

# Doman Professional Offices

1754 Willamette Falls Drive, West Linn, OR

## Design Review Class II-Chapter 55

December 2016

**(Revised February 2017)**

### 55.010 PURPOSE AND INTENT - GENERAL

*No response required.*

### 55.020 CLASSES OF DESIGN REVIEW

*No response required.*

### 55.025 EXEMPTIONS

*No response required.*

### 55.030 ADMINISTRATION AND APPROVAL PROCESS

*No response required.*

### 55.040 EXPIRATION OR EXTENSION OF APPROVAL

*No response required.*

### 55.050 DESIGN REVIEW AMENDMENT TRIGGER

*No response required.*

### 55.060 STAGED OR PHASED DEVELOPMENT

*No response required.*

### 55.070 SUBMITTAL REQUIREMENTS

*No response required.*

### 55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

*No response required.*

### 55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

*No response required.*

### 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: There are no accessory structures included as part of this proposal. The requirements of this chapter do not apply.**

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

**RESPONSE: Per 38.020, no side yard setback is required. The west wall of the building is set back 5'-0", and the east wall is set back 6'-0", meeting the standard. The other sections of this chapter do not apply.**

- Chapter 40 CDC, Building Height Limitations, Exceptions.

**RESPONSE: This chapter has been repealed by ordinance.**

- Chapter 42 CDC, Clear Vision Areas.

**RESPONSE: The standards of this chapter do not apply.**

- Chapter 44 CDC, Fences.

**RESPONSE:**

- Per section 44.020.1.e, the existing fence at the rear property line does not exceed 6'-0". The existing fence along the west property line is on the adjacent property. No fences are proposed for the east or south property lines.**

- Per section 44.030.A & B, the trash enclosure at the rear of the property will be surrounded by a sight-obscuring fence meeting the requirements of section 44.050.**

- The remaining sections of this chapter do not apply.**

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

**RESPONSE: Per section 46.140, no off-street parking spaces are required in the Willamette Falls Drive Commercial Design District, and no parking is provided as part of this proposal. Bicycle parking complying with the standards of this chapter are located along the walkway adjacent to the east wall.**

- Chapter 48 CDC, Access, Egress and Circulation.

**RESPONSE: The subject property is a legal lot of record (Sec. 2, Parcel 1, T3S R1E W.M., P.P. No. 2015-061, TL1900) and has direct access to Willamette Falls Drive along the south property line. The remaining three sides of the lot are bounded by existing private lots.**

**Vehicle access is proposed via a frontage area between Willamette Falls Drive proper and the site. An existing 10-foot sidewalk with curb within this frontage area provides pedestrian access. Street parking also exists within this frontage area and bicycle parking is provided on site as noted above.**

**An existing curb cut along Willamette Falls Drive will be removed and replaced with sidewalk to match the adjacent existing. There are no new curb cuts proposed.**

**A traffic study for the property has been completed by Lancaster Engineering, and is included with this application.**

- Chapter 52 CDC, Signs.

**RESPONSE: All signs will be building wall signs and will be submitted by the tenants under separate permits. All signs will meet the standards for the Willamette Falls Drive Commercial Design District per 52.210.**

- Chapter 54 CDC, Landscaping.

**RESPONSE: Per 58.090, projects in the Willamette Falls Drive Commercial Design District are exempt from the requirement of chapter 54.**

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

- 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 heritage trees on the property. The City's Arborist has determined that there are (2) two trees clustered together on the northwest corner of the property, that based on their size and species are considered "significant". We have submitted**

**an application to the City to be allowed to REMOVE these trees from the property. Supporting information below provides our reasoning for this request.**

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.

**RESPONSE: There are no heritage trees on the property. The City’s Arborist has determined that there are only (2) two trees clustered together on the northwest corner of the property that based on their size and species to be classified as “significant” trees.**

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: (2) trees at the northwest corner of the property have been deemed “significant” by the City Arborist. Due to the location of these trees it would be virtually impossible to work around them for the proposed development. After allowing for the setback around the dripline of these trees, the remaining “useable” area on the property would have been decreased by 50%, rendering the property effectively un-developable.**

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this “dripline plus 10 feet” measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

**RESPONSE: Due to the location and canopy size of the trees in question the protection requirements of these trees would result in taking more than 20 percent of the total property area by default.**

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.

