



**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: November 15, 2021
FILE NO.: DR-21-09
REQUEST: Approval of a Class I Design Review located at 1673 16th Street
PLANNER: Betty Avila, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

APPLICANT:	Michael Jenkins 2065 Ostman Road West Linn, OR 97068
OWNER:	Same as applicant
SITE LOCATION:	1673 16 th Street
SITE SIZE:	10,000 square feet
LEGAL DESCRIPTION:	Assessor's Map 31E-02BB Tax 5400
COMP PLAN DESIGNATION:	Mixed Use
ZONING:	Willamette Neighborhood Mixed-Use Transitional Zone
APPROVAL CRITERIA:	Community Development Code (CDC): Chapter 46: Off-Street Parking, Loading and Reservoir Areas Chapter 48: Access, Egress and Circulation; Chapter 54: Landscaping Chapter 55: Design Review; Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone; Chapter 96: Street Improvement Construction
120-DAY RULE:	The application became complete on October 13, 2021. The 120-day period ends February 9, 2022.
PUBLIC NOTICE:	Notice was mailed to property owners within 300 feet of the subject property and to the Willamette Neighborhood Association on October 13, 2021. A sign was placed on the property on October 13, 2021. The notice was also posted on the City's website on October 13, 2021. Therefore, public notice requirements of CDC Chapter 99 have been met.

BACKGROUND

The applicant seeks approval for a Class I Design Review to allow for the conversion from an existing single-family home to a hair salon (personal service use) located at 1673 16th Street. The salon will have a total of four work stations, thus, requiring a total of eight off-street parking spaces. The City Engineer will allow for adjacent on-street parking to count towards the required off-street parking minimum. There is also a 10 percent reduction in off-street parking due to an adjacent existing transit line, resulting in a total of 7 parking spaces. The existing driveway will be converted to an ADA accessible parking space, while the other 6 parking spaces will be those adjacent on-street parking spaces located on Willamette Falls Drive. The application does not involve an addition to the structure or exterior improvements. The property meets dimensional standards of the Willamette Neighborhood Mixed-Use Transitional Zone (MU). Access will remain the same and located on 16th Street. The properties to the east are zoned Mixed Use and those on the west are zoned Single-Family Residential Detached, R-10. The properties to the north are zoned Single-Family Residential Detached, R-10 and to south are zoned Mixed Use.

Public comments:

One public comment was received in support of the proposed project (Exhibit PD-2).

DECISION

The Community Development Director (designee) approves this application (DR-21-09), 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 Plan. With the exception of modifications required by these conditions, the project shall conform to the Plan Sheets found in Exhibit PD-1.**
- 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 issuance of Certificate of Occupancy by the Building Official.**

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

Betty Avila

Betty Avila, Associate Planner

November 15, 2021

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date. The appeal fee is \$400. The appeal must be filed by an individual who has established standing by submitting comments before the decision date. Approval will lapse 3 years from the effective approval date if the final plat is not recorded.

Mailed this 16th day of November 2021.

Therefore, the 14-day appeal period ends at 4 p.m. on November 30, 2021.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-21-09**

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

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

46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED

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

Staff Finding 1: The applicant does not propose the storage of materials or vehicles in the ADA parking that would occupy required parking spaces and shall be available for customer and employee parking needs. This criteria is met.

46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE

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

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

(...)

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

(...)

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

Staff Finding 2: The applicant is changing use from an existing single-family residence to a hair salon, a personal service use. The off-street parking spaces are not located further than 200 feet from the entryway to the building. Those off-street parking spaces include the ADA accessible parking spot in the driveway while the rest are located on Willamette Falls Drive. The applicant does not propose any stacked or valet parking with this application. The ADA accessible parking space is close to the building’s entry in the existing driveway. These criteria are met.

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

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

B. To calculate building square footage as a basis for determining how many parking spaces are needed, the area measured shall be gross floor area under the roof measured from the faces

of the structure, including all habitable floors and excluding only space devoted to covered off-street parking or loading.

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

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

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

(...)

Staff Finding 3: The applicant proposes to renovate the existing single-family home into a hair salon with four work-stations. The hair salon is a personal service use where CDC 46.090 (C)(10) –tanning salon- applies for the purpose of calculating the number of required off-street parking spaces. The requirement for off-street parking lot for a hair salon is one space per work station, plus 1 per employee, in this case resulting in a total of 8 off-street parking spaces. However, there is a 10% reduction in the total number of parking required if the site is within one-quarter mile of a transit corridor according to CDC 46.090 (G). Since fractional space requirements shall be counted as a whole space, this results in a total number of 7 required off-street parking spaces. Additionally, the City Engineer approved a total of six on-street parking spaces along the immediate frontage on Willamette Falls Drive which will be counted towards the minimum parking requirements. The other required parking spot will be the ADA accessible parking spot in the driveway. These criteria are met.

46.090 MINIMUM PARKING SPACE REQUIREMENTS

(...)

C. Commercial.

(...)

10. Tanning Salon

One space per tanning booth/bed, plus 1 per employee.

(...)

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 4: The hair salon is a personal service use where CDC 46.090 (C)(10) –tanning salon- applies for the purpose of calculating the number of required off-street parking spaces. The requirement for off-street parking lot for a hair salon is one space per work station, plus 1 per employee, in this case resulting in a total of 8 off-street parking spaces. However, there is a 10% reduction in the total number of parking required if the site is within one-quarter mile of a transit corridor according to CDC 46.090 (G). Since fractional space requirements shall be counted as a whole space, this results in a total number of 7 required off-street parking spaces. The criteria is satisfied.

46.150 DESIGN AND STANDARDS

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

A. Design Standards.

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

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

(...)

Staff Finding 5: The proposed use will use a total of six on-street parking spaces along the immediate frontage on Willamette Falls Drive which will be counted towards the minimum parking requirements which meet these dimensional standards. The proposed ADA accessible parking space will meet current federal dimensional standards as noted in subsection B and is placed nearest to the entryway. All ADA spaces and ramps meet the federal dimensional standards. These criteria are met.

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

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

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

Staff Finding 6: There is no loading/service drive proposed. The applicant does not propose stacked parking. The applicant proposes to clearly mark the ADA accessible parking space. The criteria are met.

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

surface runoff for all parking areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve.

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

Staff Finding 7: All parking is proposed to be paved to meet City Engineering standards. The driveway measures at least 20 feet from the back of the sidewalk to the garage to accommodate vehicles without blocking the public sidewalk. This criteria does not apply.

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

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

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

Staff Finding 8: The applicant proposes compliance with the clear vision standards. A wheel stop will be provided for the ADA accessible parking space to meet the above criteria. These criteria are met.

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

Staff Finding 9: The ADA accessible off-street parking space will be drained in accordance with plans and specifications as approved by the City Engineer. This criterion is met.

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

(...)

Staff Finding 10: The applicant has not proposed artificial lighting. This criterion is met.

- 16. Visitor or guest parking must be identified by painted "GUEST" or "VISITOR."
 - 17. The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.
- (...)

Staff Finding 11: The applicant has proposed directional arrows on the submitted site plans for both options. The proposed directional arrows will help facilitate the flow of traffic through the parking areas. No specific visitor/guest parking and no residential development are proposed with this application. The ADA accessible parking spot is proposed to have a grade of less than 5%. These criteria are met.

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

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

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
1-25	1	1	—

Staff Finding 12: The applicant has proposed 1 ADA accessible space in the existing driveway as indicated in the Site Plan. The parking space will be van-accessible and signed for disabled access in accordance with current building and ADA standards. These criteria are met.

- 2. Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- 3. Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.
- 4. Where any differences exist between this section and current federal standards, those standards shall prevail over this code section.

5. *One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.*
6. *Van-accessible parking spaces shall have an additional sign marked "Van Accessible" mounted below the accessible parking sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair Use Only." Van-accessible parking shall have an adjacent eight-foot-wide aisle. All other accessible stalls shall have a six-foot-wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.*

Staff Finding 13: The applicant proposal has located the accessible parking spot nearest the building entryway. The accessible space meets ADA standards. These criteria are met.

I. Chapter 48: Access, Egress and Circulation

48.025 ACCESS CONTROL

B. Access control standards.

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

Staff Finding 14: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B)(2) are met. For example, an Average Daily Trip count (ADT) increase of 250 is typically required before a TIA is needed. 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 15: The access will continue to be from 16th Street, a local street with the lowest classification. The property is a corner lot which abuts 16th street, a local street, and Willamette Falls Drive, a minor arterial. Access to the lowest classified street is preferred as to lessen the disruption of traffic flow. The proposal will include a City approved driveway apron and one retrofitted accessible parking space. 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 16: The existing and future access is from 16th Street, the lowest classified street abutting the property. There is currently one off-street parking space located in the driveway that will be converted to an ADA accessible parking space. Street access will comply with access spacing standards in subsection (B)(6) as indicated in Option 3. 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 17: The proposal is not a land division; therefore the criteria does 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 18: The property is a corner lot which abuts 16th street, a local street, and Willamette Falls Drive, a minor arterial. Access will continue to be taken from the street with the lowest classification- 16th Street which is a local street. The criteria are met.

6. Access Spacing.

a. The access spacing standards found in the adopted TSP shall be applicable to all newly established public street intersections...variance section in the adopted TSP.

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

Staff Finding 19: The applicant proposal does not include any new public street intersections. Please see Staff Findings 26 to 28 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...

Staff Finding 20: The parcel is a corner lot and will have one access point on 16th Street. 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. (...)

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 21: The applicant will retain the existing access from 16th Street, a public street. The criteria are met.

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

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

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 22: No land division is proposed. The proposed conversion from a single-family home to a hair salon is located in a fully developed area with an existing street grid pattern and no new connections are feasible. The criteria are met.

48.040 MINIMUM VEHICULAR REQUIREMENTS FOR NON-RESIDENTIAL USES

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

(...)

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

Staff Finding 23: The subject property is bordered by 16th Street, a local street, and Willamette Falls Drive, a minor arterial, and will continue to take access from the local street. The existing driveway access will be maintained and converted to fit an ADA accessible parking space that meets federal and building regulations. The criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

B. Maximum curb cut width shall be 36 feet...

(...)

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

(...)

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

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

(...)

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

(...)

