage column bases and along the front elevation.

- 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.*

Response: The proposed buildings are oriented with their long axes towards the southwest to maximize passive solar gain for units on the southern sides of the buildings, as well as to maximize views from residential units towards the Willamette River Valley.

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

Response: The proposed development plans call for providing an 8-foot wide public sidewalk and street trees along the site's Tannler Drive frontage. The internal site improvements include a network of interconnected sidewalks, landscaping, lighting, and benches to provide a safe and attractive pedestrian environment within the

proposed development. All internal sidewalks adjacent to vehicular access drives and parking spaces are 8-feet in width.

- 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.*

Response: The proposed mixed-use development does not include any commercial spaces immediately adjacent to the public sidewalk along Tannler Drive. Therefore, this guideline is not applicable to the proposed development. Nevertheless, the proposed development plans provide for the placement of street furniture at the base of the ramp into the site from the public sidewalk along Tannler Drive, as well as at several locations along the internal driveways through the site.

7. *Transportation Planning Rule (TPR) compliance. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:*
 - a. *Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.
For individual buildings on smaller individual lots,...*

Response: Proposed commercial spaces on the ground levels of buildings F and G are located in the southeast corners of those buildings, thereby placing the commercial spaces within 20 feet of Tannler Drive. Commercial spaces in the other buildings are located close to the primary internal driveway through the site. Parking areas are located to the sides of the buildings, and not between the buildings and Tannler Drive.

- b. *Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.
The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.*

Response: Proposed parking for the project is located off of internal driveways which places the parking at the sides of the proposed mixed-use buildings which front on Tannler Drive.

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

Response: Proposed mixed-use buildings F and G and the clubhouse are located within 20-feet of the Tannler Drive right-of-way, despite the steep slope between the buildings and the road. A main walkway into the site will bring potential customers/clients into the site between these commercial spaces.

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

Response: The proposed site plan provides for a network of pedestrian sidewalks through the site. Sidewalks will all be 8-foot wide when located adjacent to parking areas or driveways, as illustrated on the plans. An 8-foot wide public sidewalk will be located along the site's Tannler Drive frontage. Appropriate landscaping is provided adjacent to the sidewalks to provide a pleasant experience for pedestrians. Benches will be provided as illustrated on the Preliminary Landscaping Plan, Sheet L1.0.

The subject site is not located on an arterial. Therefore, the standard related to sidewalks along arterials is not applicable.

- 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.*

Response: The sidewalk system within the project site has been designed to provide direct, convenient, and safe pedestrian access. Crosswalk markings will be provided as illustrated on the Preliminary Site Plan, Sheet P2.0, to provide for safe parking area and driveway crossings.

- f. *At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.*

Response: The proposed commercial spaces within buildings F and G are to be located in the southeastern corners of those buildings at the closet points of the buildings to Tannler Drive. The entrances to those commercial spaces will not face the street, but will be as close as possible to the corners of those buildings.

- g. *Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.*

Response: The proposed mixed-use development site is not directly served by transit, nor is anticipated to be provided directly to the site. Therefore, this standard is not applicable to the current request. Nevertheless, the proposed sidewalk connection with the sidewalks in front of the Willamette 205 office project to the southwest makes a direct pedestrian connection to Blankenship Road where the existing transit stop is located.

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

Response: The proposed mixed-use development plan provides for buildings 6 and 7 and the clubhouse to be located within 20-feet of Tannler Road consistent with the maximum setback standard of the ODC zoning district. Buildings 6 and 7 will be 3.5 story buildings. The height of these buildings, in addition to retaining walls and pedestrian connection near Tannler Drive will enhance the height-to-width ratio along that street.

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

Response: The proposed mixed-use project will not be a public facility. Therefore, this standard is not applicable.

- j. *Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: “No Parking,” and include design features to foster trail recognition.*

Response: The proposed mixed-use development does not include a trailhead. This standard is therefore not applicable.

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.*

Response: The proposed mixed-use buildings will be separated from the City of West Linn's White Oak Savanna Park and the privately-owned undeveloped space to the south of the park by Tannler Drive. Tannler Drive will provide a substantial separation of over 90 feet from these uses to the east.

The proposed open space at the northern edge of the subject site will provide a separation of over 200 feet between existing single-family homes to the north and the east and the proposed mixed-use development.

The proposed mixed-use buildings will be separated from the closest building in the adjacent Willamette 205 office complex to the west by 45 feet and from the commercial buildings in the River Falls shopping center to the south by over 400 feet.

Please note that the factors listed in 1.a.-e. above are subjective because they require discretion to determine if there is compatibility, which is itself a subjective term and may, therefore, not be a basis for denial under the residential design review standards under ORS 197.307(4).

- 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.*

Response: The proposed parking areas and trash enclosures will be visually separated from views from Tannler Drive and Blankenship Road by a combination of differences in elevation, distance from the roads, landscaping adjacent to the trash enclosures and parking areas, and the larger mixed-use buildings screening views of the trash enclosures and parking areas.

Please note that the factors listed in 2.a.-e. above are subjective because they require the exercise of discretion to determine if on-site screening is adequate, which is itself subjective, and may, therefore, not be a basis for denial under ORS 197.307(4).

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

Response: No rooftop air conditioning or heating systems or other rooftop mechanical systems are proposed. Therefore, this standard is not applicable.

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.*

Response: No ground level residential units are proposed. Residential units on north sides of the second floor of all buildings will be at grade with the ground surface. Patios will be provided for all north side second floor units. Physical separation of adjacent patios will be accomplished by inseting the patios as compared to the patios of other 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.*

Response: The greatest source of noise in the area of the site is traffic on Interstate 205 to the south. It is not possible to locate the proposed residential units anywhere on the site any further from the exposure to that ambient noise because the site is located substantially above the highway. However, because this standard uses the phrase “to the extent possible”, the planning commission can find that given the site slope and its exposure to I-205 to the south, this standard is met because it is not possible to locate the buildings in such a way as to have minimal noise exposure. No other nearby use generates noise to which the proposed buildings will be exposed.

The phrase “minimal noise exposure” is subjective because it requires the exercise of discretion to make this determination and may, therefore, not be a basis for denial under the residential design review standards under ORS 197.307(4).

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.*

Response: The proposed clubhouse and pool areas are considered to be portions of the development which may generate more noise and lights than the proposed residential and commercial uses. Therefore, the proposed clubhouse, pool, and related patio areas have been buffered from residential uses on the site by being surrounded by parking and circulation areas which will separate these uses from the residences.

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.

Response: The small scale commercial uses and multi-family residential units proposed to be located within the mixed-use project are not anticipated to generate noise in excess of the standards included in the West Linn Municipal Code Section 5.487. Therefore, no noise study has been requested, nor has one been prepared for the subject project.

E. Private outdoor area. *This section only applies to multi-family projects.*

1. *In addition to the requirements of residential living, unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet in area;*

2. *The outdoor space shall be oriented towards the sun where possible; and*
3. *The area shall be screened or designed to provide privacy for the users of the space.*
4. *Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.*

Response: Each of the proposed multi-family residential units will provide a private outdoor area in the form of a patio or a deck. The minimum size of the proposed patios or decks is needed to fill in square feet. Units on the south sides of the proposed buildings will have great southern views towards the Willamette River valley, and will receive plenty of sunshine. Patios and decks are separated from their neighbors by nine foot high walls. Landscaping is proposed external to ground level patios to screen views from circulation and parking areas.

F. *Shared outdoor recreation areas.* *This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.*

1. *In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:*
 - a. *Studio up to and including two-bedroom units: 200 square feet per unit.*
 - b. *Three or more bedroom units: 300 square feet per unit.*
2. *The required recreation space may be provided as follows:*
 - a. *It may be all outdoor space; or*
 - b. *It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and*
 - c. *Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.*
 - d. *In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.*
3. *The shared space shall be readily observable to facilitate crime prevention and safety.*

Response: 180 multi-family residential units are included within the mixed-use project, including 158 2-bedroom or smaller units and 22 3-bedroom units. A minimum of 38,200 square feet of shared outdoor recreation area is required consistent with the standards of subsection (1) above. Proposed shared outdoor recreation areas serving the proposed mixed-use project include the pool and pool deck; an open area west of building 3; and a large area east of building 1 with a trail and playground area. These proposed indoor and outdoor shared spaces will provide over 42,200 square feet of shared outdoor areas, thereby exceeding the minimum usable space which is required by this standard.

