

From: Brad Kilby bradk@hhpr.com
Subject: 000_ Signed Application Form.pdf
Date: Jul 2, 2026 at 9:44:52 AM
To: Jeff Parker jeff@blackhawkd.com, Carrie Richter crichter@batemanseidel.com



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
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DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	Wyss	PROJECT NO(S).	DR-25-04/LLA-25-02
		PRE-APPLICATION NO.	PA-25-20
NON-REFUNDABLE FEE(S)	\$1,200	REFUNDABLE DEPOSIT(S)	\$4,500
		TOTAL	\$5,700

Type of Review (Please check all that apply):

- | | | |
|---|---|--|
| ☐ Annexation (ANX) | ☐ Final Plat (FP) Related File # | ☐ Subdivision (SUB) |
| ☐ Appeal (AP) | ☐ Flood Management Area (FMA) | ☐ Temporary Uses (MISC) |
| ☐ CDC Amendment (CDC) | ☐ Historic Review (HDR) | ☐ Time Extension (EXT) |
| ☐ Code Interpretation (MISC) | ☒ Lot Line Adjustment (LLA) | ☐ Right of Way Vacation (VAC) |
| ☐ Conditional Use (CUP) | ☐ Minor Partition (MIP) | ☐ Variance (VAR) |
| ☒ Design Review (DR) | ☐ Modification of Approval (MOD) | ☐ Water Resource Area Protection/Single Lot (WAP) |
| ☐ Tree Easement Vacation (MISC) | ☐ Non-Conforming Lots, Uses & Structures | ☐ Water Resource Area Protection/Wetland (WAP) |
| ☐ Expediated Land Division (ELD) | ☐ Planned Unit Development (PUD) | ☐ Willamette & Tualatin River Greenway (WRG) |
| ☐ Extension of Approval (EXT) | ☐ Street Vacation | ☐ Zone Change (ZC) |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

Site Location/Address: 2410, 2422, and 2444 Tannler Drive	Assessor's Map No.: 21E35C
1800 Blankenship Road. TL 00801	Tax Lot(s): 00100, 00102, and 00200
	Total Land Area: 11.41 Acres

Brief Description of Proposal:

Proposal to construct ~320 multi-family dwelling units with some ground floor commercial adjacent to Tannler Drive. The request also includes a proposal to adjust the lot lines for the three existing parcels.

Applicant Name*: Mill Creek Residential Trust, Attn: Chad Encinas	Phone: cencinas@mctrust.com
Address: 720 Washington Street, STE 720	Email: Please contact consultant
City State Zip: Portland, OR 97205	

Owner Name (required): Tannler Holdings, LLC	Phone: 503-807-8852
Address: 1800 Blankenship Road, STE 325	Email: jeff@parkerdev.com
City State Zip: West Linn, OR 97068	

Consultant Name: HHPR, Inc. Attn: Brad Kilby, AICP	Phone: 503-221-1131
Address: 205 SE Spokane Street, STE 100	Email: bradk@hhpr.com
City State Zip: Portland, OR 97202	

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. *The applicant is financially responsible for all application costs.
2. All information provided with the application is considered a public record and subject to disclosure.
3. The owner/applicant or their representative should attend all public hearings related to the application.
4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
5. Submit this form, application narrative, and all supporting documents as a single PDF through the web page: <https://westlinnoregon.gov/planning/submit-land-use-application>.