Staff Finding 24: The proposed curb cut is 17 feet wide and will be located on 16th Street, a local street. The curb cut will be more than 35 feet from the intersection with Willamette Falls Drive. The proposed curb cut will be more than 30 feet away from the next closest curb cut on the adjacent lot located on 16th Street. The criteria are met.

E. A rolled curb may be installed...

F. Curb cuts shall be kept at a minimum...

Staff Finding 25: Staff incorporates the findings found on page 21-22 of the applicant's submittal (Exhibit PD-1). The criteria are met.

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

Staff Finding 26: Staff incorporates the findings found on page 22 on the applicant's submittal (Exhibit PD-1). The criteria are met.

III. CHAPTER 54, LANDSCAPING

54.020 APPROVAL CRITERIA

(...)

E. Landscaping – By type, location and amount.

(...)

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.

3. All uses (residential uses (non-single-family) and non-residential uses):

(...)

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 27: The applicant has submitted a landscaping plan (see sheet 54 of the applicant's submittal). The existing landscape on the property will be maintained; however, the applicant will install a 5 foot landscape strip adjacent to the neighbor that will contain small plants/shrubs to cover at least 75% of the bark dust area. This criteria is met.

55.050 PROTECTION OF STREET TREES

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

Staff Finding 28: Two street trees will be planted as required by the City Engineer and will not be topped or trimmed unless approval is granted by the Parks Supervisor. The Proposed Site Plan includes the tree wells. This criteria is met.

55.060 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 29: The applicant will maintain landscaping in a good condition such that the above criteria are followed. This criteria is met.

IV. CHAPTER 55, DESIGN REVIEW

55.020 CLASSES OF DESIGN REVIEW

A. *Class I Design Review. The following are subject to Class I Design Review:*

(...)

9. *No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.*

(...)

c. *Addition or reduction of parking stalls.*

Staff Finding 30: A Class I Design Review applies to the change in use as there is an additional parking need for the change in use from a single-family home to a hair salon. The application meets all criteria for Class I Design Review as shown in Findings 31-40. The criteria are met.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

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

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

B. Relationship to the natural and physical environment.

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

Staff Finding 31: The subject property contains no heritage trees. The criteria are met.

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...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. (...)

Staff Finding 32: The subject property contains no Type I or II lands, does not contain any wetlands or protected stream corridors, is not located in the FEMA-mapped floodplain, and is not shown to have landslide potential in Map 16 of the Natural Hazard Mitigation Plan. 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. (...)

Staff Finding 33: The subject property contains no Type I or II lands. The applicant is not requesting to remove any of the trees that are on site. 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 (...)

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. (...)

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. (...)

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 (...)

Staff Finding 34: The proposal is for the conversion from a single-family residence to a hair salon. No new streets are proposed and the parcels are being consolidated. The criteria are met.

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

Staff Finding 35: The subject property is located in a built out neighborhood and the applicant does not propose any significant grading. 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 36: The subject property is not identified as a landslide risk in any of the City's hazard maps. The site is in a relatively flat area. The criteria are met.

2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

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 37: Staff incorporates the findings found on page 33 of the applicant's submittal (Exhibit PD-1). 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.

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

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

- d. *Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multilight 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.*
- 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.*
- f. *Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.*
- g. *Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.*
- h. *The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.*
- i. *Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.*

Staff Finding 38: There are no proposed changes to the exterior of the residence. The criteria are met.

3. *Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.*

Staff Finding 39: The Planning Manager does not require any additional information. The criteria are met.

B. *An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.*

Staff Finding 40: The subject property is on 16th Street which has water, sewer, and storm infrastructure available. The City Engineer has confirmed there is adequate capacity to service the proposal. The criteria are met.

V. CHAPTER 59, WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE

59.030 PERMITTED USES The following are uses permitted outright in this zone:

13. Personal service facilities; (...)

Staff Finding 41: The applicant proposes to convert an existing single-family detached home to a hair salon, which is deemed a personal service use. The criteria are met.

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

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

- 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 2. The average minimum lot width shall be 50 feet.*
- 3. The average minimum lot depth shall not be less than 90 feet.*
- 4. The minimum yard dimensions or minimum building setback area from the lot line shall be:*
 - a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be six feet from the front property line.*
 - b. For an interior side yard, seven and one-half feet.*
 - c. For a side yard abutting a street, 12 feet.*
 - d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.*

Staff Finding 42: All of the above dimensional requirements are met and there is no exterior work to be done to the existing structure. The criteria are met.

5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less.

Staff Finding 43: The existing structure is a single-story structure that is also no more than 35 feet in height. The criteria are met.

6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.

Staff Finding 44: The building floor area is approximately 1,500 square feet including the garage. The criteria are met.

7. The building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet.

Staff Finding 45: The subject property is 10,000 square feet. The ground floor of the single-family home is approximately 1,500 square feet, which results in a 15% floor area ratio. The criteria are met.

8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record.

Staff Finding 46: The subject property is 10,000 square feet. The criteria are met.

B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. Residential-style building with single story porch on the front, and on the side where it abuts a street.

Staff Finding 47: The subject property is a corner lot and the applicant is not proposing any addition to the structure. The criteria are met.

2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.

Staff Finding 48: The applicant will work with the Engineering Department on the new sidewalk that is proposed along 16th Street. The criteria are met.

3. Off-street parking shall be behind, under, or on the side of building.

4. Garages shall not extend any closer to the street than the street-facing facade of the house.

Staff Finding 49: The existing off-street parking in the driveway will be converted to an ADA accessible parking space. Other off-street parking will be those spots adjacent to the property on Willamette Falls Drive, which is located on the side of the building. The existing garage will have no changes and will not extend any close to 16th Street than the street-facing façade of the structure. The criteria are met.

5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines

6. These design standards, subsections (B)(1) through (5) of this section, shall not 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 design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means.

Staff Finding 50: The applicant does not propose any outdoor advertising nor any public facilities. The criteria are met.

59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

- A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.*
- B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.*

Staff Finding 51: The applicant will abide by the operational hours indicated above. Staff adopts the applicant’s findings on Page 44 in Exhibit A. The criteria are met.

VI. CHAPTER 96, STREET IMPROVEMENT CONSTRUCTION

96.010 CONSTRUCTION REQUIRED

A. New construction.

(...)

B. Remodeling of an existing building

- 1. Building permits shall not be issued for the remodeling and conversion of any existing building or structure which results in an increase in size or includes a change of use excepting building permits for the alteration or addition to an existing single-family dwelling, unless:
 - a. The applicant for said building permit agrees to construct street improvements; and*
 - b. The City Manager or the Manager’s designee determines that the remodeling of a structure or change of use is sufficient to cause construction of street improvements.**
- 2. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements, shall be made by the City Manager or the Manager’s designee. This determination shall be based upon finding that the increase in building size or change of use results in either:
 - a. An increase in floor area which creates the need for additional on-site parking in accordance with the Community Development Code; or*
 - b. A change in use that results in a need for additional on-site parking; or**
- (...)*
- 3. An applicant for a remodeling of an existing building or structure change may apply for a waiver of street improvements and the option to make a payment in lieu of construction utilizing the process described in subsection (A)(3) of this section.*

Staff Finding 52: The applicant proposes to change the use from an existing single-family home to a hair salon (personal service use). The applicant has proposed to construct street improvements on 16th Street consisting of curb, gutter, planter strip, street trees, and sidewalk per City standards. Please see Condition of Approval 2. The City’s Engineering Department has reviewed the proposal and will require final construction plans. Subject to the Conditions of Approval, these criteria are met.

PD-1 APPLICANT SUBMITTAL

Date of revised code responses: 10/3/2021

PROJECT DESCRIPTION

The applicant proposes to renovate an existing single-family home into a hair salon, which is a permitted use in the MU zone. The salon will have four work stations. The required off-street parking minimum for the salon will be eight spaces (CDC 46.090.C(10)). A change in use from single-family residential to personal service facility that requires additional onsite parking (CDC Chapter 96.010.B.2(b)) necessitates installation of street improvements. The additional parking requirements also triggers a Class I Design Review application (CDC Chapter 55.020.A.9(c)). The City Engineer will allow adjacent on-street parking to count towards off-street minimums and the property is eligible for a 10 percent reduction in required parking as it is adjacent to a transit line. Access drives will be required to meet width and locational criteria found in CDC Chapter 48.040 and 48.060. The existing driveway will be converted to an ADA accessible parking space. The property currently has water and sanitary sewer service. Stormwater requirements will be determined at time of permitting. The applicant does not propose bicycle parking because pursuant to CDC 46.150 (D3) bicycle parking is not required for the proposed use, personal service.

The applicant will coordinate with City Engineering staff for street improvement design.

APPLICABLE CODE RESPONSES

Chapter 46 OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

Sections:

- 46.010 PURPOSE
- 46.020 APPLICABILITY AND GENERAL PROVISIONS
- 46.030 SUBMITTAL REQUIREMENTS
- 46.040 APPROVAL STANDARDS
- 46.050 JOINT USE OF A PARKING AREA
- 46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED
- 46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE
- 46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA
- 46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS
- 46.100 PARKING REQUIREMENTS FOR UNLISTED USES
- 46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES
- 46.120 DRIVEWAYS REQUIRED ON SITE
- 46.130 OFF-STREET LOADING SPACES
- 46.140 EXEMPTIONS TO PARKING REQUIREMENTS
- 46.150 DESIGN AND STANDARDS

46.010 PURPOSE

The purpose of this chapter is to provide standards for the number and arrangement of parking, loading, and reservoir areas. Most of these provisions relate to commercial, office, and industrial uses. Parking lot design has often been criticized for creating large expanses of paved areas, separating the business from the public street. That arrangement makes it less attractive for pedestrians to access these buildings. The challenge is balancing the business community's desire for ample visible parking to attract prospective customers with the community interest of encouraging safe, non-vehicular access, minimizing the visual impact of parking, and creating a more attractive streetscape and urban environment.