In addition to these relatively large usable areas, several smaller areas of shared usable space are distributed around the site and approximately 3,800 square feet of shared indoor area within the clubhouse.

The word “useable” is subjective because it requires the exercise of discretion to determine if there is useable recreation space and may, therefore, not be a basis for denial under ORS 197.307(4).

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

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

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

Response: Private balconies are enclosed with railings or landscaping, semi-public spaces, including the clubhouse and pool areas are contained within the building or within the pool fencing.

Public outdoor space contains benches or other amenities to facilitate active use.

The phrase “are clearly defined” is subjective because it requires the exercise of discretion and may, therefore, not be a basis for denial under ORS 197.307(4).

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.
 - b. The size and type of the proposed development.
 - c. The rough proportionality between the impacts from the development and the required facility.
2. The required facilities shall be limited to such facilities as the following:
 - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
 - b. A turnout area for loading and unloading designed per regional transit agency standards.
 - c. Hard-surface paths connecting the development to the waiting and boarding areas.
 - d. Regional transit agency standards shall, however, prevail if they supersede these standards.

Response: The site does not directly abut an existing or planned public transit route. Therefore, this standard is not applicable. Nevertheless, the proposed site plan provides for a connection by easement along the shared driveway with the Willamette 205 office complex to lead residents, guests, employees, or clients between the proposed development and an existing bus stop for TriMet Route 154 on Blankenship Road approximately 200-foot walking distance via public sidewalks from the southwestern corner of the site.

3. *The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.*

Response: This section is not applicable because the subject site does not abut an existing or planned public transit route. Nonetheless the site provides a direct connection to the location of the transit stop via a pedestrian route as described above.

4. *All commercial business centers (over three acres) and multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.*

Response: There is no requirement for the applicant to address at this time with regard to this consideration. If it is desirable to relocate the existing nearby transit stop, the applicant is willing to discuss this with the City and TriMet.

5. *If a commercial business center or multi-family project is adjacent to an existing or planned public transit stop, the parking requirement may be reduced by the multiplier of 0.9, or 10 percent. If a commercial center is within 200 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirement may be reduced by 10 percent or by a 0.90 multiplier.*

Response: No reductions to the parking standards are requested. This section is not applicable.

6. *Standards of CDC 85.200(D), Transit Facilities, shall also apply.*

Response: There is no transit stop or other transit-related facilities on or adjacent to the site. Therefore, this Code section is not applicable to this application.

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

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

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

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

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the minimum standard of 20 feet (two 10-foot travel lanes) plus four-foot-wide curb flush sidewalks or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(H).

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

Response: The proposed development plans have followed the directions of the City Engineer for Tannler Drive which includes provision of an 8-foot wide sidewalk with street trees (in tree grates). The existing pavement and curb provide a 9-foot parking lane, and 13 foot through lane west of the road's centerline. The existing 6-inch curb, proposed 8-foot sidewalk, and 6-inches clear space behind sidewalk and will require 1-foot of additional right-of-way. Additional right-of-way width may be dedicated at locations where LIDA facilities are provided for stormwater management along Tannler Drive for new impervious area from the curb tight sidewalks. In these areas, 6-foot wide LIDA facilities will be located between the curb and sidewalk. The additional dedication is indicated on the plan set. The sidewalks and street trees will be installed along the site's street frontage consistent with City standards for local streets contained in Chapter 85.

Mackenzie, the transportation engineering firm for the project, has provided the following summary of their Transportation Impact Analysis report's findings and recommendations for improvements in order to mitigate for the anticipated transportation related impacts of the proposed development:

Safety

- Historical crash data shows there are no significant safety concerns regarding the study area intersections.
- Intersection Sight distance is met at both the proposed Tannler Drive driveway and the existing driveway [to Blankenship Road]; no access issues are anticipated at either driveway.

Site Development

- The proposed development is assumed to be opened in 2017 and will consist of 180 multifamily dwelling units and 2000 square feet of commercial space.
- Based on the Institute of Transportation Engineers (ITE), the accepted basis for determining vehicular trip rates trip generation rates, the proposed project is anticipated to generate 150 AM peak hour trips, 176 PM peak hour trips, and 1,655 daily trips.

Traffic Operations

- Under existing conditions, the 10th Street/8th Avenue/8th Court intersection exceeds the City's Level of Service ("LOS") standard of D, and under pre-development conditions, the Blankenship/Tannler Drive intersection exceeds the City's LOS standard.
- As a result of the project, the 10th Street/I-205 Southbound Ramps intersection exceeds ODOT's capacity standard of 0.85.

Queuing Analysis

- Existing queues at the 10th Street/Blankenship Road/Salamo Road exceed available storage lengths, and are increased with site traffic.

Mitigation

- Recommended mitigation at the Blankenship Road/Tannler Drive intersection includes striping in order to create separate left and through/right lanes to reduce delays and increase capacity.
- Recommended mitigation at the 10th Street/Blankenship Road/Salamo Road intersection includes restriping and signal changes to provide a shared through/left lane in addition to the existing left turn lane on the westbound Salamo approach.

2. Repealed by Ord. 1635.
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.*

Response: The preliminary utility plans for the project were developed under the direction of Gary Alfson, PE, and Brad Swearingen, PE, of Otak.

The project site is on the border between the City of West Linn's water system's Bland zone above the site and the Willamette zone below the site. The development of the site will be best served from the Bland zone above as recommended by the City's Engineering Department in the following comments received by the project team on June 30, 2015:

- Static pressure at the finished floor level would range between 120 psi and 138 psi across the proposed development, if served from the Bland pressure zone. This will require installation of pressure reducing valves for all service connections, but would result in appropriate service pressures across the entire development.
- Assuming a required fire flow of 2,500 gpm (multi-family and commercial), main extension from the intersection of Tannler Road and Greene Street should be a minimum size of 8-inch diameter. Residual pressures at hydrants on Tannler at the south end of the development would still be near 80 psi under fire flow conditions.

The proposed development plans propose extending an 8-inch public water line down Tannler Drive from Greene Street to the access driveway into the project site. Domestic and fire protection services would extend into the site from here. The private water line will be routed down the middle of the site to serve each building.

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.*

Response: The preliminary utility plans for the project were developed under the direction of Gary Alfson, PE, and Brad Swearingen, PE, of Otak.

The site will be served by the public sanitary sewer line in Tannler Drive. The sewer line is located on the west side of Tannler Drive. The sewer has adequate depth and capacity to serve the site. A connection is proposed near the south end of the proposed development.

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.*

Response: Three solid waste and recycling enclosures are proposed. One large enclosure of approximately 525 square feet will be located at the north end of the central road through the site. Smaller enclosures of approximately 260 square feet each will be located near the clubhouse and near the west end of proposed building 4. Using the Metro standards, the proposed 180 multi-family units would be required to provide at least 900 square feet of trash and recycling storage at a ratio of 50 square feet of storage area per 10 units. The approximately 1,920 square feet of commercial space within the mixed-use buildings would be required to provide another 40 square feet of trash and recycling storage. Together, 940 square feet of trash and recycling storage area would be required. The proposed 1,045 square feet of storage area within the three proposed enclosures would therefore satisfy the trash and recycling demands anticipated from a mixed-use development of the size proposed.

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

Response: Windows are located along all building facades providing visual connection to most all site areas. Plantings adjacent to buildings will be low, not separating the site

or blocking visual connections, but instead allowing long open views through the site to enhance safety and security.

Please note that the phrase “areas vulnerable to crime” is subjective because it requires the exercise of discretion and may, therefore, not be a basis for denial under the residential design review standards under ORS 197.3079(4).

