



CITY OF West Linn

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02

HEARING DATE: July 7, 2021

REQUEST: The West Linn-Wilsonville School District is seeking a conditional use permit to construct a new Athey Creek Middle School at 840 and 945 Dollar Street.

APPROVAL

CRITERIA: Community Development Code (CDC) Chapter 11, Chapter 28, Chapter 32, Chapter, 41, Chapter, Chapter 42, Chapter 44, Chapter 46, Chapter 48, Chapter 52, Chapter 54, Chapter 55, Chapter 60, Chapter 75, Chapter 92, Chapter 96, and Chapter 99.

STAFF REPORT

PREPARED BY: Chris Myers, Associate Planner

Planning Manager's Initials DSW

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GENERAL INFORMATION

OWNER/APPLICANT:	West Linn-Wilsonville School District 2755 SW Borland Rd Tualatin, OR 97062 Contact: Remo Douglas
CONSULTANT:	3J Consulting Inc. 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Mercedes Serra
SITE LOCATION:	840 and 945 Dollar Street
LEGAL DESCRIPTION:	Clackamas County Assessor's Map: 21E34C00600, 21E34DC00900, 21E34DC01001
SITE SIZE:	20.11 Acres
ZONING:	R-10, Single-Family Residential Detached
COMP PLAN DESIGNATION:	Low-Density Residential
120-DAY PERIOD:	This application became complete on April 30, 2021. The 120-day maximum application-processing period ends on August 28, 2021.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations June 17, 2021. Notice was published in the West Linn Tidings on June 23, 2021. The property was posted with a notice sign on June 24, 2021. The notice and application were posted on the City's website June 17, 2021. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

Site Conditions: The School District property is located at 840 and 945 Dollar Street. The school site consists of three tax lots; 21E34DC00900, 21E34C00600 and 21E34DC01001. The site is approximately 22.11 acres in size and is zoned Single Family Residential Detached R10. The existing site is undeveloped. There is a slope easement on the west side of the property roughly 85 feet wide and 1100 feet in length. This easement is for the purposes of grading, filling, slope protection, landscaping, maintenance, and related purposes. There exists a second easement on the site at approximately the northwest corner. This easement is a temporary nonexclusive emergency access easement that will extinguish upon construction of new road.

Project Description:

The West Linn-Wilsonville School District is proposing to construct a new 110,972 square-foot middle school on the District's vacant 22.11-acre Dollar Street site. The project was approved by District voters under Ballot Measure #3-554. The new facility will relocate the existing Athey Creek Middle School currently located in unincorporated Clackamas County.

The new school building will have 25 standard classrooms and capacity for 850 students and staff. The proposed building will be two stories in height with a maximum height of 48 feet. The building has been designed to step down with the natural topography of the site. Site improvements will include both a west and east entry plaza, soft and hard surface play areas, a running track, a turf athletic field, and outdoor learning areas. Staff parking and bus loading will be accessed from Dollar Street and will be located southeast of the building. Visitor Parking will be accessed from a newly constructed extension of Brandon Place and will be located west of the building. A total of 186 parking stalls will be provided on site. Pedestrian pathways will connect the main school building with site facilities and surrounding pedestrian infrastructure. The site will include pedestrian level lighting within the parking lot and around the building for safety. The track and field will also include LED lighting for sporting and special events.

The proposed development will include frontage and offsite improvements to Dollar Street and Willamette Falls Drive. An extension of Brandon Place from Dollar Street to Willamette Falls Drive, consistent with the West Linn's 2016 Transportation System Plan is proposed to meet the City's access standards. A roundabout is proposed at the new intersection of Willamette Falls Drive and Brandon Place. Sidewalks will be installed along the property frontage on Dollar Street and Willamette Falls Drive. The proposed extension of Brandon Place will include sidewalks on both sides, providing a pedestrian connection between Dollar Street and Willamette Falls Drive. There will also be a path constructed off of Brandon Place to provide connection to the City walking path below Fields Bridge, to the park. Other offsite improvements include frontage improvements on Dollar Street and Willamette Falls Drive, including pavement replacement, planter strips and street trees.

As part of the proposed development, the District is proposing to consolidate the three tax lots that property is comprised of into a single tax lot.

Surrounding Land Use and Zoning: The site is zoned R-10 and located in the Willamette Neighborhood. Adjacent land uses and zoning include:

Direction From Site	Zoning	Land Use
North	R-10, R-7, NC	Single-Family Detached and Neighborhood Commercial
South	R-10, R-4.5	Single-Family Detached and Single-Family Attached and Detached/Duplex
East	R-10, R-4.5	Single-Family Detached and Single-Family Attached and Detached/Duplex
West	R-10, R-20	Single-Family Residential Detached

Applicable Community Development Code Approval Criteria:

- Chapter 11: Single-Family Residential Detached, R-10;
- Chapter 28: Willamette and Tualatin River Protection;
- Chapter 32: Water Resource Area Protection
- Chapter 34: Accessory Structures on Steep Lots, Exceptions;
- Chapter 41: Building Height, Structures on Steep Slopes, Exceptions;
- Chapter 42: Clear Vision Areas;
- Chapter 44: Fences;
- Chapter 46: Off-Street Parking, Loading and Reservoir Areas;
- Chapter 48: Access, Egress and Circulation;
- Chapter 52: Signs;
- Chapter 54: Landscaping;
- Chapter 55: Design Review;
- Chapter 60: Conditional Uses;
- Chapter 75: Variances and Special Waivers;
- Chapter 92: Required Improvements;
- Chapter 96: Street Improvement Construction; and
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

Public comment:

Two public comments were submitted prior to publishing the staff report. See Exhibit PC-3.

RECOMMENDATION

Staff recommends approval of application **CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02**, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all Tentative Plan Sheets.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to the issuance of occupancy permits for each phase of the project.
3. **Landscaping Installation.** All landscaping improvements, including but not limited to planting of trees and shrubs, are subject to the conformance with the City Municipal Code and Community Development Code. Landscaping must be installed prior to the issuance of occupancy permits.
4. **Erosion Control.** The applicant shall submit an Erosion Prevention and Sediment Control Plan prior to issuance of site development permit.
5. **Curb Cuts.** The applicant shall redesign the two vehicle accessways to comply with the maximum curb cut requirements of 36 feet, per Staff Finding 128, and to also meet West Linn Public Works Standards.
6. **Street Improvements.** The applicant shall complete half street improvements, including pavement improvements, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, cycle tracks where required, and street storm drainage for those portions of Dollar Street and Willamette Falls Drive abutting the subject properties. The applicant shall complete full street improvements on the extension of Brandon Place. The City may partner with the applicant to fund additional improvements as part of the project.

ADDENDUM
PLANNING COMMISSION STAFF REPORT
July 7, 2021

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

I. CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.060 CONDITIONAL USES

(...)

C. A conditional use (CDC 11.060) is a use the approval of which 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.

7. Schools

(...)

Staff Finding 1: Staff incorporates applicant findings.

“Schools are conditional use, subject to the conditional use standards of CDC Chapter 60. Chapter 60 is addressed below.”

The Criteria are met.

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

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

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 3. The average minimum lot width shall be 50 feet.*

(...)

Staff Finding 2: Staff incorporates applicant findings.

“The minimum lot size for conditional uses per CDC 11.080 shall be determined by the approval authority at the time of consideration of the application based on the criteria in CDC 60.070 (A) and (B). Chapter 60 has been addressed within this narrative. As a result, the requirements of this section are not applicable to the proposed conditional use. “

The criteria are met.

5. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
- b. For an interior side yard, seven and one-half feet.*

- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

Staff Finding 3: Staff incorporates applicant findings.

“The minimum setback and yard requirements of this section have been met by the proposed development. The City considers public schools to be government buildings. Government buildings have additional applicable setback and yard provisions under CDC Chapter 41.040.B. The provisions of CDC 41.040 have been addressed within this narrative.”

The criteria are met.

- 6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.

Staff Finding 4: Staff incorporates applicant findings.

“The City considers public schools to be government buildings. Government buildings have a maximum building height of 50 feet per the provisions of CDC 41.040. The provisions of CDC 41.040 have been addressed within this narrative. As a result, the requirements of this provision are not applicable.”

The criteria are met.

- 7. The maximum lot coverage shall be 35 percent.

Staff Finding 5: Staff incorporates applicant findings.

“The City’s definition of lot coverage is the area covered by a building or buildings. The subject site has a total net area of 932,184 square feet. The building lot coverage of the site is 77,670 square feet. The total lot coverage of the site is 8.3 percent. The extension of Brandon Place will create a small area of the site west of Brandon Place which will not be developed. Excluding this area from the lot coverage standards, the total site area is 914,760 square feet. The building lot coverage of the site is 77,670 square feet. The total lot coverage of the site is 8.5 percent. The building lot coverage is provided on the Building Sections & Site Plan (Sheet LU3.04). This standard is met.”

The criteria are met.

- 8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

Staff Finding 6: Staff incorporates applicant findings.

“The subject site is not flag lot. The requirements of this section are not applicable.”

The criteria do not apply.

- 9. The maximum floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences

in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

Staff Finding 7: Staff incorporates applicant findings.

“The total net area of the site is 932,184 square feet or 21.4 acres. A total area of 3.6 acres of Type I and II lands have been mapped on the site, excluding the area of Type I and II lands within the right-of-way dedication areas. Type I, II, III and IV lands have been mapped on the site and have been shown on the Overall Site Analysis Land Types Plan (Sheet LU1.000) included under Appendix E. The total lot area for the purpose of the floor area ratio calculation is 775,368 square feet. The total building floor area is 110,972 square feet. Based on the area of the site and the building, the FAR is 0.14, which does not exceed the maximum allowed. The FAR is provided on the Building Sections & Site Plan (Sheet LU3.04). The requirements of this section have been met.”

The criteria are met.

10. The sidewall provisions of Chapter 43 CDC shall apply.

Staff Finding 8: Staff incorporates applicant findings.

“While the provisions listed in Chapter 43 CDC are specific to residential homes, the design of the proposed elevations is subject to the provisions of Chapter 55, which has been addressed within this narrative. Several steps have been utilized to reduce bulk of the school and the impact of the sidewall elevations of the school on surrounding homes. These include setbacks exceeding 20 feet on all sides, the use of projections and recessions, roof plane changes, material changes, and a planted buffer area along the frontage of Dollar Street.”

The criteria are met.

11.080 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 the criteria set forth in CDC 60.070(A) and (B).

Staff Finding 9: The applicant proposes construction of a middle school in the R-10 zone. Schools are an allowed Conditional Use in the R-10 zone. The proposal will consolidate three tax lots (further described as Tracts X, V, W, S, R, Q, N, and a portion of Tract O of 1st ADDN Willamette Falls Acreage Tracts) into one tax lot. The single consolidated lot will be 932,184 square feet. See Staff Findings 229-240 for compliance with CDC 60.070(A) and (B).

The criteria are met.

II. CHAPTER 28: WILLAMETTE AND TUALATIN RIVER PROTECTION

28.030 APPLICABILITY

A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City’s zoning map, and include:

1. All land within the City of West Linn's Willamette River Greenway Area.
2. All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.
3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.
 - B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.
 - C. All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.
 - D. The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure.

Staff Finding 10: Staff incorporates applicant findings.

"In accordance with WLCDC 28.030(A)(2), All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River are within the Tualatin River Protection Area. PHS mapped the ordinary high-water mark of the Tualatin River adjacent to the project area. A 200' foot buffer was applied to the ordinary high-water mark to determine the Tualatin River Protection Area within the project site. The Tualatin River protection area is portrayed on Figure 5 within the Natural Resource Review (Exhibit 17). A total of 10,980 sf of the protection area will be impacted to facilitate the construction of the school campus."

The criteria are met.

28.090 SUBMITTAL REQUIREMENTS: APPLICATION

- A. An application for a protection area permit shall be initiated by the property owner or the owner's authorized agent. Evidence shall be provided to demonstrate that the applicant has the legal right to use the land above the OLW. The property owner's signature is required on the application form.
- B. A prerequisite to the filing of an application is a pre-application conference at which time the Planning Director shall explain the provisions of this chapter and provide appropriate forms as set forth in CDC 99.030(B).
- C. An application for a protection area permit shall include the completed application and:
 1. Narrative which addresses the approval criteria of CDC 28.110.

Staff Finding 11: Staff incorporates applicant findings.

“A detailed narrative addressing the requirements of CDC 28.110 has been provided in the Natural Resource Review (Exhibit 17). CDC 28.110 has also been addressed within this narrative.”

The criteria are met.

2. *A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC [28.120](#)).*

Staff Finding 12: Staff incorporates applicant findings.

“A site plan with HCA boundaries (Figures 6-6G) has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

3. *A grading plan if applicable (CDC [28.130](#)).*

Staff Finding 13: Staff incorporates applicant findings.

“A grading plan (Figures 7-7G) has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

4. *Architectural drawings if applicable (CDC [28.140](#)).*

Staff Finding 14: Staff incorporates applicant findings.

“Architectural Drawings (Figures 10-10C) has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

5. *A landscape plan if applicable (CDC [28.150](#)).*

Staff Finding 15: Staff incorporates applicant findings.

“A Landscape Plan (Figures 9A-9L) has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

6. *A mitigation plan if applicable (CDC [28.160](#)).*

Staff Finding 16: Staff incorporates applicant findings.

“A Mitigation Plan (Figures 11A-11D) has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

7. *A storm detention and treatment plan and narrative statement pursuant to CDC [92.010\(E\)](#).*

Staff Finding 17: Staff incorporates applicant findings.

“A Preliminary Drainage Report (Exhibit 12) has been provided under Appendix D.”

The criteria are met.

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items, including the narrative, must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the city. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Director.

Staff Finding 18: Staff incorporates applicant findings.

“An application form has been provided under Appendix A.”

The Criteria are met.

D. The applicant shall pay the requisite fees.

Staff Finding 19: Staff incorporates applicant findings.

The applicant has paid all requisite fees.

The criteria are met.

E. The applicant shall be responsible for, and shall apply for, all applicable State and/or federal permits.

Staff Finding 20: Staff incorporates applicant findings.

“The proposed development does not require state or federal permits. This standard is not applicable.”

F. The applicant shall include a map, approved or acknowledged by DSL, of the preference rights and authorized areas if a water surface structure is proposed.

Staff Finding 21: Staff incorporates applicant findings.

“A Letter of Concurrence from DSL (Attachment C) has been included within the Habitat Conservation Area Report which has been provided in the Natural Resource Review (Exhibit 17).”

The criteria are met.

28.110 APPROVAL CRITERIA

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

A. Development: All sites.

1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, "tree canopy only" HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.

Staff Finding 22: The Planning Manager has visited the site and reviewed the PHS Natural Resource Review. The 0.52 acres of HCA along Willamette Falls Drive is greater than 200 feet from the Tualatin River, disconnected from the riparian habitat by the road, and designated based on the presence of tree canopy and not habitat function. The HCA area is classified as Class A Upland Habitat per Metro Functional Plan Title 13 with Low Urban Development Value, which results in a designation of no HCA. The Planning Manager has verified the 0.52 acres is buildable is re-designated as land not designated as HCA. The criteria are met.

2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated "Habitat and Impact Areas Not Designated as HCAs," consistent with subsection (A)(3) of this section.

Staff Finding 23: The proposal avoids HCA area to the greatest degree possible, but due to required street improvements associated with the proposal, HCA areas along the west end of the property will be impacted. The construction of a roundabout on Willamette Falls Drive is the preferred option for intersection traffic management and has been requested by the City of West Linn Public Works Department. Further impacts are due to the proposed new roadway connecting Dollar Street and Willamette Falls Drive. The criteria are met.

3. If the subject property contains no lands designated "Habitat and Impact Areas Not Designated as HCAs" and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Staff Finding 24: The proposed school building, sports fields, playground, and parking areas are all located in Habitat and Impact Areas Not Designated as HCAs. The only impacts to HCAs are due required street improvements associated with the proposal and the design has directed the improvements to medium and then high HCA designated lands (no low HCA exists) with the goal of minimizing disturbance of the HCAs. The criteria are met.

4. All development, including exempted activities of CDC 28.040, shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.

Staff Finding 25: Staff incorporates applicant findings.

“An Erosion Prevention and Sediment Control Plan prepared in accordance with CDC 28.040 will be submitted for review prior to site disturbance. This standard is met.”

The applicant will provide an Erosion Prevention and Sediment Control Plan prepared to the standard set forth in CDC 28.040 prior to issuance of site development permit. See condition of approval #4. Subject to the conditions of approval, the criteria are met.

B. Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with “a” being the most appropriate and “d” being the least appropriate:

Staff Finding 26: Staff incorporates applicant findings.

“The proposed development is not residential. The requirements of this section are not applicable.”

The criteria do not apply.

C. Setbacks from top of bank.

Staff Finding 27: Staff incorporates applicant findings.

“The proposed development is not residential. The requirements of this section are not applicable.”

The criteria do not apply.

D. Development of lands designated for industrial, commercial, office, public and other nonresidential uses.

1. Development of lands designated for industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential uses shall be permitted on the following land designations and in the following order of preference with “a” being the most appropriate for development and “d” being the least appropriate:

a. “Habitat and Impact Areas Not Designated as HCAs”

b. Low HCA

c. Moderate HCA

d. High HCA

2. Developing HCA land.

a. Where non-HCA or areas designated as “Habitat and Impact Areas Not Designated as HCAs” are lacking or are in such limited supply as to render uses allowed by the underlying zone (e.g., general industrial) functionally impractical, the HCA may be utilized and built upon but shall emphasize “b” and “c” designations.

b. Where it is proposed that a “d” or high HCA classification be used, the property owner must demonstrate that the proposed use is clearly a water-dependent use. Proximity to the river for the purpose of views is not valid grounds. However, public interpretive facilities of historic facilities such as the government locks will be permitted as well as wildlife interpretive facilities and ADA-accessible platforms.

Staff Finding 28: The proposed school building, sports fields, playground, and parking areas are all located in Habitat and Impact Areas Not Designated as HCAs. The only impacts to HCAs are due required street improvements associated with the proposal and the design has directed the improvements to medium and then high HCA designated lands (no low HCA exists) with the goal of minimizing disturbance of the HCAs. (Exhibit PC-1, page 15). The criteria are met.

E. Hardship provisions and non-conforming structures

Staff Finding 29: Staff incorporates applicant findings.

“The applicant is not proposing hardship provisions or non-conforming structures. The requirements of this section are not applicable.”

The criteria do not apply.