Most parking facilities in non-residential developments contain spaces which are infrequently used, available for the few days a year when parking is at a premium. For these spaces, permeable parking surfaces provide a suitable parking surface which can reduce surface runoff and increase water quality, as well as improve the aesthetic appearance of the parking lot. West Linn encourages the use of permeable parking surfaces in appropriate situations. (Ord. 1463, 2000; Ord. 1622 § 25, 2014)

46.020 APPLICABILITY AND GENERAL PROVISIONS

1673 16th Street Site Plan and Design Review Code Narrative

- 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.
- B. The provision and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.
- 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.
- 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. (Ord. 1463, 2000; Ord. 1622 § 25, 2014; Ord. 1636 § 30, 2014)

Response: *this application proposes a change of use within the Willamette Neighborhood Mixed Use Transitional Zone from an existing single-family residence to a commercial use. The applicant understands that off-street parking and loading may be required pursuant to this chapter.*

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. (Ord. 1463, 2000)

Response: *site plans indicating the applicable items A. - J. above are provided with this application Item K is no longer indicated because pursuant to CDC 46.150 (D3) bicycle parking is not required for the proposed use, personal service.*

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. (Ord. 1463, 2000)

1673 16th Street Site Plan and Design Review Code Narrative

Response: the applicant understands the applicable approval standards that apply to the application.

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)

Response: not applicable. No joint use of the off-street parking area is proposed or needed. Abutting on-street parking on Willamette Drive is available for public use and customer use.

46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED

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

Response: the required parking spaces shall only be available for customer and employee parking needs in accordance with this section. No storage within parking spaces is proposed.

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.

Response: not applicable. The existing structure is a single-family dwelling which is changing to a commercial use. No additional dwellings are proposed with this application.

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:

1. Shared parking areas for commercial uses which require more than 40 parking spaces may provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the entryway to the commercial building or use.

Response: not applicable. The proposed use does not require more than 40 spaces.

1673 16th Street Site Plan and Design Review Code Narrative

2. Industrial and manufacturing uses which require in excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the entryway to the building.

Response: not applicable. The proposed use does not require more than 40 spaces.

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

Response: not applicable. No carpool or vanpool spaces are required. The proposed ADA parking stall is located close to the building entry.

4. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, the applicant shall ensure that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking.

Response: not applicable. The proposed use does not require stacked or valet 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. (Ord. 1547, 2007)

Response: The proposed ADA parking stall will be located closest to the building entry. The parking space and building entrance will comply with applicable ADA code requirements.

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.

Response: the applicant proposes to renovate the existing single-family home into a hair salon with four work-stations. The city has determined that a hair salon is similar to a Tanning Salon (CDC 46.080.(C).(10) for the purpose of calculating the number of parking spaces required.

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

Response: not applicable. The city has determined that a hair salon is similar to a Tanning Salon (CDC 46.080.(C).(10) for the purpose of calculating the minimum number of parking spaces required. This use does not rely on square footage of the building as the basis for calculating parking.

1673 16th Street Site Plan and Design Review Code Narrative

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

Response: *The parking calculation is based on the number of customer chairs plus the number of employees.*

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.

Response: *There are six (6) on-street parking spaces along the immediate frontage on Willamette Falls Drive which may be counted toward the minimum parking requirement, not including the required ADA parking which is proposed off-street per code requirements.*

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

Response: *the applicant proposes to renovate the existing single-family home into a hair salon with four work-stations. The proposed use is classified as personal service facilities / general retail.*

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. (Ord. 1463, 2000; Ord. 1622 § 25, 2014; Ord. 1636 § 31, 2014)

Response: *not applicable. The existing use is not a commercial or business center.*

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

C.	<u>Commercial.</u>		
	10.	Tanning salon.	One space per tanning booth/bed, plus 1 per employee.

Response: *the proposed hair salon will have four stations and four employees, so the required spaces = 8 x 0.9 (10% reduction for transit) = 7 spaces total, with 6 available on-street and one in the driveway,*

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.

Response: *no additional parking beyond the minimum required is proposed.*

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.

Response: *The applicant is requesting a 10% reduction in the parking due to proximity to the transit corridor.*

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.”

Response: *Not applicable. Office, industrial and public uses are not proposed.*

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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.

Response: Not applicable. No redevelopment of existing parking spaces to provide transit-oriented facilities is proposed.

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. (Ord. 1291, 1990; Ord. 1391, 1996; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1463, 2000; Ord. 1499, 2003; Ord. 1547, 2007; Ord. 1622 § 25, 2014; Ord. 1623 § 4, 2014; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1675 § 38, 2018)

Response: Not applicable. The proposed development is not in a water resource area.

46.100 PARKING REQUIREMENTS FOR UNLISTED USES

A. Upon application and payment of fees, the decision-making authority, as provided by CDC 99.060(B), may rule that a use not specifically listed in CDC 46.090 is a use similar to a listed use and that the same parking standards shall apply. The ruling on parking requirements shall be based on the requirements of Chapter 99 CDC and findings that:

1. The use is similar to and of the same general type as a listed use;
2. The use has similar intensity, density and off-site impacts as the listed use; and
3. The use has similar impacts on the community facilities as the listed use.

B. This section does not authorize the inclusion of a use in a zone where it is not listed, or a use which is specifically listed in another zone or which is of the same general type, and is similar to a use specifically listed in another zone.

Response: not applicable. The proposed use is not an unlisted use and is classified as personal service facilities / general retail.

46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows:

Use	Reservoir Requirement
Drive-in banks.	3 spaces/service terminal.
Drive-in restaurants.	10 spaces/service window (measured from the last service window).
Drive-in theaters.	10 percent of the theater capacity.
Gasoline service stations.	2 spaces (25 feet long each) on each side of fueling island to include 2 spaces at each end of the island.
Mechanical car washes.	3 spaces/washing unit.
Parking facilities – free flow (no stop required) entry.	1 space/entry driveway.
Automated ticket dispense entry.	2 spaces/entry driveway.
Attendant ticket dispensing.	5 spaces/entry driveway.

1673 16th Street Site Plan and Design Review Code Narrative

(Ord. 1401, 1997)

Response: not applicable. The proposed use does not include drive-in or drive-through service.

46.120 DRIVEWAYS REQUIRED ON SITE

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

Response: the proposed use is not a school and will not attract more than 25 people at one time. A 17' wide driveway is proposed on 16th Street to serve the ADA parking space.

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
<u>Commercial:</u>		
Retail	10,000	20,000
Service establishments	10,000	40,000

Response: not applicable. The gross floor area is less than 1000 square feet and the building is not proposed to be substantially altered and will not receive or distribute material or merchandise by truck. No off-street loading and maneuvering spaces are required.

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. (Ord. 1463, 2000; Ord. 1638 § 3, 2015; Ord. 1675 § 39, 2018)

Response: not applicable. The building is not within the Willamette Falls Drive Commercial Design District.

46.150 DESIGN AND STANDARDS

1673 16th Street Site Plan and Design Review Code Narrative

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

A. Design standards.

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

Response: *the proposed off-street parking space will be ADA-compliant and measures 20' deep by 16' wide, meeting the requirement.*

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

Response: *the proposed off-street parking space will be ADA-compliant and measures 20' deep by 16' wide, meeting the requirement. The applicant anticipates that this item will be reviewed for compliance again during the building permit review process.*

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.

Response: *the proposed driveway will be designed to the city's applicable engineering standards. The proposed driveway access will be located off 16th Street slightly more than 100' from the intersection with Willamette Falls Drive, which will provide maximum safety of ingress and egress to the on-site parking. A direct pathway from the sidewalk to the main front entrance of the building will assure pedestrian convenience and safety.*

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

Response: *the proposed driveway will be designed to the city's applicable engineering standards. It is a single space and will not require the relocation of vehicles to utilize the parking space. The proposed driveway access will be located off 16th Street slightly more than 100' from the intersection with Willamette Falls Drive, which will provide maximum safety of ingress and egress to the on-site parking. A direct pathway from the parking space to the main entrance of the building will assure pedestrian convenience and safety.*

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.

Response: *the parking space will be clearly marked using permanent paint. No new interior drives or access aisles are proposed. A permeable parking surface is not proposed.*

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.

Response: *the parking surface will be paved to meet applicable city engineering standards.*

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

Response: *the parking surface will be paved to meet applicable city engineering standards. The parking space is twenty feet deep.*

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

Response: *the proposed driveway will be designed to the city's applicable engineering standards. A separate access drive is not proposed, only a single driveway space for ADA compliance parking on-site. The parking space will not require the relocation of vehicles to utilize the parking space. The proposed driveway access will be located off 16th Street slightly more than 100' from the intersection with Willamette Falls Drive, which will provide maximum safety of ingress and egress to the on-site parking. A direct pathway from the parking space to the main entrance of the building will assure pedestrian convenience and safety.*

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

Response: *the clear vision area for street and accessways having less than 24 feet in width is a 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. The existing building setback is 20'. The vision area is adequate for the single parking space. The standard is 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.

Response: *The single parking space is not located on the boundary of a parking lot or adjacent to interior landscaped areas. The proposed parking space abuts a 5' wide on-site walkway leading to the building entrance. Wheel stops will be provided if needed.*

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

Response: *not applicable. The proposed driveway does not create any net new impervious surface.*

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

Response: *not applicable. No artificial lighting is proposed.*

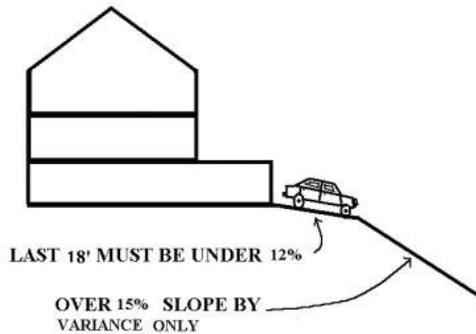
14. Directional arrows and traffic control devices which are placed on parking lots shall be identified.

Response: *not applicable. Directional arrows and traffic control devices are not needed for the single driveway.*

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.

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



Response: not applicable. The proposed driveway has a very minimal grade of less than 5%.

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

Response: not applicable. Visitor or guest parking is not proposed. The proposed parking space will be marked and available for customers with disabilities in accordance with ADA requirements.

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

Response: The proposed driveway has a grade of less than 5%.

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

Response: the proposed parking space comprises less than 50 percent of the lot frontage. The frontage on 16th Street is 100 feet. The parking space is 17 feet wide = 17%.

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.

Response: not applicable. Standards a-e do not apply to a single parking space.

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

Response: *not applicable. This standard does not apply to a single parking space. ADA standards apply to the accessible walkway between the parking space and the building entrance.*

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

Response: *not applicable. This standard does not apply to a single parking space.*

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

Response: *The parking is located close to the entrance of the proposed salon.*

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

Response: *not applicable. No permeable parking spaces are proposed.*

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

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

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED “WHEELCHAIR USE ONLY”
1 – 25	1	1	–

Response: *the total number of accessible spaces required is one. The proposed parking space will be van-accessible and signed for disabled access in accordance with current building and ADA standards.*

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

Response: *the parking space will be located on the shortest possible accessible circulation route to the accessible entrance to the building.*

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

Response: *the parking space will 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.