The undersigned property owner authorizes the application and grants city staff the right of entry onto the property to review the application. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

	9/18/25		9/18/2025
Applicant's signature	Date	Owner's signature (required)	Date

Also PLA

	7/2/26
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Tannler Development Land Use Application Narrative & Findings Document

Class II Design Review, Property Line Adjustment, Mandatory Adjustments under SB 1537

PROPERTY OWNER:	Tannler Holdings, LLC 1800 Blankenship Road, Suite 325 West Linn, OR 97068 Blackhawk LLC, Parker Development NW 1800 Blankenship Road, Suite 325 West Linn, OR 97068
APPLICANT:	Tannler Holdings, LLC Attn: Jeff Parker 1800 Blankenship Road, Suite 325 West Linn, OR 97068
LAND USE PLANNER/CONTACT:	Brad Kilby, AICP Harper Houf Peterson Righellis, Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 (503) 221-1131 bradk@hhpr.com
SITE ADDRESS:	1800 Blankenship Road and 2410, 2422, and 2444 Tannler Drive
TAX MAP:	21E35C
TAX LOTS:	00100, 00102, 00200, 00801
ZONING DESIGNATION:	OBC (Office Business Center)
COMPREHENSIVE PLAN DESIGNATION:	Commercial
SUMMARY OF REQUEST:	The property owner proposes to adjust the property lines between tax lot 00200 and 00801; Consolidate tax lots 00100, 00102, and 00200. Those properties are proposed to be developed with a mixed-use development, including multi-family residential units and ground floor commercial space. Additional site improvements, including landscaping,



utilities, parking and vehicle access, and pedestrian circulation are also proposed on site.

DATE:

September 18, 2025 (*Revised June 12, 2026*)

Project Team

CIVIL ENGINEER:	Ryan Mosher, PE Harper Houf Peterson Righellis, Inc 530 Center Street NE, Suite 240 Salem, OR 97301 (503) 365-1131 ryanm@hhpr.com
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ATTORNEY:	Carrie Richter Bateman Seidel Miner Blomgren Chellis & Gram, P.C. (Bateman Seidel) 1000 SW Broadway, Suite 1910 Portland, OR 97205 (503) 972-9903 crichter@batemanseidel.com
TRAFFIC ENGINEER:	Julia Kuhn, PE Kittelsohn & Associates 851 SW 6 th Avenue, Suite 600 Portland, OR 97204 (503) 228-5230 jkuhn@Kittelsohn.com
GEOTECHNICAL ENGINEER:	Najib A. Kalas, PE or Brett A. Shipton, PE, GE Columbia West Engineering, Inc. 8880 SW Nimbus Avenue, STE. A Beaverton, OR 97008 (971) 384-1666 nkalas@columbia-west.com bshipton@columbia-west.com