2. *Interior laundry and service areas shall be located in a way that they can be observed by others.*

Response: No joint laundry facilities are proposed. Each residential unit will include its own washer and dryer. No other joint service areas are proposed. Therefore, this standard is not applicable.

3. *Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.*

Response: The recycling and solid waste facilities for the project are located at the end of the main drive aisle with plenty of visual connection those entering and exiting the site regularly. The recycling and solid waste collection facilities are designed with roofs which will house lights to keep the facilities well-lighted inside at all hours. Additionally, the entries to the facilities are open and easy for people to visually look into them before entering for security. The mailboxes are centrally located at the entry to the community building. This area will be readily visible from the adjacent driveway and from other buildings.

4. *The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.*

Response: The proposed Lighting Plans in Appendix G provide for lighting of all parking areas, sidewalks and the trash enclosures which might be areas attractive for criminal activities or mischief.

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.*

Response: The proposed Lighting Plans provide for lighting of all parking areas, sidewalks and the trash enclosures.

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.*

Response: The proposed Lighting Plans provides photometric details which illustrate anticipated light levels throughout the site. Fixtures will be oriented, as practical, so that light patterns overlap at a height close to seven feet so as to provide sufficient lighting for the proposed uses. See the Lighting Report in Appendix G for details on the lights to be used.

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

Response: The proposed development plan provides for a main driveway through the site which will allow police, private security services personnel, or residents to quickly drive through the site and observe activities within the project.

8. *Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.*

Response: No power transformers, pump stations, pipeline control equipment, or wireless communication facilities are proposed as part of this development application. A 3.5-foot tall dark-colored vinyl covered chain-link fence is proposed around the proposed storm drainage detention pond in the southwestern corner of the site.

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.*

Response: On this steeply sloping site, accessible parking spaces have been placed in close proximity to accessible units and all site amenities, Crosswalks provide connection between project sidewalks to the extent that the site slope allows.

L. *Signs.*

1. *Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.*
2. *The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.*
3. *The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.*
4. *The signs shall not obscure vehicle driver's sight distance.*

Response to subsections 1 through 4: Sheet A4.0 provides a preliminary plan for a Site Information Plan to be located adjacent to the driveway pull-out between Tannler Drive and building 1, north of the clubhouse. The Site Information Plan will provide guests, customers, clients, and emergency service providers with clear information with regard to the location of businesses and multi-family units within the project. The proposed lettering and plan style will contribute to a sense of project identity. The sign is simple and clear and readily conveys information with regard to particular uses within the project. Due to the nature of rental commercial units, the identification signs for businesses will be easily changeable. The Site Identification Sign will be located off of the main driveway into the site and far enough off of Tannler Drive so that it will not

obscure drivers' vision on the driveway or at the driveway's intersection with Tannler Drive.

Sheet A4.1 provides plans for identification of building numbers and unit numbers on the buildings themselves.

5. *Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).*

Response: No future public facilities are planned for the subject site. This standard is not applicable.

6. *Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.*

Response: Signs will be posted internal to the site to provide appropriate traffic control and directions. Primary crosswalks will be indicated on the pavement by painting or other markings. Primary crosswalks are indicated on the site plan.

- 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.*

Response: All utility lines within and adjacent to the proposed development site will be placed below ground level.

- N. *Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 57 CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 57 CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.*

Response: No wireless communication facilities are proposed as part of this application. Therefore, this standard is not applicable.

- O. *Refuse and recycling standards.*

1. *All commercial, industrial and multi-family developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.*

Response: The proposed mixed-use development project contains both commercial spaces and more than five residential units. Therefore, these standards are applicable. No modifications to these standards are requested.

2. *Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.*

Response: The proposed trash and recycling enclosures will be located on level concrete pads with a minimum thickness of 4-inches. The trash and recycling enclosures will include roofs in order to minimize runoff from the enclosures.

3. *Recycling and solid waste service areas.*
 - a. *Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.*

Response: The proposed trash and recycling collection facilities will have a variety of sizes of containers provided for residents to dispose of wastes, glass, and mixed recyclables. The applicant will coordinate with West Linn Disposal requiring details on the trash and recycling facilities during the building permit process.

- b. *The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.*

Response: Recycling collection containers will be included within the trash enclosures which will also include trash receptacles. The sizes of containers will be determined in consultation with the waste hauler.

- c. *Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.*

Response: Recycling and trash enclosures will have roofs as illustrated on Sheet A4.1 of the plan set.

- d. *The location of the recycling area and method of storage shall be approved by the local fire marshal.*

Response: The applicant has coordinated with the Tualatin Valley Fire and Rescue District regarding fire/life safety issues related to the proposed trash and recycling facilities .

- e. *Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.*

Response: All three proposed solid waste and recycling enclosures are located separate from the buildings; at ground level; and are readily accessible by standard solid waste franchise hauling vehicles. The applicant will coordinate with the solid waste disposal franchisee on the final plans for the design of the solid waste and recycling enclosures during building permit plan preparation.

- f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.*

Response: The solid waste and recycling enclosures are designed to be fully utilized for trash and recycling collection/storage purposes and will not allow additional area for other purposes such as storage.

- g. Recyclable material service areas shall be maintained in a clean and safe condition.*

Response: This condition of approval is not related to the review of the plans for trash and recycling facilities, but instead is a requirement that will apply during the operation of the proposed mixed-use project. The proposed trash and recycling collection facilities have been designed of durable materials which should be relatively easy to maintain in a clean and safe condition.

4. Special wastes or recyclable materials.

- a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.*
- b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.*

Response: No special wastes or special recyclable materials are expected to be generated by the small scale commercial uses and multi-family residential uses which will be located within the mixed-use project. Therefore, this standard is not applicable.

5. Screening and buffering.

- a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.*
- b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.*
- c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.*

Response: Two fully contained trash and recycling enclosures are provided. The enclosures will be roofed and will appear to be very similar to the separate garage buildings. The enclosures are not located adjacent to any residentially zoned properties or street frontages. Areas adjacent to the enclosures will include landscaping to minimize visual impacts of the enclosures.

6. Litter receptacles.

- a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.*
- b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or his/her designee.*

- c. *Number.* The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces.

Response: No litter receptacles are currently proposed. If receptacles are added to the site furnishings, the receptacles will be located outside of rights-of-ways and sidewalks consistent with the standards of this section.

55.110 SITE ANALYSIS

The site analysis shall include:

- A. *A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.*
- B. *A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:*
 1. *The property boundaries, dimensions, and gross area.*
 2. *Contour lines at the following minimum intervals:*
 - a. *Two-foot intervals for slopes from zero to 25 percent; and*
 - b. *Five- or 10-foot intervals for slopes in excess of 25 percent.*
 3. *A slope analysis which identifies portions of the site according to the slope ranges as follows:*
 - a. *Type I (under 15 percent);*
 - b. *Type II (between 15 to 25 percent);*
 - c. *Type III (between 25 to 35 percent);*
 - d. *Type IV (over 35 percent).*
 4. *The location and width of adjoining streets.*
 5. *The drainage patterns and drainage courses on the site and on adjacent lands.*
 6. *Potential natural hazard areas including:*
 - a. *Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;*
 - b. *Water resource areas as defined by Chapter 32 CDC;*
 - c. *Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and*
 - d. *Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.*
 7. *Resource areas including:*
 - a. *Wetlands;*
 - b. *Riparian corridors;*
 - c. *Streams, including intermittent and ephemeral streams;*
 - d. *Habitat conservation areas; and*
 - e. *Large rock outcroppings.*
 8. *Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.*
 9. *Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.*
 10. *Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage.*

Response: The attached plan set (and enclosed large scale plan set) includes Sheet P0.0, Cover Sheet; Sheet P1.0 Aerial Photo/Site Analysis Plan; Sheet P1.1 Existing Conditions Plan; and Sheet P1.3 Slope Analysis Plan. Together, these plan sheets include all applicable information listed in CDC Section 55.110.