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Response: *the parking space will meet current applicable federal standards.*

5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.

Response: *not applicable. This standard does not apply to a single parking space.*

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

Response: *The proposed van accessible parking space will be signed for disabled access in accordance with current building and will be designed to current ADA standards.*

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

Response: *See responses under the code responses to Chapter 54.*

D. Bicycle facilities and parking.

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

Response: *No pedestrian and bicycle ways, with the exception of on-site walkways leading to the entrance, are proposed.*

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.

Response: *Not applicable. Per CDC 46.150 (D3) Bicycle parking is not required for personal services use.*

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

Response: *Not applicable. Per CDC 46.150 (D3) Bicycle parking is not required for personal services use.*

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:

1. Designate a transportation coordinator responsible for promoting public transit and ride-sharing among employees.
2. Participate in region-wide ride matching program at the site.
3. Provide free transit passes to employees.
4. Provide showers and lockers for employees who commute by bicycle.
5. Charge employees for monthly parking and provide a transportation allowance to employees equal to the parking charge.
6. Install office technology, floorplans, and tenant regulations which are permanent, which effectively arrange for at least 10 percent of the employees to telecommute, thereby reducing employee automobile traffic by 10 percent.

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The required demand management measures shall be included as conditions of approval for the proposed project. The property owner or manager shall file an annual affidavit with the City of West Linn stating that ongoing demand management measures required as conditions of approval have not been discontinued.

Response: not applicable. The proposal is for a small commercial remodel, not an office or industrial development.

F. (See Figures 1 and 2 below.)

Figure 1. MINIMUM STANDARDS FOR PARKING LOT LAYOUT

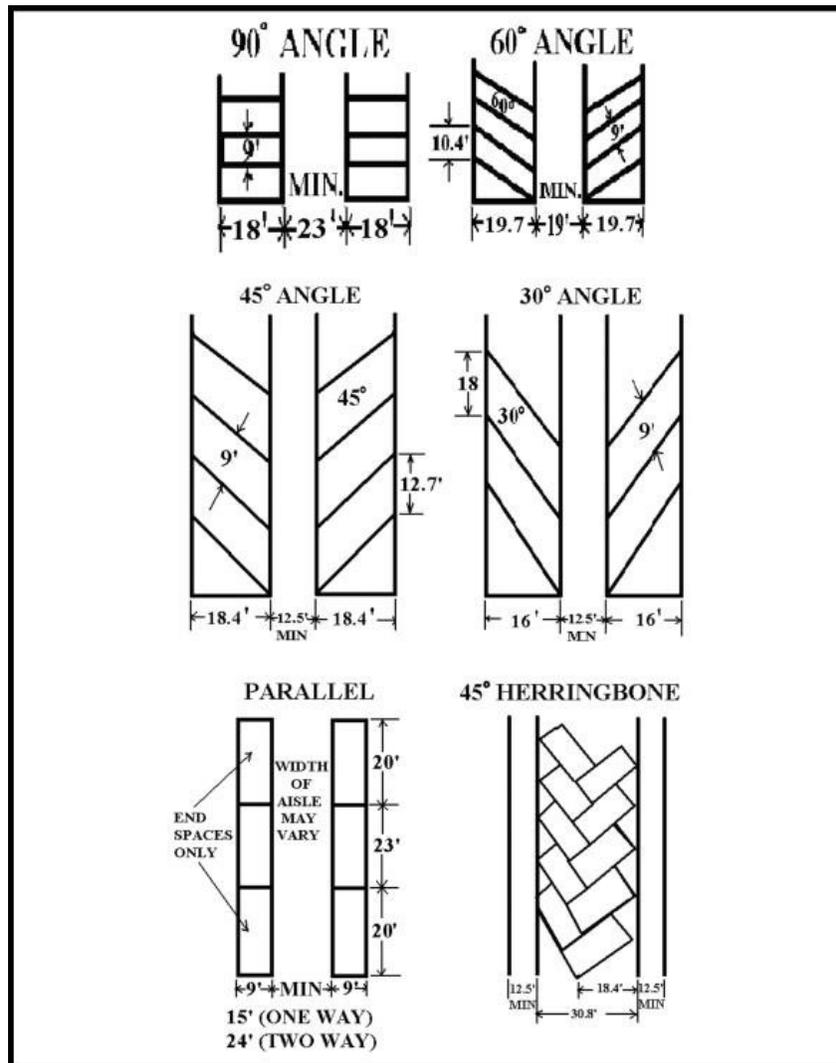


Figure 2. MINIMUM DISTANCE FOR PARKING STALLS

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'

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Response: The proposed stall width and depth for the drive-in parking space is 9' and 20' respectively, meeting the requirements of this section.

Chapter 48 ACCESS, EGRESS AND CIRCULATION

Sections:

- 48.010 PURPOSE
- 48.020 APPLICABILITY AND GENERAL PROVISIONS
- 48.025 ACCESS CONTROL
- 48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES
- 48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES
- 48.050 ONE-WAY VEHICULAR ACCESS POINTS
- 48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS
- 48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS
- 48.080 BICYCLE AND PEDESTRIAN CIRCULATION

48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008)

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.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
- 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.
- 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.
- 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. (Ord. 1584, 2008; Ord. 1636 § 32, 2014).

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Response: *this application proposes a change in use from single-family residential to a hair salon. The location of the current driveway serving the existing house will not change, however the driveway will be modified to accommodate an accessible van parking space to serve the new use. Therefore, certain standards and provisions of Chapter 48 apply and compliance with the applicable standards is addressed below.*

48.025 ACCESS CONTROL

A. **Purpose.** The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

Response: *the applicant understands the purpose of the access control standards. The impact of the proposed change in use is very minor and will not affect the level of service or change the functional classification of adjacent roadways.*

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, Transportation Impact Analysis.)

Response: *Transportation Impact Analysis is not required for the proposed development since the proposal would not involve any of the actions requiring a TIA in CDC 85.170.B.2.c. The impact of the proposed change in use is very minor and will not affect the level of service or change the functional classification of adjacent roadways.*

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.

Response: *the proposal is to improve the existing driveway access to include a city approved driveway apron and as an accessible parking space. The parking space will allow backing onto the local street, which is very low volume. It is not anticipated that other mitigation will be needed since the safe and efficient operation of the street will not be affected.*

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” as approved by the City Engineer.

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.

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Response: *the proposal is to improve the existing driveway access to include a city approved driveway apron and an accessible parking space off of the public street (Option 3). The parking space will allow backing onto the local street, which is very low volume. It is not anticipated that other mitigation will be needed since the safe and efficient operation of the street will not be affected.*

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

Response: *Not applicable. This is not a land division application.*

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

Response: *The parcel is a corner lot, and will continue to take access from the lower classification local street (16th Street).*

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.

Response: *The driveway access onto 16th Street is located well over 35 feet from the intersection with Willamette Falls Drive which meets the access spacing requirement for a local street and is separated from the adjacent driveway on the abutting parcel by over 30 feet, meeting the requirements of CDC 48.060.*

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

Response: *Only one access is proposed to serve the parcel.*

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).

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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.

Response: Not applicable. A shared driveway is not proposed. No access is proposed onto Willamette Falls Drive.

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. (Ord. 1635 § 25, 2014; Ord. 1636 § 33, 2014; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1675 § 40, 2018)

Response: No new street connections are proposed. This is a very small redevelopment site on an existing lot within an existing block.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

In the event that alternate access is not available as determined by the Planning Director and City Engineer, access may be permitted after review of the following criteria:

1. Topography.
2. Traffic volume to be generated by development (i.e., trips per day).
3. Traffic volume presently carried by the street to be accessed.
4. Projected traffic volumes.
5. Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.
6. The ability to consolidate access through the use of a joint driveway.
7. Additional review and access permits may be required by State or County agencies.

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Response: *not applicable. No access is proposed to an arterial street. No new street connections are proposed. This is a very small redevelopment site on an existing lot within an existing block.*

B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:

1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.
2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.
3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. 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 shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.
4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.

Response: *the proposed driveway will be 20 feet in length and 17 feet wide. It will comply with the applicable standards.*

C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.

1. A turnaround may be required as prescribed by the Fire Chief.
2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.
3. A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.
4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.

Response: *not applicable. The existing structure does not exceed 150 feet from the adjacent right-of-way.*

D. Access to five or more single-family homes shall be by a street built to full construction code standards. All streets shall be public. This full street provision may only be waived by variance.

Response: *not applicable. The proposed driveway will not serve five or more single-family homes.*

E. Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
3. Minimum vertical clearance of 13 feet, six inches.
4. Appropriate turnaround facilities per Fire Chief's standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by the Fire Chief.
5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.
6. A minimum centerline turning radius of 45 feet for the curve.

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Response: *not applicable. The proposed driveway will not serve any multi-family development.*

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

Response: *not applicable. The driveway will be drive-in / back-out, same as the existing driveway.*

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

Response: *not applicable. The proposed use is not residential.*

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

Response: *not applicable. The proposed use is not multi-family.*

I. Gated accessways to residential development other than a single-family home are prohibited. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1513, 2005; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1636 § 34, 2014)

Response: *not applicable. The proposed use is not residential.*

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.

Response: *the proposal is to improve the existing driveway access to include a city approved driveway apron and an accessible parking space off of the public street (Option 3). The driveway will be twenty feet long and seventeen feet wide. Compliance with CDC 48.030(E)(3) through (6) is not needed. Pick-up windows are not proposed. The existing condition allows backing onto the local street, which is very low volume. It is not anticipated that other mitigation will be needed since the safe and efficient operation of the street will not be affected.*

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.

Response: *No access is proposed to an arterial street. No new street connections are proposed. This is a very small redevelopment site served by a single driveway off a local street, on an existing lot, within an existing block.*

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

Response: *the driveway access will be maintained.*

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D. Gated accessways to non-residential uses are prohibited unless required for public safety or security. (Ord. 1408, 1998, Ord. 1463, 2000)

Response: not applicable. A gated accessway is not proposed.