F. Access and property rights.

- 1. Private lands within the protection area shall be recognized and respected.*
- 2. Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.*

Staff Finding 30: Staff incorporates applicant findings.

“No public access to the protection area exists within the project area. A connection to existing trails is proposed. The requirements of this section are not applicable.”

The criteria do not apply.

- 3. To construct a water-dependent structure such as a dock, ramp, or gangway shall require that all pre-existing legal public access or similar legal rights in the protection area be recognized and respected. Where pre-existing legal public access, such as below the OLW, is to be obstructed by, for example, a ramp, the applicant shall provide a reasonable alternate route around, over or under the obstruction. The alternate route shall be as direct as possible. The proposed route, to include appropriate height clearances under ramps/docks and specifications for safe passage over or around ramps and docks, shall be reviewed and approved by the Planning Director for adequacy.*

Staff Finding 31: Staff incorporates applicant findings.

“Work is not proposed below the OLW. The requirements of this section are not applicable.”

The criteria do not apply.

- 4. Any public or private water-dependent use or facility shall be within established DSL-authorized areas.*

Staff Finding 32: Staff incorporates applicant findings.

“The proposed development is not water dependent. The requirements of this section are not applicable.”

The criteria do not apply.

5. Legal access to, and along, the riverfront in single-family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.

Staff Finding 33: Staff incorporates applicant findings.

“The proposed development is not single-family residential. The requirements of this section are not applicable.”

The criteria do not apply.

G. Incentives to encourage access in industrial, multi-family, mixed use, commercial, office, public and non-single-family residential zoned areas.

1. For all industrial, multi-family, mixed use, commercial, office, public and other nonsingle-family residential zones, this section encourages the dedication or establishment of access easements to allow legal public access to, and along, the river. Support for access may be found in the Parks Master Plan, a neighborhood plan or any applicable adopted sub-area plans. The emphasis will be upon locating paths where there is a reasonable expectation that the path can be extended to adjacent properties to form a connective trail system in the future, and/or where the trail will provide opportunities for appreciation of, and access to, the river.

Staff Finding 34: Staff incorporates applicant findings.

“A connection between the existing trail system and the new Brandon Place extension will be constructed to maintain opportunities for appreciation of, and access to, the river. This standard is met.”

The criteria are met.

2. Height or density incentives may be available to developers who provide public access. Specifically, commercial, industrial, multi-family, mixed use, and public projects may be constructed to a height of 60 feet. No variance is required for the 60 foot height allowance regardless of the underlying zone height limitations; however, the following conditions must be met: a. Provide a minimum 20-foot-wide all-weather public access path along the project’s entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way. c. Fencing may be required near steep dropoffs or grade changes.

Staff Finding 35: Staff incorporates applicant findings.

“The proposed development does not require a height or density incentive. The requirements of this section are not applicable.”

The criteria do not apply.

H. Partitions, subdivisions and incentives.

Staff Finding 36: Staff incorporates applicant findings.

“The proposed development is not a land division. The requirements of this section are not applicable.”

The criteria do not apply.

I. Docks and other water-dependent structures.

J. Joint docks.

K. Non-conforming docks and other water-related structures

Staff Finding 37: Staff incorporates applicant findings.

“The proposed development does not include docks or water-dependent structures. The requirements of this section are not applicable.”

The criteria do not apply.

L. Roads, driveways, utilities, or passive use recreation facilities.

Staff Finding 38: Staff incorporates applicant findings.

“Impacts to high and moderate HCA land is proposed; however, the impacts to the HCA is the minimum necessary to construct a roundabout and surface street connection between Borland Road, Dollar Street and Brandon Place. Given the location of the existing roadways, no practicable alternative exists which would not result in impacts to the HCAs.”

The criteria are met.

M. Structures.

Staff Finding 39: Staff incorporates applicant findings.

“The proposed development does not include structures within the HCA. The requirements of this section are not applicable.”

The criteria do not apply.

N. Water-permeable materials for hardscapes. The use of water-permeable materials for parking lots, driveways, patios, and paths as well as flow-through planters, box filters, bioswales and drought tolerant plants are strongly encouraged in all “a” and “b” land classifications and shall be required in all “c” and “d” land classifications. The only exception in the “c” and “d” classifications would be where it is demonstrated that water-permeable driveways/hardscapes could not structurally support the axle weight of vehicles or equipment/storage load using those areas. Flow through planters, box filters, bioswales, drought tolerant plants and other measures of treating and/or detaining runoff would still be required in these areas.

Staff Finding 40: Staff incorporates applicant findings.

“Water-permeable materials are not proposed. The requirements of this section are not applicable.”

The criteria do not apply.

O. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.

Staff Finding 41: Staff incorporates applicant findings.

“Signage, if necessary, will be consistent with the purposes of the protection area.”

The criteria are met.

P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.

Staff Finding 42: Proposed lighting will not be oriented towards the surface of the river.

Lighting is focused internally to the grounds of the proposed school and athletics track. The proposed light plan is provided see (Light Coverage Plan, Exhibit PC-1, LU4.01).

The criteria are met.

Q. Parking. Parking and unenclosed storage areas located within or adjacent to the protection area boundary shall be screened from the river in accordance with Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas. The use of water-permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 28.110(N)(4).

Staff Finding 43: Staff incorporates applicant findings.

“Parking is not proposed within the HCA. The requirements of this section are not applicable.”

The criteria do not apply.

R. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park. Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

Staff Finding 44: The applicant has designed and located the new middle school to have little to no impact on significant views of the Tualatin River. This site does not have a view of the Willamette River. (Exhibit PC-1, page 18)

The Criteria are met.

S. Aggregate deposits. Extraction of aggregate deposits or dredging shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to promote necessary reclamation.

Staff Finding 45: Staff incorporates applicant findings.

“Extraction of aggregate deposits and dredging are not proposed. The requirements of this section are not applicable.”

The criteria do not apply.

T. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken. Any construction to stabilize or protect the bank with rip rap, gabions, etc., shall only be allowed where there is clear evidence of erosion or similar hazard and shall be the minimum needed to stop that erosion or to avoid a specific and identifiable hazard. A geotechnical engineer’s stamped report shall accompany the application with evidence to support the proposal.

Staff Finding 46: Staff incorporates applicant findings.

“The proposed development does not include the construction of a water related or water dependent use. A Geotechnical Report prepared by GeoDesign has been submitted under Appendix D of this application. This standard is met.”

The criteria are met.

2. The applicant shall establish to the satisfaction of the approval authority that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach and river edge).

Staff Finding 47: Staff incorporates applicant findings.

“The river protection zone extends onto the project area; however, lower terraces and the River edge are located off-site on adjacent tax lots. No disturbance to these features will occur as a result of the project. This standard is met.”

The criteria are met.

3. *The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.*

Staff Finding 48: The proposal is not located adjacent to the river and does not propose any bank stabilization measures. The applicant shall submit an Erosion Prevention and Sediment Control Plan per Condition of Approval #4. Subject to the Conditions of Approval, the criteria are met.

4. Prior to any grading or development, that portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved Willamette and Tualatin River Protection and/or water resource area (WRA) permit. Such fencing shall be maintained until construction is complete. That portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be identified with City approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

Staff Finding 49: Staff incorporates applicant findings.

“Anchored chain link fencing will be installed along undisturbed portions of the Tualatin River protection area. This standard is met.”

The criteria are met.

5. Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.

Staff Finding 50: The applicant shall submit an Erosion Prevention and Sediment Control Plan per Condition of Approval XX. Subject to the Conditions of Approval, the criteria are met.

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.

Staff Finding 51: Staff incorporates applicant findings.

“The proposed development will not require the disturbance of vegetation below the OHW. The requirements of this section are not applicable.”

The criteria do not apply.

2. Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or their designated expert. “Unhealthy or disturbed” includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved.

“Vegetative improvements” will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.

Staff Finding 52: The high and medium value HCA is not in an unhealthy or disturbed state. The applicant has proposed mitigation for the road improvement impacts to the HCA to be installed in the riparian corridor on the east end of the subject property. The applicant submitted a Natural Resource Review, which includes a mitigation plan meeting CDC 28.160 criteria (Exhibit PC-1, pages 717 to 780).

The criteria are met.

- 3. Tree cutting shall be prohibited in the protection area except that:*
- a. Diseased trees or trees in danger of falling may be removed with the City Arborist’s approval; and*
 - b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;*
 - c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained.*

Staff Finding 53: Staff incorporates applicant findings.

“The proposed development will not require tree cutting within the protected areas The requirements of this section are not applicable.”

The criteria do not apply.

III. CHAPTER 32: WATER RESOURCE AREA PROTECTION 32.040 EXEMPTIONS

The following development, activities or uses are exempt from a WRA permit but must conform to any applicable requirements of this section.

A. Vegetation maintenance, planting and removal.

- 1. The routine maintenance of any existing WRA, consistent with the provisions of this chapter such as, but not limited to, removing pollutants, trash, unauthorized fill, and dead or dying vegetation that constitutes a hazard to life or property.*
- 2. Removal of plants identified as nuisance, invasive or prohibited plants; provided, that after plant removal, re-vegetation of disturbed areas is performed pursuant to CDC 32.100.*

3. *The planting or propagation of plants identified as native plants on the Portland Plant List.*

Staff Finding 54: The applicant proposes mitigation within the WRA on the east end of the subject property. The mitigation activities are consistent with the exemptions for routine maintenance and removal of invasive plants. No development is proposed within the WRA. The criteria are met.

*IV. 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.*

Staff Finding 55: Staff incorporates applicant findings.

“The school site will include accessory structures consistent with the school use. The accessory structures proposed include a greenhouse, a concession stand and a track and field storage building. The proposed greenhouse will not be used for commercial purposes and will not require a license pursuant to Chapter 571 of the Oregon Revised Statutes.”

The criteria are met.

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.*

Staff Finding 56: The applicant proposes three separate non-dwelling accessory structures.

- 1. Greenhouse 1,200 sq. ft., 89 ft. 5in. setback, 14 ft. 3 in. height**
- 2. Concession Stand 720 sq. ft., 24 ft. 6 in. setback, 12 ft. 5 in. height**
- 3. Track and Field Storage 667 sq. ft., 41 ft. 10 ft. setback, 10 ft height**

The CDC defines an accessory structure as *A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use.*

All three of the applicant’s proposed accessory structures meet the requirements for size, setbacks, and height. (Exhibit PC-1, pages 21-22).

The criteria are met.

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.

Staff Finding 57: Staff incorporates applicant findings.

“The three accessory structures have not been located in the required side or rear yard setbacks. A reduction in the required setback has not been requested for any of the proposed accessory structures.”

The criteria are met.

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.

Staff Finding 58: Staff incorporates applicant findings.

“Attached accessory structures are not proposed. The requirements of this section are not applicable.”

The criteria do not apply.

V. CHAPTER 41, BUILDING HEIGHT, STRUCTURES ON STEEP SLOPES, EXCEPTIONS

41.005 DETERMINING HEIGHT OF BUILDING

A. For all zoning districts, building height shall be the vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline or peak of a pitched or hipped roof, not including projections above roofs such as cupolas, towers, etc. The reference datum shall be selected by either of the following, whichever yields a greater height of building.

1. For relatively flat sites where there is less than a 10-foot difference in grade between the front and rear of the building, the height of the building shall be measured from grade five feet out from the exterior wall at the front of the building; or
2. For steeper lots where there is more than a 10-foot difference in grade between the front and rear of the building, the height of the building is measured from grade at a point five feet out from the exterior wall on the lowest side (front or rear) of the building. One then measures vertically to the peak or ridgeline of the roof to determine the height.
3. Buildings on cross slopes or side slopes are measured at either the front or rear of the building using methods described in subsections (A)(1) and (2) of this definition only. Even if the cross slope creates a tall elevation on the side, the method of determining height is not modified.

Staff Finding 59: Staff incorporates applicant findings.

“The subject site has more than a 10-foot difference in grade. The grade elevation of the building along the frontage of Dollar Street is 198.34 feet. The grade elevation of the building along Willamette Falls Drive is 175.00 feet. The total grade change across the building is 23.34 feet. The building height has been measured from grade at a point five feet out from

the exterior wall on the lowest side of the building. The City considers public schools to be government buildings, as noted in the pre-application conference notes provided under Appendix B of this application.

The school has a maximum height of 48 feet, which does not exceed the 50-foot maximum height allowed for government buildings per CDC 41.040. The table below provides the height of the principal structure at each corresponding yard. Where the height exceeds 35 feet, the minimum height allowance of the underlying zone, the required yard dimension has been calculated as two-thirds of the building height of the principal structure at the corresponding yard. The required yard dimension has been met and exceeded.”

	Building Height	Required Yard Dim.	Proposed Yard Dim.
Front Yard (Brandon Pl)	48 ft. 0 in.	32 ft.	466.6 ft.
Rear Yard	44 ft. 9 in.	29 ft. 10 in.	639.2 ft.
Street Side Yard (Dollar St.)	33 ft. 3 in.	15 ft.	40.1 ft.
Street Side Yard (Willamette Falls Dr)	44 ft. 9 in.	29 ft. 10 in.	89.0 ft.

The criteria are met.

41.040 PLACES OF WORSHIP OR GOVERNMENT BUILDINGS

The height of a place of worship or governmental building may be built to a maximum height of 50 feet provided:

- A. The total floor area of the building does not exceed one and one-half times the area of the site;*
- B. The yard dimensions in each case are equal to at least two-thirds of the building height of the principal structure; and*
- C. The approval of this exception is a part of the approval of the conditional use allowed under Chapter 60 CDC.*

Staff Finding 60: Staff incorporates applicant findings.

“The school has a maximum height of 48 feet, which does not exceed the 50-foot maximum height allowed for government buildings. The total floor area for the school site is 110,972 square feet. The site has a total net area excluding Type I and II lands of 775,368 square feet. The total floor area of the buildings on site is approximately 14.3 percent of the site. The floor area does not exceed one and one-half times the area of the site.

The table below provides the height of the principal structure at each corresponding yard. Where the height exceeds 35 feet, the minimum height allowance of the underlying zone, the required yard dimension has been calculated as two-thirds of the building height of the principal structure at the corresponding yard. The required yard dimension has been met and exceeded.”

	Building Height	Required Yard Dim.	Proposed Yard Dim.
Front Yard (Brandon Pl)	48 ft. 0 in.	32 ft.	466.6 ft.
Rear Yard	44 ft. 9 in.	29 ft. 10 in.	639.2 ft.
Street Side Yard (Dollar St.)	33 ft. 3 in.	15 ft.	40.1 ft.
Street Side Yard (Willamette Falls Dr)	44 ft. 9 in.	29 ft. 10 in.	89.0 ft.

“The building heights have been illustrated on the Building Sections (Sheet LU3.04) submitted under Appendix E. The proposed yard dimensions have been shown on the Site Plan (Sheet LU1.10). This proposed school is a Conditional Use subject to Chapter 60. The requirements of this section have been met.”

The criteria are met.

VI. 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.

Staff Finding 61: Staff incorporates applicant findings.

“A clear vision area will be maintained at the intersection of Brandon Place and Dollar Street, at the intersection of Brandon Place and Willamette Falls Drive and at the proposed parking lot accessways on Dollar Street and Brandon Place. The clear vision area will not contain plantings, fences, walls, or structures exceeding three feet in height. Clear Vision Triangles have been shown at all intersections on the Overall Site Plan (SheetLU1.10). The proposed monument sign has been located outside of the vision clearance triangle areas. This requirement is met.”

The criteria are met.

42.050 COMPUTATION; ACCESSWAY LESS THAN 24 FEET IN WIDTH

The clear vision area for street and accessway intersections (accessways having less than 24 feet in width) shall be that triangular area whose base extends 30 feet along the street right-of-way line in both directions from the centerline of the accessway at the front setback line of a single-family and two-family residence, and 30 feet back from the property line on all other types of uses.

Staff Finding 62: Staff incorporates applicant findings.

“The proposed parking lot accessways are 24 feet wide measured curb-to-curb. Clear vision area triangles consistent with the requirements of this section have been shown on the Overall Site Plan (Sheet LU1.10). This standard is met.”

The criteria are met.

VII. 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

Staff Finding 63: Staff incorporates applicant findings.

“The proposed development will include a chain-link fence within the street side yard along Dollar Street. The proposed fencing will be four feet in height. The location of the proposed fencing has been shown on the Landscape Materials Plans (Sheets L1102, L1103, L1105 and L1106). This standard is met”

The criteria are met.

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.

Staff Finding 64: Staff incorporates applicant findings.

“The District is not proposing retaining walls within the yard setbacks. The service yard retaining wall will have a wall of eight feet in height above finished grade as measured on the

north side of the wall along Dollar Street. The proposed wall will act as noise buffer for the school generator. The retaining wall located at the hard-scaped play area will have a wall height of 31.2 inches and a fence height of 42 inches above finished grade, as measured from the north side of the wall along Dollar Street. Both wall and fence combinations are consistent with the requirements of subsection 2 above. The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20). This standard is met.”
The criteria are met.

44.040 LANDSCAPING

Landscaping which is located on the fence line and which impairs sight vision shall not be located within the clear vision area as provided in Chapter 42 CDC.

Staff Finding 65: Staff incorporates applicant findings.

“Landscaping which impairs sight vision will not be located in the clear vision areas. This standard is met.”

The criteria are met.

44.050 STANDARDS FOR CONSTRUCTION

- A. *The structural side of the fence shall face the owner’s property; and*
- B. *The sides of the fence abutting adjoining properties and the street shall be maintained.*

Staff Finding 66: Staff incorporates applicant findings.

“The structural side of all proposed fences will face the owner’s property. The sides of the fence abutting adjoining properties and the street will be maintained. This standard is met.”

The criteria are met.

VIII. CHAPTER 46, OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.020 APPLICABILITY AND GENERAL PROVISIONS

- A. *At the time a structure is erected or enlarged, or the use of a structure or unit of land is changed within any zone, parking spaces, loading areas and reservoir areas shall be provided in accordance with the requirements of this chapter unless other requirements are otherwise established as a part of the development approval process.*

Staff Finding 67: Staff incorporates applicant findings.

“The parking requirement for the new school has been calculated under CDC 46.090 based on the floor area of the building and the number of full-time employees. A total of 186 parking spaces is required. The site will provide a total of 186 parking spaces. Parking spaces have been provided in accordance with the requirements of this chapter. This standard is met.”

The criteria are met.

- B. *The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.*

Staff Finding 68: Staff incorporates applicant findings.

“The applicant acknowledges that the provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner. This standard is met.”
The criteria are met.