**RESPONSE: All roads adjacent to the property are existing, and no extensions are proposed. Construction access is not impeded by the significant trees on the site. The standards of this section do not apply.**

**Please note, however, that the canopies of the significant trees span over multiple properties to the west and north. The adjacent property owners on both side of this property have shared their concerns with the Applicant that whenever there is a major storm or ice conditions they suffer roof damage and/or major site clean-up on their buildings/sites. They have expressed their support for the removal of these trees in order to ensure a safe environment for businesses in this Commercial District. The applicant has proposed a considerable amount of new landscaping to enhance the overall view from the street and adjacent properties, and mitigate the loss of the trees.**

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

**RESPONSE: The protection requirements for these trees would result in taking more than 20 percent of the total property area by default, rendering the property virtually un-developable.**

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

**RESPONSE: All roads adjacent to the property are existing, and the significant trees are not impacted. There are no heritage trees on the site. The standards of this section do not apply.**

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.

**RESPONSE: All roads adjacent to the property are existing, and the significant trees are not impacted. There are no heritage trees on the site. The standards of this section do not apply.**

3. Topography and natural drainage shall be preserved to the greatest degree possible.

**RESPONSE: The site slopes approximately 2%, and generally from west to east. Since this is a commercial property, most of the site area will be covered by building or paving. The flow from the new impervious surfaces will be collected and drained through a Stormfilter Catch Basin prior to being discharged to the public storm sewer system.**

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

**RESPONSE: The West Linn geologic hazard maps (SLIDO) indicates no slumping or sliding in this area.**

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: On the south property boundary, the proposed building faces onto a public way. 6-foot and 5-foot setbacks are proposed along the west and east property boundaries**

respectively (note that no side yard setbacks are required in the district). To the north, a 10-foot rear yard setback is proposed, increasing to 20' on the second floor.

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: The architecture for this building meets the standards for the Willamette Falls Drive Commercial Design District found in chapter 58 and thus complies with the standards of this section. Please refer to sheet DR-2 for the building elevations.**

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 subject property is adjacent to a single story residential style structure to the west, and a two story residential style structure to the east. Both structures house commercial uses. The planned building design is similar in height, size, and style to these existing structures, and transitions gradually between the two. The proposed design meets the standards for the Willamette Falls Drive Commercial Design District found in chapter 58 and thus complies with the standards of this section. Please refer to sheet DR-2 for the building elevations.**

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: Please refer to response above.**

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 project design achieves human scale through the use of multi-light windows, intimately scaled entryways, parapets, awnings, and the building’s location at the edge of the sidewalk. The façade is divided into distinct sections that emphasize a pleasing height-to-width ratio. A covered front porch extends to the sidewalk, inviting pedestrians in to the entry.**

**The porch also serves to better integrate the proposed design into the context of its neighbors. It does this by matching their front porches, and by pushing the major massing of the proposed building back off the property line. This ‘setback’ attempts to mitigate the contrast between the existing building locations, and the setback requirements of the current CDC. The porch will also be at the same elevation of the existing sidewalk.**

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 front elevation is 40'0" long with 28'0" of windows, or 70%. The east elevation is 99'8" long, with 59'0" of window or other openings, or 59%. The remaining south, east, and west elevations are along internal lot lines and are exempt from the requirement.**

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: None of the elevations exceed 100'-0" in length. The standards of this section do not apply.**

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: On the north side, users are protected by nearly continuous awnings. On the south side, the covered front porch provides protection for visitors, while awnings provide shade for building users. Adjacent existing buildings and fencing, along with existing and proposed vegetation will provide shade for ground floor users. There is only one ground floor window on the east side, and it - as well as the upper floor windows - will have interior shading devices for the users convenience.**

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 existing 10'0" wide sidewalk is tree lined via the existing street trees in the median separating Willamette Falls Drive from the existing frontage area (see the existing site conditions plan).**

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: There is an existing 10'0" wide sidewalk along the south property boundary.**

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, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency.

**RESPONSE: 100% of the building elevation fronting on streets are adjacent to the street lot line, including the main entry on the south (front) elevation.**

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: This project is not multi-family so this standard does not apply.**

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: 100% of the building elevation fronting onto the public right-of-way is located within 10' of the lot line, with 25% on the lot line (refer to site plan, and to our explanation of extenuating circumstances noted above in our response to 6d).**

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 sidewalks at the south elevation is existing, 10'-0" wide.**

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 pedestrian access walkway along the south boundary is an existing public walk that directly connects to adjacent properties.**

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 primary entry fronts onto Willamette Falls Drive.**

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: There is a bus stop 1/2 block to the west of the site at the corner of Willamette Falls Drive and 14<sup>th</sup> Street, with another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12<sup>th</sup> Street. The main building entry is on Willamette Falls Drive.**

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

**RESPONSE: The building is located along Willamette Falls Drive. At its tallest point the building is 30’-8” tall. Although this is 4’-4” below the 35’-0” height limit allowed in the district, we felt we needed to balance the desire for taller buildings expressed in this standard with the desire for appropriate transition between buildings expressed in section 6b of this Standard.**

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: This project is a private office building. The requirements of this standard do not apply.**

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: This project is not located at a trailhead. The requirements of this standard do not apply.**

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: This project has a public rights-of-way on the south side, and matching non-residential zoning on the east and west. The rear lot has a 10’/20’ setback (see above), with landscaping and a 6’ tall solid fence.**



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 trash area will be screened from view. There are no other service or parking areas proposed.**

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

**RESPONSE: HVAC units will be ground mounted.**

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.