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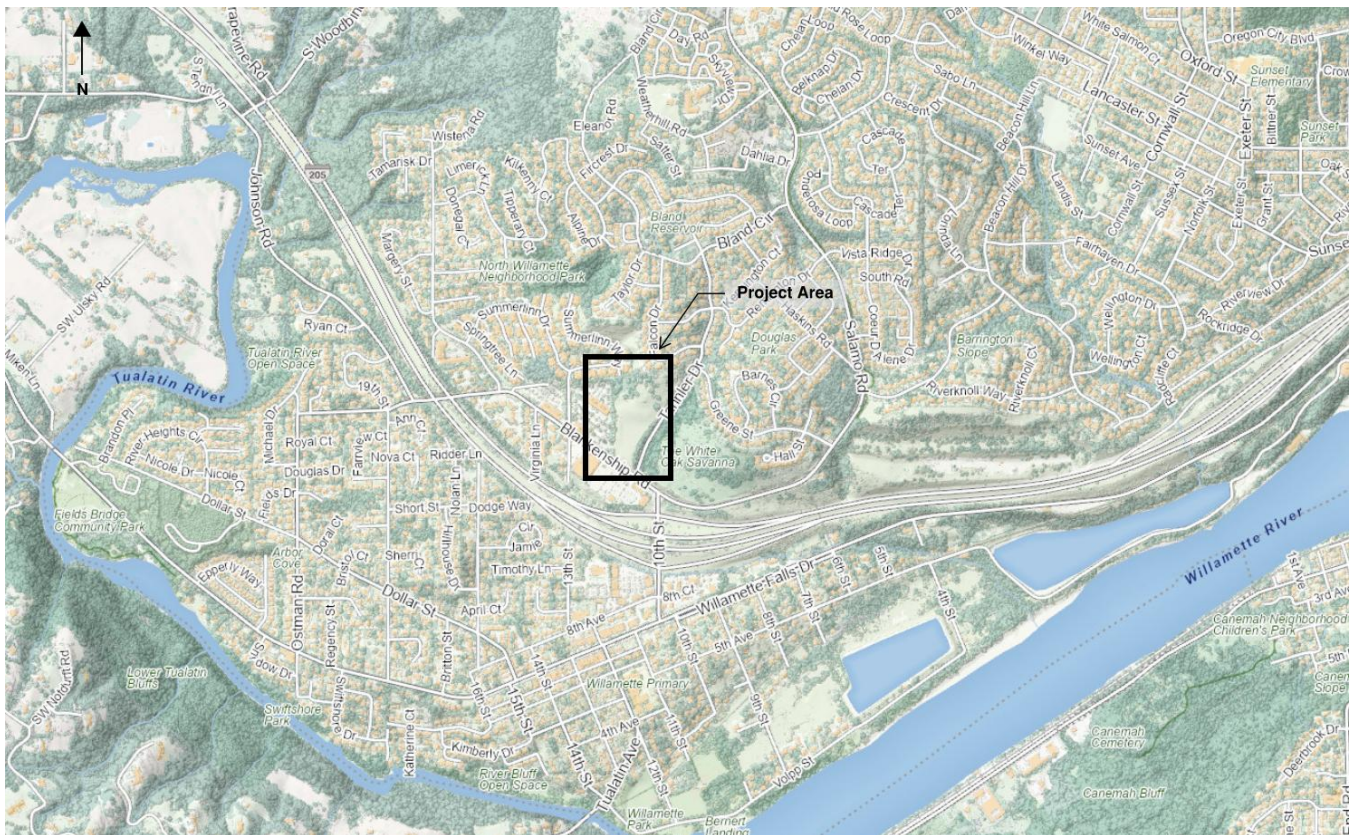
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<i>Within this development, the applicant submits this adjustment application to mandate approval of seven adjustments including an adjustment to: (1) Bicycle Parking (minimum spaces); (2) Building height maximum; (3) Prohibitions on ground floors of mixed use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street or against nonresidential active uses that support the residential uses of the building; (4) Façade Articulation; (5) Total Window Area; (6) Building orientation requirements; and (7) Requirements for balconies and porches. These adjustments are all expressly listed as mandatory adjustments under SB 1537. The proposed adjustments are shown in the following table:</i>	
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I. PROJECT OVERVIEW

BACKGROUND INFORMATION

The project site is located at 1800 Blankenship Road and 2410, 2422, and 2444 Tannler Road in the City of West Linn. The properties are zoned office business center (OBC) on the City's Zoning Map. After the property line adjustment with tax lot 00801, the site will increase in size from approximately 11.36 acres in size to 12.15 acres in size. Once all of the right of way dedications are made, the site area will be reduced to 11.15 acres in size. The site is generally located northwest of the intersection of Tannler Drive and Blankenship Rd. Tannler Drive is located along the east boundary of the site and Blankenship Rd. is located along the southern boundary of the site. The development site slopes from north to south, is partially developed (parking lot and access on TL 00801), and is primarily covered with grass, brush, and trees. Slopes on the site range between 12 and 17 percent.

VICINITY MAP



PROPOSED IMPROVEMENTS

The applicant is proposing to construct a mixed-use development that will consist of 320 units in ten multi-family residential buildings, garages, a clubhouse, accessory uses, and approximately 11,630 square feet of commercial mixed-use space on the ground floor in buildings 7-10 at the southern end of the site where Tannler Drive is required to be realigned. The commercial spaces will be leased. The multi-family residential units will range in size from one to three-bedroom units.