C. *No building or other permit shall be issued until plans are approved that show the property that is and will remain available for exclusive use as off-street parking and loading space as required by this chapter.*

Staff Finding 69: Staff incorporates applicant findings.

“The applicant acknowledges that no building or other permits will be issued until plans are approved that show the property that is and will remain for the exclusive use as off-street parking. This standard is met.”

The criteria are met.

D. *Required parking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC [46.150](#).*

Staff Finding 70: Staff incorporates applicant findings.

“All proposed parking stalls have been designed to meet the City’s requirements for 90-degree parking. The standard parking stalls are 9 feet wide and 18 feet long, with a minimum drive aisle width of 24 feet. The compact parking stalls are 8 feet wide and 16 feet long. Based on the floor area of the school, two loading berths are required. A double loading berth that is approximately 40 feet wide and 30 feet long has been provided in the northwest corner of the school. All proposed parking spaces will be improved to the standards contained in this chapter. This standard is met.”

The criteria are met.

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.*

Staff Finding 71: Staff incorporates applicant findings.

“An Overall Site Plan (Sheet LU1.10), as well as detailed Site Plans (Sheets LU1.11-LU1.17), an Overall Grading And Storm Plan (Sheet LU1.20) as well as detailed Grading and Storm Plans (Sheets LU1.21-LU1.27), and a landscape Materials Plan Overall (Sheet L1100) as well as detailed landscape Materials Plans (Sheets L1101-LU1107), have been submitted illustrating requirements A-K above. This standard is met.”

The criteria are met.

46.040 APPROVAL STANDARDS Approval shall be based on the standards set forth in this chapter and Chapter 48 CDC, Access, Egress and Circulation; Chapter 52 CDC, Signs; and Chapter 54 CDC, Landscaping.

Staff Finding 72: Staff incorporates applicant findings.

“Chapter 48 CDC, Access, Egress and Circulation; Chapter 52 CDC, Signs; and Chapter 54 CDC, Landscaping has been addressed within this narrative. This standard is met.”

The criteria are met.

46.050 JOINT USE OF A PARKING AREA

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

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

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

Staff Finding 73: Staff incorporates applicant findings.

“The school does not utilize a joint parking agreement. The requirements of this section are not applicable.”

The criteria do not apply.

46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE

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

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

(...)

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

(...)

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

Staff Finding 74: Staff incorporates applicant findings.

“The school campus consists of a main school building with multiple entrances, recreation facilities, and outdoor learning spaces to serve the students and teachers. There are two parking areas on site.

The west parking lot will primarily serve parents and visitors to the school. All parking stalls within the parking lot are located within 200 feet of the main covered entryway, or within 200 feet of the entryway to the band and choir rooms as measured from the nearest point of each parking space.

The east parking lot will primarily serve as a bus loading zone and staff parking lot, with parking for special events on site associated with the recreation facilities. The majority of the parking stalls within the east parking lot are located within 200 feet of the entrance to the multi-use track and field, located on the south side of the field, or within 200 feet of the building entrance to the southern classroom wing. A total of three parking stalls in the east parking lot are not compliant with the maximum 200 foot spacing requirement of this section. These three parking stalls are located within 230 feet of the southern classroom wing, and 225 feet of the multi-use track and field entrance.

A class II variance has been requested for the off-street parking lot spacing. The class II variance criteria have been addressed within this narrative.”

The criteria are met.

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

A. Where several uses occupy a single structure or unit of land, a combination of uses is included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the sum of the requirements of the several uses, computed separately. For example, parking for an auto sales and repair business would be calculated using the “retail-bulky” calculation for the sales area and the “service and repair” calculation for the repair area. In another example, parking for a shopping center with a grocery store, a restaurant, and a medical office would be calculated using the “general retail store” calculation for the grocery store, the “restaurant” calculation for the restaurant, and the “medical/dental clinics”

calculation for the medical office. The total number of required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a customer visits several commercial establishments during one visit to the commercial center) of adjacent businesses or services in a commercial center with five or more separate commercial establishments.

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

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

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

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

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

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

Staff Finding 75: The floor area of the proposed new middle school is 110,972 square feet. The proposed new middle school will have 75 employees. This equates to 186 required parking spaces. The applicant has proposed 186 parking stalls for this project. The criteria are met.

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

B. Public and semi-public buildings/uses.

6. Primary school, middle school, or equivalent private or parochial school.

One space for every employee, plus 1 space for each 1,000 square feet of floor area.

Staff Finding 76: The floor area of the proposed new middle school is 110,972 square feet. The proposed new middle school will have 75 employees. This equates to 186 required parking spaces ($110,972/1000 = 111 + 75 = 186$). The applicant has proposed 186 parking stalls for this project.

The criteria are met.

F. Maximum parking. Parking spaces (except for single-family and two-family residential uses) shall not exceed the minimum required number of spaces by more than 10 percent.

Staff Finding 77: The maximum number of parking spaces for the proposed new middle school is 205 ($186 + 186/10 = 205$). The applicant is proposing the minimum 186 parking spaces. The proposal will not exceed the maximum allowed parking spaces.

The criteria are met.

G. Parking reductions. An applicant may reduce parking up to 10 percent for development sites within one-quarter mile of a transit corridor or within a mixed-use commercial area, and up to 10 percent for commercial development sites adjacent to multi-family residential sites with the potential to accommodate more than 20 dwelling units.

Staff Finding 78: The applicant is not requesting a reduction in parking spaces. The criteria do not apply.

H. For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9:00 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The carpool/vanpool spaces shall be clearly marked "Reserved – Carpool/Vanpool Before 9:00 a.m."

Staff Finding 79: Staff incorporates applicant findings.

"The school parking lot will have 75 employee parking spaces. A total of eight parking spaces will be designated as carpool/vanpool spaces. The carpool spaces are in the east parking lot and have been shown on the Overall Site Plan (Sheet LU1.14). This standard is met."

The criteria are met.

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

Staff Finding 80: Staff incorporates applicant findings.

"A reduction in parking spaces is not requested. The requirements of this section are not applicable."

The criteria are met.

J. Development in water resource areas may reduce the required number of parking spaces by up to 25 percent. Adjacent improved street frontage with curb and sidewalk may also be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property.

Staff Finding 81: Staff incorporates applicant findings.

"Development is not proposed in a water resource area. The requirements of this section are not applicable."

The criteria do not apply.

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

Staff Finding 82: Staff incorporates applicant findings.

“The driveways for the proposed parking lots have been designed for two direction travel with a 24-foot wide paved area. The travel lane at the western parking lot widens to 30 feet along the student drop-off area for 457 feet of curb length to allow for the continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers. The eastern parking lot will be utilized for staff parking and buses. The travel lane from Dollar Street has been designed for two direction travel with 24-foot wide paved areas. The travel lane widens to 34 feet along the bus loading areas for 595 feet of curb length to allow for continuous forward flow of passenger vehicles. The proposed driveway widths have been shown on the Site Plans (Sheet LU1.11-LU1.17). This standard is met.”

The criteria are met.

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:

Land Use	Gross Floor Area	
	At Which First Berth Is Required	At Which Second Berth Is Required
(...)		
Institutional: Schools	10,000	100,000
(...)		

Staff Finding 83: The proposed middle school has a gross floor area of 110,972 square feet. A double loading berth approximately 40 feet wide and 30 feet long has been provided in the northwest corner of the school. (Exhibit PC-1, LU1.12).

The criteria are met.

46.140 EXEMPTIONS TO PARKING REQUIREMENTS

To facilitate the design requirements of Chapter 58 CDC, properties in the Willamette Falls Drive Commercial Design District, located between 10th and 16th Streets, shall be exempt from the minimum parking and off-street loading requirements as identified in this chapter. Any off-

street parking or loading spaces voluntarily provided shall be designed and installed per the dimensional standards of this code.

Staff Finding 84: Staff incorporates applicant findings.

“The proposed development is not located within the Willamette Falls Drive Commercial Design District. This standard does not apply.”

The criteria do not apply.

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.*

Staff Finding 85: Staff incorporates applicant findings.

“All proposed standard parking stalls meet a minimum dimension of nine feet in width and 18 feet in length. All proposed compact parking stalls will meet a minimum dimension of eight feet in width and 16 feet in length. Of the 186 parking stalls on site, a total of 70, or 37.6 percent will be compact. Compact parking spaces have been labeled on the Site Plans (Sheet LU1.11-LU1.17). This standard is met.”

The criteria are met.

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

Staff Finding 86: Staff incorporates applicant findings.

“All proposed disabled parking and maneuvering spaces have been designed to be consistent with current federal dimensional standards. The location of the accessible parking spaces has been shown on the Overall Site Plan (Sheet LU1.10). This requirement is met.”

The criteria are met.

3. *Repealed by Ord. 1622.*

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

Staff Finding 87: Staff incorporates applicant findings.

“All service drives have been designed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on site. The two access drives to the school building have been designed with queuing areas for drop-off and pick-up to allow for the continuous flow of traffic on site and within the surrounding neighborhood. The parking areas and drop off areas on site have been separated to provide a parent parking and drop-off and pick-up zone in the west parking lot and bus loading and staff parking in the east parking lot. The separation of the parking functions on site will help to minimize neighborhood impacts during drop-off and pick-up times. The west and east parking lots have been shown on the Overall Site Plan (Sheet LU1.10). This standard is met.”

The criteria are met.

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

Staff Finding 88: Staff incorporates applicant findings.

“Each proposed parking space will have clear access. This standard is met.”

The criteria are met.

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

Staff Finding 89: Staff incorporates applicant findings.

“All proposed areas intended to be used to meet the off-street parking requirements will have all parking spaces clearly marked using permanent paint. All interior drives and access aisles will be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. This standard is met.”

The criteria are met.

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

Staff Finding 90: Staff incorporates applicant findings.

“The proposed parking areas will be improved with asphalt according to the same standard required for the construction and acceptance of City streets. This standard is met.”

The criteria are met.

8. Off-street parking spaces for single- and two-family residences shall be improved with an asphalt or concrete surface, or a permeable parking surface designed to reduce surface runoff, to specifications as approved by the Building Official. Other parking facilities for two- and single-family homes that are to accommodate additional vehicles, boats, recreational vehicles, and trailers, etc., need not be paved. All parking for multifamily residential development shall be paved with concrete or asphalt. Driveways shall measure at least 20 feet from the back of sidewalk to garage or the end of the parking pad to accommodate cars and sport utility vehicles without the vehicles blocking the public sidewalk.

Staff Finding 91: Staff incorporates applicant findings.

“The proposed development is an institutional use. The requirements of this section are not applicable to the proposed development.”

The criteria are met.

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

Staff Finding 92: Staff incorporates applicant findings.

“All proposed access drives have been designed and will be constructed to facilitate the flow of traffic to provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives will be limited to the minimum to accommodate and service the anticipated traffic. All access drives will be clearly and permanently marked. The length of the access drives has been maximized to the extent possible on the site and will provide for additional car queuing length on the site to minimize traffic backing up onto City streets. The access drives have been shown on the Overall Site Plan (Sheet LU1.10) included under Appendix E. A Transportation Impact Analysis and Supplemental Memo prepared by DKS and Associates has been prepared for the site and has been included under Appendix D. This standard is met.”

The criteria are met.

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

Staff Finding 93: Staff incorporates applicant findings.

“Clear vision area triangles consistent with Chapter 42 have been shown on the Overall Site Plan (Sheet LU1.10). This standard is met.”

The criteria are met.

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

Staff Finding 94: Staff incorporates applicant findings.

“Wheel stops have not been proposed within the parking areas. Where parking spaces abut sidewalks, the sidewalks have been widened to eight feet. Where parking spaces abut interior landscaping, a minimum landscape island width of 10 feet has been provided. This standard is met.”

The criteria are met.

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

Staff Finding 95: Staff incorporates applicant findings.

“The proposed parking areas will be drained in accordance with the City’s plans and specifications. The Preliminary Storm Water Report submitted under Appendix D provides a detailed analysis of the proposed stormwater management system. This standard is met.”

The criteria are met.

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

Staff Finding 96: Staff incorporates applicant findings.

“The proposed parking lot lighting has been designed to deflect all light downward away from surrounding residences. The parking lot lighting for the site has been designed to meet ASHRAE 90.1 code standards. Compliance with the ASHRAE lighting standards and the parking lot lighting coverage has been demonstrated on the Light Coverage Plan (Sheet LU4.01). This standard is met.”

The criteria are met.

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

Staff Finding 97: Staff incorporates applicant findings.

“All traffic control devices in the proposed parking lot will be identified. This standard is met.”

The criteria are met.

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.

Staff Finding 98: Staff incorporates applicant findings.

“The proposed development is not residential. The requirements of this section are not applicable.”

The criteria do not apply.

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

Staff Finding 99: Staff incorporates applicant findings.

“The school parking lot does not have specific parking spaces designated as visitor or guest parking. The west parking lot is for the primary use of guests and visitors of the school. This standard is met.”

The criteria are met.

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

Staff Finding 100: The west parking lot has a grade of 3.2%. The east parking lot has a grade of 3.25%. No drainage is proposed to cross sidewalks or walkways.

The criteria are met.

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

Staff Finding 101: Staff incorporates applicant findings.

“The total site frontage on Dollar Street is approximately 1,692 linear feet. The west parking lot has been located approximately 15 feet from the property line on Dollar Street at its closest point and has a total frontage length on Dollar Street of 188 linear feet, or 11.5 percent of the total frontage. The site has a total frontage of approximately 1680 feet on Willamette Falls Drive. The east parking lot has been located approximately 89 feet from the property line along Willamette Falls Drive and has a total frontage on Willamette Falls Drive of 370 linear feet, or 22 percent of the total frontage. This standard is met.”

The criteria are met.

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

- a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or*
- b. Twelve spaces in a group with six spaces abutting together; or*
- c. Two groups of 12 spaces abutting each other, but separated by a 15-foot-wide landscape area including a six-foot-wide walkway.*
- d. Parking areas improved with a permeable parking surface may be designed using the configurations shown in subsections (A)(19)(a), (b) and (c) of this section except that groups of up to 18 spaces are allowed.*
- e. The requirements of this chapter relating to total parking lot landscaping, landscaping buffers, perimeter landscaping, and landscaping the parking lot islands and interior may be waived or reduced pursuant to CDC 32.110(F) in a WRA application without a variance being required.*

Staff Finding 102: The parking lot design has organized parking stalls into groups of 12 or less. In areas that have two groups of 12 stalls abutting each other, the design has incorporated a 15-foot-wide landscape area which includes a 6-foot-wide pedestrian walkway.

The visitor parking lot has organized stalls with fewer than 24 abutting stalls but more than 12. Therefore, the design does not meet the threshold for the required 15-foot-wide landscape buffer with 6-foot walkway. However, the applicant has provided 10–13-foot-wide landscape buffers and a 7-8-foot-wide walkway.

The criteria are met.

20. *Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas... Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture, and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.*

Staff Finding 103: Pedestrian walkways have been provided from the parking lots to the school and other major activity areas on the proposed campus. The width of the walkways varies from 7 feet wide to 15 feet wide depending on the use of the area and the distance from the school.

The criteria are met.

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.*

Staff Finding 104: Staff incorporates applicant findings.

“The parking and circulation pattern on the school site has been designed and will be constructed to facilitate the flow of traffic to provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives will be limited to the minimum to accommodate and service the anticipated traffic. All access drives will be clearly and permanently marked. The length of the access drives has been maximized to the extent possible on the site will provide for additional car queuing length on the site to minimize traffic backing up onto City streets. Pedestrian crossings within the vehicle circulation and parking areas have been minimized to the extent possible and will be clearly marked. The parking and vehicle circulation areas have been shown on the Overall Site Plan (Sheet LU1.10) included under Appendix E. A Transportation Impact Analysis and Supplemental Memo prepared by DKS and Associates has been prepared for the site and has been included under Appendix D. This standard is met.”

The criteria are met.

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

Staff Finding 105: Staff incorporates applicant findings.

“The proposed parking areas will be located on the school site and serve Athey Creek Middle School and the associated school facilities. This standard is met.”

The criteria do not apply.

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

Staff Finding 106: Staff incorporates applicant findings.

“The proposed parking area has not been designed using permeable surfaces. The requirements of this standard are not applicable.”

The criteria do not apply.

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

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

<i>MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES</i>	<i>TOTAL NUMBER OF ACCESSIBLE SPACES</i>	<i>NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL</i>	<i>SPACES SIGNED “WHEELCHAIR USE ONLY”</i>
<i>(...)</i> 151-200	6 spaces	-	1

2. *Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.*
3. *Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.*
4. *Where any differences exist between this section and current federal standards, those standards shall prevail over this code section.*
5. *One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.*
6. *Van-accessible parking spaces shall have an additional sign marked "Van Accessible" mounted below the accessible parking sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair Use Only." Van-accessible parking shall have an adjacent eight-foot-wide aisle. All other accessible stalls shall have a six-foot-wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches*

Staff Finding 107: Staff incorporates applicant findings.

"The site has a total of 186 parking stalls; therefore, six ADA stalls are required. A total of nine ADA stalls, including two van stalls have been provided on site. The west parking lot has been designed with three ADA parking stalls, including one van stall. The east parking lot has been designed with six ADA parking stalls, including one van stall. The ADA parking stalls have been located on the shortest possible accessible circulation route to an accessible entrance to the building. This standard is met."

Each of the 9 ADA parking stalls are served by an access aisle more than 96 inches wide. The criteria are met.

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

Staff Finding 108: Staff incorporates applicant findings.

"Chapter 54 CDC has been addressed within this narrative."

See staff findings 149-170 for compliance with CDC Chapter 54 requirements.

The criteria are met.

D. Bicycle facilities and parking.

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

LAND USE CATEGORY MINIMUM REQUIRED BICYCLE PARKING SPACES

MINIMUM COVERED AMOUNT Schools – Jr. High or Middle Schools 4 spaces per classroom 50%

Staff Finding 109: Staff incorporates applicant findings.

“The proposed school will have a total of 25 classrooms. Based on the number of classrooms, 100 bicycle parking stalls are required, with 50 covered bicycle parking stalls. A total of 102 bicycle parking stalls have been provided on the school campus, with 50 covered. Three bicycle parking areas have been dispersed on the site to provide bicycle parking adjacent to both the west entrance and the east entrance as well as the recreation facilities on site.

The proposed school will have a total of 25 classrooms. Based on the number of classrooms, 100 bicycle parking stalls are required, with 50 covered bicycle parking stalls. A total of 102 bicycle parking stalls have been provided on the school campus, with 50 covered. Three bicycle parking areas have been dispersed on the site to provide bicycle parking adjacent to both the west entrance and the east entrance as well as the recreation facilities on site.