48.050 ONE-WAY VEHICULAR ACCESS POINTS

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

Response: No access is proposed to an arterial street. No new street connections are proposed. This is a very small redevelopment site served by a single driveway off a local street, on an existing lot, within an existing block.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

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

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

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

Response: the proposed curb cut width is 17' wide, not including the apron wings. The curb cut will be located on the local street 16th Street more than 35 feet from the intersection with Willamette Falls Drive.

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

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

Response: the proposed curb cut will be located more than 30 feet from the next closest curb cut on the adjacent lot.

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

Response: if a rolled curb is deemed appropriate the applicant will construct it according to the City's requirements.

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

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Response: *the proposed curb cut is a single driveway located on a local street.*

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway. (Ord. 1270, 1990; Ord. 1584, 2008; Ord. 1636 § 35, 2014)

Response: *The clear vision area for street and accessways having less than 24 feet in width is a 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. The existing building setback is 20'. The vision area is adequate for the single parking space. The standard is met.*

48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS

A. In order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or their designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:

1. Provide inadequate access for emergency vehicles; or
2. Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.

B. A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240(B).

Response: *the applicant understands the Planning Director's authority to restrict access.*

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.

Response: *the city has made recent frontage improvements including a dedicated bicycle path on Willamette Falls Drive with direct access from the local street 16th Street. No additional bicycle and pedestrian ways on the site are needed or proposed.*

Chapter 54 LANDSCAPING

Sections:

54.010 PURPOSE

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- 54.020 APPROVAL CRITERIA
- 54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS
- 54.040 INSTALLATION
- 54.050 PROTECTION OF STREET TREES
- 54.060 MAINTENANCE
- 54.070 SPECIFICATION SUMMARY

54.010 PURPOSE

The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping. The landscaping is intended to provide an attractive natural balance to built areas, to reduce runoff, to provide shade, to screen or buffer uses, and to frame or complement views. The chapter also encourages the selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a more healthy, disease-resistant plant inventory.

Response: The applicant does not propose any changes to the existing landscaping on the site unless it is needed to accommodate new parking. The current landscaping consists of scattered established trees and shrubs and a lawn surrounding the building. If new landscaping is required, the applicant requests that this be made a Condition of Approval to comply with the applicable provisions of Chapter 54.

54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

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

Response: It is anticipated that planting strips may be required on the frontage of 16th Street. If required, the applicant will comply with the requirements by providing a street tree planting plan as a condition of approval.

54.040 INSTALLATION

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

Response: The applicant does not propose any changes to the existing landscaping on the site unless it is needed to accommodate new parking. The current landscaping consists of scattered established trees and shrubs and a lawn surrounding the building. If new landscaping is required, the applicant requests that this be made a Condition of Approval to comply with the applicable provisions of Chapter 54.

54.050 PROTECTION OF STREET TREES

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

Response: the applicant agrees that street trees may not be topped or trimmed without approval of the City.

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.

Response: the applicant understands that the owner, tenant or agent is responsible for maintenance of landscaping to present a healthy, neat and orderly appearance.

54.070 SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
1. Between parking lot and R-O-W. CDC 54.020(E)(3)(d).	10 ft.
2. Between parking lot and other lot. CDC 54.020(E)(3)(b).	5 ft.
3. Between parking lot and R-O-W if parking lot comprises more than 50 percent of main R-O-W frontage. CDC 54.020(E)(3)(e).	15 ft.
4. Percentage of residential/multi-family site to be landscaped. CDC 54.020(E)(1).	25%
5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. CDC 54.020(E)(2).	20%
6. Percentage of 10 – 20 car parking lot to be landscaped (excluding perimeter). CDC 54.020(E)(3)(a).	5%
7. Percentage of 1 – 9 car parking lot to be landscaped (excluding perimeter). CDC 54.020(E)(3)(a).	0%
8. Percentage of 20+ car parking lot to be landscaped (excluding perimeter). CDC 54.020(E)(3)(a).	10%

Response: The applicant does not propose any changes to the existing landscaping on the site unless it is needed to accommodate new parking. The current landscaping consists of scattered established trees and shrubs and a lawn surrounding the building. If new landscaping is required, the applicant requests that this be made a Condition of Approval to comply with the applicable provisions of Chapter 54.

Chapter 55 - DESIGN REVIEW

Sections:

- 55.010 PURPOSE AND INTENT – GENERAL
- 55.020 CLASSES OF DESIGN REVIEW
- 55.025 EXEMPTIONS
- 55.030 ADMINISTRATION AND APPROVAL PROCESS
- 55.040 EXPIRATION OR EXTENSION OF APPROVAL
- 55.050 DESIGN REVIEW AMENDMENT TRIGGER
- 55.060 STAGED OR PHASED DEVELOPMENT
- 55.070 SUBMITTAL REQUIREMENTS
- 55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
- 55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW
- 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW
- 55.110 SITE ANALYSIS
- 55.120 SITE PLAN
- 55.125 TRANSPORTATION ANALYSIS
- 55.130 GRADING AND DRAINAGE PLANS
- 55.140 ARCHITECTURAL DRAWINGS
- 55.150 LANDSCAPE PLAN
- 55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS
- 55.180 MAINTENANCE
- 55.190 SHARED OPEN SPACE
- 55.195 ANNEXATION AND STREET LIGHTS

55.010 PURPOSE AND INTENT – GENERAL

The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. Attention will be paid to the proposal’s scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, and that areas of public use are made aesthetically attractive and safe. Also of concern are the needs of persons with disabilities.

Developers of multi-family, industrial, commercial, office, and public building projects are required to take steps to reduce reliance on the automobile by, in part, encouraging other modes of transportation such as transit, bicycles, and foot traffic, and through building orientation or location. (Ord. 1650 § 1 (Exh. A), 2016)

Response: the applicant understands the purpose and intent of design review.

55.020 CLASSES OF DESIGN REVIEW

A. Class I Design Review. The following are subject to Class I Design Review:

- 1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).

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2. Significant road realignment (when not part of a subdivision or partition plat process). “Significant” shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or human-made structures that will be impacted or removed.
3. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multi-family, or industrial building.
4. Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptings, etc.).
5. Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities.
6. Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt).
7. Freestanding art and statuary over five feet tall.
8. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.
 - a. Sidewalks on private property.
 - b. Loading docks.
 - c. Addition or reduction of parking stalls.
 - d. Revised parking alignment.
 - e. Revised circulation.
 - f. Revised points of ingress/egress to a site.
 - g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

Response: *This proposal is for addition of a parking stall, which is a Class I Design Review per section 9(c).*

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). (Ord. 1547, 2007; Ord. 1604 § 50, 2011; Ord. 1622 § 20, 2014)

Response: *This proposal is for addition of a parking stall, which is a Class I Design Review per section 9(c) above.*

55.025 EXEMPTIONS

The following activities are exempt from the provisions of this chapter:

- A. Detached single-family residential construction, except as indicated otherwise in the base zone or this chapter;

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- B. Accessory structures;
- C. One to two duplexes or single-family attached structures except as indicated otherwise in the base zone or this chapter;
- D. Architectural replacements in kind, or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b). (Ord. 1408, 1998; Ord. 1604 § 51, 2011; Ord. 1675 § 43, 2018)

Response: the applicant does not propose an exempt use. The proposal is subject to type I review per section 55.020.A.9(c).

55.030 ADMINISTRATION AND APPROVAL PROCESS

- A. A pre-application conference is required before submitting a development plan application for design review as provided by CDC 99.030(B).

Response: the applicant attended a pre-application (file PA-21-05) on March 4, 2021. The summary notes from the pre-application conference are attached to this application.

- B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.

Response: the application was submitted by the authorized agent for the property owner.

- C. Action on the development plan application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:

1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in CDC 99.110 and this chapter.
2. A decision by the Planning Director may be reviewed by the City Council.

Response: the applicant acknowledges that the proposal is subject to class I design review per section 55.020.A.9(c).

- D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010)

Response: the applicant acknowledges that substantial modifications to the approved development plan will require reapplication.

55.040 EXPIRATION OR EXTENSION OF APPROVAL

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted under CDC 99.325. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010)

Response: the applicant acknowledges that the approval will be void unless substantial construction has not occurred within three years from the date of approval unless an extension is granted per this section.

55.050 DESIGN REVIEW AMENDMENT TRIGGER

Amendments to design review shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved design review plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes, or adjusting more than 20 percent of the building footprint or site plan, or significant changes to the architecture that modify the style, mass, or result in elimination of significant design features. Changes in color or materials would not require an amendment unless the colors were non-earth tones and the materials were of poorer quality (for example, going from tile roof to composition roofing) than originally approved. Changes to the project/site plan to meet conditions of approval or legislative changes shall not trigger an amendment. (Ord. 1408, 1998)

Response: the applicant does not anticipate any need for an amendment to the design review application.

55.060 STAGED OR PHASED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125.

Response: not applicable: the applicant does not propose staged or phased development.

55.070 SUBMITTAL REQUIREMENTS

- A. The design review application shall be initiated by the property owner or the owner’s agent, or condemnor.
- B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.
- C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.
- D. The applicant shall submit a completed application form and:
 - 1. The development plan for a Class I design review shall contain the following elements:
 - a. A site analysis (CDC 55.110) only if the site is undeveloped;
 - b. A site plan (CDC 55.120);
 - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed; and
 - d. Pursuant to CDC 55.085, additional submittal material may be required.

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 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 Community Development Department.

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Response: *the applicant has provided all applicable submittal materials for a Class I design review application per this section. No architectural work is proposed. The applicant acknowledges that the Planning Director may waive or require additional submittal requirements.*

2. The development plan for a Class II design review shall contain the following elements:
 - a. A site analysis (CDC 55.110);
 - b. A site plan (CDC 55.120);
 - c. A grading plan (CDC 55.130);
 - d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);
 - e. A landscape plan (CDC 55.150);
 - f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;
 - g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;
 - h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and
 - i. Documents as required per the Tree Technical Manual.
3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.
4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.

Response: *the applicant has not proposed a Class II design review application.*

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

Response: *not applicable. The applicant has not proposed to remodel the building exterior.*

F. The applicant shall pay the required deposit and fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 11, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 14, 2014)

Response: *the applicant will pay the required fees.*

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

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

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

Response: The applicant acknowledges that the Planning Director may waive or require additional submittal requirements.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

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

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

Response: Please see responses under CDC 55.100(B)(1) through (4).