2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.

3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.

4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

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

**RESPONSE: There are no residential dwelling units planned as part of this project. The requirements of parts 1 and 2 of this standard do not apply. There are no businesses or uses proposed at the time of the submittal that are anticipated to generate noise in excess of the allowable in the requirements. Therefore, parts 3 and 4 of this standard do not apply.**

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: This project is not multi-family use. The requirements of this standard do not apply.**

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: This project is not multi-family use. The requirements of this standard do not apply.**

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: This project is not multi-family use. The requirements of this standard do not apply.**

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

**RESPONSE: There is a bus stop 1/2 block to the west of the site (within 200 feet of all primary entries to the building) at the corner of Willamette Falls Drive and 14<sup>th</sup> Street, and another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12<sup>th</sup> Street. The main building entry is on Willamette Falls Drive.**

**The closer stop at 14th Street has a bench and shelter. The stop at 12th has no bench or cover, which is consistent with other bus stops in the Willamette Falls Drive Commercial Design District. There is no parking requirement in the district, so parts 4 and 5 of the standard do not apply.**

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 (drainage ways, 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: All streets adjacent to the project are existing public streets that will remain.**

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: Water facilities serving the project site are existing and will remain.**

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: Sewer facilities serving the project site are existing and will remain.**

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: An appropriately sized solid waste and recycling storage area is provided at the northeast corner of the site. Roll carts will be brought to the sidewalk by the Owner for pick-up, consistent with the adjacent properties to the east and west.**

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 overlook the public walk.**

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

**RESPONSE: No interior laundry or service area is planned for the project.**

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

**RESPONSE: Mailboxes will be located inside the building lobby. The back and sides of the building will have lighting appropriate for security as well as to the zone and adjacent zones.**

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

**RESPONSE: Wall mounted sconces and gooseneck style lights will provide lighting consistent with the other buildings in the district, as well as to the zone and adjacent zones.**

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: Wall mounted sconces and gooseneck style lights will provide lighting consistent with the other buildings in the district.**

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: Wall mounted lights will provide lighting consistent with the requirements of this section and the district. A lighting plan can be provided if necessary.**

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

**RESPONSE: The project fronts onto Willamette Falls Drive, and is surrounded on the other three sides by commercial and residential buildings with windows facing the subject property, allowing for adequate lines of sight.**

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 utility fences are planned for the project.**

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: All facilities will comply with ADA requirements, including access from the public walk into the building (see site and building plans).**

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.

**RESPONSE: Building identification signage will be provided to meet the requirements of local emergency service providers.**

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.

**RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.**

3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.

**RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.**

4. The signs shall not obscure vehicle driver's sight distance.

**RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.**

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

**RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.**

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 are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.**

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 utilities to the site are existing and will remain. The secondary feeds from the main lines to the building will be the only new work.**

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: Not applicable – none proposed.**

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: No modifications proposed for this development**

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: A min. 4" thick concrete slab will be constructed in the trash enclosures where the containers will be placed.**

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.
- 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.
- 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.
- d. The location of the recycling area and method of storage shall be approved by the local fire marshal.
- 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.
- 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.
- g. Recyclable material service areas shall be maintained in a clean and safe condition.

**RESPONSE: The solid waste service area will be for the storage of trash and recycling containers provided by the local waste management company. These containers will be housed in a screened enclosure with swing gates. Size of containers and frequency of pick-ups will be determined by the Building Owner and the waste management company.**

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.

**RESPONSE: Hazardous wastes will be handled and disposed of per state law.**

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: There are no cooking oils, grease, or animal renderings anticipated.**

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.

**RESPONSE: The enclosure is fully contained within a site obscuring fence and gates.**

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.

**RESPONSE: The enclosure is located adjacent to a residential lot, but is fully contained within a site obscuring fence and gates.**

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: The enclosure is fully contained within a site obscuring fence and gates. The fence will be of solid materials in keeping with the building wall construction.**

6. Litter receptacles.

a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.

**RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.**

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.

**RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.**

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. (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014)

**RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.**

**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.

**RESPONSE: Please refer to sheet DR.0 and the Civil drawings for this information.**

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.