WEST BUILDING ENTRANCE The bicycle parking area located at the west entrance provides 36 bicycle parking stalls and is located within 50 feet of the main covered entryway as shown on the Site Plan (Sheet LU1.12) and Landscape Planting Plan (Sheet LU1400A).

EAST BUILDING ENTRANCES The bicycle parking area located at the east entrance provides 36 bicycle parking stalls, including 20 covered stalls, and is located within 50 feet from the main covered entryway and auxiliary gym entryway as shown on the Site Plan (Sheet LU1.13) and Landscape Planting Plan (Sheet LU1400A).

SITE RECREATION AREAS The school use of the site provides several site amenities and facilities for use by students and visitors during and after school hours. A bicycle parking area of 30 covered parking stalls has been centrally located within the recreation area of the school campus. This bicycle parking area has been located within 50 feet of a building entrance located within the classroom wing and within 50 feet of recreation areas that include basketball courts and hardscape play areas as illustrated on the Site Plan (Sheet LU1.13) and Landscape Planting Plan (Sheet LU1400A).”

The criteria are met.

E. 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:

Staff Finding 110: Staff incorporates applicant findings.

“The proposed development is not an office or industrial development. The requirements of this section are not applicable.”

The criteria do not apply.

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

ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION 'A'		DIMENSION 'B'	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	8.0'	9.0'	8.0'	9.0'	8.0'
30°	DRIVE-IN	12.5'	12.5'	16.8'	13.8'	18.0'	16.0'
45°	DRIVE-IN	12.5'	12.5'	19.1'	17.0'	12.7'	11.3'
60°	DRIVE-IN	19.0'	18.0'	20.1'	17.8'	10.4'	9.2'
60°	BACK-IN	17.0'	17.0'	20.1'	17.8'	10.4'	9.2'
90°	DRIVE-IN	23.0'	23.0'	18.0'	16.0'	9.0'	8.0'
90°	BACK-IN	22.0'	22.0'	18.0'	16.0'	9.0'	8.0'

Staff Finding 111: Staff incorporates applicant findings.

“All proposed stalls will be 90 degrees. The standard stalls have been designed to be 9.0 feet in width, 18.0 feet in length with 24.0-foot minimum drive aisles. The compact stalls have been designed to be 8.0 feet in width, 16.0 feet in length with 23.0-foot minimum drive aisles. The parking lot stall dimensions have been illustrated on the detailed Site Plans (Sheet LU1.12, LU1.14 and LU1.15). This standard is met.”

The criteria are met.

*IX. 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.

Staff Finding 112: Staff incorporates applicant findings.

“The provisions of this chapter have been addressed as they are applicable to the proposed development. Where sections of the City’s 2016 Transportation System Plan relating capital projects, access spacing, roadway design standards, frontage improvements and the Safe Routes to School Program are applicable, they have been addressed within this narrative and within the Traffic Impact Study and Supplemental Memo prepared by DKS and Associates included under Appendix E. This standard is met.”

The criteria are met.

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

Staff Finding 113: Applicant proposes access to site via Dollar Street and the extension of Brandon Street. Both access points are public streets. The criteria are met.

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.

Staff Finding 114: Applicant has submitted scaled plans as required by Chapter 48 of the Community Development Code. The applicant has clearly demonstrated how the access, egress, and circulation requirements have been met. The criteria are met.

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.

Staff Finding 115: Staff incorporates applicant findings.

“The provisions of this chapter have been addressed as applicable to the proposed school. The proposed development is subject to quasi-judicial review under Chapter 99 CDC. This standard is met.”

The criteria are met.

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.

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.

Staff Finding 116: Staff incorporates applicant findings.

“The site is used solely for the purpose of a middle school and the associated activities related to the operation of the middle school. The standards in Subsections E. and F. are not applicable to the proposed development.”

The criteria are met.

48.025 ACCESS control

A. Purpose

B. Access Control Standards

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

Staff Finding 117: A Traffic Impact Analysis was prepared by DKS Associates and was submitted as part of the application. A supplementary memo was provided by DKS Associates in response to community questions and concerns regarding traffic. The TIA and the supplementary memo can be found in appendix D of the application. The criteria are met.

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

Staff Finding 118: Staff incorporates applicant findings.

“As a result of a coordinated effort between City Staff and expert guidance from DKS and Associates, the development will include right-of-way improvements to Dollar Street and Willamette Falls Drive, and an extension of Brandon Place from Dollar Street to Willamette Falls Drive. The proposed extension of Brandon Place will provide a needed secondary emergency access route to the neighborhood. Vehicular access to the site will be provided on Dollar Street and on Brandon Place Drive. All required traffic control devices will be installed. The proposed parking lot access will not require backing onto Dollar Street or Brandon Place. This standard is met.”

The criteria are met.

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

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

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

c) *Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.*

Staff Finding 119: Staff incorporates applicant findings.

“The proposed parking lots will take access from Dollar Street and Brandon Place, both public streets. Other existing vehicular access to the site will be eliminated as shown on the plans. This standard is met.”

The criteria are met.

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).

Staff Finding 120: Staff incorporates applicant findings.

“The proposed development is not a subdivision. The requirements of this section are not applicable.”

The criteria do not apply.

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.

Staff Finding 121: The subject property has frontage on Willamette Falls Drive, classified as an arterial street, Dollar Street and the Brandon Place extension. Both proposed parking lots will take access from Dollar Street and Brandon Place. Both are classified as local streets. Local streets are a lower classification than arterial streets.

The criteria are met.

6. Access spacing.

a. The access spacing standards found in the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians. Deviation from the access spacing standards may be granted by the City Engineer if conditions are met as described in the access spacing variances section in the adopted TSP.

b. Private drives and other access ways are subject to the requirements of CDC [48.060](#).

Staff Finding 122: Staff incorporates applicant findings.

“Dollar Street is classified as a local street with an intersection spacing requirement of 150 feet. The distance between intersection of Brandon Place and Dollar Street and the intersection of River Heights Circle and Dollar Street is approximately 260 feet.

Willamette Falls Drive is classified as an arterial street with an intersection spacing requirement of 500 feet. The extension of Brandon Place to Willamette Falls Drive will align with a secondary driveway to Fields Bridge Park, via a proposed roundabout. The primary access to Fields Bridge Park is located approximately 730 feet east from the proposed

intersection of Brandon Place and Willamette Falls Drive. The access spacing standards have been met.

The proposed access drives have been addressed within this narrative under the requirements of CDC 48.060.”

See staff findings 128-133 for compliance with CDC 48.060.

The criteria are met.

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.

Staff Finding 123: Staff incorporates applicant findings.

“The school is classified as a public/institutional development. The proposed access points for the new parking lots are the minimum number to serve the needs of the school and have been located to protect the function, safety and operation of the street and sidewalk for all users. The access spacing standards for a local street have been met. This standard is met.”

The criteria are met.

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:

- a. 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).*
- b. 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.*
- c. 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.*

Staff Finding 124: Staff incorporates applicant findings.

“A shared driveway is not proposed or feasible for the proposed development. The requirements of this section are not applicable to the proposed development.”
The criteria do not apply.

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

- 1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.*
- 2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.*
- 3. 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.*

Staff Finding 125: Staff incorporates applicant findings.

“The proposed development will include the extension of Brandon Place from the intersection at Dollar Street to Willamette Falls Drive, aligning with a secondary driveway for Fields Bridge Park. The proposed street connection will provide through access from Dollar Street, which is currently a dead-end street. The Brandon Place and Willamette Falls Drive intersection is located approximately 1,780 feet from the intersection of Willamette Falls Drive and Epperly Way. The block length standards for an arterial have been met by the proposed Brandon Place extension. Chapter 92 has been addressed within this narrative. This standard is met.”
The criteria are met.

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

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

- A. Service drives for non-residential uses shall be fully improved with hard surface pavement:*
 - 1. With a minimum of 24-foot width when accommodating two-way traffic; or*
 - 2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.*
 - 3. Meet the requirements of CDC 48.030(E)(3) through (6).*
 - 4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.*
- B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.*
- C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.*

D. Gated accessways to non-residential uses are prohibited unless required for public safety or security

Staff Finding 126: Staff incorporates applicant findings.

“All on-site maneuvering and access drives have been designed to provide convenient and safe access to the property, with a minimum of 24-foot wide hard surface pavement to provide two-way traffic. This standard is met.”

The applicant’s proposed design meets the standards set forth in CDC 48.040. Including hard surface pavement, a minimum 24-foot width for two-way traffic, no pick-up windows, two service drives, no gated access ways, a minimum vertical clearance of 13 feet, six inches, a turnaround that meets Fire Safety Standards, a grade of less than 10 percent, and a centerline turning radius of 45 feet or more.

The criteria are met.

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.

Staff Finding 127: Staff incorporates applicant findings.

“The proposed parking facilities will provide for two-way traffic flow on site. The requirements of this section are not applicable.”

The criteria do not apply.

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.

Staff Finding 128: The applicant’s proposal shows the Brandon Place curb cut as 71 feet wide and the Dollar Street entry curb cut at 83 feet wide. The CDC maximum allowed width for curb cuts is 36 feet. The applicant shall reduce the curb cut widths, per Condition of Approval 5, on Brandon Place and Dollar Street to meet the CDC requirement of 36-foot maximum curb cut distances. Subject to the Conditions of Approval, the criteria are met.

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.

Staff Finding 129: Staff incorporates applicant findings.

“Brandon Place is classified as a local street. The proposed curb cut on Brandon Place is 39 feet from the right-of-way on Dollar Street, and 242 feet from Willamette Falls Drive. Dollar Street is classified as a local street. The proposed curb cut is located 358 feet from River Heights Circle and 139 feet from Fields Drive. The curb cut spacing for both driveways exceeds the minimum requirement for a local street of 35 feet. This standard is met.”

The criteria are met.

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

- 1. On an arterial street, 150 feet.*
- 2. On a collector street, 75 feet.*
- 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet*

Staff Finding 130: Staff incorporates applicant findings.

“The proposed driveway on Dollar Street is located 210 feet from the nearest curb cut on the same side of the street, which exceeds the minimum requirement of 30 feet on a local road. The proposed driveway on Brandon Place will be the only driveway on the block. This standard is met.”

The criteria are met.

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

Staff Finding 131: Staff incorporates applicant findings.

“A rolled curb is not proposed. The requirements of this section are not applicable.”

The criteria do not apply.

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.

Staff Finding 132: Staff incorporates applicant findings.

“The site will have two access drives, one on Brandon Place and one on Dollar Street, both local roads. The number of curb cuts has been kept to a minimum. The site is not located on Highway 43. This standard is met.”

The criteria are met.

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

Staff Finding 133: Staff incorporates applicant findings.

“A clear vision area will be maintained at the intersection of Brandon Place and Dollar Street, at the intersection of Brandon Place and Willamette Falls Drive and at the proposed parking lot accessways on Dollar Street and Brandon Place. The clear vision area will not contain plantings, fences, walls, or structures exceeding three feet in height. Clear Vision Triangles have been shown at all intersections on the Overall Site Plan (SheetLU1.10). The proposed monument sign has been located outside of the vision clearance triangle areas. This requirement is met.”

The criteria are met.

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.)*

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

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

Staff Finding 134: The proposed development is a public institutional use.

The criteria do not apply.

X. CHAPTER 52, SIGNS

52.110 VARIANCES

A. *Sign height and sign area variances shall be a Class II variance, and shall be reviewed pursuant to the provisions of subsection C of this section and Chapter 75 CDC.*

B. *All other sign variances shall be treated as Class I variance, and shall be reviewed pursuant to the provisions of subsection C of this section and CDC 75.050.*

Staff Finding 135: Staff incorporates applicant findings.

“The proposed on-wall sign exceeds the allowable maximum area of 18 square feet for public uses. A Class II variance is required. The provisions of subsection C of this section and Chapter 75 CDC have been addressed within this narrative.”

The criteria are met.

C. *The granting authority may grant a variance from the requirements of this chapter if it is established that:*

1. *The architectural design of a building, the location of a building site or location of building thereon, or some other circumstance relating to the sign proposal, is unusual or unique and that, because of this, a hardship will be created in that the applicant will be denied an opportunity to identify their business or location relatively equal to the opportunity accorded*

other members of the community not burdened with such unusual or unique architectural design, building site, or other circumstance;

Staff Finding 136: Staff incorporates applicant findings.

“The proposed on-wall sign will be located on the west face of the building at the primary building entrance for students, parents, and visitors. The access for visitors to the school from Brandon Place is approximately 466.6 feet from the west face of the building. The proposed sign variance to increase the size of the sign to 110 square feet is necessary for readability for vehicles and pedestrians traveling from Brandon Place. An 18-square foot sign area is not readable from Brandon Place and would create a hardship for the applicant to identify the school building, which has unique architectural and site needs as a community building. The building signage has been illustrated on the Monument and Building Signage Plan (LU3.06). This standard is met.”

The criteria are met.

2. The design is consistent with the request and will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and

Staff Finding 137: Staff incorporates applicant findings.

“The proposed on-wall sign will be oriented towards the west and will not be visible from the residential neighborhoods to the north and east. The sign will consist of individual metal letter type, mounted to the wall of the west façade without a continuous sign backing. This will reduce the overall visual impact of the larger sign, allowing for readability while reducing the overall mass of the sign. This standard is met.”

The criteria are met.

3. The request is the minimum variance necessary to provide reasonable signage for the property affected.

Staff Finding 138: Staff incorporates applicant findings.

“The proposed sign variance to increase the size of the sign to 110 square feet is necessary for readability for vehicles and pedestrians traveling from Brandon Place. An 18-square foot sign area is not readable from Brandon Place and would create a hardship for the applicant to identify the school building, which has unique architectural and site needs as a community building. The building signage has been illustrated on the Monument and Building Signage Plan (LU3.06). This standard is met.”

The criteria are met.

52.210 APPROVAL STANDARDS

All signs shall meet the following standards:

A. The scale of the sign and its components shall be appropriate for its location and consistent with the applicable design standards.

Staff Finding 139: Staff incorporates applicant findings.

“The District is proposing one monument sign at the driveway on Brandon Place. The sign will be setback from the right-of-way five feet and will meet the City’s dimensional requirements for a Public Use, as demonstrated in the response to CDC Chapter 52.300 within this narrative. The monument sign elevation has been shown on the Monument and Building Signage Plan (LU3.06). The District is requesting a Class II variance for size of the proposed on-wall sign. The Class II Variance and Sign Variance criteria has been addressed within this narrative.”

The applicant is proposing two signs. One is a monument sign that meets the design standards of CDC chapter 52. The second sign is an on-wall sign that is larger than the permanent sign design standards allow. The applicant is requesting a Class II variance for the size of the on-wall sign. This is due to the distance of the front wall of the school to the entry on Brandon Place. That distance is 467 feet. The allowed on-wall sign size is 18 square feet. The applicant is proposing a sign totally 110 square feet.

See Staff Finding 253, page 98.

Subject to approval of the variance, the criteria are met.

B. The size, location, or manner of illumination shall not create a traffic hazard and shall not hide from view any traffic or street sign or signal.

Staff Finding 140: Staff incorporates applicant findings.

“The proposed monument sign has been located five feet from the right-of-way on Brandon Place Drive. The sign will not be located in the clear vision area and will not create a traffic hazard or hide from view any traffic or street signs and signals, as demonstrated on the Overall Site Plan (Sheet LU1.10).”

The criteria are met.

C. The sign shall be located in compliance with Chapter 42 CDC, Clear Vision Area.

Staff Finding 141: Staff incorporates applicant findings.

“The proposed monument sign has been located outside of the Clear Vision Area, as described in Chapter 42 CDC. Clear Vision Triangles have been shown on the Overall Site Plan (Sheet LU1.10).”

The criteria are met.

D. Signs and sign structures located over vehicular driveways and pedestrian walkways shall allow at least 15 feet of clearance over driveways and eight feet of clearance over walkways.

Staff Finding 142: Staff incorporates applicant findings.

“The District is not proposing signs or sign structures over vehicular driveways or pedestrian walkways. The requirements of this section are not applicable.”

The criteria do not apply.

E. *The light from any illuminated sign shall be shaded, fully shielded such that no light is emitted above the horizontal plane, and directed or reduced so that glare is minimized.*

Staff Finding 143: Staff incorporates applicant findings.

“The monument sign will feature a manual diffused backlit message board. The light illuminated from the sign will minimize glare. This standard is met.”

The criteria are met.

F. *Signs shall be located to preserve existing trees, topography and natural drainage, to the extent possible consistent with the installation of the sign.*

Staff Finding 144: Staff incorporates applicant findings.

“The extension of Brandon Place will require the removal of several trees on the site. The monument sign located along Brandon Place will not require the removal of any additional trees on site. The monument sign has been located to preserve existing trees, topography, and natural drainage to the extent possible. A Tree Removal Plan (Sheet LU1001) has been included under Appendix E. This standard is met”

The criteria are met.

G. *All permanent signs shall be located within a landscaped area or installed on a wood, stone, or other base structure that meets the following standards:*

- 1. Signs shall be installed on a base with a maximum height of two feet, a minimum width at least one-half as wide as the sign face, and a depth equal to or greater than the depth of the sign. The sign height includes any portion of the base located above street grade (also refer to Sign Definitions – Grade).*
- 2. In the event a sign is erected on a multiple-pole or piling structure, the base required by subsection (G)(1) of this section shall be apportioned among each of the upright members.*
- 3. Any wood used in a base shall be treated against water damage and insect assault.*

Staff Finding 145: Staff incorporates applicant findings.

“The proposed monument sign will be located in a landscaped area and installed on a masonry brick base structure. The base of the proposed sign is 1.7 feet in height, including the concrete pad foundation. The sign face is five feet wide, with a sign base of six feet seven inches. The sign base will have a depth equal to the depth of the sign. This standard is met.”

The criteria are met.

H. *Manual changeable copy signs shall be designed to minimize the opportunity for unauthorized personnel to change the sign copy.*

Staff Finding 146: Staff incorporates applicant findings.

“A manual changeable copy sign will have a lockable cover that has been designed to minimize the opportunity for unauthorized personnel to change the sign copy. This standard is met.”

The criteria are met.