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The proposed mixed-use development project's driveway and walkway system will connect with the driveways and parking area of the Willamette 205 office development to the west. A reciprocal access agreement has been previously recorded between these properties and will be amended once the project receives approval.

In addition to the mixed-use development, the property owner is requesting a property line adjustment between tax lots 00801 and 00200 in order to allow the access into the Willamette 205 Office Center to be relocated at least 200 feet north of the realigned intersection of SW Blankenship Rd. and Tannler Drive. Finally, the remaining property lines on the mixed-use site would be eliminated and the property (tax lots 00100, 00102, and 00200) will be consolidated into a single lot.

SITE MAP



REQUESTED REVIEWS

This application requests (7) mandatory adjustments under SB1537 passed by the Oregon legislature to increase housing throughout Oregon. Those adjustments comply with the state law and the applicant realizes that only “the applicant” can appeal the decisions on those adjustments. Similarly, as of July 2026, HBA 4037, Section 17, prohibits local government from holding a public hearing or allowing for any local appeal pursued by anyone other than the applicant.

The applicant is requesting the following reviews:

- Class 2 Design Review

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Tannler Drive Multi-Family
Narrative & Findings



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- Property Line Adjustment (between 00200 and 00801) and a Lot Consolidation (Tax lots 00100, 00102, and 00200)
- Seven mandatory adjustments are requested for this development under SB 1537 as follows:
 - An adjustment to bicycle parking (minimum spaces)
 - An adjustment to building height maximums.
 - An adjustment to prohibitions on ground floors of mixed-use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street.
 - An adjustment to Façade articulation.
 - An adjustment to total window area.
 - An adjustment to building orientation requirements, not including transit street orientation requirements.
 - An adjustment to requirements for balconies and porches

II. RESPONSE TO APPLICABLE DEVELOPMENT AND CODE STANDARDS OF THE WEST LINN COMMUNITY DEVELOPMENT CODE

Note: Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

CHAPTER 21: OFFICE BUSINESS CENTER, OBC

SECTION 21.050: USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

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

Response: The applicant is proposing a mixed-use development that will include multi-family residential units above commercial spaces for 4 of the 10 buildings. This is a permitted use listed in section 21.050(2) above. Because the development will not provide commercial use on the entire first floor of all the structures, this application includes a request for a mandatory adjustment under Section 38 of Senate Bill 1537 which applies to all qualifying development applications in the City of West Linn. Conformance with the applicable approval criteria for mandatory adjustments under SB 1537 are addressed later in this narrative. As proposed, the development complies with those adopted and effective criteria.

SECTION 21.060: CONDITIONAL USES

The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Use:

1. *Certified child care center.*
2. *Convenience sales and personal services.*

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3. *Food and beverage retail sales.*
4. *Heliports.*
5. *Research services.*
6. *Repealed by Ord. 1622.*
7. *Utilities, major.*
8. *Vehicle fuel sales.*
9. *All single-family homes, which were non-conforming structures and were damaged, whereby the cost of rebuilding the damaged portions would exceed 50 percent of the then current replacement cost of the entire building. Determination of rebuilding costs shall be per CDC 66.070(A).*
10. *Postal services.*
11. *Public safety facilities.*
12. *Public support facilities.*
13. *Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.*

Response: There are no proposed conditional uses associated with this request.

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

- A. *Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:*
1. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
 2. *The average minimum lot width shall be 35 feet.*

Response: After the proposed property line adjustment, the mixed-use development will be located on a single lot bisected by the realignment of Tannler Drive. The proposed front lot line length along Blankenship Road is approximately 577.2 feet and there will be over 1,117 feet of frontage along the Tannler Drive right-of-way. The minimum lot width taken ½ way through the site is approximately 598.30 feet. As proposed, the adjusted and consolidated lot will continue to exceed these requirements. Tax lot 00801 will have more than 250 feet of frontage onto Blankenship Road and will continue to exceed the minimum dimensions of the reconfigured lot.