**RESPONSE: See Civil drawings for this information.**

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.

**RESPONSE: See Civil drawings for this information.**

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).

**RESPONSE: See Civil drawings for this information.**

4. The location and width of adjoining streets.

**RESPONSE: See Civil drawings for this information and Existing Conditions plan (Survey).**

5. The drainage patterns and drainage courses on the site and on adjacent lands.

**RESPONSE: See Civil drawings for this information.**

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.

**RESPONSE: See Civil drawings for this information.**

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.

**RESPONSE: See Civil drawings for this information.**

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.

**RESPONSE: None exist on the site. Further documentation will be provided to the City if requested.**

9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.

**RESPONSE: See Civil & Architectural drawings for this information.**

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. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999;

Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014)

### **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.

**RESPONSE: See provided Architectural and Civil drawings.**

B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.

**RESPONSE: See provided Architectural and Civil drawings.**

C. Streams and stream corridors.

**RESPONSE: See provided Architectural and Civil drawings.**

D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.

**RESPONSE: See provided Architectural and Civil drawings.**

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.

**RESPONSE: See provided Architectural and Civil drawings.**

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.

**RESPONSE: See provided Architectural and Civil drawings.**

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.

**RESPONSE: See provided Architectural and Civil drawings.**

H. The location of areas to be landscaped. (Ord. 1442, 1999; Ord. 1613 § 14, 2013; Ord. 1622 § 28, 2014; Ord. 1636 § 39, 2014)

**RESPONSE: See provided Architectural and Civil drawings.**

#### **55.125 TRANSPORTATION ANALYSIS**

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

**RESPONSE: A Traffic Impact Analysis has been prepared by Lancaster Engineering on December 20<sup>th</sup> 2016 and included in this application.**

#### **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.

**RESPONSE: The civil site drawings show the existing contours and proposed elevation for the building and associated sidewalk. The proposed building will approximately match the existing grades along the frontage for pedestrian accessibility to the proposed building. Approximate finish grades are shown on the civil plans to demonstrate how the building fits with the existing grades.**

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.

**RESPONSE: A preliminary storm report has been prepared to demonstrate how the impervious sidewalks and roof areas will be collected and treated in a Stormfilter Catch Basin prior to discharge to the public storm system. Because this site is less than 5000 SF of new impervious surface, detention is not required. Larger storm events will bypass the Stormfilter through a built in overflow, and drain into the public storm system.**

C. Storm detention and treatment plans may be required.

**RESPONSE: A storm detention system is not required for this site (< 5000 SF impervious). Stormwater treatment is proposed for handling runoff from the roof and adjacent sidewalks by directing runoff through a Stormfilter Catch Basin.**

D. Identification, information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014)

**RESPONSE: The civil plans provide a listing of the owner/developer, architect, engineer and surveyor with names and contact information.**

#### **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;

**RESPONSE: See provided plans.**

- B. Building materials: color and type; and

**RESPONSE: See provided plans.**

- C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013)

**RESPONSE: See provided plans.**

#### **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. (Ord. 1408, 1998; Ord. 1613 § 17, 2013)

**RESPONSE: Please refer to the Landscape drawings showing plantings which selected from the list of City approved species. Erosion control measures required for this development are shown on the Civil drawings.**

#### **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 affect 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.

**RESPONSE: No exceptions are being requested as part of this application.**

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.

**RESPONSE: No exceptions are being requested as part of this application.**

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.

**RESPONSE: No exceptions are being requested as part of this application.**

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 are being requested as part of this application.**

#### **55.180 MAINTENANCE**

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

**RESPONSE: The applicant acknowledges this responsibility.**

#### **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.

**RESPONSE: There is no shared open space planned as part of this application.**

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.

**RESPONSE: There is no shared open space planned as part of this application.**

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.

**RESPONSE: There is no shared open space planned as part of this application.**

3. By any method that achieves the objectives set forth in subsection (B)(2) of this section.

**RESPONSE: There is no shared open space planned as part of this application.**

#### **55.195 ANNEXATION AND STREET LIGHTS**

As a condition of approval for design review for any project that is being annexed to the City, the developer and/or homeowners association shall pay for all expenses related to street light energy and maintenance costs until annexed into the City. The approval for any property annexed must state: "This approval is contingent on voter approval of annexation of the subject property." This means that no permit, final plat, or certificate of occupancy may be issued or approved until annexation is complete. (Ord. 1442, 1999; Ord. 1604 § 53, 2011).

**RESPONSE: The subject property is located within the city limits. The requirements of this section do not apply.**

**End of Chapter 55 Responses**