I. *Electronic changeable copy signs are permitted in business centers only, either as separate signs or as part of a larger sign. The approval authority may impose conditions of approval regarding the frequency of copy change, the hours of operation, and the methods by which the message is changed in order to assure compliance with the standards of this section and this chapter. Electronic changeable copy signs are subject to the following requirements:*

1. *The sign face for the electronic changeable copy sign or portion of a sign may not exceed 24 square feet; provided, however, that electronic changeable copy signs with greater than 24 square feet may be approved through the conditional use process.*
2. *The design and placement of the sign shall not adversely affect vehicular and pedestrian safety.*
3. *The sign shall comply with all other requirements of this chapter.*

Staff Finding 147: Staff incorporates applicant findings.

“Electronic changeable copy signs are not proposed. This standard is not applicable.”

The criteria do not apply.

J. *Where both sides of a sign may be viewed from a right-of-way, the signs shall be doublefaced.*

Staff Finding 148: Staff incorporates applicant findings.

“The proposed monument sign will be double faced. This standard is met.”

The criteria are met.

52.300 PERMANENT SIGN DESIGN STANDARDS

			Freestanding Signs				On-Wall Signs		
	City Apprl. Reqd.	Illumination	No. Allowed	Max. Sq. Ft.	Max. Ht. (Ft.)	ROW Setback	No. Allowed	Max. Sq. Ft.	Max. Ht. (ft.)
Public Uses	Yes	Yes	1⁵	24	20	5	No Limit	18 total	25

5. Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs.

Staff Finding 149: Staff incorporates applicant findings.

“The District is proposing one illuminated monument sign at the driveway on Brandon Place. The sign will be setback from the right-of-way five feet, with a maximum height of six feet seven inches and a total sign area of 16.24 square feet. The monument sign has been shown on the Monument and Building Signage Plan (Sheet LU3.06).

The District is proposing one on-wall sign, located on the west face of the building. The on-wall sign will have a combined area of 110 square feet, which exceeds the maximum allowed square footage. The building sign lettering has a total area of 21 square feet. The proposed

wall sign has been illustrated on Monument and Building Signage Plan (LU3.06). A Class II variance has been requested for the proposed onwall sign. The Class II variance criteria have been addressed within this narrative.”

The criteria are met

XI. 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.

Staff Finding 150: Staff incorporates applicant findings.

“A Tree Removal Schedule (Sheet L1000A-L1000C), Tree Removal Plan (Sheet L1001L1002) and Arborist Report have been provided in the land use application. The District has preserved existing trees on site to the extent possible for the proposed development. Tree preservation has been concentrated particularly along Willamette Falls Drive and the eastern property line. The proposed landscaping on site will provide an enhanced planting buffer along Dollar Street, where trees will need to be removed. This standard is met.”

The criteria are met.

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.

Staff Finding 151: The applicant is not requesting a reduction in parking.

The criteria do not apply.

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

Staff Finding 152: Staff incorporates applicant findings.

“The District will comply with all municipal code requirements for tree protection. An Arborist Report has been included under Appendix D. This standard is met.”

The criteria are met.

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.

**Staff Finding 153: The subject property contains no heritage trees.
The criteria do not apply.**

E. Landscaping – By type, location and amount.

1. Residential uses (non-single-family). A minimum of 25 percent of the gross area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under 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.

Staff Finding 154: Staff incorporates applicant findings.

“The site has a gross area of 962,676 square feet. The total landscape area at full build out of the site, including parking lot landscaping for the site is 488,861 square feet, or 50.8 percent of the gross site area. This standard is met.”

The criteria are met.

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.

Staff Finding 155: Staff incorporates applicant findings.

“Parking on the school site will exceed 20 parking spaces, therefore a minimum of 10 percent of the interior of the parking lot is required to be landscaped. The west parking lot has 71 parking stalls and a total area of 38,067 square feet. The west parking lot has a total of 14 shade trees located within the interior parking area, or one shade tree per 5 parking spaces. This exceeds the minimum requirement of one shade tree per 8 parking spaces. The total interior landscape area for the west parking lot is 5,177 square feet, or 13.5 percent.

The east parking lot has 115 parking stalls and a total area of 58,604 square feet. The east parking lot has a total of 24 shade trees located within the interior parking area, or one shade tree per 4.8 parking stalls. This exceeds the minimum requirement of one shade tree per 8 parking spaces. The total interior landscape area for the east parking lot is 7,922 square feet, or 13.5 percent. The parking lot landscaping has been shown on the Planting Plans (Sheets L1400A-L1407). The requirements of this section have been met."

The criteria are met.

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

Staff Finding 156: Staff incorporates applicant findings.

"All proposed parking lot landscape areas have a width of at least five feet. This standard is met."

The criteria are met.

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.*

Staff Finding 157: Staff incorporates applicant findings.

"The soils, site, proposed soil amendments, and proposed irrigation system are appropriate for the healthy and long-term maintenance of the proposed plant species. This standard is met."

The criteria are met.

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.*

Staff Finding 158: Staff incorporates applicant findings.

"The western parking lot abuts Dollar Street at one end. The parking lot is located more than 15 feet away from Dollar Street and will be landscaped with a minimum five-foot landscape strip along the perimeter abutting Dollar Street. In addition to the street trees proposed along Dollar Street, the proposed landscape strip will be planted with trees, shrubs, and vegetative ground cover consistent with the requirements of this section. The requirements of this section are not applicable to the eastern parking lot as it is located more than 80 feet from the property line along Willamette Falls Drive."

The criteria are met.

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.

Staff Finding 159: Staff incorporates applicant findings.

“The proposed parking lots do not exceed 50 percent of the lineal frontage on the streets abutting the property. The parking lots have been located at least 15 feet from all street frontages abutting the property. The requirements of this section are met.”

The proposed parking lot frontage on Dollar Street is approximately 11.5% of the total frontage on Dollar Street. The applicant has designed the parking lot to be no closer than 15 feet to Dollar Street. A landscape buffer has been added to aid in buffering the parking lot from Dollar Street and the adjacent neighborhood. (see Planting Plan, page L1402).

The criteria are met.

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](#).

Staff Finding 160: Staff incorporates applicant findings.

“The proposed parking lots are not abutting any neighboring residential property lines. The west parking lot is located along Dollar Street and has been separated from the property line by a minimum 15-foot wide landscape buffer. The eastern parking lot is located 80 feet from Willamette Falls Drive and 130 feet from the nearest residential property line. Existing landscaping along the eastern and southern property lines will buffer the east parking lot from view. The proposed loading area is located 26 feet from the property line on Dollar Street be sunk down from Dollar Street and will be surrounding by a 13-foot-tall retaining wall which will act as a screen and noise buffer. This standard is met.”

The criteria are met.

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

Staff Finding 161: Staff incorporates applicant findings.

“All proposed parking lot areas not used for parking, maneuvering and circulation will be landscaped. This standard is met.”

See Planting Plan Overall Exhibit PC-1, page L1400A

The criteria are met.

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

Staff Finding 162: Staff incorporates applicant findings.

“The proposed parking lot landscaping will not obstruct lines of sight for safe traffic operation. A vision clearance triangle has been provided on the Overall Site Plan (Sheet LU1.10). This standard is met.”

The criteria are met.

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

Staff Finding 163: Staff incorporates applicant findings.

“Outdoor storage areas, service areas, and above-ground utility facilities will be buffered and screened to obscure their view from adjoining properties and to reduce noise levels to acceptable levels at the property line. The proposed loading area is located 26 feet from the property line on Dollar Street be sunk down from Dollar Street and will be surrounding by a 13-foot-tall retaining wall which will act as a screen and noise buffer. The track and field storage building will be not located within the required street side yard setback. The storage building will be sunk down into the site and shield from view with the proposed plantings. A Noise Study was conducted for the proposed school and has been included under Appendix D. This standard is met.”

See Staff Finding 202, page 75

The criteria are met.

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

Staff Finding 164: Staff incorporates applicant findings.

“Crime prevention and natural surveillance of the site has been considered in the layout and design of the school building and site facilities. The location main office at the western building entrance will allow for natural surveillance of the site and those within the parking facilities. The plantings adjacent to the main office will be low to allow for views across the site. The proposed plant materials have been located in a manner that will not prohibit the surveillance of public and semi-public areas. This standard is met.”

The criteria are met.

k. *Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.*

Staff Finding 165: Staff incorporates applicant findings.

“The irrigation facilities will be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation. The irrigation facilities have been described on the Materials Plan Overall (Sheet LU1100) and noted on the Planting Schedule (Sheet 1400B). This standard is met.”

The criteria are met.

l. For commercial, office, multi-family, and other sites, the developer shall select trees that possess the following characteristics:

- 1) Provide generous “spreading” canopy for shade.*
- 2) Roots do not break up adjacent paving.*
- 3) Tree canopy spread starts at least six feet up from grade in, or adjacent to, parking lots, roads, or sidewalks unless the tree is columnar in nature.*
- 4) No sticky leaves or sap-dripping trees (no honey-dew excretion).*
- 5) No seed pods or fruit-bearing trees (flowering trees are acceptable).*
- 6) Disease-resistant.*
- 7) Compatible with planter size.*
- 8) Drought-tolerant unless irrigation is provided.*
- 9) Attractive foliage or form all seasons.*

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

Staff Finding 166: Staff incorporates applicant findings.

“A Planting Plan Overall (Sheet L1400A), Planting Schedule (Sheet L1400B), and detailed Planting Plans (Sheets L1401-L1407) prepared by a professional landscape architect have been provided under Appendix E of this application. All trees that have been selected meet the characteristics provided in subsection 1-9 above. This standard is met.”

The criteria are met.

F. Landscaping (trees) in new subdivision.

Staff Finding 167: Staff incorporates applicant findings.

“The proposed development is not a subdivision. The requirements of this section are not applicable.”

The criteria do not apply.

G. Landscaping requirements in water resource areas (WRAs). Pursuant to CDC 32.110(E)(3) the requirements of this chapter relating to total site landscaping, landscaping buffers, landscaping around parking lots, and landscaping the parking lot interior may be waived or reduced in a WRA application without a variance being required.

Staff Finding 168: Staff incorporates applicant findings.

“Landscaping is not proposed in a water resource area. The requirements of this section are not applicable.”

The criteria do not apply.

54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

All proposed changes in width in a public street right-of-way or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. This 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.

Staff Finding 169: Staff incorporates applicant findings.

“As part of the proposed development, sidewalks will be installed along the property frontage on Dollar Street and Willamette Falls Drive. The proposed extension of Brandon Place will include sidewalks on both sides, providing a pedestrian connection between Dollar Street and Willamette Falls Drive. All proposed sidewalks will be at least six feet in width. Sidewalks on Dollar Street will be buffered from the roadway by a landscape strip with a width of at least six feet in width. The proposed sidewalk infill on Willamette Falls Drive east of the roundabout will be buffered by a landscape strip with a width of four and one-half-feet. The sidewalks along the western side of Brandon Place and on the eastern side of Brandon Place north of the school driveway will be buffered from the roadway by a landscape strip of at least six feet. The section of the sidewalk from the school driveway on Brandon Place south to Willamette Falls Drive will transition to a 10-foot wide curb-tight multi-use sidewalk, which will act as a transition area for bicycles and pedestrians traveling from the Willamette Falls Drive multi-use path. This standard is met.”

The criteria are met.

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.*

Staff Finding 170: Landscaping will be installed in accordance with the above criteria. A certificate of occupancy shall not be issues unless the landscaping requirements have been met per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

54.060 MAINTENANCE

- A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.*
- B. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:*

1. It will not interfere with the maintenance or repair of any public utility;
2. It will not restrict pedestrian or vehicular access; and
3. It will not constitute a traffic hazard because of reduced visibility.

Staff Finding 171: Staff incorporates applicant findings.

“The applicant acknowledges that the owner is responsible for the maintenance of the landscaping on site. This standard is met.”

The criteria are met.

XII. CHAPTER 55, DESIGN REVIEW

55.020 CLASSES OF DESIGN REVIEW

B. Class II Design Review. 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. Class II design review applies to the proposed improvements listed in this section when the proposed improvement (e.g., new sidewalk) is part of a major commercial, office, industrial, public, or multi-family construction project (e.g., a new shopping center).

Staff Finding 172: Staff incorporates applicant findings.

“The proposed development is classified as a major public construction project; therefore, Class II design review is applicable.”

The criteria are met.

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.
2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
3. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
4. Chapter 42 CDC, Clear Vision Areas
5. Chapter 44 CDC, Fences.
6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
7. Chapter 48 CDC, Access, Egress and Circulation.
8. Chapter 52 CDC, Signs.
9. Chapter 54 CDC, Landscaping.

Staff Finding 173: Staff incorporates applicant findings.

“The provisions of Chapter 34, 41, 42, 44, 46, 48, 52, and 54 have been addressed in this narrative as they have been deemed applicable. Chapter 38 is not applicable to the proposed development. As demonstrated in this application, the applicable CDC standards will be satisfied.”

The criteria are met.

B. Relationship to the natural and physical environment.

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

Staff Finding 174: The City Arborist has verified there are no heritage trees in the location of the proposed development.

The criteria do not apply.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (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 limiting development in the protected area. The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. 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 plus 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.

Staff Finding 175: Staff incorporates applicant findings.

“Type I, II, III and IV lands have been mapped on the site and have been shown on the Overall Site Analysis Land Types Plan (Sheet LU1.000) included under Appendix E. The gross site is 22.1 acres in size, with 2.8 acres of Type I lands and 0.9 acres of Type II lands. The net area of the site after right-of-way dedications is 21.4 acres. The total area of Type I and II lands mapped on the net site is 3.6 acres. The net developable area of the site excluding Type I and II lands is 17.8 acres. The Type I and II lands are primarily located along the eastern and southern property lines.”

“Heritage trees have not been identified on the site. A total of 42 significant trees on site have been identified, of which 19 will remain and 23 will be removed. Five significant trees will be removed from the Type I and II lands. These trees include a 20-inch DBH Red Alder and a 12-inch DBH Red Alder, which are in a small patch of Type I and II lands. These trees are required to be removed for site grading. Three significant trees are required to be removed to provide improvements to Willamette Falls Drive. These are a 30-inch DBH Big Leaf Maple, a 22-inch

DBH Big Leaf Maple, and a 17-inch DBH Big Leaf Maple. The tree protection fencing area will include the protected tree, its dripline and an additional 10 feet of dripline. The District has preserved existing trees on site to the extent possible for the proposed development. Tree preservation has been concentrated particularly along Willamette Falls Drive and the eastern property line. This standard is met.”

The criteria are met.

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, 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 by limiting development in the protected areas. 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.

Staff Finding 176: Staff incorporates applicant findings.

“Type I, II, III and IV lands have been mapped on the site and have been shown on the Overall Site Analysis Land Types Plan (Sheet LU1.000) included under Appendix E. The gross site is 22.1 acres in size, with 2.8 acres of Type I lands and 0.9 acres of Type II lands. The net area of the site after right-of-way dedications is 21.4 acres. The total area of Type I and II lands mapped on the net site is 3.9 acres. The net developable area of the site excluding Type I and II lands is 17.8 acres. The Type I and II lands are primarily located along the eastern and southern property lines.”

“Heritage trees have not been identified on the site. A total of 42 significant trees on site have been identified, of which 19 will remain and 23 will be removed. A total of 45 percent of the significant trees on site will be maintained. A total of 57 percent of the tree canopy on site will be retained. Of the total trees on site, 48 percent will be retained. The tree protection fencing area will include the protected tree, its dripline and an additional 10 feet of dripline. The District has preserved existing trees on site to the extent possible for the proposed development. Tree preservation has been concentrated particularly along Willamette Falls Drive and the eastern property line. This standard is met.”

The criteria are met.

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.*

Staff Finding 177: Staff incorporates applicant findings.

“An extension of Brandon Place from Dollar Street to Willamette Falls Drive, consistent with the West Linn’s 2016 Transportation System Plan is proposed to meet the City’s access standards. A roundabout is proposed at the new intersection of Willamette Falls Drive and Brandon Place. The extension of Brandon Place and new roundabout will require the removal of trees. The proposed alignment of Brandon Place meets intersection spacing requirements on Willamette Falls Drive and street grade requirements of the City. The proposed extension is not located in an area of the site that is heavily forested. This standard is met.”

The criteria are met.

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.*

Staff Finding 178: Staff incorporates applicant findings.

“Type I, II, III and IV lands have been mapped on the site and have been shown on the Overall Site Analysis Land Types Plan (Sheet LU1.000) included under Appendix E. The gross site is 22.1 acres in size, with 2.8 acres of Type I lands and 0.9 acres of Type II lands. The net area of the site after right-of-way dedications is 21.4 acres. The total area of Type I and II lands mapped on the net site is 3.6 acres. The net developable area of the site excluding Type I and II lands is 17.8 acres. The Type I and II lands are primarily located along the eastern and southern property lines. Of the net developable area, 15.5 acres will be developed, or 87 percent of the net developable area. This standard is met.”

The criteria are met.

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.*

Staff Finding 179: Staff incorporates applicant findings.

“The proposed development will include frontage and offsite improvements to and Willamette Falls Drive, an arterial street. An extension of Brandon Place from Dollar Street to Willamette Falls Drive, consistent with the West Linn’s 2016 Transportation System Plan is proposed to meet the City’s access standards. A roundabout is proposed at the new intersection of Willamette Falls Drive and Brandon Place. Sidewalks will be installed along the property frontage Willamette Falls Drive. The proposed alignment of Brandon Place meets

intersection spacing requirements on Willamette Falls Drive and street grade requirements of the City. The proposed extension is not located in an area of the site that is heavily forested. This standard is met"

The criteria are met.

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.

Staff Finding 180: Staff incorporates applicant findings.

"The proposed development will include frontage and offsite improvements to and Willamette Falls Drive, an existing arterial street. The realignment of this right-of-way is not feasible, as it is an existing arterial road. An extension of Brandon Place from Dollar Street to Willamette Falls Drive, consistent with the West Linn's 2016 Transportation System Plan is proposed to meet the City's access standards. A roundabout is proposed at the new intersection of Willamette Falls Drive and Brandon Place. Sidewalks will be installed along the property frontage Willamette Falls Drive. The proposed alignment of Brandon Place meets intersection spacing requirements on Willamette Falls Drive and street grade requirements of the City."

"The proposed development will require the removal of five trees located within type I and II lands. These trees include a 20-inch DBH Red Alder and a 12-inch DBH Red Alder. These trees are required to be removed for site grading. Three significant trees are required to be removed to provide improvements to Willamette Falls Drive. These are a 30-inch DBH Big Leaf Maple, a 22-inch DBH Big Leaf Maple, and a 17-inch DBH Big Leaf Maple. The total mitigation required for the five trees is 101 inches. As shown on the proposed planting schedule, the proposed tree planting on the school site will exceed 101 inches. This standard is met."