3. *Repealed by Ord. 1622.*
4. *The yard dimensions or building setback area from the lot line shall be:*
 - a. *Interior side yard, a minimum of seven and one-half feet.*
 - b. *Side yard abutting a street, no minimum.*
 - c. *Rear yard, a minimum of 25 feet.*
 - d. *Front yard, no minimum and a 20-foot maximum. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.*

Response: As explained above the net site is 11.15 acres and the proposed buildings are generally oriented so that the longer facades are on an east/west axis to take advantage of southern solar exposure. The West Linn Development Code defines the front lot line on a corner lot, as, “the shortest lot line along a street (other than an alley) that separates the lot from the street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.” Accordingly, the front yard is defined as, “a yard

between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.” In this instance, the lot is at the intersection of Tannler Drive and SW Blankenship. Tannler is realigned through the site to meet the City’s Transportation System Plan (TSP), but Oregon does not recognize intervening ownership so the lot would still be a single lot after the consolidation. For this development, the property owner has selected the yard along the realigned portion of Tannler Drive and Blankenship Rd. to be the front yard for this development. Side yards would be along the east and west property lines, and the rear yard would be along the north property line.

Buildings that are oriented to the front yard and the realigned portion of Tannler Drive include building 7, the east end of building 8, building 9, and the west end of building 10. These buildings include the commercial components of the development. In these cases, setbacks are proposed to be setback between 0 and 20 feet. Buildings that have their side yards oriented to Tannler Drive, including buildings 5, 3, and 1 are providing street side yard setbacks of 20-22 feet deep. Buildings 8, 6, 4, and 2 are the closest buildings to the west property line and they are proposed to be setback between 14.6 and 47.2 feet from the property line. Building 1, the picnic shelter, and 1 set of garages are the closest structures to the rear property line. Those structures are setback between 52 and 149.1 feet from the rear property line. The preliminary plans provided with this application demonstrate that these required setbacks will be satisfied and the proposed buildings will meet or exceed the prescribed setbacks within the zone. Specific setbacks are detailed on sheets C201 -C206.

5. The maximum lot coverage shall be 50 percent.

Response: Section 02.030 defines lot coverage as, “The area covered by a building or buildings, expressed as a percentage of the total land area. For residential uses, these buildings shall include the principal residence or house, any accessory dwelling unit, and accessory structures requiring a building permit.” The project site has 150,974 square feet of building coverage including buildings, garages and carports. This constitutes a lot coverage for the site of approximately 33.1 percent. This standard is met.

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

Response: The properties located along the northernmost property line are zoned Single-family Residential detached (R-15) and Single-family and Multiple-family. Property to the east is zoned for open space preservation, property to the west is zoned Office Business Commercial, and property to the south is zoned General Commercial as shown in the following image.



Therefore, structures located within 50 feet of the northeastern property line are subject to the 35-foot height requirement. As proposed, buildings located closest the northeastern most property line are single-story carports and garages with heights of approximately 18.5 feet. The property along the northwestern property line is zoned Single-family and Multiple-Family with a comprehensive plan designation of Medium-High Density. Proposed building 2 is located 50.2 feet from the property line. Since that property is not a Medium Density residential zone, it's subject to the height requirement of 45 feet per the base zone requirements. All other buildings on site would also be subject to the 45-foot height requirement. Because the development would provide for housing, a mandatory adjustment to the building height maximums permitted under SB1537 is included with this application to allow additional building height of one-story or 20%, whichever is greater, for the site. As shown below, this request for a mandatory building height adjustment meets all of the approval criteria for a mandatory SB 1537 adjustment. Proposed building heights for the apartments are 54 feet in height. Please see the architectural plan sheets for specific details.

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

Response: A planned unit development is not being requested with this application.