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.*
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.*
- C. Streams and stream corridors.*
- D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.*
- E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.*
- F. The location, dimensions and setback distances of all:*
 - 1. Existing and proposed structures, improvements, and utility facilities on site; and*
 - 2. Existing structures and driveways on adjoining properties.*
- G. The location and dimensions of:*
 - 1. The entrances and exits to the site;*
 - 2. The parking and circulation areas;*
 - 3. Areas for waste disposal, recycling, loading, and delivery;*
 - 4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;*
 - 5. On-site outdoor recreation spaces and common areas;*
 - 6. All utilities, including stormwater detention and treatment; and*
 - 7. Sign locations.*
- H. The location of areas to be landscaped.*

Response: The attached plan set (and enclosed large scale plan set) includes Sheet P2.0, Preliminary Site Plan; Sheet P2.1 Preliminary Dimensioned Site Plan; Sheet P4.0 Preliminary Composite Utility Plan; Sheet L1.0 Preliminary Landscape Plan; and Sheet A1.0 Architectural Site Plan. Together, these plan sheets include all applicable information listed in CDC Section 55.120.

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a Traffic Impact Analysis (TLA) 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). (Ord. 1584, 2008)

Response: A Transportation Impact Analysis report has been prepared for the proposed multi-use development by the transportation engineering firm Mackenzie. That report is included in Appendix E. The report addresses the potential impacts of the proposed development upon the nearby road and pedestrian system. This report has been developed under the guidance and standards of Section 85.170(B)(2). (need to cite 85.170(B)(2) and address here).

55.130 GRADING PLAN

The grading and drainage plan shall be at a scale sufficient to evaluate all aspects of the proposal and shall include the following:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.*
- B. A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.*
- C. Storm detention and treatment plans may be required.*
- D. Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.*

Response: A Preliminary Grading Plan is included in the plan set as Sheet P3.0. The plans were developed under the direction of Brad Swearingen, PE, and Gary Alfson, PE. A preliminary storm drainage report has been prepared to analyze the anticipated impacts of storm drainage from the proposed development. That report is included as Appendix C to this application narrative.

55.140 ARCHITECTURAL DRAWINGS

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;*
- B. Building materials: color and type; and*
- C. The name of the architect or designer.*

Response: Architectural Plans including proposed building elevations, and accessory building plans are included as part of the plan set. The plans were developed under the direction of Architect Ron Dean, AIA. A materials and colors board has been submitted.

55.150 LANDSCAPE PLAN

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

A. The landscape plan shall be prepared and shall show the following:

- 1. Preliminary underground irrigation system, if proposed;*
- 2. The location and height of fences and other buffering of screening materials, if proposed;*
- 3. The location of terraces, decks, patios, shelters, and play areas, if proposed;*
- 4. The location, size, and species of the existing and proposed plant materials, if proposed; and*
- 5. Building and pavement outlines.*

B. The landscape plan shall be accompanied by:

- 1. The erosion controls that will be used, if necessary;*
- 2. Planting list; and*
- 3. Supplemental information as required by the Planning Director or City Arborist.*

Response: A Preliminary Landscaping Plan is included in the plan set as Sheet L1.0; Sheet L1.1 Typical Planting Plans; and Sheet L1.2 Planting Notes and Details. The plans were developed under the direction of David Haines, RLA

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.*
 - 2. A more efficient use of the site.*
 - 3. The preservation of natural features that have been incorporated into the overall design of the project.*
 - 4. No adverse effect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.*
 - 5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*
- 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;*
 - 2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or*
 - 3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or*
 - 4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.*
- 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;*
 - 2. The exception is necessary for adequate identification of the use on the property; and*
 - 3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.*
- D. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:*
 - 1. A minor exception that is not greater than 10 percent of the required landscaped area.*
 - 2. A more efficient use of the site.*
 - 3. The preservation of natural features that have been incorporated into the overall design of the project.*
 - 4. No adverse effect to adjoining property.*

Response: No exceptions to the standards of Chapter 55 or other related chapters are requested.

55.180 MAINTENANCE

All on-site improvements shall be the ongoing responsibility of the property owner or occupant.

Response: The applicants are aware that it will be the responsibility of the property owners to be responsible for ongoing maintenance of the project in compliance with the approved plans for the site and in compliance with the applicable standards of the West Linn Municipal Code.

55.190 SHARED OPEN SPACE

Where the open space is designated on the plan as common open space, the following shall apply:

- A. The open space area shall be shown on the final plan and recorded with the Planning Director.*
- B. The open space shall be conveyed in accordance with one of the following methods:*

1. *By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement, and budgetary and maintenance limitations.*
2. *By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:*
 - a. *The continued use of such land for intended purposes.*
 - b. *Continuity of property maintenance.*
 - c. *When appropriate, the availability of funds required for such maintenance.*
 - d. *Adequate insurance protection.*
 - e. *Recovery for loss sustained by casualty and condemnation, or otherwise.*
3. *By any method that achieves the objectives set forth in subsection (B)(2) of this section.*

Response: No open space is currently proposed to be dedicated to the public as open space or park area, or to be turned over to an owners association. The open space areas may remain in the same ownership as the proposed mixed-use development or may be dedicated to the City at a future time. Therefore, this section is not applicable.

VI. COMPLIANCE WITH CHAPTER 34 - ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).

A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.

B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed.

Response: The clubhouse and pool are uses which are incidental and subordinate to the principal uses of the project for various commercial uses and for multi-family residential use. However, because of their size (in excess of 1,500 square feet) these accessory uses and their structures are required to meet the minimum OBC district minimum or maximum setback standards and other development standards that apply to the principal uses, and are not subject to the reduced setback standards which apply to smaller accessory structures.

34.030 ACCESSORY DWELLING UNITS (ADUs)

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling:

Response: No accessory dwelling units are proposed.

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES

Noise-producing accessory uses and structures such as heat pumps, swimming pool motors or pumps shall meet the setback requirements of the zone.

Response: The pool will be setback more than 50 feet from any property lines, therefore exceeding the applicable setback standards of the OBC zoning district. No other noise-producing accessory structures or accessory uses are proposed.

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

Response: No boat docks or boat houses are proposed.

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

- 1. The structure is erected more than 60 feet from the front lot line;*
- 2. The structure does not exceed one story or 15 feet in height;*
- 3. The structure does not exceed an area of 500 square feet; and*
- 4. The structure does not violate any existing utility easements.*

Response: Accessory structures are defined in CDC Section 0.2030, Specific Words and Terms, as “a subordinate structure with a maximum area of 1,500 square feet...located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use.” The only accessory structures with areas of 1,500 square feet or less proposed are the eight separate garage buildings (maximum size of 1,000 square foot) and the two 580 square foot trash enclosures. Therefore, the accessory structure setback provisions of this chapter are applicable to these garages and trash enclosure structures. Because the proposed garage buildings of three or less garages are all less than 15-feet in height as shown on Sheet A3.0B (maximum height of 14-feet 4.75-inches); are located more than 60-feet or more from the project’s Tannler Drive front lot line; do not exceed 500 square feet in size; and do not violate any utility easements, it is requested that these structures be allowed to have minimum 3-foot rear yard setback along the western or rear lot line. The trash enclosures and the larger garages are larger than 500 square feet in size. Therefore, these accessory structures are located at least 7.5-feet from the southern and northern side lot lines, consistent with the ODC zone’s minimum side yard setback standard of Section 21.070.A.4.a.

C. *Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure.*

Response: No attached accessory structures are proposed.

VII. COMPLIANCE WITH 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.*

Response: See the response to Section 42.040 below.

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 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

Response: The subject site is not within the area in Willamette described above. Therefore, this exception is not applicable.

42.040 COMPUTATION; STREET AND ACCESSWAY 24 FEET OR MORE IN WIDTH

The clear vision area for all street intersections and street and accessway intersections (accessways having 24 feet or more in width) shall be that triangular area formed by the right-of-way or property lines along such lots and a straight line joining the right-of-way or property line at points which are 30 feet distant from the intersection of the right-of-way line and measured along such lines....