2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

Response: not applicable. No exterior architectural construction, remodeling or changes are proposed.

3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

Response: The applicant acknowledges that the Planning Director may waive or require additional submittal requirements.

4. The design standards or requirements identified in the base zone shall apply.

Response: the applicant has reviewed the base zone standards for compliance in CDC Chapter 59 - WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE. Please refer to responses under Chapter 59 at the end of this narrative.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Response: Since this is an existing building and the proposed changes are quite minor, adequate public facilities are available to serve the development.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section. (Ord. 1408, 1998; Ord. 1544, 2007; Ord. 1675 § 44, 2018)

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:

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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.

Response: *not applicable. The standards above do not apply to a Class I design review application.*

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 their direction.

Response: *The proposed development consists of interior remodeling of an existing dwelling into a hair salon. The applicant is not aware of any heritage tree designations on the property. No tree removal is proposed.*

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.

Response: *Not applicable. The site is not located on Type I or II lands. The proposed development consists of interior remodeling of an existing dwelling into a hair salon. The applicant is not aware of any heritage tree designations on the property. No tree removal is proposed. Should the City Arborist determine that existing trees are significant and should be protected pursuant to this section, the applicant requests that this be made a condition of approval.*

PROTECTED AREA = DRIPLINE + 10 FEET

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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.

Response: The site is not located on Type I and II lands. The proposed development consists of interior remodeling of an existing dwelling into a hair salon. The applicant is not aware of any heritage tree designations on the property. No tree removal is proposed. Should the City Arborist determine that existing trees are significant and should be protected pursuant to this section, the applicant requests that this be made a condition of approval.

E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ. FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.)

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.

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.

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.

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.

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

Response: No changes to the topography and natural drainage of the site are proposed.

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

Response: The site is not within an area that is subject to slumping and sliding. No natural hazards are indicated for the site on the Comprehensive Plan Background Report’s Hazard Map. The site is essentially flat.

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

Response: *the existing on-site building location is not proposed to change. The building is residential in construction and has large setbacks typical of low density residential development that provide for adequate light and air circulation and for fire protection.*

6. Architecture.

Response: *not applicable. CDC 55.100(B)(6), architecture, applies in those cases that involve exterior architectural construction, remodeling, or changes. Exterior changes are not proposed.*

For brevity, the remainder of the standards of CDC 55.100(B) and (C) have been omitted since they do not apply to Class I Design Review applications.

55.110 SITE ANALYSIS

The site analysis shall include:

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

Response: *the application includes a vicinity map indicating the location of the property in relation to adjacent properties roads, pedestrian and bike ways, transit stops and utility access.*

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

1. The property boundaries, dimensions, and gross area.
2. Contour lines at the following minimum intervals:
 - a. Two-foot intervals for slopes from zero to 25 percent; and
 - b. Five- or 10-foot intervals for slopes in excess of 25 percent.
3. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a slope analysis which identifies portions of the site according to the land types (I, II, III and IV) defined in Chapter 02 CDC.
4. The location and width of adjoining streets.
5. The drainage patterns and drainage courses on the site and on adjacent lands.
6. Potential natural hazard areas including:
 - a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
 - b. Water resource areas as defined by Chapter 32 CDC;
 - c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
 - d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.

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7. Resource areas including:
 - a. Wetlands;
 - b. Riparian corridors;
 - c. Streams, including intermittent and ephemeral streams;
 - d. Habitat conservation areas; and
 - e. Large rock outcroppings.
8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.
9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.
10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014; Ord. 1662 § 9, 2017)

Response: *the submitted existing conditions site plan indicates the required items and is at 1" = 20' scale. No resource areas or historic landmarks are present on the site. No type I or II lands are present.*

55.120 SITE PLAN

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

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.
- C. Streams and stream corridors.
- D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.
- E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.
- F. The location, dimensions and setback distances of all:
 1. Existing and proposed structures, improvements, and utility facilities on site; and
 2. Existing structures and driveways on adjoining properties.
- G. The location and dimensions of:
 1. The entrances and exits to the site;

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2. The parking and circulation areas;
3. Areas for waste disposal, recycling, loading, and delivery;
4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;
5. On-site outdoor recreation spaces and common areas;
6. All utilities, including stormwater detention and treatment; and
7. Sign locations.

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

Response: *the submitted site plan indicates the required items and is at 1" = 20' scale. No resource areas or historic landmarks are present on the site. The existing landscaping will not be altered unless required as a condition of approval.*

55.125 TRANSPORTATION ANALYSIS

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

Response: *Transportation Impact Analysis is not required for the proposed development since the proposal would not involve any of the actions requiring a TIA in CDC 85.170.B.2.c. The impact of the proposed change in use is very minor and will not affect the level of service or change the functional classification of adjacent roadways.*

55.130 GRADING AND DRAINAGE PLANS

For Type I, II and III lands (refer to definitions in Chapter 02 CDC), a registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to CDC 92.010(E), at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. 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.
- C. There is sufficient factual data to support the conclusions of the plan.
- D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.
- E. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
 1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
 2. Assessment of engineering geological conditions and factors;

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3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

F. Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014; Ord. 1662 § 10, 2017)

Response: no Type I, II or III lands, as defined in CDC Chapter 2, are present on the property.

55.140 ARCHITECTURAL DRAWINGS

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

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; and
- C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013)

Response: Architectural drawings have not been provided since the exterior alterations only involve the addition of an ADA compliant parking space and entry platform. Should architectural drawings be necessary, the applicant requests to be able to provide them as a condition of approval.

55.150 LANDSCAPE PLAN

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

- A. The landscape plan shall be prepared and shall show the following:
 1. Preliminary underground irrigation system, if proposed;
 2. The location and height of fences and other buffering of screening materials, if proposed;
 3. The location of terraces, decks, patios, shelters, and play areas, if proposed;
 4. The location, size, and species of the existing and proposed plant materials, if proposed; and
 5. Building and pavement outlines.
- B. The landscape plan shall be accompanied by:
 1. The erosion controls that will be used, if necessary;
 2. Planting list; and
 3. Supplemental information as required by the Planning Director or City Arborist. (Ord. 1408, 1998; Ord. 1613 § 17, 2013)

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Response: a landscape plan has not been provided since the exterior alterations only involve the addition of an ADA compliant parking space and entry platform. Should a landscape plan be necessary, the applicant requests to be able to provide it as a condition of approval.

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

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

1. A minor exception that is not greater than 20 percent of the required setback.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.
5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

Response: no changes are proposed to the existing setbacks and yard requirements. Existing natural features (trees and shrubs) will be preserved. The proposed use of the property for a hair salon will promote more efficient land use. Safe pedestrian and vehicle access to the site is proposed through the addition of a new parking space, entry path and ADA compliant entrance. A new sidewalk is proposed along 16th Street. There is already a mixed use path abutting the property on Willamette Falls Drive.

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

1. The minor exception is not greater than 10 percent of the required parking;
2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or
3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.

Response: not applicable. The applicant does not request an exception to the off-street parking dimensional and minimum space requirements.

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

1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;
2. The exception is necessary for adequate identification of the use on the property; and

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3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.

Response: *not applicable. The applicant does not request approval of a sign with this application.*

D. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:

1. A minor exception that is not greater than 10 percent of the required landscaped area.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse effect to adjoining property.

Response: *a landscape plan has not been provided since the exterior alterations only involve the addition of an ADA compliant parking space and entry platform. Existing natural features (trees and shrubs) will be preserved. The proposed use of the property for a hair salon will promote more efficient land use. Safe pedestrian and vehicle access to the site is proposed through the addition of a new parking space, entry path and ADA compliant entrance. A new sidewalk is proposed along 16th Street. The surrounding areas are zoned for mixed use development and there will be no adverse effects to adjoining property. The proposed hair salon will be a relatively quiet and compatible use of the existing property. Should a landscape plan be necessary, the applicant requests to be able to provide it as a condition of approval.*

55.180 MAINTENANCE

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

Response: *the owner understands and accepts the ongoing responsibility to maintain the on-site improvements in good condition.*

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.

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- e. Recovery for loss sustained by casualty and condemnation, or otherwise.
3. By any method that achieves the objectives set forth in subsection (B)(2) of this section.

Response: not applicable. There is no shared open space on the property.

55.195 ANNEXATION AND STREET LIGHTS

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

Response: not applicable. This is not an application for annexation.

Chapter 59 - WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

Sections:

- 59.010 PURPOSE
- 59.020 PROCEDURES AND APPROVAL PROCESS
- 59.030 PERMITTED USES
- 59.040 ACCESSORY USES
- 59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 59.060 CONDITIONAL USES
- 59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 59.080 ADDITIONAL USE REQUIREMENTS
- 59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
- 59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

59.010 PURPOSE

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007)

Response: The applicant understands the purpose of the Willamette Neighborhood Mixed Use Transitional Zone. The proposed use of the property for a hair salon is a compatible transitional use with residential uses in the vicinity and is in accordance with the Willamette neighborhood plan and applicable policies in the Comprehensive Plan.

59.020 PROCEDURES AND APPROVAL PROCESS

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A. A use permitted outright, CDC 59.030, is a use that requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

Response: *The proposed use, personal service facilities / general retail, is permitted outright in the zone district.*

B. A use permitted under prescribed conditions, CDC 59.050, is a use for which approval will be granted provided all conditions are satisfied, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

Response: *Not applicable. The proposed use is permitted outright in the zone district.*

C. The approval of a conditional use (CDC 59.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

Response: *Not applicable. The proposed use is permitted outright in the zone district.*

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance. (Ord. 1515, 2005; Ord. 1547, 2007)

Response: *Not applicable. The applicant has not submitted a non-conforming use or structure application.*

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family detached dwelling;
2. Multi-family dwelling;
3. Common-wall single-family dwellings above a permitted use;
4. Residential use of the second floor or a portion of the ground floor of a permitted use;
5. Residential home;
6. Family day care;
7. Bed and breakfast lodging;

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8. Animal sales and services, grooming;
9. Business support services;
10. Cultural exhibits and library services;
11. General retail services;
12. Medical and dental services;
13. Personal service facilities;
14. Professional and administrative services;
15. Transportation facilities (Type I);
16. Utility, minor. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1604 § 60, 2011; Ord. 1686 § 3, 2018)

Response: The proposed use, personal service facility, is permitted outright in the zone district per (13) above.