SECTION 21.080: DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

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

Response: No conditional uses are proposed with this development. As stated earlier, the applicant is proposing a mixed-use development that will include multi-family residential units above commercial spaces. This is a permitted use in the zone as listed in section 21.050(2)

SECTION 21.090: OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:*
- 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*
 - 2. Chapter 35 CDC, Temporary Structures and Uses.*
 - 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*

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4. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
5. Chapter 42 CDC, Clear Vision Areas.
6. Chapter 44 CDC, Fences.
7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
8. Chapter 48 CDC, Access, Egress and Circulation.
9. Chapter 52 CDC, Signs.
10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings.

Response: Given the size of the property and the proposed layout of the proposal, it is feasible for the development to satisfy all of the applicable standards of the Development Code, as adjusted where necessary, and as discussed throughout this narrative and demonstrated in the attached plans. Each of these criteria are discussed below.

CHAPTER 38: ADDITIONAL YARD AREA REQUIRED; EXCEPTIONS TO YARD REQUIREMENTS; STORAGE IN YARDS; PROJECTIONS INTO YARDS

CHAPTER 42: CLEAR VISION AREAS

SECTION 42.020: CLEAR VISION AREAS REQUIRED, USES PROHIBITED

- A. A clear vision area shall be maintained on the corners of all property adjacent to an intersection as provided by CDC 42.040 and 42.050.
- B. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the street centerline grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

Response: The proposed design has been prepared by a professional and licensed engineer in concert with a licensed landscape architect. They are both aware of the requirements and the plans include the required clear vision areas where the driveways intersect with Tannler Drive. As the driveways are proposed to be 24 feet in width, they are subject to the requirements in CDC section 42.040. Please see sheets C201-C204, and C206 for detailed locations and dimensions. As proposed, the development has been designed to comply with these requirements.

SECTION 42.030: EXCEPTIONS

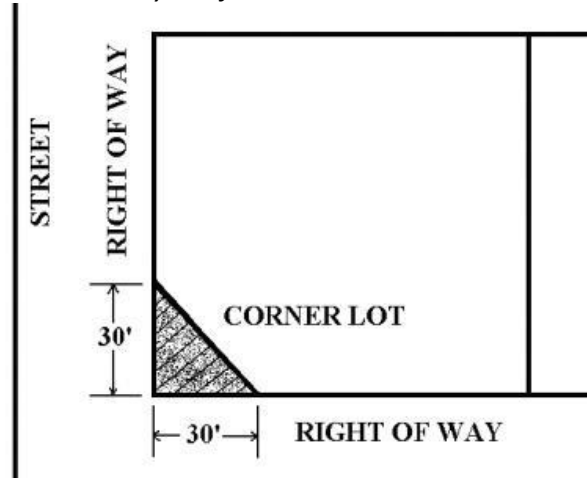
The following described area in Willamette shall be exempt from the provisions of this chapter. The units of land zoned General Commercial which abut Willamette Falls Drive, located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

Response: The subject site is not located within any of the areas described above; therefore, these exceptions do not apply and the development is subject to the provisions of this chapter. As proposed, this narrative and the accompanying plans illustrate that the proposed development complies with these provisions.

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

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

Clear vision area for corner lots and driveways 24 feet or more in width:

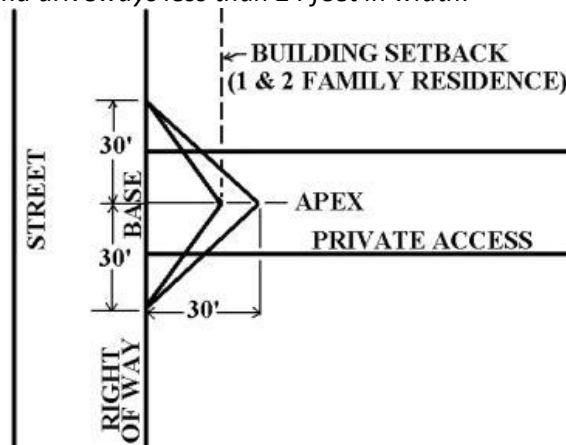


Response: As proposed, the design includes clear vision triangles at the intersection of the driveways with Tannler Drive. The clear vision areas have been calculated consistent with the figure above as the proposed driveways are 24 feet in width. Please see sheets C200 for detailed locations and sheets C202-C204, and C206 for driveway dimensions. As proposed, the development has been designed to comply with these requirements.