Response: The Preliminary Grading Plan illustrates the required vision clearance areas adjacent to the intersection of the proposed driveway to Tannler Drive. No visual obstructions such as landscaping, signs, or fences over 3 feet in height will be located within the required clear vision area at this intersection, consistent with the standards of CDC Sections 42.020 and 42.040.

42.050 COMPUTATION; ACCESSWAY LESS THAN 24 FEET IN WIDTH

Response: The proposed development project will not have any intersections of accessways of less than 24-feet in width with any public or private streets. Therefore, this section is not applicable.

VIII. COMPLIANCE WITH CHAPTER 44 –FENCES

44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

- A. A sight- or non-sight-obscuring fence may be located on the property line or in a yard setback area subject to the following:*
- 1. The fence is located within:*
 - a. A required front yard area, and it does not exceed three feet, except pillars and driveway entry features subject to the requirements of Chapter 42 CDC, Clear Vision Areas, and approval by the Planning Director;*
 - b. A required side yard which abuts a street and it is within that portion of the side yard which is also part of the front yard setback area and it does not exceed three feet;*
 - c. A required side yard which abuts a street and it is within that portion of the side yard which is not also a portion of the front yard setback area and it does not exceed six feet provided the provisions of Chapter 42 CDC are met;*
 - d. A required rear yard which abuts a street and it does not exceed six feet; or*
 - e. A required side yard area which does not abut a street or a rear yard and it does not exceed six feet.*

Response: No fences will be located within a required front yard, side yard, or a rear yard which is adjacent to a street. Therefore, Subsections a. through d. are not applicable. Vinyl coated, colored fences will be located within several required side and rear yard areas on the up-side of retaining walls. All such fences will be less than 4-feet in height and will therefore be consistent with subsection e. Fences are shown on the preliminary Landscaping Plans.

- B. Fence or wall on a retaining wall. When a fence is built on a retaining wall or an artificial berm, the following standards shall apply:*
- 1. When the retaining wall or artificial berm is 30 inches or less in height from finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.*
 - 2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half feet.*
 - 3. Fences or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of eight and one-half feet; provided, that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.*

Response: Vinyl coated, colored fences will be located on the up-side of retaining walls. All retaining walls will be greater than 30-inches in height. Fences on top of the walls will be 42-inches tall, and in most cases the fence and retaining walls will exceed eight and one-half feet in height. Such fences will be set back at least two-feet back from the top of the retaining wall.

IX. COMPLIANCE WITH CHAPTER 46 - OFF-STREET PARKING, LOADING, AND RESERVOIR AREAS

46.030 SUBMITTAL REQUIREMENTS

For any application requiring design review approval, which includes parking areas, the applicant shall submit, within the design review package, a plan drawn to scale showing all the elements necessary to indicate that the requirements of Chapter 55 CDC are met and it shall include but not be limited to:

- A. The delineation of individual parking and loading spaces and their dimensions;
- B. The identification of compact parking spaces;
- C. The location of the circulation area necessary to serve spaces;
- D. The access point(s) to streets, alleys, and properties to be served;
- E. The location of curb cuts;
- F. The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;
- G. The proposed grading and drainage plans and the slope (percentage) of parking lot;
- H. Specifications as to signs and bumper guards;
- I. Identification of disabled parking spaces;
- J. Location of pedestrian walkways and crossings; and
- K. Location of bicycle racks.

Response: The proposed plan set includes plans which show all of the information requested above, but not all on one plan. Most of the information is shown on the site plan and the landscaping plan.

46.090 MINIMUM PARKING SPACE REQUIREMENTS

3. Multi-family residences:

- a. 500 square feet or less. 1 off-street space for each unit.
- b. 1 bedroom apartment. 1.25 off-street spaces for each unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
- c. 2 bedroom apartments. 1.5 off-street spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
- d. 3 (or more) bedroom apartment. 1.75 off-street spaces for each dwelling unit. Stacking one car behind the other is permitted only when the parking spaces are allocated to specific apartments.
- e. Visitor parking for multi-family residences. 1 off-street space for every 3 apartment units evenly distributed throughout the complex. These spaces shall be clearly identified and signed as visitor spaces only. This number may be reduced by 1 space for every 18 feet of project abutting public street frontage where on-street parking is allowed.

Response: Required parking for the 180 proposed multi-family units is as follows:

On-Site Parking Spaces Required for Residential Units

Parking Spaces Required per MFR Unit	Number of Units Proposed	Auto Parking Spaces Required
1.25 spaces/1-bedroom unit	61	76.25, or 77
1.5 spaces/2-bedroom unit	97	145.5 or 146
1.75 spaces/3-bedroom unit	22	38.5 or 39

Subtotal	180 units	262
1 visitor parking space per every 3 units	180 x 0.33	60
Total MFR Units/ Parking Spaces Required	180 units	322 spaces

Required parking for the 1,963 square feet of gross leasable area for various commercial uses is as follows. The assumption is made that the application should assume the highest parking space ratio of reasonably assumable commercial uses to occupy the commercial spaces, or one parking space per 200 square feet of gross leasable area – which is the standard which would apply if all of the commercial spaces were to be occupied by some sort of small take-out restaurant or coffee shop or some sort of service or repair use.

On-Site Parking Spaces Required for Commercial Uses

Parking Spaces Required per Representative Commercial Use Type		Parking Spaces Required
Small take out restaurant, coffee shop	1 space per 200 sq. ft. GFA	
General retail store	1 space per 240 sq. ft. GFA	
Service and repair shops	1 space per 200 sq. ft. GFA	
Professional offices	1 space per 250 sq. ft. GFA	
Medical/dental/day surgery	1 space per 250 sq. ft. GFA	
Unlisted uses –	TBD by City according to Section 46.100.A	
Total GLA of Commercial Space = 1,963 sq. ft.	At 1 space per 200 sq. ft. GFA	10 spaces

Combined, the proposed commercial and multi-family uses proposed within the Tannler Drive Mixed- Use project is required to provide 332 parking spaces.

The proposed mixed-use development will be provided with a total of 322 on-site parking spaces as described below:

On-Site Parking Spaces Provided

Type of Parking Space	Onsite Parking Spaces Provided
Surface parking – larger than standard-sized spaces	106
Surface visitor spaces	42
Single stall garage spaces	28
Covered – larger than standard-sized spaces	146
Total On-site Parking Spaces Provided	322 On-site Parking Spaces

In addition, an estimated 20 on-street parking spaces will be provided on the west side of Tannler Drive adjacent to tax lots 100 and 102. A ten parking space reduction in the number of required visitor parking spaces is requested based upon this on-street parking adjacent to the site as allowed by CDC Section 46.090A.e. Together, the proposed on-site and on-street parking will satisfy the required 332 parking space parking requirement for the proposed uses within the mixed-use project.

46.120 DRIVEWAYS REQUIRED ON SITE

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

Response: The proposed mixed-use development will not include any schools or other meeting places designed to accommodate more than 25 people at one time. Therefore, this standard is not applicable to the current request.

46.130 OFF-STREET LOADING SPACES

Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading and maneuvering space. The dimensional standard for loading spaces is a minimum of 14 feet wide by 20 feet long or proportionate to accommodate the size of delivery trucks that typically serve the proposed use as follows:

<i>Land Use</i>	<i><u>Gross Floor Area</u></i>	
	<i>At Which First Berth Is Required</i>	<i>At Which Second Berth Is Required</i>
<i><u>Industrial:</u></i>		
<i>Manufacturing</i>	<i>5,000 sq. ft.</i>	<i>40,000 sq. ft.</i>
<i>Warehouse</i>	<i>5,000</i>	<i>40,000</i>
<i>Storage</i>	<i>10,000</i>	<i>100,000</i>
<i><u>Commercial:</u></i>		
<i>Wholesale</i>	<i>10,000</i>	<i>40,000</i>
<i>Retail</i>	<i>10,000</i>	<i>20,000</i>
<i>Service establishments</i>	<i>10,000</i>	<i>40,000</i>
<i>Comm. recreational (incl. bowling alley)</i>	<i>10,000</i>	<i>100,000</i>
<i>Restaurants</i>	<i>5,000</i>	<i>25,000</i>
<i>Laundry</i>	<i>10,000</i>	<i>25,000</i>
<i>Office building</i>	<i>10,000</i>	<i>100,000</i>
<i>Hotel</i>	<i>10,000</i>	<i>100,000</i>
<i><u>Institutional:</u></i>		
<i>Schools</i>	<i>10,000</i>	<i>100,000</i>

<i>Hospitals</i>	<i>10,000</i>	<i>100,000</i>
<i>Other care facilities</i>	<i>10,000</i>	<i>100,000</i>

Public buildings:

<i>Terminals</i>	<i>5,000</i>	<i>40,000</i>
<i>Auditoriums</i>	<i>10,000</i>	<i>100,000</i>
<i>Arenas</i>	<i>10,000</i>	<i>100,000</i>
<i>Funeral homes</i>	<i>10,000</i>	<i>100,000</i>

Response: The proposed mixed-use development will not include any of the uses listed above in this table, except for the possibility of certain commercial uses – but not at the sizes which would trigger the need for a loading space. Therefore, the loading space standards of CDC Section 46.130 are not applicable to the current request.