The criteria are met.

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

Staff Finding 181: Staff incorporates applicant findings.

"The topography and natural drainage will be preserved to the greatest degree possible. The site improvements were design to avoid natural drainages and steeper portions of the site. A Grading Plan and Drainage Plan (Sheet LU1.20) has been submitted under Appendix E. This standard is met."

The criteria are met.

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

Staff Finding 182: Staff incorporates applicant findings.

"No large-scale active slope failures or significant erosion are mapped at the site or were observed during our site observations and explorations. A Geotechnical Report prepared by GeoDesign provides specific site grading, wall, and drainage design and construction recommendations for development in consideration of the existing steep slope areas at the site. The Geotechnical Report has been submitted under Appendix D of this application. This standard is met."

The criteria are met.

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

Staff Finding 183: Staff incorporates applicant findings.

"The proposed school will not be located directly adjacent to off-site buildings on adjoining properties. The design of the school site will follow the natural topography of the site, which will provide a 10-foot vertical separation of the school site from Dollar Street and the surrounding neighborhood. The site's natural grade will provide natural noise, light, and visual buffering from the surrounding homes. Adequate spacing for light, air circulation and fire protection has been provided. This standard is met."

The criteria are met.

6. *Architecture.*

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

Staff Finding 184: Staff incorporates applicant findings.

"The proposed school will be located in a predominantly residential neighborhood. Key architectural features of the surrounding neighborhood are two-story homes with gabled roof forms, and a mix of wood siding, brick, and stone materials. The proposed school will be two-stories and will be of a similar height to the surrounding residential homes. The building will sunken into the grade along Dollar Street to reduce the overall impact of the building massing on adjacent residential homes."

"The orientation and massing of the building will fan along the hillside which will provide for views of the surrounding landscape from the interior of the building while breaking up the building massing to reduce the overall impact of the building on the site. The building utilizes

both flat and pitched roof forms to provide a residential style to the building. The school building will utilize a mix of wood-like fiber cement panels, brick, and metal paneling. This standard is met.

The criteria are met.

b. *While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.*

Staff Finding 185: Staff incorporates applicant findings.

“The proposed school building has been designed to be sunk into the grade along Dollar Street to reduce the overall height and visual impact of the building on adjacent homes. The building height along Dollar Street will be compatible with the height of the surrounding homes. Enhanced landscape buffering along Dollar Street will further reduce the overall visual impact of the building within the neighborhood. This standard is met.”

The criteria are met.

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.*

Staff Finding 186: Staff incorporates applicant findings.

“The proposed school will be located in a predominantly residential neighborhood. Key architectural features of the surrounding neighborhood are two-story homes with gabled roof forms, and a mix of wood siding, brick, and stone materials. The two-story school has been designed to incorporate several of the elements of the surrounding residential neighborhood including a mix of wood siding and brick materials and gabled roof forms at the main entrances. Special consideration has been given to the massing and height of the building adjacent to the homes along Dollar Street to increase the compatibility of the building with the residential neighborhood. In addition, the school building and site improvements have been buffered from adjacent residential properties through distance, screening, and grade variations. The building will sunken into the grade along Dollar Street to reduce the overall impact of the building massing on adjacent residential homes. The 21acre site is large enough to utilize its own architectural style. This standard is met.”

The criteria are met.

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.

Staff Finding 187: Staff incorporates applicant findings.

“The design of the school building is influenced by the historic homestead character of the region, which is meant to bring both historical and human scale elements into the design. The school features several design elements that are meant to provide a human scale to the building and site. These elements include the use of multiple paned windows, intimately scaled covered entryways, visual breaks along the facades of the building, exaggerated eaves, indentations, and parapets. Exterior Elevations (Sheet LU3.03) and Exterior Materials (LU3.06) have been included under Appendix D. This standard is met.”

The criteria are met.

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-footlong 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.

Staff Finding 188: Staff incorporates applicant findings.

“The proposed school is not an office or commercial building; therefore, the requirements of this section are not directly applicable. The design of the school building will utilize the strategic placement of glazing and window elements to provide beneficial daylight within the school building, connection of interior spaces to the site and to emphasize transparency within the building.”

The criteria do not apply.

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.

Staff Finding 189: Staff incorporates applicant findings.

“Variation has been provided by changes in roof form and massing of the building, material changes, projections and recessions, window patterns, and the natural grade of the site. Elevations over 100 feet in length have been avoided to the extent possible. Building Elevations (Sheet LU3.06) have been included under Appendix E. This standard is met.”

The criteria are met.

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.

Staff Finding 190: Staff incorporates applicant findings.

“The school design will utilize window sunshades, inset playground areas, a sheltered central courtyard, canopy trees, covered bicycle parking areas and covered bus waiting areas which provide for a variety of micro-climate conditions on the site. This standard is met.”

The criteria are met.

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

Staff Finding 191: Staff incorporates applicant findings.

“The District is committed to providing a safe and attractive multi-modal transportation system on the site and in the surrounding area. The site will include separate parking areas for parents/visitors and school buses and staff. Parent loading zones and bus loading zones have been clearly identified and provided with sufficient room for vehicle maneuvering. Pedestrian pathways have been provided throughout the site, with minimal crossing of vehicle circulation areas. Canopied trees will be planted on site and covered building entryways and bus shelters will provide shelter for pedestrians. The District has provided a SafeRoutes to School improvement plan within the Traffic Impact Analysis prepared by DKS and Associates. This standard is met.”

The criteria are met.

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

Staff Finding 192: Staff incorporates applicant findings.

“The school will not include sidewalk cafes, kiosks, vendors or street furniture. The requirements of this section are not applicable.”

The criteria do not apply.

7. Transportation. 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.

Staff Finding 193: Staff incorporates applicant findings.

“The proposed development is not a commercial or office use. The requirements of this section are not applicable. However, pedestrian and bicycle accessways are provided throughout the site, and sidewalk widths are increased in areas expected to experience larger volumes of pedestrian and bicycle traffic.”

The criteria do not apply.

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.

Staff Finding 194: Staff incorporates applicant findings.

“The proposed development is not a multifamily use. The requirements of this section are not applicable.”

The criteria do 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.

Staff Finding 195: Staff incorporates applicant findings.

“The school is not a commercial, office or multi-family development. The requirements of this section are not applicable. However, wide sidewalks are contemplated in the design to facilitate safe pedestrian and bicycle access.”

The criteria do not apply.

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.

Staff Finding 196: Staff incorporates applicant findings.

“All proposed sidewalks adjacent to the proposed parking lot and access will be separated from parking and travel lanes through the use of curbs. Sidewalk widths have been increased to 12 feet in areas expecting high volume of pedestrian and bicycle traffic and 8 feet along vehicle parking areas. This standard is met.”

The criteria are met.

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

Staff Finding 197: Staff incorporates applicant findings.

“The proposed sidewalks provide direct routes for pedestrians between the new parking lot, adjacent streets, and the school and site facilities. Sidewalks have been shown on the Overall Site Plan (Sheet LU1.10). This standard is met.”

The criteria are met.

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.

Staff Finding 198: Staff incorporates applicant findings.

“The main building entrance is oriented towards Brandon Place, where primary vehicular access is proposed for parents and students. A second entrance will be oriented towards the east, where the bus loading area and staff access from Dollar Street is proposed. This standard is met.”

The criteria are met.

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.*

Staff Finding 199: Staff incorporates applicant findings.

“Transit service is not currently provided on Dollar Street or Willamette Falls Drive along the school site frontage. The requirements of this section are not applicable.”

The criteria do not apply.

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.*

Staff Finding 200: Staff incorporates applicant findings.

“School buildings within the R10 zone are allowed as a conditional use subject to the Conditional Use standards of Chapter 60 and the Government Building standards of CDC 41.040. Per the requirements of CDC 41.040, the school building has been set back from Brandon Place and Dollar Street. Given the residential nature of the surrounding neighborhood, special considerations to setbacks have been made to reduce the impact of the school site on the surrounding neighborhood. These impacts include the overall size and massing of the school, traffic and vehicle circulation, noise, and light generation.”

Subject to Planning Commission approval of Chapter 60 discretionary findings (see Staff Findings 240 to 252), the criteria are met.

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.*

Staff Finding 201: Staff incorporates applicant findings.

“This application does not contemplate these types of public facilities. The requirements of this section are not applicable to the proposed school.”

The criteria 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.*

Staff Finding 202: Staff incorporates applicant findings.

“This application does not contemplate trailheads. The requirements of this section are not applicable to the proposed school.”

The criteria 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.*

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.*

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

Staff Finding 203: Staff incorporates applicant findings.

“The District has considered both the noise impacts of the school site and visual impacts of the school on the surrounding neighborhood. The existing landscaping and topography of the site has been utilized to the extent possible to provide natural buffering. Tree retention on the site has been primarily focused along Willamette Falls Drive. The building has been sunk down into the site from Dollar Street, which creates a vertical buffer from the properties on Dollar Street. Enhanced landscaping has been provided along Dollar Street to provide additional visual buffering. Retaining walls have been utilized at the children’s play area and the waste and recycling storage area to provide additional noise buffering on site. The proposed lighting on site has been located to prevent light trespass on adjacent properties. The District has considered the implications of the use on site and has buffered the school from the surrounding neighborhood in a method that is consistent with the requirements of this section while still providing an inviting community school. Landscaping and buffering have been shown on the Planting Plan (Sheet LU1400A). The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20) This standard is met.”

The criteria do not apply.

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

Staff Finding 204: Staff incorporates applicant findings.

“Mechanical equipment will be screened from view from adjoining properties. The mechanical screens have been illustrated on the Exterior Elevations Plan (Sheet LU3.03). This standard is met.”

The criteria are met.

D. Privacy and noise.

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

Staff Finding 205: Staff incorporates applicant findings.

“The school does not include residential dwelling units. This standard is not applicable.”

The criteria do not apply.

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.

Staff Finding 206: Staff incorporates applicant findings.

“The school does not include residential dwelling units. This standard is not applicable.”

The criteria do not apply.

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.

Staff Finding 207: Staff incorporates applicant findings.

“The District has considered both the noise impacts of the school site and visual impacts of the school on the surrounding neighborhood. The existing landscaping and topography of the site has been utilized to the extent possible to provide natural buffering. Tree retention on the site has been primarily focused along Willamette Falls Drive. The building has been sunk down into the site from Dollar Street, which creates a vertical buffer from the properties on Dollar Street. Enhanced landscaping has been provided along Dollar Street to provide additional visual buffering. Retaining walls have been utilized at the children’s play area and the waste and recycling storage area to provide additional noise buffering on site. The proposed lighting on site has been located to prevent light trespass on adjacent properties. The District has considered the implications of the use on site and has buffered the school from the surrounding neighborhood in a method that is consistent with the requirements of this

section while still providing an inviting community school. Landscaping and buffering have been shown on the Planting Plan (Sheet LU1400A). The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20). This standard is met.”

The criteria are met.

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

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

Staff Finding 208: Staff incorporates applicant findings.

“The proposed school is not expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487. A Noise Study was conducted for the proposed school and has been included under Appendix D. The requirements of this section are not applicable.”

The criteria do not apply.

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

Staff Finding 209: Staff incorporates applicant findings.

“The proposed development is not a multi-family project. The requirements of this section are not applicable.”

The criteria 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.

Staff Finding 210: Staff incorporates applicant findings.

“The proposed development is not a multi-family project. The requirements of this section are not applicable.”

The criteria 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.

Staff Finding 211: Staff incorporates applicant findings.

“The school is a semi-public use. The structures and site improvements have been designed so that public areas, semi-public areas and private areas are defined. This standard is met.”

The criteria are met.

H. Public transit.

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

Staff Finding 212: Staff incorporates applicant findings.

“Transit service is not provided on the school frontage at Willamette Falls Drive or Dollar Street. The requirements of this section are not applicable.”

The criteria 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 (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 appropriate "constrained" cross-section width indicated in the TSP 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(I).

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.

Staff Finding 213: The applicant is responsible for constructing half-street improvements on Dollar Street and Willamette Falls Drive and full-street improvements on the Brandon Place extension per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.

2. *Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the*

development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

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

Staff Finding 214: The applicant has submitted a Stormwater Management Report, prepared by a licensed engineer, which complies with the West Linn Public Works Design Standards, shows no adverse off-site impacts, and provides sufficient factual data to support the conclusions of the plan (Appendix D of packet). The subject property does not contain any known landslide hazards. The applicant submitted a Geotechnical Report by GeoDesign Inc. which demonstrates any known or potential hazards can be remediated and the site is safe for development. The four criteria in CDC 55.130 E have been addressed. The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval.

The criteria are met.

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

Staff Finding 215: The applicant has submitted a plan, prepared by a registered civil engineer that demonstrates availability of sufficient volume, capacity and pressure to serve the proposal's needed fire flows. See Overall Utility Plan (Sheet LU1.30).

The criteria are met.

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

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

Staff Finding 216: The applicant has submitted a plan, prepared by a registered civil engineer, which demonstrates sufficient on-site capacity to serve the proposal. The City public sanitary sewer system has sufficient capacity to service the proposed use. See Overall Utility Plan (Sheet LU1.30).

The criteria are met.

J. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.

Staff Finding 217: Staff incorporates applicant findings.

“Crime prevention and natural surveillance of the site has been considered in the layout and design of the school building and site facilities. The location main office at the western building entrance will allow for natural surveillance of the site and those within the parking facilities. The plantings adjacent to the main office will be low to allow for views across the site. The proposed plant materials have been located in a manner that will not prohibit the surveillance of public and semi-public areas. Windows have been located to provide natural surveillance by staff at the eastern building entrance. This standard is met.”

The criteria are met.

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

Staff Finding 218: Staff incorporates applicant findings.

“The design does not include interior laundry and service areas, however, all service areas on site have been located so that they can be observed by others. The requirements of this section are not applicable to the proposed school.”

The criteria do not apply.

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

Staff Finding 219: Staff incorporates applicant findings.

“The solid waste and recycling facilities are in the northwest corner of the school building in the service yard area. The area will be lighted, fully enclosed, and screened from view. This standard is met.”

The criteria are met.

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

5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

Staff Finding 220: Staff incorporates applicant findings.

“The proposed parking lot lighting and pedestrian lighting coverage levels have been illustrated on the Lighting Coverage Plan (Sheet LU4.01) included under Appendix E of this application. The exterior lighting selected are consistent with the requirements of this section. The lines of sight haven been maintained as much as possible on site. This standard is met.”

The criteria are met.

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

Staff Finding 221: Staff incorporates applicant findings.

“As shown on the Overall Site Plan (Sheet LU1.10), the primary entry for visitors to the site is from the west on Brandon Place. The driveway, pedestrian pathways entering the site and west parking lot have been located to be in the line of sight of the main school office, located at the main building entry. Service areas outside of the line of sight will be secured from outside entry. The long west driveway entering the site allows for visitors approaching the school to observe the building and parking lot areas. The location of staff areas and classrooms along the eastern site entrance will provide for natural surveillance of the site by building occupants. The eastern driveway allows for visitors approaching the school to observe the building and parking areas. The site frontage along Dollar Street and Brandon Place, as well as driveways and parking lots as proposed reasonably establish lines of site for police and residents. This standard is met.”

The criteria are met.

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.*

Staff Finding 222: Staff incorporates applicant findings.

“Security fences for utilities are not proposed. The requirements of this section are not applicable.”

The criteria do not apply.

K. *Provisions for persons with disabilities.*

1. *The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.*

Staff Finding 223: Staff incorporates applicant findings.

“A total of nine ADA stalls, including two van stalls have been provided on site. The west parking lot has been designed with three ADA parking stalls, including one van stall. The east parking lot has been designed with six ADA parking stalls, including one van stall. The ADA parking stalls have been located on the shortest possible accessible circulation route to an accessible entrance to the building. The proposed site improvements will include accessible routes connecting the site facilities including building entrances, the multi-use track and other site facilities. This standard is met.”

The criteria are met.

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.

Staff Finding 224: Staff incorporates applicant findings.

“The school is proposing a monument sign, located on Brandon Place and an on-wall sign which will be visible from Brandon Place and will allow for the identification of the building by emergency vehicles. This standard is met.”

The criteria are met.

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.

Staff Finding 225: Staff incorporates applicant findings.

“The proposed monument sign will be constructed of masonry brick, a material used on the main school building to provide for a project identity and style. The on-wall sign has been designed to be compatible with the school design with a minimalist metal letter style and no sign backing, which will create a relief and shadowing. The building signage has been illustrated on the Monument and Building Signage Plan (LU3.06). The on-wall sign has been shown on the Exterior Elevations (Sheet LU3.03). This standard is met.”

The criteria are met.

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

Staff Finding 226: Staff incorporates applicant findings.

“The sign graphics and letter styles will be simple and will provide the school name, address, and simple and clear announcements on the manual change copy area of the sign. This standard is met.”

The criteria are met.

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

Staff Finding 227: Staff incorporates applicant findings.

“As shown on the Overall Site Plan (Sheet LU1.10), and the Planting Plan (Sheet LU1400A), the proposed monument sign on Brandon Place has been located outside of the clear vision triangle area and will not obscure the vehicle driver’s sight distance. This standard is met.”

The criteria are met.

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

Staff Finding 228: Staff incorporates applicant findings.

“Signs indicating a future use are not applicable to the proposed development.”

The criteria do not apply.

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.*

Staff Finding 229: Staff incorporates applicant findings.

“Signs and appropriate traffic control devices and markings will be provided in the driveway and parking lot areas to identify bicycle and pedestrian routes, consistent with the requirements of this section. This standard is met.”

The criteria are met.

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

Staff Finding 230: Staff incorporates applicant findings.

“The District will make the necessary arrangements with utility companies. This standard is met.”

The existing electrical lines on Willamette Falls Drive will not need to be placed underground as they are across Willamette Falls Drive from the proposed site and therefore the CDC does not require undergrounding of existing utilities.

The criteria are met.

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.

Staff Finding 231: Staff incorporates applicant findings.

“The proposed development is not a wireless communication facility. The requirements of this section are not applicable.”

The criteria do not apply.

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.

Staff Finding 232: Staff incorporates applicant findings.

“While the school is a public use and not a commercial, industrial, or multi-family use, refuse and recycling areas have been provided on-site and the standards set forth in these provisions have been addressed as applicable.”

The criteria are met.

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.

Staff Finding 233: The Solid Waste and Recycling facilities are located on the proposed site’s service yard, as shown on Site Plan (sheet LU1.12). Containers will be located on a concrete pad consistent with the requirements.

The criteria are met.

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.*

Staff Finding 234: Staff incorporates applicant findings.