SECTION 42.050: COMPUTATION; ACCESSWAY LESS THAN 24 FEET IN WIDTH

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

Clear vision area for corner lots and driveways less than 24 feet in width:



Response: None of the proposed driveway intersections from the private accessways with Tannler Drive are less than 24 feet in width. This standard is not applicable to this development.

CHAPTER 44: FENCES

SECTION 44.020: SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

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

Response: Currently, the only location where fencing is anticipated is along the northwest property line, around the pool associated with the Community Building (building 11), and around the dog park just west of the picnic pavilion at the top of the site. The fence along the northwest property line will be sight obscuring and none of the proposed fence will be taller than 6-feet in height. There is no proposed fencing on the property line or within a yard setback area. These standards are not applicable to the proposed development. Please see sheets L1.2 and L2.2 for the location of the proposed fences.

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

Response: There are no proposed fences located on the top of a retaining wall. These standards are not applicable to the proposed development.

SECTION 44.030: SCREENING OF OUTDOOR STORAGE

- A. *All service, repair, and storage activities carried on in connection with any commercial, business or industrial activity and not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight-obscuring fence.*

- B. The sight-obscuring fence shall be in accordance with provisions of Chapter 42 CDC, Clear Vision Areas, and shall be subject to the provisions of Chapter 55 CDC, Design Review.*

Response: The only proposed outdoor storage within the development will be the on-site trash enclosures. These facilities are proposed to be located on every level of the tiered site. All of the proposed enclosures are set into the hillside and screened from nearby residents by a combination of retaining walls, garage walls, and where that condition is not present, they are screened by full height walls with accompanying landscaping. The locations are all interior to the site, located outside of any required yard setback, and illustrated on the attached landscape plans. Please see sheets L2.2 – L2.4 for detailed locations and sheet 3.1H-1 for a detail of the typical enclosure. The proposed locations and design of the enclosures have been coordinated with the District Manager of Waste Connections, the service provider for this area. As proposed, these standards are met.

SECTION 44.040: LANDSCAPING

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

Response: The landscape plan been prepared by Brian Martin, ASLA, a professional and licensed landscape architect with Lango Hansen Landscape Architects. As stated previously, compliance with the clear vision standards is satisfied by the proposal. Landscaping within these areas was coordinated between the landscape architect and civil engineer. Any landscaping proposed in the clear areas is proposed to be limited to low lying landscape or trees which will be pruned in accordance with the standards for trees within clear vision areas. Please see sheets L2.1, L2.3 and L2.4 for specific planting details within these areas.

SECTION 44.050: STANDARDS FOR CONSTRUCTION

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

Response: There is a proposed fence located along the northwest property line. The fence is proposed to be a 6-foot tall black vinyl coated chain link fence with privacy slats. The structural side of the fence will be placed on the proposed development site as required. Please see sheet L2.2. This standard is met.

CHAPTER 46: OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

SECTION 46.020: APPLICABILITY AND GENERAL PROVISIONS

- A. At the time a structure is erected or enlarged, or the use of a structure or unit of land is changed within any zone, 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 loading space as required by this chapter.
D. 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.

Response: Compliance with the off-street parking and loading standards is discussed below based on the existing design and demonstrated in civil plans provided with this submittal. The development complies with these standards as discussed below and illustrated on the attached plans.

SECTION 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.

Response: Compliance with the applicable approval standards are discussed throughout this narrative and demonstrated in the accompanying plans.