59.040 ACCESSORY USES

1. Accessory uses are allowed in this zone as provided by Chapter 34 CDC.
2. Manufacture or repackaging of goods for on-site sale. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 4, 2018)

Response: The applicant has not proposed an accessory use.

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

1. Signs, subject to the following provisions:
 - a. Wall signs. Shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The 10 percent shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts.
 - b. Ground-mounted signs. One ground-mounted sign is permitted in the front yard with a maximum size of 16 square feet, a maximum height of four feet, and a minimum setback of five feet from the right-of-way.
 - c. No signs shall be the internally lit “can” type. No backlit signs are permitted. Illumination by spotlight is permitted for either sign type. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques that describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project from the building face.

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- d. Temporary signs. Temporary sandwich board signs are permitted without the temporal restrictions of Chapter 52 CDC.
 - e. All other provisions of Chapter 52 CDC. Signs are applicable unless they conflict with the provisions of this chapter.
2. Temporary use, subject to the provisions of Chapter 35 CDC.
 3. Home occupations, subject to the provisions of Chapter 37 CDC.
 4. Consumer repair services, as prescribed with no exterior storage.
 5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
 6. Financial and insurance, as prescribed with no drive-through service.
 7. Building maintenance services, as prescribed with no exterior storage.
 8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 5, 2018)

Response: *The applicant has not proposed any of the aforementioned uses under prescribed conditions. Any signs proposed shall comply with the applicable code provisions.*

59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

1. Certified child care center.
2. Community building.
3. Religious institution.
4. Senior center.
5. Public support and public safety facilities, including public parking lots.
6. Nursery.
7. Parks and open space.
8. Eating and drinking establishments.
9. Food and beverage retail sales.
10. Hotel/motel.
11. Construction sales and services.
12. Parking facilities. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1655 § 6, 2016; Ord. 1675 § 48, 2018; Ord. 1686 § 6, 2018)

Response: *The applicant has not proposed any of the aforementioned conditional uses.*

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

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

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

Response: *The front lot line is 100 feet long.*

2. The average minimum lot width shall be 50 feet.

Response: *The lot width is 100 feet.*

3. The average minimum lot depth shall not be less than 90 feet.

Response: *The lot depth is 100 feet.*

4. The minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For a front yard, 12 feet minimum and 20 feet maximum to the structure, except that a porch, patio, or pedestrian amenity may be six feet from the front property line.
- b. For an interior side yard, seven and one-half feet.
- c. For a side yard abutting a street, 12 feet.
- d. For a rear yard, 20 feet. However, where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required

Response: *The lot depth is 100 feet.*

5. The maximum building height shall be two stories above grade, or 35 feet, whichever is less.

Response: *The building is one story, approximately twelve feet tall.*

6. Maximum building size for all floors shall not exceed 6,000 square feet above grade excluding porches.

Response: *the building floor area is approximately 1500 square feet including the garage.*

7. The maximum building floor area ratio shall be 0.4, except that the ground floor of the building shall not exceed 5,000 square feet. 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.

Response: *the building floor area is approximately 1500 square feet and the lot area is 10,000 square feet, which is a floor area ratio of 0.15, well below the maximum FAR.*

8. The minimum lot size shall be 4,500 square feet and the maximum lot size shall be 10,000 square feet, unless defined as an existing lot of record

Response: *the existing lot area is 10,000 square feet.*

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B. **Design standards.** All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j). Further, single-family and duplex residential uses shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. Residential-style building with single story porch on the front, and on the side where it abuts a street.

Response: *the existing building is residential in style and does not have a single-story porch on the front or side. Should a porch be required on the front and side, the applicant requests that this requirement be made a condition of approval to be completed with a building permit.*

2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.

Response: *A new sidewalk is proposed along 16th Street.*

3. Off-street parking shall be behind, under, or on the side of building

Response: *The proposed parking space is on the existing driveway. Relocating the driveway would not be practicable due to the location of existing improvements.*

4. Garages shall not extend any closer to the street than the street-facing facade of the house.

Response: *The existing garage extends approximately 8.5 feet in front of the street facing facade. Removing the garage or shortening it to comply with this standard would not be practicable due to the location of existing improvements. Should compliance with this standard be required, the applicant requests that this requirement be made a condition of approval to be completed with a building permit.*

5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines.

Response: *Not applicable. No illuminated outdoor advertising is proposed on accessory buildings, equipment, or vending machines.*

6. These design standards, subsections (B)(1) through (5) of this section, shall not 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 design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1675 § 50, 2018).

Response: *Not applicable. There are no public facilities of the types mentioned associated with this application.*

59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

A. Permitted uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.

B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and

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may not abut a property line that adjoins a residential zone. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1614 § 11, 2013)

Response: the applicant agrees to comply with these additional use requirements and understands that any nuisances would be addressed through the city's standard code enforcement process.

59.090 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). (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1636 § 42, 2014)

Response: The applicant has not proposed any conditional uses.

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

1. Chapter 28 CDC, Willamette and Tualatin River Protection.
2. Chapter 36 CDC, Manufactured Homes.
3. Chapter 32 CDC, Water Resource Area Protection.
4. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
5. Chapter 35 CDC, Temporary Structures and Uses.
6. Chapter 37 CDC, Home Occupations.
7. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
8. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
9. Chapter 42 CDC, Clear Vision Areas.
10. Chapter 44 CDC, Fences.
11. Chapter 48 CDC, Access, Egress and Circulation.
12. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.
13. Chapter 55 CDC, Design Review.
14. Chapter 54 CDC, Landscaping.
15. Chapter 53 CDC, Sidewalk Use. (Ord. 1547, 2007; Ord. 1614 § 12, 2013; Ord. 1675 § 49, 2018)

1673 16th Street Site Plan and Design Review Code Narrative

***Response:** the applicant believes that they have addressed all of the applicable Chapters of the CDC in this narrative. Should compliance with additional Chapters of the CDC be required that are not addressed herein, the applicant requests that these requirements be made conditions of approval of this application.*

Chapter 96 - STREET IMPROVEMENT CONSTRUCTION

Sections:

96.010 CONSTRUCTION REQUIRED

96.020 STANDARDS

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 single-family 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.

***Response:** The applicant proposes to improve the 16th Street frontage of the property with street improvements including a new sidewalk, planter strip, street trees, curb, gutter and driveway per city standards unless waived or allowed to pay fee-in-lieu per code in this section.*

B. Remodeling of an existing building.

1. Building permits shall not be issued for the remodeling and conversion of any existing building or structure which results in an increase in size or includes a change of use excepting building permits for the alteration or addition to an existing single-family dwelling, unless:
 - a. The applicant for said building permit agrees to construct street improvements; and
 - b. The City Manager or the Manager's designee determines that the remodeling of a structure or change of use is sufficient to cause construction of street improvements.

1673 16th Street Site Plan and Design Review Code Narrative

2. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements, shall be made by the City Manager or the Manager's designee. This determination shall be based upon finding that the increase in building size or change of use results in either:

- a. An increase in floor area which creates the need for additional on-site parking in accordance with the Community Development Code; or
- b. A change in use that results in a need for additional on-site parking; or
- c. An increase in the dwelling unit density on the site; or
- d. A change in the type, number, or location of accessways where off-site traffic will be affected.

3. An applicant for a remodeling of an existing building or structure change may apply for a waiver of street improvements and the option to make a payment in lieu of construction utilizing the process described in subsection (A)(3) of this section.

Response: this remodel is a change in use from single-family residential to a hair salon. Additional on-site ADA compliant parking and access improvements, as well street improvements are proposed.

C. Replacement of an existing building.

1. Building permits shall not be issued for the replacement of any existing building or structure which results in an increase in size unless:

- a. The applicant for said building permit agrees to construct street improvements; and
- b. The City Manager or the Manager's designee determines the the replacement is sufficiently increased in size to cause construction of street improvements.

Response: Not applicable. No replacement of an existing building is proposed.

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. (Ord. 1314, 1992; Ord. 1442, 1999; Ord. 1544, 2007; Ord. 1547, 2007; Ord. 1590 § 1, 2009; Ord. 1613 § 21, 2013)

Response: the applicant recognizes the City Council's authority to impose an equivalent street improvement standard.

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.

Response: The applicant understands that the required street improvements must be completed prior to occupancy of the structure.

54.020 APPROVAL CRITERIA

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

Response: We have attached a basic site plan showing the existing landscaping on the property. There are no trees on the property and the landscaping primarily consists of grass, bark dust and a few small shrubs/plants.

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

Response: Not applicable to this submission.

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

Response: Not applicable to this submission.

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

Response: Not applicable to this submission.

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.

Response: Not applicable to this submission.

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

Response: Existing landscaping exceeds 20% of gross site area.

3. All uses (residential uses (non-single-family) and non-residential uses):

a. The landscaping shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area. There shall be one shade tree planted for every eight parking spaces. These trees shall be evenly distributed throughout the parking lot to provide shade. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. The perimeter landscaping, explained in subsection (E)(3)(d) of this section, shall not be included in the 10 percent figure. Parking lots with 10 to 20 spaces shall have a minimum five percent of the interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the five percent. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one-third for the area with the permeable parking surface only.

Response: Not applicable to this project as there will only be a single parking spot on-site to comply with ADA requirements.