46.140 EXEMPTIONS TO PARKING REQUIREMENTS

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

Response: The proposed mixed-use development will not be located within the Willamette Falls Drive Commercial District. Therefore, this standard is not applicable.

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.*

Response: 322 larger spaces of at least 9-feet by 18-feet will be provided – including all of the disabled accessible parking spaces except for disabled accessible spaces. No 8-foot by 16-foot spaces are proposed.

Parking spaces on the main driveway through the site are at least 9-feet by 20-feet, including disabled accessible spaces.

There is no parking related to the project which is also parking which is related to water resource areas. Therefore, this part of this standard is not applicable.

- 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.*

Response: Sixteen parking spaces will be provided as disabled accessible spaces, including six covered parking spaces. Disabled accessible spaces will be located, sized, and signed consistent with federal standards. Ten disabled accessible spaces are provided as surface parking spaces which are located close to commercial space entrances, close to the clubhouse entrance, and conveniently located for access to the multi-family units. Six covered parking units are sized so that they can function as covered disabled accessible parking spaces.

Subsections 3 through 14 of the parking area improvement standards will be satisfied by the detailed final plans for the project.

15. *The maximum driveway grade for single-family housing shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage must maintain a maximum grade of 12 percent as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply*

Response: Some portions of the primary driveway through the site will have grades of 15 percent between landings for the driveways off to the side. Grades in front of garage doors are all less than 5 percent.

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

Response: Forty-seven designated visitor parking spaces will be provided on the site. These spaces are marked on the Architectural Site Plan, Sheet, A1.0. These designated guest parking spaces will be identified either by painting on the surface of the parking space or by signs. This detail will be determined and implemented prior to the request for occupancy permits.

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

Response: All parking areas are designed so as to have no more than a 5 percent grade within the areas where parking spaces are to be provided. The site has been designed so that stormwater drainage in the parking area will not cross adjacent sidewalks or walkways.

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.*

Response: Less than 10 percent of the mixed-use project site's Tannler Drive frontage internal to the site will be occupied by the entrance driveway or parking spaces. All parking areas are located behind or next to the adjacent buildings. The site's frontage will be occupied by landscaping and the ramped sidewalk adjacent to buildings 7 and 8.

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.*

Response: The parking areas within the proposed Tannler Drive mixed-use development have been designed to provide no more than seven parking spaces in a row without being broken up by a landscape island, thereby complying with subsection a. of this standard. There are no groups of parking spaces where fronts and rears of cars abut each other or any parking courts, as described in subsections b. and c. These last two subsections are therefore not applicable.

- 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.*

Response: The proposed parking areas will not include permeable pavement. Therefore, this subsection is not applicable.

- 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.*

Response: No exceptions to the parking lot landscaping standards of this chapter or related Code sections are being requested.

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

Response: The proposed site plan provides for a convenient and safe layout of sidewalks through the site. Parking spaces will be available within 100 feet of any use on the site – either in covered garages or in surface parking spaces. All parking areas will be served by internal site sidewalks. A continuous pedestrian walkway link to the clubhouse and to the public sidewalk along Tannler Drive adjacent to the site and to the nearby public sidewalk and transit stop on Blankenship Road will be provided.

All internal sidewalks will be at least 6-feet in width, constructed of concrete, and will be grade separated from parking spaces and the drive aisles within the site. Drive aisles and parking areas will be constructed of asphalt, and thus will contrast with the concrete sidewalks.

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

Response: The proposed drive aisle through the approximate center of the site with short dead-end driveways to access parking areas and uses. The parking area plan should be easily comprehended with a minimum of potential hazards and congestion. No long dead end driveways are proposed. The proposed driveway system through the site was vetted with a representative of the Tualatin Valley Fire and Rescue District prior to application submittal.

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

Response: The proposed site plan provides for a convenient layout of sidewalks through the site. Parking spaces will be available within 100 feet of any use on the site – either in covered garages or in surface parking spaces.

23. *Permeable parking spaces shall be designed and built to City standards.*

Response: No permeable pavement is proposed to be used for parking spaces. This subsection is not applicable.

- 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):*

Response: The table in the CDC says that a minimum of eight disabled accessible parking spaces must be provided for a development with a total number of parking spaces of between 300 and 400 parking spaces, as is proposed. The plans for the Tannler Drive mixed-use project provide 17 disabled accessible spaces, thereby satisfying this standard.

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.*

Response: Disabled accessible parking spaces are distributed around the site so that at least one disabled accessible space is provided close to each commercial space and close to primary building entrances. Several covered parking spaces are provided which are sized to meet the requirements for accessible spaces. Four accessible spaces will be served by a 96-inch wide aisle. All disabled accessible spaces will be designed compliant with federal standards for signage, gradient, cross slopes, and dimensions.

C. Landscaping in parking areas. Reference Chapter 54 CDC, Landscaping.

Response: See the responses to the applicable standards of Chapter 54 below.

D. Bicycle facilities and parking.

1. *Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan.*

Response: No adopted plans require provision of facilities for pedestrian or bicycle ways. Therefore, this standard is not applicable.

3. *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.*

Response: Covered, lockable bicycle parking for 174 bicycles will be provided within the 174 garages at an assumed one bicycle parking space per garage. Additional covered bicycle parking opportunities will be available with the multi-family residential units, within the commercial spaces, and in storage lockers on the ground levels of each of the mixed-use buildings. In addition, 20 uncovered bicycle parking spaces will be available in racks located in various spots around the site. These racks will also provide lockable bike parking opportunities.

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

<i>Multi-family Residential</i>	<i>1 space per unit</i>	<i>50%</i>
<i>Financial Institutions</i>	<i>2, or 0.33 spaces per 1,000 gross sq. ft.</i>	<i>25%</i>
<i>Office</i>	<i>2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater</i>	<i>10%</i>
<i>Retail Sales</i>	<i>0.33 spaces per 1,000 gross sq. ft.</i>	<i>50%</i>

Response: 194 bicycle parking spaces will be provided in garages or bike racks, thereby providing for the 180 bicycle spaces required for the proposed 180 multi-family units and an additional 14 bicycle spaces required for the commercial spaces (at a ratio of 2

bicycle parking spaces for each of the commercial spaces – none of which exceeds 300 square feet in gross leasable area).

- F. Office or industrial developments shall be allowed a 10 percent reduction in the number of required parking spaces when the property owner agrees to a demand management program that includes three or more of the following measures...*

Response: No transportation demand management program is proposed. No reduction in required parking spaces is proposed. This section is therefore not applicable.

X. COMPLIANCE WITH THE APPLICABLE STANDARDS OF CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.*

Response: There are no known conflicts between this chapter and the Transportation System Plan. The proposed development does not include a land division request. Therefore, the land division chapter is not applicable to the current request.

- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.*

Response: Tax lot 102, the site of the proposed mixed-use development, is located on Tannler Drive. The proposed mixed-use development's driveway system will take access from that public street.

- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.*

Response: This application and the enclosed plan set provide scaled plans show how the access, egress, and circulation requirements are to be fulfilled for the proposed mixed-use development. No direct access to State or County roads is proposed. The Oregon Department of Transportation will be provided with a copy of the project's transportation impact study and will have an opportunity to review the anticipated effects of traffic related to the proposed development upon operations of the nearby I-205/10th Street interchange.

- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.*

Response: This application and the attached traffic impact study provide details regarding the proposed use of the site and its compliance with the standards of this chapter.

- E. *Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.*

Response: The proposed mixed-use development proposes to utilize driveway and private sidewalk connections with the Willamette 205 office project to the west in order to access Blankenship Road. A reciprocal access easement agreement between the owner of the Willamette 205 project and the prospective purchasers/developers of the mixed-use project site has been agreed upon. The applicant will provide the City of West Linn with a copy of the access easement agreement when it is executed.

- F. *Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer.*

Response: The site of the proposed development project is not a flag lot. Therefore, this section is not applicable.

48.025 ACCESS CONTROL

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

- B. *Access control standards.*

1. Traffic impact analysis requirements. *The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)*
2. *The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*
3. Access options. *When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.*
 - a) Option 1. *Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*
 - b) Option 2. *Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering*

the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

- c) *Option 3. Access is from a public street adjacent to the development 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.*

Response: A transportation study prepared by Mackenzie is attached as Appendix E. The study addresses access, circulation and other transportation requirements related to the proposed project. Access to the proposed development will be from Tannler Drive - a public street, as well as to Blankenship Road via an easement over the driveways and sidewalks within the Willamette 205 office project to the west.

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

Response: The proposed development plan does not involve a land division. Therefore, this standard is not applicable.

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

Response: The proposed development site is not a double-frontage lot. Therefore, this standard is not applicable.

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.*

Response: The proposed development plan does not involve creation of a newly established public street intersection or a non-transversible median. Therefore, this standard is not applicable.

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

Response: See the response to Section 48.060.

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

Response: Only a single access driveway to Tannler Drive is proposed.

8. *Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*
- Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*
 - Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*
 - Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.*

Response: As noted above, the proposed mixed-use development proposes to utilize driveway and private sidewalk connections with the Willamette 205 office project to the west in order to access Blankenship Road. A reciprocal access easement agreement between the owner of the Willamette 205 project and the prospective purchasers/developers of the mixed-use project site has been agreed upon. The applicant will provide the City of West Linn with a copy of the access easement agreement when it is executed.

- 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:*
- Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.*
 - Street standards. Public and private streets shall also conform to Chapter 22 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.*
 - Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.*

Response: The proposed development plan does not involve a land division, but it does involve a relatively large development site. However, the steep topography of the site, the existence of fully developed office and residential uses to the west without any roads stubbed to the site, and the City of West Linn's desire to limit road connections to Tannler Drive provide the necessary justification for an exception to the block creation standards. Therefore, this standard is not applicable.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

- A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is prohibited for lots or parcels created after the effective date of this code*
- B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows...*
- C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions....*
- D. Access to five or more single-family homes shall be by a street built to full construction code standards. All streets shall be public. This full street provision may only be waived by variance.*

Response: The proposed development project does not include any single-family dwellings or duplexes. Therefore, the standards of subsections A. through D are not applicable to this review.

- E. Access and/or service drives for multi-family dwellings 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. Minimum vertical clearance of 13 feet, six inches.*
 - 4. Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.*
 - 5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.*
 - 6. A minimum centerline turning radius of 45 feet for the curve.*

Response: Internal driveways through the project site are designed with a minimum width of 24-feet; appropriate vertical clearance, and centerline turning radii. Grades average less than 10 percent, with some portions of the primary driveway between side driveways meeting the maximum 15 percent grade standard. Adequate turnaround areas are provided for cars and small trucks on the side driveways. Side driveways have been kept short so that emergency vehicles and trash collections will not need to use them, or can use them as one leg of a conforming hammerhead-style turnaround. Access plans for the project have been vetted with the Tualatin Valley Fire and Rescue District.

- F. Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.*

Response: The proposed development plan's driveways have been designed consistent with the applicable standards of Chapters 46 and 48.

- G. The number of driveways or curb cuts shall be minimized on arterials or collectors. Consolidation or joint use of existing driveways shall be required when feasible.*

Response: The proposed development plan utilizes a single driveway to Tannler Drive – a collector street, as well as a shared access with the Willamette 205 project through an existing driveway to Blankenship Road.

H. *In order to facilitate through traffic and improve neighborhood connections, it may be necessary to construct a public street through a multi-family site.*

Response: A public street through the site appears to not be needed because properties to the west are already developed; the property immediately to the south has frontage on both Tannler Drive and Blankenship Road; the property to the north is to be reserved as permanent open space; and the site is bounded by a public street – Tannler Drive- on the east.

I. *Gated accessways to residential development other than a single-family home are prohibited.*

Response: No gated accessways are proposed.

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.*
- 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.*

Response: The proposed mixed-use development will include both residential and non-residential uses. Therefore, these standards are applicable. However, since the standards are largely the same as the standards for residential uses in CDC Section 48.030, please refer to the responses to that section above. The proposed mixed-use development will not include any pickup windows. Therefore, subsection A.4 is not applicable.

48.050 ONE-WAY VEHICULAR ACCESS POINTS

Where a proposed parking facility plan indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility, and the entrance drive shall be situated closest to oncoming traffic, and the exit drive shall be situated farthest from oncoming traffic.

Response: The proposed development plan does not include any one-way access points or driveways. Therefore, this standard is not applicable.

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.*

Response: The proposed development project will have a 26-foot wide curb cut along Tannler Drive, and thus is consistent with the standards of subsections A. and B.

- 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.*
 - 2. *On an arterial when intersected by a collector, 100 feet.*
 - 3. *On an arterial when intersected by a local street, 100 feet.*
 - 4. *On a collector when intersecting an arterial street, 100 feet.*
 - 5. *On a collector when intersected by another collector or local street, 35 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.*

Response: The proposed development project will have a 26-foot wide curb cut along Tannler Drive separated from Tannler Drive's intersections with Blankenship Road and Greene Street by over 300 feet, and thus is consistent with the standards of subsections C. and D.

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

Response: No rolled curbs are proposed.

- 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.*

Response: A single curb cut for a driveway to Tannler Drive is proposed, thereby minimizing the number of curb cuts. The driveway location has been selected to provide the optimum sight distance along the site's Tannler Drive frontage.

48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS

- A. *In order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or his designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:*
 - 1. *Provide inadequate access for emergency vehicles; or*
 - 2. *Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.*
- B. *A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240.B.*

Response: This section is not applicable at this time.

48.080 BICYCLE AND PEDESTRIAN CIRCULATION

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

Response: The proposed development plan provides for an interconnected network of minimum 6-foot wide private pedestrian sidewalks within the site, the public sidewalk along Tannler Drive, internal access driveways and parking stalls, and to the sidewalks and driveways of the Willamette 205 project to the west. The sidewalks will be made out of concrete, whereas the parking areas and driveways will be asphalt.

- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(A)(3).*

Response: The proposed development application is not a subdivision. Therefore, this standard is not applicable.

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

Response: Please see the responses to the applicable pedestrian and bicycle access standard of Chapter 55 Design Review above.

XI. COMPLIANCE WITH CHAPTER 52 SIGNS

No details on signage for the proposed mixed-use project are currently available. It is recognized that sign permits will need to be obtained from the City of West Linn prior to the installation of any signs visible from the adjacent public right-of-way. Approval of sign permits is to be done consistent with the standards of Chapter 52.

In general, one project identification sign will be provided for the mixed-use project along Tannler Drive. Section 52.300 allows two freestanding signs for multi-family developments and one freestanding sign for commercial projects. Therefore, it is concluded that one freestanding sign will be able to be permitted for the combined uses of the project. No details are available on what the size, height, materials, or location of the freestanding sign will be.