“Recycling and solid waste service areas will be located near each other on the ground floor of the building within the service yard in the northwest corner of the building, as shown on the Level 01 Floor Plan (Sheet LU3.01). The recycling areas will be covered by a shelter, as shown on the Building Elevations (Sheet LU3.03). This standard is met.”

The criteria are met.

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.*

Staff Finding 235: Staff incorporates applicant findings.

“The school will not require any special waste material containers. The requirements of this section are not applicable.”

The criteria do not apply.

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.*

Staff Finding 236: Staff incorporates applicant findings.

“The service yard will be sunk down from Dollar Street and be enclosed and shielded from view with a retaining wall along the north and east and an ornamental gate to the west shown on the Building Elevations (Sheet LU3.03). Enhanced landscaping along Dollar Street as shown on the Planting Plan (Sheet LU1404) will provide additional visual buffering. This standard is met.”

The criteria are met.

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.*

Staff Finding 237: Staff incorporates applicant findings (Exhibit PC-1, page 86).

The criteria are met.

55.125 TRANSPORTATION ANALYSIS

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

Staff Finding 238: A Transportation Impact Analysis (TIA) is required to be produced for the application based upon the conditions and standards of CDC 85.170 (B)(2). A TIA has been prepared and provided by DKS and Associates on behalf of the applicant. A supplemental memo addressing concerns raised by members of the community, prepared by DKS and Associates, has been provided, (see page 153 of applicant submittal for the TIA. See page 255 for the memo addressing citizen concerns). The TIA and memo can be found in Appendix D of the application.

The City of West Linn Engineering and Public Works Department also reviewed the TIA provided by DKS and Associates.

The City of West Linn hired a third party Engineering firm to peer review the TIA from DKS and Associates. That firm, Kittelson and Associates, produced a report with their findings and recommendations. The Kittelson and Associates TIA review can be found in Exhibit PC- 2. Public comments were also submitted by a transportation planning/engineering firm and can be found in Exhibit PC-3.

DKS revised the TIA based on feedback from the City, Kittelson and Associates, and public comment. The revised TIA is found in Exhibit PC-2.

The criteria are met.

55.180 MAINTENANCE

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

Staff Finding 239: Staff incorporates applicant findings.

“The applicant acknowledges that all on-site improvements will be the ongoing responsibility of the property owner. This standard is met.”

The criteria are met.

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.

Staff Finding 240: Staff incorporates applicant findings.

“The site does not have areas designated as common open space. The requirements of this section are not applicable.”

The criteria do not apply.

XIII. CHAPTER 60, CONDITIONAL USES

60.070 APPROVAL STANDARDS AND CONDITIONS

- A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
 - 1. The site size and dimensions provide:
 - a. Adequate area for the needs of the proposed use; and

Staff Finding 241: Staff incorporates applicant findings.

“The site is approximately 21.4 acres in size, with a net developable area of 17 acres. The West Linn-Wilsonville School District’s 2019 Long Range Plan identifies the Dollar Street school site as an appropriate site to provide an increase in student capacity along with a track and field, appropriate parking, and site circulation facilities. The increase in capacity from the current Athey Creek site would be responsive to the projected growth in middle school students in the West Linn area for the next 10plus years. The site is of adequate area for the needs of the proposed use, as identified in the schools 2019 Long Range Plan.”

The criteria are met.

b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

Staff Finding 242: Staff incorporates applicant findings.

“The District has given special consideration the impact of the school building on the surrounding neighborhood, which is predominately residential. These impacts include the overall size and massing of the school, traffic, connectivity, noise, and light generation. Several mitigation treatments and design choices have been provided on the site to reduce the overall impact of the school mon the surrounding neighborhood.”

“The school building has been set back from Brandon Place and Dollar Street beyond the minimum yard requirements to provide additional buffering and enhanced landscaping. The District has considered both the noise impacts of the school site and visual impacts of the school on the surrounding neighborhood. The existing landscaping and topography of the site has been utilized to the extent possible to provide natural buffering. Tree retention on the site has been primarily focused along Willamette Falls Drive and along the eastern property line adjacent to neighboring homes.”

“Special consideration has been given to the massing and height of the building along Dollar Street. The building and track will be sunken into the grade along Dollar Street to increase the compatibility of the building with the residential neighborhood. Enhanced landscaping has been provided along the frontage to provide additional visual buffering. Retaining walls have been utilized at the children’s play area and the waste and recycling storage area to provide additional noise buffering on site. The lighting on site has been located to prevent light trespass on adjacent properties as shown on the Light Coverage Plan (Sheet LU4.01). Landscaping and buffering have been shown on the Planting Plan (Sheet LU1400A). The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20).”

“Key architectural features of the surrounding neighborhood are two-story homes with gabled roof forms, and a mix of wood siding, brick, and stone materials. The school building will be two-stories in height and will incorporate gabled roof forms and a mix of wood and brick materials. The orientation and massing of the building will fan along the hillside which will provide for views of the surrounding landscape from the interior of the building while breaking up the building massing to reduce the overall impact of the building on the site. The building utilizes both flat and pitched roof forms to provide a residential style to the building.”

“As a result of a coordinated effort between City Staff and expert guidance from DKS and Associates, the development will include right-of-way improvements to Dollar Street and Willamette Falls Drive, and an extension of Brandon Place from Dollar Street to Willamette Falls Drive. The proposed extension of Brandon Place will provide a needed secondary emergency access route to the neighborhood. Sidewalks will be installed along the property frontage on Dollar Street and Willamette Falls Drive which will increase neighborhood

connectivity. The Traffic Impact Analysis prepared by DKS and Associates, notes that the intersection at Willamette Falls Drive and Ostman Road will operate below the City's standards, however city staff does not wish to pursue mitigation at this time. All other traffic related issues are addressed within the Traffic Impact Analysis and Supplemental Memo prepared by DKS and Associates. The configuration of access points on the site has been designed to encourage out-of-neighborhood traffic using Willamette Falls Drive and Brandon Place to access the school from Brandon Place, with buses and staff access from Dollar. The configuration has been designed to minimize the traffic impact on Dollar Street and in the adjacent neighborhood. "

"On-site Pedestrian pathways will connect the main school building with site facilities and surrounding pedestrian infrastructure, including Fields Bridge Park. On-site pathway facilities have been designed to meet the needs of the school, while also providing a path for use by the surrounding community. This standard is met."

The criteria are met.

2. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.*

Staff Finding 243: Staff incorporates applicant findings.

"The 21.4-acre site is adequately sized and shaped to meet the needs of the proposed middle school. The site improvements will include a 110,972 square foot building, outdoor hardscape play areas, an athletic track and field, walking paths, and two parking areas. The new school facility will provide capacity for 850 students. The school will be located centrally within the community it serves. Access to the proposed school will be provided through Dollar Street and Brandon Place, both local classification streets."

"Type I, II, III and IV lands have been mapped on the site and have been shown on the Overall Site Analysis Land Types Plan (Sheet LU1.000) included under Appendix E. The gross site is 22.1 acres in size, with 2.8 acres of Type I lands and 0.9 acres of Type II lands. The Type I and II lands are primarily located along the eastern and southern property lines. The existing topography and significant trees in these areas have been largely preserved in the proposed site design for the school. A Geotechnical Report prepared by GeoDesign provides specific site grading, wall, and drainage design and construction recommendations for development in consideration of the existing steep slope areas at the site."

"The proposed conditional use includes two Class II Variance requests. A variance to CDC Chapter 46.070.B, which requires that all parking spaces be located within 200 feet of a building entrance or site facility and a variance to CDC Chapter 52.300 for the size of the on-wall sign. The proposed variances will not impact the functionality of the site as a school and all relevant functional standards of the West Linn CDC have been met, as demonstrated within this narrative."

The criteria are met.

3. *The granting of the proposal will provide for a facility that provides an overall benefit to the City.*

Staff Finding 244: Staff incorporates applicant findings.

“The existing Athey Creek school building has learning space capacity for 669 students. As shown in the 2019 West Linn-Wilsonville Long Range Facility Plan included under Appendix D, the total enrollment at Athey Creek for the 2018/2019 school year was 702 students. The existing school building does not have capacity to meet the current enrollment numbers. The new school building will provide capacity for 850 students, which exceeds the current enrollment numbers.”

“The relocation of Athey Creek Middle School to the Dollar Street site will provide a school that is more centrally located to the school population, withing walking and cycling distance to a large portion of the community, all allowing for safer accessibility to City-resident students and parents. The existing Athey Creek Middle School site has no walking boundary due to the lack of Safe Routes to School in unincorporated Clackamas County.”

“The relocation of the school was approved by West Linn – Wilsonville voters as part of Measure #3-554, the 2019 West Linn-Wilsonville School District Capital Bond Program. The school will have on-site facilities that are available for public use during non-school hours, including walking paths, playground, outdoor recreation facilities, and indoor recreation and meeting spaces. Some of these facilities have been included in direct response to community feedback. The facility is being designed with emergency generator power capacity to provide community support in the event of emergencies. The project will also include right-of-way improvements such as street paving of drive lanes and parking, traffic calming, landscaping, bicycle and pedestrian paths. Furthermore, system development fees associated with the project will provide the City with additional funding for further improvement and maintenance of public facilities. This standard is met.”

The criteria are met.

4. *Adequate public facilities will be available to provide service to the property at the time of occupancy.*

Staff Finding 245: Staff incorporates applicant findings.

“The District worked with city staff to determine the alignment and configuration of the proposed extension of Brandon Place and roundabout on Willamette Falls Drive. The proposed extension will provide a needed secondary emergency access route to the neighborhood. The Traffic Impact Analysis prepared by DKS and Associates, notes that one intersection will operate below the city’s standards, however city staff does not wish to pursue mitigation at this time. All other traffic related issues are addressed within the Traffic Impact Analysis and Supplemental Memo prepared by DKS and Associates. The configuration of access points on the site has been designed to encourage out-of-neighborhood traffic using Willamette Falls Drive and Brandon Place to access the school from Brandon Place, with buses and staff access from Dollar. The configuration has been designed to minimize the traffic

impact on Dollar Street and in the adjacent neighborhood. An Overall Utility Plan (Sheet LU1.30) prepared by a registered engineer in coordination with city engineering staff has been provided which demonstrates that the school site can be adequately served by public utilities. A Preliminary Stormwater Report detailing the proposed storm detention and treatment system for the new middle school has been submitted under Appendix D of this application. Storm water plans detailing the proposed storm detention and treatment system have been included in Appendix E. The proposed design complies with applicable code and design standards, and there will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding. The data in the preliminary stormwater report provides sufficient factual data to support the conclusions of the plan. This standard is met.”

The criteria are met.

5. *The applicable requirements of the zone are met, except as modified by this chapter.*

Staff Finding 246: Staff incorporates applicant findings.

“The proposed conditional use includes two Class II Variance requests. A variance to CDC Chapter 46.070.B, which requires that all parking spaces be located within 200 feet of a building entrance or site facility and a variance to CDC Chapter 52.300 for the size of the on-wall sign. The proposed variances will not impact the functionality of the site as a school and all relevant functional standards of the West Linn CDC have been met, as demonstrated within this narrative. The Class II Variance Criteria has been addressed within this narrative for each variance request.”

The proposed project site is located in the R-10 zone. Conditional Uses allowed in the R-10 zone include schools.

The criteria are met.

6. *The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.*

Staff Finding 247: Staff incorporates applicant findings.

“The proposed conditional use includes two Class II Variance requests. A variance to CDC Chapter 46.070.B, which requires that all parking spaces be located within 200 feet of a building entrance or site facility and a variance to CDC Chapter 52.300 for the size of the on-wall sign. The proposed variances will not impact the functionality of the site as a school and all relevant functional standards of the West Linn CDC have been met, as demonstrated within this narrative. The supplementary requirements set forth in Chapters 52 to 55 CDC and CDC 92.010(E) have been addressed within this narrative. This standard is met.”

See Chapter 52 findings, pages 51-56. See Chapter 55 findings pages 63-88

The criteria are met.

7. *The use will comply with the applicable policies of the Comprehensive Plan.*

Staff Finding 248: Staff incorporates applicant findings.

“The following goals and policies have been identified as potentially applicable to the proposed use and are addressed below:

Goal 2 - Land Use Planning Policy 3 - Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities.

Response: Recreational amenities, including hardscape play areas, an athletic track and field and walking paths have been provided on the site for school and community use. A total of 42 significant trees were identified on site, of which 19 will be retained. The habitat corridor along the eastern boundary will be preserved as open space. This policy is met.

Policy 5 - New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale

Response: Special consideration has been given to the massing and height of the building along Dollar Street. The building will be sunken into the grade along Dollar Street to increase the compatibility of the building with the residential neighborhood. Enhanced landscaping has been provided along the frontage to provide additional visual buffering. Retaining walls have been utilized at the children’s play area and the waste and recycling storage area to provide additional noise buffering on site. The lighting on site has been located to prevent light trespass on adjacent properties as shown on the Light Coverage Plan (Sheet LU4.01). Landscaping and buffering have been shown on the Planting Plan (Sheet LU1400A). The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20). Key architectural features of the surrounding neighborhood are two-story homes with gabled roof forms, and a mix of wood siding, brick, and stone materials. The school building will be two-stories in height and will incorporate gabled roof forms and a mix of wood and brick materials. The orientation and massing of the building will fan along the hillside which will provide for views of the surrounding landscape from the interior of the building while breaking up the building massing to reduce the overall impact of the building on the site. The building utilizes both flat and pitched roof forms to provide a residential style to the building. This policy is met.

Policy 8 - Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

Response: Public Schools are located within the community they serve. The relocation of Athey Creek Middle School to the Dollar Street site will provide a school that is more centrally located to the school population, withing walking distance to a large portion of the community, all allowing for safer accessibility to students and parents. The existing Athey Creek Middle School site has no walking boundary due to the lack of Safe Routes to School in unincorporated Clackamas County. The relocation of the school was approved by West Linn – Wilsonville voters as part of Measure #3-554, the 2019 West Linn-Wilsonville School District Capital Bond Program. The new school has been designed to be compatible with the existing

neighborhood to the extent possible. Several mitigation efforts have been identified to reduce the impact of the school, as addressed above in CDC Chapter 60.070.A.1.b.

Policy 9 - Foster land use planning that emphasizes livability and carrying capacity.

Response: The City participated in siting of future schools through staff conversations, safe-routes-to-school planning, and the Bond Summit. The District is committed to providing a safe and attractive multi-modal transportation system on the site and in the surrounding area. The design provides safe transportation options for buses, cars, bicycles, and pedestrians. Separate bus and parent drop-off areas provide adequate queuing and control of the site for the safety of all users. The new walking pathways on site connect into new and existing sidewalks along Dollar Street, Brandon Place and Willamette Falls Drive. The District will work to partner with the City on the Safe-Routes to School Program and associated improvements for the school. A Traffic Impact Analysis and Supplementary Memo with a Safe-Routes to School analysis has been included in Appendix D.

Goal 11 – Public Facilities and Services Section 7: Schools Policy 1 - Encourage the School District to build schools on collectors or arterial streets and, where possible, along transit lines.

Response: The proposed school will be located along Willamette Falls Drive, an arterial street. General parent access to the school will be provided from Brandon Place, a local street. Staff and bus access to the school site will be provided from Dollar Street, a local street.

Policy 2 - Encourage the use of energy-responsive materials and processes in the design of schools where economically feasible.

Response: The design includes energy responsive materials and design including appropriate thermal rating of the building envelope systems, sunshades on south facing windows, and photovoltaic systems (solar power) to reduce energy use. High efficiency mechanical, plumbing and lighting systems with modern digital controls will further contribute to reduced energy use.

Policy 3 - The City shall participate in the siting of future school facilities, per the currently approved Intergovernmental Agreement with the School District.

Response: The City and West Linn-Wilsonville School District participated in siting of future schools through staff conversations, safe-routes-to-school planning, and the Bond Summit. Confirmation of the success of the pre-election process was found in the joint letter in support of Measure #3-554 from the mayors of West Linn and Wilsonville, a first in West Linn – Wilsonville history. The City has also been indirectly informed of the siting through community emails, meetings, and local media coverage.

Policy 4 - School design, use, and parking will be responsive to and compatible with surrounding neighborhoods and existing land uses.

Response: Special consideration has been given to the massing and height of the building along Dollar Street. The building will be sunken into the grade along Dollar Street to increase the compatibility of the building with the residential neighborhood. Enhanced landscaping has been provided along the frontage to provide additional visual buffering. Retaining walls have been utilized at the children's play area and the waste and recycling storage area to provide additional noise buffering on site. The lighting on site has been located to prevent light trespass on adjacent properties as shown on the Light Coverage Plan (Sheet LU4.01). Landscaping and buffering have been shown on the Planting Plan (Sheet LU1400A). The proposed retaining walls have been shown on the Overall Grading and Drainage Plan (Sheet LU1.20). Key architectural features of the surrounding neighborhood are two-story homes with gabled roof forms, and a mix of wood siding, brick, and stone materials. The school building will be two-stories in height and will incorporate gabled roof forms and a mix of wood and brick materials. The orientation and massing of the building will fan along the hillside which will provide for views of the surrounding landscape from the interior of the building while breaking up the building massing to reduce the overall impact of the building on the site. The building utilizes both flat and pitched roof forms to provide a residential style to the building. This policy is met.

Policy 5 - Work cooperatively with the school district to develop a safe-routes to school program and incorporate related improvements into the transportation capital improvements program

Response: The relocation of Athey Creek Middle School to the Dollar Street site will provide a school that is more centrally located to the school population, within walking distance to a large portion of the community, all allowing for safer accessibility to students and parents. The existing Athey Creek Middle School site has no walking boundary due to the lack of Safe Routes to School in unincorporated Clackamas County. The Dollar Street location and school design provides safe transportation options for buses, cars, bicycles, and pedestrians. Separate bus and parent drop-off areas provide adequate queuing and control of the site for the safety of all users. The new walking pathways on site connect into new and existing sidewalks along Dollar Street, Brandon Place and Willamette Falls Drive. The District will work to partner with the City on the Safe-Routes to School Program and associated improvements for the school. A Traffic Impact Analysis and Supplementary Memo with a Safe-Routes to School analysis has been included in Appendix D. This goal is met.”
The criteria are met.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.

Staff Finding 249: Staff incorporates applicant findings.

“The provisions of Chapter 55 of the CDC have been addressed in this narrative. This standard is met.”

See staff findings 179-239.