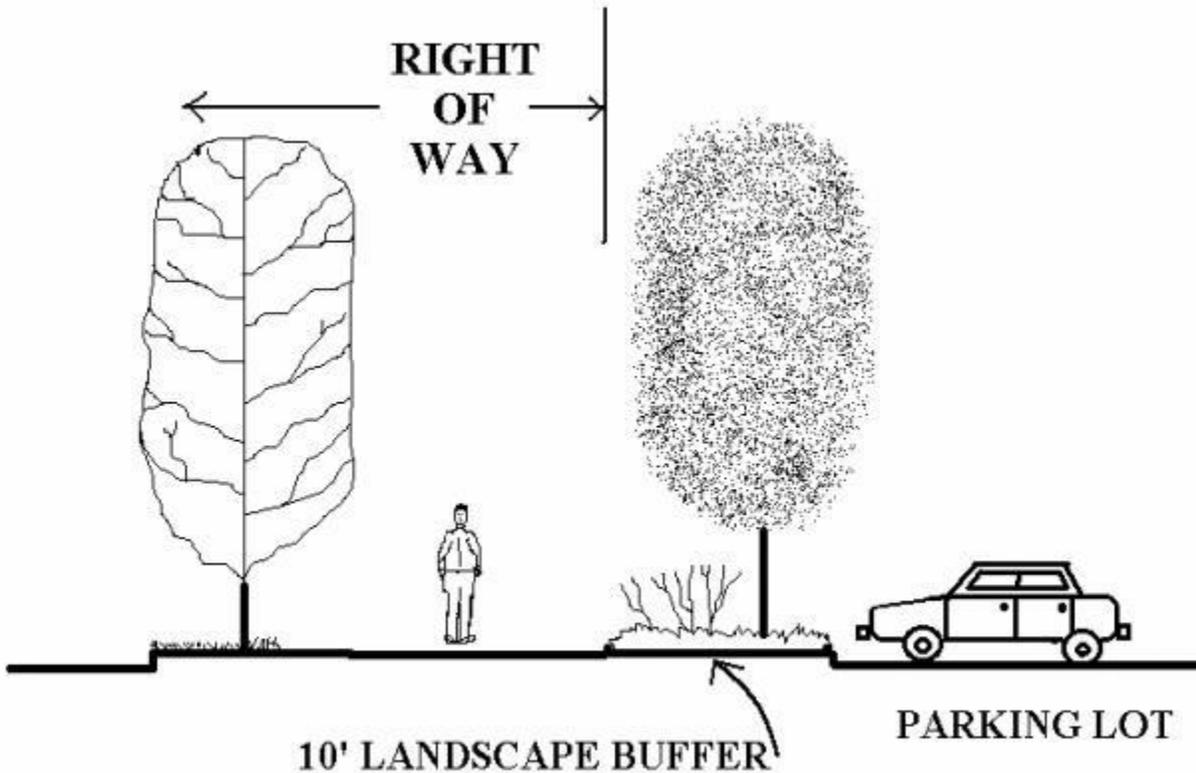
b. The landscaped areas shall not have a width of less than five feet.

Response: The landscape strip bordering the ADA parking space and the neighboring parcel will have a width of 5' and contain small plants/shrubs to cover at least 75% of the bark dust area.

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

Response: Existing site and soil conditions are appropriate for the maintenance of existing landscaping.

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



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

Response: Street improvement plans include two tree wells as requested by Amy Pepper.

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

Response: Not applicable to this submission.

f. A parking, loading, or service area which abuts a property line shall be separated from the property line by a landscaped area at least five feet in width and which shall act as a screen and noise buffer, and the adequacy of the screen and buffer shall be determined by the criteria set forth in CDC [55.100](#)(C) and (D), except where shared parking is approved under CDC [46.050](#).

Response: ADA parking spot abutting neighboring property will have a landscaped buffer 5' in width. Buffer will contain small plants/shrubs to cover at least 75% of the bark dust area.

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

Response: Not applicable to this submission.

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

Response: Not applicable to this submission.

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).

Response: Not applicable to this submission. Refuse containers to be placed streetside weekly will be stored behind existing fence.

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

Response: No plants or landscaping will be placed in such a manner as to prohibit necessary surveillance.

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

Response: There is no existing irrigation system on the property and one is not required to maintain existing landscaping.

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.).

Response: Street trees to be placed within new sidewalk will be selected in accordance with these guidelines.

F. Landscaping (trees) in new subdivision.

1. Street trees shall be planted by the City within the planting strips (minimum six-foot width) of any new subdivision in conformity with the street tree plan for the area, and in accordance with the planting specifications of the Parks and Recreation Department. All trees shall be planted during the first planting season after occupancy. In selecting types of trees, the City Arborist may determine the appropriateness of the trees to local

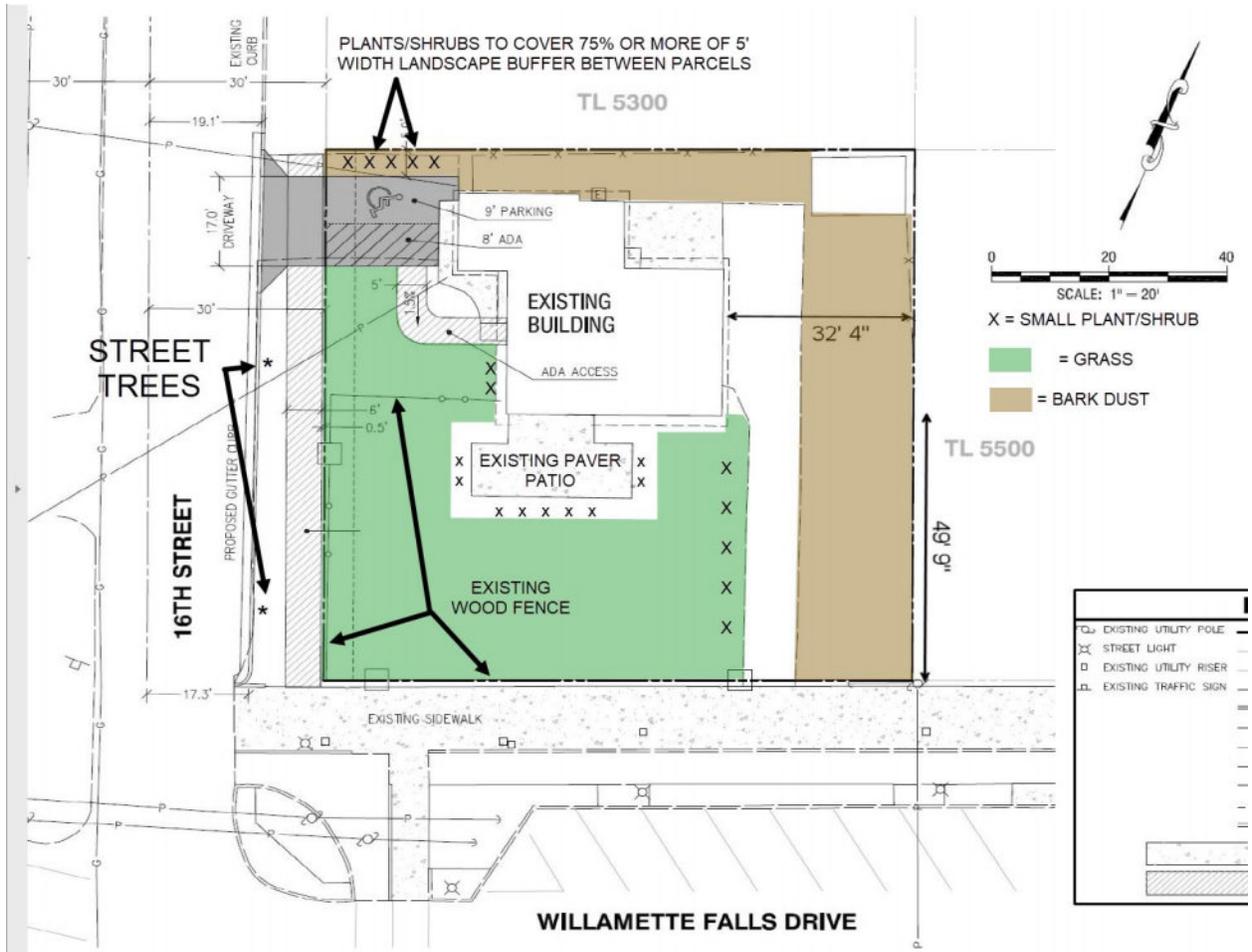
conditions and whether that tree has been overplanted, and whether alternate species should be selected. Also see subsection (C) of this section.

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

Response: Not applicable to this submission.

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. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1623 § 5, 2014; Ord. 1636 § 36, 2014)

Response: Not applicable to this submission.



PD-2 PUBLIC COMMENT

From: Renee Brambilla <rhawkinsb@yahoo.com>
Sent: Tuesday, October 19, 2021 12:25 PM
To: Avila, Beatriz
Subject: File No. Dr-21-09

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

We received the letter regarding DR-21-09 to allow an existing single-family home to be converted to a salon.

After reviewing the planning information, we have no objections to the proposal. We would like to request that the existing fence (which was recently built) remain in place. This has really added to the aesthetic of the property. From what I can read in the proposal the fence will remain.

Thank you,
Anthony & Renee Brambilla
1511 Willamette Falls Dr.
West Linn, OR

PD-3 COMPLETENESS LETTER



CITY OF
West Linn

October 13, 2021

Michael Jenkins
2065 Ostman Road
West Linn, OR 97068

SUBJECT: DR-21-09 Application requesting a Class I Design Review of an existing single-family home to a salon located at 1673 16th Street

Dear Michael:

You submitted this application on August 18, 2021 and have made a complete resubmittal on October 11, 2021 addressing the incomplete letter dated September 17, 2021. The Planning Department has reviewed the submitted materials and has deemed the application **complete**. The city has 120 days to exhaust all local review; that period ends February 9, 2021.

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

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

Sincerely,

Betty Avila
Associate Planner

PD-4 AFFADAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
Type B**

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

PROJECT

File No.: **DR-21-09** Address: **1673 16th Street**
 Applicant's Name: **Michael Jenkins**
 Scheduled Decision Date: **Planning Manager Decision no earlier than October 27, 2021**

MAILED NOTICE

As required by CDC Section 99.080, notices were mailed at least 14 days before the decision date to:

1	Michael Jenkins, applicant	10/13/21	<i>Lynn Schroder</i>
2	Property owners within 300ft	10/13/21	<i>Lynn Schroder</i>
3	Kathie Halicki, Willamette NA	10/13/21	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website before the decision date.

10/13/21	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the decision date.

10/14/21	Betty Avila
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FINAL DECISION

Notice of final decision was mailed to the applicant, all other parties with standing, and posted on the City's website.

11/15/2021	Betty Avila
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**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # DR-21-09
MAIL: 10/13/2021 TIDINGS: na**

CITIZEN CONTACT INFORMATION

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

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. DR-21-09**

The West Linn Planning Manager is considering DR-21-09, a request to allow an existing single-family home to be converted to a salon through a Class I Design Review at 1673 16th Street.

The Planning Manager will decide the application based on criteria in Chapters 46, 48, 54, 55, 59, and 96 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/1673-16th-st-class-1-design-review>. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration shall submit all material before 4:00 p.m. on October 27, 2021 to bavila@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

Contact Betty Avila, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503)742-6057 for additional information.