Section 52.109.B allows parking lot signs up to three square feet in size and a maximum height of five feet above grade and directed to the interior of a parking lot are permitted without permits. It is reasonable to assume that the future tenants of the commercial spaces within the multi-use project will desire to have parking area signs. Such signs will need to be provided consistent with the size and height standards of Section 52.109.B.

XII. COMPLIANCE WITH CHAPTER 54 LANDSCAPING

54.020 APPROVAL CRITERIA

- A. Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping*

(e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot-tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three two-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

Response: In order to preserve and protect existing trees on the site as part of the development plan, the applicants have decided to set aside tax lot 100 –which contains the most significant trees on the site – as a reserved open space area, and to concentrate development activities within the lower portion of the site within the area of the reconfigured tax lot 100.

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

Response: No exception to the parking space requirements based upon preservation of existing trees has been requested.

C. *Developers must also comply with the municipal code chapter on tree protection.*

Response: Tree protection measures to be followed are included in the Arborist's Report in Appendix D.

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

Response: There are no designated Heritage trees on the subject site.

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

1. *Residential uses (non-single-family). A minimum of 25 percent of the gross area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under CDC 55.100. Parking lot landscaping may be counted in the percentage.*
2. *Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.*

Response: 26 percent of the proposed mixed-use project site (tax lot 102 only) will be landscaped. This does not include the preserved open space area on tax lot 100.

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

shall not be included in the five percent. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one-third for the area with the permeable parking surface only.

Response: Proposed landscape areas will include well defined areas bordered by curbs, sidewalks and buildings. Landscaped areas will be well distributed throughout the proposed development site. Parking area trees are provided in islands within the parking area so that no more than eight surface parking spaces are provided without being separated by a parking tree island.

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

Response: No landscape areas with widths of less than five feet are proposed.

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

Response: Soils will be amended prior to planting if found to be necessary. Planting details are included on Sheet L1.2.

d. A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking, loading, or service area or driveway is contiguous to an adjoining lot or parcel, there shall be an intervening five-foot-wide landscape strip. The landscaped area shall contain:

- 1) Street trees spaced as appropriate to the species, not to exceed 50 feet apart on the average;*
- 2) Shrubs, not to reach a height greater than three feet, six inches, spaced no more than five feet apart on the average; or*
- 3) Vegetative ground cover such as grass, wildflowers, or other landscape material to cover 100 percent of the exposed ground within two growing seasons. No bark mulch shall be allowed except under the canopy of low level shrubs.*

Response: Proposed parking areas along the site's Tannler Drive frontage are set back at least 20 feet from the right-of-way line. These areas will include landscaping including trees and shrubs, retaining walls, and a ramped sidewalk connection from the Tannler Drive public sidewalk to the private sidewalks located between buildings 7 and 8. Street trees will be provided in the Tannler Drive right-of-way. Parking areas adjacent to other properties exist on the other three sides of the site. Landscaping will be provided between the parking area and the site boundaries on all three sides.

e. If over 50 percent of the lineal frontage of the main street or arterial adjacent to the development site comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet in width and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. This extra requirement only applies to one street frontage.

Response: The project site's Tannler Drive frontage will not be comprised of parking area. Therefore, this section is not applicable.

f. A parking, loading, or service area which abuts a property line shall be separated from the property line by a landscaped area at least five feet in width and which shall act as a screen and noise buffer,

and the adequacy of the screen and buffer shall be determined by the criteria set forth in CDC 55.100(C) and (D), except where shared parking is approved under CDC 46.050.

Response: See the response to subsection d. above.

54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

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

Response: The proposed development will not create any new streets. The slight increase in the width of Tannler Drive right-of-way will allow for a 13-foot wide travel lane, 9-foot wide parking lane, 6-inch curb, 8-foot wide curb tight sidewalk, and 6-inches clear space behind sidewalk. No planting strip is proposed with this cross section to minimize the impact to existing adjacent slopes. Street trees will be provided in tree grates along the widened sidewalk, consistent with CDC Section 54.030. Additional right-of-way width may be dedicated at locations where LIDA facilities are required for stormwater management along Tannler Drive for new impervious area from the curb tight sidewalks. In these areas, 6-foot wide LIDA facilities will be located between the curb and sidewalk, creating a length of “planter strip” area.

54.040 INSTALLATION

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

Response: Sheet L1.2 includes Planting Details. All landscaping will be installed consistent with the standards above as detailed in the plans and notes included on Sheet L1.2.

XIII. PROPERTY LINE ADJUSTMENT APPROVAL APPLICATION

A Property Line Adjustment approval is requested for the three involved lots. The common property line between tax lot 200 and tax lot 102 will be moved to the south to result in tax lot 200 being reduced to approximately 1.17-acres in size. The property line between tax lot 102 and tax lot 100 will be relocated to the north. This will result in tax lot 100 being decreased in size to approximately 3.18-acres in size. As a result of the adjustment of these two property boundaries, tax lot 102 will be increased to approximately 7.01-acres in size.

CDC Section 85.210 provides approval standards for a request to adjust property lines. Those standards are listed below in italics, with a response addressing that standard or standards:

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

- 1. An additional lot or parcel shall not be created by the line adjustment.*

2. *The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district.*
3. *Reducing the lot or parcel size shall not violate the site development regulations for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).*
4. *The property line adjustment is as defined by ORS Chapter 92.*
5. *The lot line adjustment will not affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are dedicated or any required utility relocations are paid for by the applicant.*
6. *Any appeal must be filed in accordance with CDC 99.240.*

B. *The provisions of CDC 85.070 shall also apply to lot line adjustments.*

Response to Section 85.210.A.(1) through (5): The proposed property line adjustments of the boundaries of tax lot 102 with the adjacent tax lot 100 to the south and tax lot 200 to the north is consistent with these standards as follows:

1. The proposed adjustment will not result in the creation of any additional properties. The proposal will include three different properties. Only three parcels will exist after the survey effectuating the adjustments is recorded.
2. There is no minimum lot size in the OBC zoning district applied to all three parcels. Tax lots 100 and 200 will both be reduced in size as a result of the proposed property line adjustments. Both the adjusted tax lot 100 (approximately. 3.18-acres) and tax lot 200 (1.17-acres) will therefore be larger than any applicable parcel size standard. All three adjusted parcels will continue to exceed the minimum front lot line standard of 35 feet of the OBC zone and the minimum average lot width standard of 35 feet (Section 21.070 A.(1) and (2)) as illustrated on Sheet P1.2, the Property Line Adjustment Plan. All three parcels will have in excess of 200 feet of lot frontage on Tannler Drive and will have similar average lot widths.
3. All three parcels are currently undeveloped. Therefore, the proposed property line adjustments will not lead to any of the three affected properties being inconsistent with any development standards such as minimum building setbacks, minimum landscaping requirements, or maximum lot coverage standards.
4. ORS Chapter 92, subsection 92.010(12) defines a property line adjustment as: “a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.” As noted above, the proposed property line adjustment application would result in the relocation of two property lines for tax lot 102 with two adjacent properties. The proposed adjustments would affect three original parcels, and result in three parcels. No additional lots or parcels would be created.
5. There are no existing easements along the property boundaries to be relocated. There also are no public or private utility lines on any of the affected parcels. Therefore, no existing easements or utilities would be affected by the proposed property line adjustments.

Response to Section 85.210.B: Section 85.070 provides the following applicable application processing requirement:

85.070 ADMINISTRATION AND APPROVAL PROCESS

A. The application shall be filed by the record owner(s) of the property or by an authorized agent who has a letter of authorization from the property owners of record. The burden of proof will be upon the applicant to demonstrate the validity of the ownership, if challenged.

Response: The property owners have signed the application form consenting to the submittal of this request.

XIV. CONCLUSION

The request for a Class II Design review approval to develop a mixed-use commercial and residential project with seven commercial spaces and 180 multiple family dwelling units and a Property Line Adjustment are consistent with the applicable approval standards of the CDC Design Review approval standards as explained above, along with the subject specific reports which follow. ConAm Properties, LLC, therefore, respectfully requests approval of this application with reasonable and appropriate conditions of approval.