The criteria are met.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

- 1. Limiting the hours, days, place, and manner of operation.*
- 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.*
- 3. Requiring additional setback areas, lot area, or lot depth, or width.*
- 4. Limiting the building height, size or lot coverage, or location on the site.*
- 5. Designating the size, number, location and design of vehicle access points.*
- 6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.*
- 7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.*
- 8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.*
- 9. Limiting the number, size, location, height, and lighting of signs.*
- 10. Limiting or setting standards for the location and intensity of outdoor lighting.*
- 11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.*
- 12. Requiring and designating the size, height, location, and materials for fences.*
- 13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.*

Staff Finding 250: Staff incorporates applicant findings.

“The applicant acknowledges that the Planning Commission may impose conditions of approval on a conditional use, including those listed in subsections 1-13 above. The applicant has conducted a robust community engagement program including six community meetings to understand the interests and concerns of the neighborhood and has endeavored to be responsive to feedback received. This standard is met.”

The criteria are met.

D. Aggregate extraction uses shall also be subject to the provisions of ORS [541.605](#).

Staff Finding 251: Staff incorporates applicant findings.

“The proposed use is not an aggregate extraction use. The requirements of this section are not applicable.”

The criteria do not apply.

E. *The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:*

1. *Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and*
2. *Utilize existing structures rather than new structures.*

Staff Finding 252: Staff incorporates applicant findings.

“The subject site is not designated as a historic resource. The requirements of this section are not applicable.”

The criteria do not apply.

60.100 ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES

Schools and other government facilities that attract a regular and significant volume of users shall, to the greatest extent possible, be centrally located relative to the majority of the population that they will serve and be serviceable by sidewalks and bike routes/lanes. Police and fire stations shall meet these standards to the greatest extent possible but it is acknowledged that access to arterials remains a key locational determinant for those uses. (Ord. 1590 § 1, 2009)

Staff Finding 253: Staff incorporates applicant findings.

“The proposed location of Athey Creek Middle School will be more centrally located to the population it serves than the existing location of Athey Creek Middle School, which is in unincorporated Clackamas County. The current location has no walking boundary due to the lack of pedestrian and bicycle routes and lanes. The new location will be accessible by sidewalks and bike routes. New right-of-way improvements including pedestrian and bicycle routes and lanes are included in the proposed design. This standard is met.”

The criteria are met.

XIV. CHAPTER 75: VARIANCES AND SPECIAL WAIVERS

75.020 CLASSIFICATION OF VARIANCES

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

B. *Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or special waiver.*

1. *Class II Variance Approval Criteria. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall*

approve a variance request if all the following criteria are met and corresponding findings of fact prepared.

a. The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:

1) Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.

2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.

3) The potential for economic development of the subject property.

b. The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.

c. The need for the variance was not created by the applicant and/or owner requesting the variance.

d. If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.

Staff Finding 254: Staff incorporates applicant findings.

“The applicant is requesting two class II variances for the proposed renovations. A variance to CDC Chapter 46.070.B which requires all parking stalls be located within 200 feet of a building entrance and a variance to CDC Chapter 52.300 which limits on-wall signs to 18 square feet in area.

Class II Variance to CDC Chapter 46.070.B CDC Chapter 46.070.B requires that all parking spaces be located within 200 feet of a building entrance.

The school campus consists of a main school building with multiple entrances, recreation facilities, and outdoor learning spaces to serve the students and teachers. There are two parking areas on site. The proposed parking lots have been located as close as possible to the main entrance of the building, given the needs of a school use and fulfillment of other requirements of the CDC. The Site Plan (Sheet LU1.10) included in Appendix E illustrates the extent of parking within 200 feet of the entrance to the various destinations on the site. This development is similar in size, intensity, and type to Rosemont Ridge Middle School, the other middle school located in the City. Rosemont Ridge has a site area of 20.61 acres and a total student capacity of 713 students, as provided in the 2019 West Linn-Wilsonville Long Range Facility Plan. The variance does not cause a violation of other code standards and meets the purpose of the regulation being modified by placing parking stalls as close as practical to the entries. ADA parking has been located closest to the primary entrance on each side of the building. Specific details for each lot are provided below.

The west parking lot will primarily serve parents and visitors to the school. All parking stalls within the parking lot are located within 200 feet of the main covered entryway, or within 200 feet of the entryway to the band and choir rooms as measured from the nearest point of each parking space. The west parking lot is bordered on three sides by a wide sidewalk and drop

off lane to maximize safe and efficient student arrival and dismissal. The drop off lane is 450 feet long, facilitating 17-20 vehicles simultaneously. These features prevent designing parking stalls along the nearest edges of the parking lot. The design also preserves natural resources in the form of existing trees and shrubs that contribute to the natural buffer between the parking lot and Willamette Falls Drive, and in the form of proposed trees and shrubs that will create the natural buffer between the parking lot and Dollar Street.

The east parking lot will primarily serve as a bus loading zone and staff parking lot, with parking for special events on site associated with the recreation facilities. The majority of the parking stalls within the east parking lot are located within 200 feet of the entrance to the multi-use track and field, located on the south side of the field, or within 200 feet of the building entrance to the southern classroom wing. A total of three parking stalls in the east parking lot are not compliant with the maximum 200 foot spacing requirement of this section. These three parking stalls are located within 230 feet of the southern classroom wing, and 225 feet of the multi-use track and field entrance. Additionally, the east parking lot is proposed to be far from and lower than neighboring properties along Dollar Street to reduce the potential noise impact. The east parking lot is bordered on the north and west sides by a wide sidewalk and bus loading and unloading lane to facilitate safe and efficient student arrival and dismissal. The parking lot location was also influenced by anticipated pedestrian traffic, including students. The playground, sports field, greenhouse, and southern pathway can all be accessed without the need to cross a vehicle drive lane, which maximizes student and pedestrian safety. The design also preserves natural resources in the form of existing trees and shrubs that contribute to the natural buffer between the parking lot and Willamette Falls Drive, and in the form of proposed trees and shrubs that will create the natural buffer between the sports field, parking lot and Dollar Street.

The need for the proposed parking distance variance has not been created by the District, given the size and topography of the site and parking requirements unique to a school use. This variance is the minimum variance necessary for the reasonable and safe use of the property as a school, preservation of natural resources, buffering, and addressing community feedback regarding the development.

Class II Variance to CDC Chapter 52.300 CDC Chapter 52.300 limits on-wall building signs to a maximum area of 18 square feet.

The District is proposing one on-wall sign, located on the west face of the building. The on-wall sign will have a combined area of 110 square feet, which exceeds the maximum allowed square footage. The proposed wall sign has been illustrated on the Monument and Building Signage Plan (Sheet LU3.06).

The proposed on-wall sign will be located on the west face of the building at the primary building entrance for students, parents, and visitors. The access for visitors to the school from Brandon Place is approximately 466.6 feet from the west face of the building. The proposed sign variance to increase the size of the sign to 110 square feet is necessary for readability for

vehicles and pedestrians traveling from Brandon Place. The total area of just the lettering will be 21 square-feet, with no backing material. An 18-square foot sign area is not readable from Brandon Place and would create a hardship for the applicant to identify the school building, which has unique architectural and site needs as a community building. This standard is met.

The proposed sign variance will not result in a violation of other standards of the Community Development Code. The need for the proposed sign variance has not been created by the District.

The cumulative effect of the two proposed Class II Variances will result in a project that is consistent with the overall purpose of the zone and the conditional use of the site as a school. This standard is met.”

Subject to the granting of the variances, the criteria are met.

XV. CHAPTER 85, GENERAL REQUIREMENTS

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL 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 property line adjustment.

Staff Finding 255: The applicant is proposing to consolidate three tax lots into one single tax lot. The three tax lots are: 21E34C00600, 21E34DC00900, and 21E34DC01001.

Staff incorporates applicant findings.

“As part of the proposed development, the District is proposing to consolidate the three tax lots that property is comprised of into a single tax lot. The proposed lot consolidation will not create an additional lot or parcel. This standard is met.”

The criteria are met.

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. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.

Staff Finding 256: Staff incorporates applicant findings.

“The site is in the R-10 residential zone. The minimum lot size is 10,000 square feet. The consolidation of the three tax lots will result in a gross lot area of 962,676 square feet, which exceeds the minimum requirement of the R-10 zone. This standard is met.”

The criteria are met.

3. Property line adjustments shall be either:

- a. A straight line (see Figure 1 example);**
- b. A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or**
- c. A maximum of three turns less than 45 degrees**

Staff Finding 257: Staff incorporates applicant findings.

“The proposed adjustment will consolidate the three lots owned by the school district into a single lot. The adjustment will not result in new property lines. This standard is met.”

The criteria are met.

4. The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.

Staff Finding 258: Staff incorporates applicant findings.

“The proposed lot consolidation will not result in a new lot or parcel that violates the site development regulations. This standard is met.”

The criteria are met.

5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant.

Staff Finding 259: The proposed lot consolidation will not adversely affect any existing easements or utilities where easement vacations or replacement easements are established in accordance with the development plans submitted for the site. Any new required easements or utility relocations will be funded by the applicant.

The criteria are met.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).

Staff Finding 260: Staff incorporates applicant findings.

“The proposed lot consolidation meets the standards of this section. The requirements of CDC 99.060(B)(2)(e) are not applicable.”

The criteria do not apply.

7. Any appeal must be filed in accordance with CDC 99.240.

Staff Finding 261: Staff incorporates applicant findings.

“The applicant acknowledges that any appeal must be filed in accordance with CDC 99.240”

The criteria are met.

XVI. CHAPTER 92, REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

The following improvements shall be installed at the expense of the developer and meet all City codes and standards:

A. Streets within subdivisions.

1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:
 - a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.
 - b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.
2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:
 - a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.
 - b. A condition that the applicant build a trail, bicycle path, or other appropriate way. If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS. Construction staging area shall be established and approved by the City Engineer. Clearing, grubbing, and grading for a development shall be confined to areas that have been granted approval in the land use approval process only. Clearing, grubbing, and grading outside of land use approved areas can only be approved through a land use approval modification and/or an approved Building Department grading permit for survey purposes. Catch basins shall be installed and connected to pipe lines leading to storm sewers or drainageways.
 - B. Extension of streets to subdivisions. The extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to a minimum street structural section and width of 24 feet.
 - C. Local and minor collector streets within the rights-of-way abutting a subdivision shall be graded for the full right-of-way width and approved to the City's permanent improvement standards and specifications. The City Engineer shall review the need for street improvements and shall specify whether full street or partial street improvements shall be required. The City Engineer shall also specify the extent of storm drainage improvements required. The City Engineer shall be guided by the purpose of the City's systems development charge program in determining the extent of improvements which are the responsibility of the subdivider.
 - D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

Staff Finding 262: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

E. Storm detention and treatment. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), a registered civil engineer must prepare a storm detention and treatment plan, at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

- 1. 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.*
- 2. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.*
- 3. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.*
- 4. There is sufficient factual data to support the conclusions of the plan.*
- 5. Per CDC 99.035, the Planning Director may require the information in subsections (E)(1), (2), (3) and (4) of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.*

Staff Finding 263: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2.

The criteria are met.

F. Sanitary sewers. Sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains.

- 1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his or her share of the construction.*
- 2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.*

Staff Finding 264: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2.

The criteria are met.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to the City Engineer's recommendations and City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each

connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

Staff Finding 265: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

H. Sidewalks.

- 1. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, or special site conditions, the Planning Commission may approve a subdivision without sidewalks if alternate pedestrian routes are available. In the case of the double-frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the land owner at the time a request for a building permit is received. Additionally, deed restrictions and CC&Rs shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for doublefrontage lots.*
- 2. On local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC 91.010(A)(2).*
- 3. The sidewalks shall measure at least six feet in width and be separated from the curb by a six-foot minimum width planter strip. Reductions in widths to preserve trees or other topographic features, inadequate right-of-way, or constraints, may be permitted if approved by the City Engineer in consultation with the Planning Director.*
- 4. Sidewalks should be buffered from the roadway on high volume arterials or collectors by landscape strip or berm of three and one-half-foot minimum width.*
- 5. The City Engineer may allow the installation of sidewalks on one side of any street only if the City Engineer finds that the presence of any of the factors listed below justifies such waiver:*
 - a. The street has, or is projected to have, very low volume traffic density;*
 - b. The street is a dead-end street;*
 - c. The housing along the street is very low density; or*
 - d. The street contains exceptional topographic conditions such as steep slopes, unstable soils, or other similar conditions making the location of a sidewalk undesirable.*

Staff Finding 266: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

I. *Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

Staff Finding 267: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

“The proposed development will install a new sidewalk and separated bike path along Willamette Falls Drive. The proposed bicycle and pedestrian improvements have been shown on the Site Plan (Sheet LU1.11-LU1.17) and have been detailed in the Traffic Impact Analysis Report prepared by DKS and Associates and included under Appendix D of this application. The District acknowledges that the Planning Commission may require additional bicycle route improvements as a condition of approval. This standard is met.”

All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

J. *Street name signs. All street name signs and traffic control devices for the initial signing of the new development shall be installed by the City with sign and installation costs paid by the developer.*

K. *Dead-end street signs. Signs indicating “future roadway” shall be installed at the end of all discontinued streets. Signs shall be installed by the City per City standards, with sign and installation costs paid by the developer.*

L. *Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.). Sign and installation costs shall be paid by the developer.*

M. *Street lights. Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.*

N. *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.*

O. *Curb cuts and driveways. Curb cuts and driveway installations are not required of the subdivider at the time of street construction, but, if installed, shall be according to City standards. Proper curb cuts and hard-surfaced driveways shall be required at the time buildings are constructed.*

P. *Street trees. Street trees shall be provided by the City Parks and Recreation Department in accordance with standards as adopted by the City in the Municipal Code. The fee charged the*

subdivider for providing and maintaining these trees shall be set by resolution of the City Council.

Q. Joint mailbox facilities shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval.

Staff Finding 268: All improvements are identified in plan sheets LU1.10 – LU1.07 and will be installed to West Linn Public Works Design Standards per condition of approval #2. The criteria are met.

XVII. CHAPTER 96: STREET IMPROVEMENT CONSTRUCTION

96.010 CONSTRUCTION REQUIRED

A. New construction.

1. Building permits shall not be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure, which results in an increase in size or includes a change in use, including building permits for singlefamily dwellings but excepting building permits for alteration or addition to an existing single-family dwelling, unless the applicant for said building permit agrees to construct street improvements as required by the land use decision authorizing the construction activity. The placement of new curbs and the drainage facilities required shall be determined by the City Manager or the Manager's designee.

2. If the building permit did not require a prior land use decision, the applicant shall construct street improvements which shall include curbs, sidewalks, drainage facilities, and pavement widening to meet new curbs, along all City streets which abut the property described in the building permits.

3. An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if the City Manager or the Manager's designee determines the transportation system plan does not include the street improvement for which the waiver is requested.

4. When an applicant applies for and is granted a waiver of street improvements under subsection (A)(3) of this section, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.

B. Remodeling of an existing building.

C. Replacement of an existing building.

D. Notwithstanding any other provisions of this chapter, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole

discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area.

Staff Finding 269: Staff incorporates applicant findings.

“The District is proposing street improvements to Dollar Street, Brandon Place and Willamette Falls Drive. The applicant acknowledges that a development agreement with the City may be required for the proposed improvements. This standard is met.”

The criteria are met.

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

Staff Finding 270: Staff incorporates applicant findings.

“All proposed street improvements will be installed according to City Standards and will be completed prior to occupancy. This standard is met.”

The criteria are met.

XVIII. CHAPTER 99: PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

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

(...)

B. Pre-application conferences.

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

(...)

d. Conditional uses;

e. Design review (Class I and Class II);

(...)

o. Variances;

(...)

Staff Finding 271: The applicant attended a pre-application conference with City staff on November 18, 2020.

The criteria are met.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant

shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

A. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.

C. The letter shall be sent to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall encourage concerned citizens to contact their association president, or their association designee, with any questions that they may want to relay to the applicant.

Neighborhood contact shall be initiated by the applicant by mailing the association president, and to one designee as submitted to the City by the neighborhood association, a letter, return receipt requested, formally requesting, within 60 days, a date and location to have their required neighborhood meeting. The 60 days shall be calculated from the date that the applicant mails this letter to the association. If the neighborhood association does not want to meet within the 60-day timeframe, or if there is no neighborhood association, the applicant may hold a public meeting during the evening after 6:00 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

D. On the same date the letters described in subsections A through C of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right-of-way. If the site is not

located adjacent to a through street, then an additional sign shall be posted on the nearest through street. The sign notice shall be at least 11 inches by 17 inches in size on durable material and in clear, legible writing. The notice shall state that the site may be subject to a proposed development (e.g., subdivision, variance, conditional use) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

1. A copy of the certified letter to the neighborhood association with a copy of return receipt;
2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;
3. A copy of the required posted notice, along with an affidavit of posting;
4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;
5. An audiotape of the meeting; and
6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section.

Staff Finding 272: The applicant fulfilled the requirements of neighborhood contact by presenting at a virtual open house meeting, sending a certified letter to the neighborhood association board members, a notice letter to property owners within 500 feet of the property, a copy of the minutes from the neighborhood association meeting, and an audio recording of the neighborhood association meeting (available at City Hall). The applicant also posted a meeting notice on the District website and distributed notice to the project's ListServ email list with approximately 442 subscribers. The neighborhood meeting was held on November 18, 2020. Required documentation pertaining to this meeting is included in the applicant submittal (see page 118).

The criteria are met.

99.060 APPROVAL AUTHORITY

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

(...)

2. Approve, deny, or approve with conditions the following applications:

(...)

b. A conditional use (Chapter 60 CDC).

(...)

e. *Class II variance or special waiver (Chapter 75 CDC).*

(...)

h. *Design review, Class II (Chapter 55 CDC).*

(...)

Staff Finding 273: The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for July 7, 2021.

The Criteria are met.

99.080 NOTICE

Notice shall be given in the following ways:

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

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:
a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.

b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.

c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.

d. The affected recognized neighborhood association or citizens advisory committee.

e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.

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

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

3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.

4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.

5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

6. At the conclusion of the land use action the signs shall be removed.

Staff Finding 274: The applicant proposal has been properly noticed by the City. See Exhibit PC-3.

The criteria are met.

EXHIBIT PC-1: APPLICANT SUBMITTAL

EXHIBIT PC-2: SUPPLEMENTAL TRANSPORTATION SUBMITTALS

EXHIBIT PC-3: PUBLIC COMMENT

EXHIBIT PC-4: COMPLETENESS LETTER

EXHIBIT PC-5: AFFIDAVIT AND NOTICE PACKET