SECTION 46.050: JOINT USE OF A PARKING AREA

- A. Joint use of 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 parking spaces on separate sites shall submit the following documentation 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. A legal instrument that guarantees access to the parking for the shared spaces.*

Response: The proposal does not anticipate needing to share parking with any other uses on a separate site. All proposed parking for the development is provided on-site or on the adjacent streets where on-street parking is permitted.

SECTION 46.060: STORAGE IN PARKING AND LOADING AREAS PROHIBITED

Parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and the 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: There is no anticipated need to utilize the proposed on-site parking and loading area for storage. This standard is not applicable to the proposed development.

SECTION 46.070: MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE

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

Response: There are no proposed single-family dwellings associated with this request; therefore, this standard is not applicable.

- B. Parking areas must provide the following, wherever applicable:*
- 1. Employee parking areas for carpools and vanpools shall be located closer to the entryway to the building than general employee parking.*
 - 2. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for parking spaces, the applicant shall ensure that an attendant will always be present when the lot is in operation. The requirements for maximum spaces and all parking area development standards continue to apply for stacked parking.*

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3. 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.
4. Parking for cottage clusters may be further than 200 feet, if a pedestrian pathway is provided with the following conditions: [...]

Response: The design team is aware of these requirements. There is no proposed stacked or valet parking, employee parking areas for carpools or vanpools. All proposed ADA parking has been located closest to the buildings and units that they intend to serve Please see sheet C300 for the location of the proposed spaces and the proposed grading around those spaces. Proposed fine grading can also be found in sheets C301-C317. The project team includes Rachelle Freegard, LEED AP, a Senior Accessibility Consultant with Endelman & Associates, PLLC, who was brought on to ensure that the design of the site complies with the ADA.

SECTION 46.090: OFF-STREET PARKING SPACE REQUIREMENTS

A. Maximum parking. Parking spaces shall not exceed the following amounts:

Land Use	Maximum Spaces (spaces per 1,000 sq. ft. of gross leasable area unless otherwise stated)
Multifamily studio unit (spaces per unit)	1.2
Multifamily non-studio (spaces per unit)	2.0
General office (includes office park, "flex-space," government office and misc. services)	3.0
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.4
Schools: college/university & high school (spaces/# of students and staff)	0.3
Tennis/racquetball court	1.3
Sports club/recreation facilities	4.8
Retail/commercial, including shopping centers	4.6
Bank with drive-in	3.0
Movie theater	0.4
Fast food with drive-through	11.0
Other restaurants	11.0
Place of worship (spaces/seats)	0.6
Medical/dental clinic	4.4
Other commercial uses	5.0

Response: The development is not required to provide a minimum amount of parking but is subject to a maximum limit as illustrated above. As proposed, the unit mix within the proposed multi-family portion of the property includes 320 non-studios. For this portion of the development, a maximum of 640 off-street spaces are allowed to be provided. There is also 11,630 square feet of proposed flex retail commercial space. Based on the max parking requirements of 4.6 spaces per 1,000 SF of floor area, this portion of the development is allowed to

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provide no more than 53 parking spaces. The proposed development would be limited to providing no more than 693 spaces on site. As proposed, the development would provide 385 standard parking stalls, 6 compact parking stalls, and 9 ADA accessible parking stalls on-site for a total of 400 parking stalls which does not exceed the maximum number of spaces allowed. There will also be on-street parking along Tannler Drive where allowed by the City. The on-street parking is shown on sheets C202, C204, and C206.

1. *For and uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building.*
2. *Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.*
3. *For land uses not listed in the table above, maximum parking will be calculated based on the most similar land use in the table.*

Response: All of the proposed parking will be surface parking and subject to these requirements. The proposed floor area of the buildings is 305,000 square feet, and the proposed surface parking area is 162,252 square feet including parking provided in carports and garages. As proposed, the development complies with these requirements.

- B. *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 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: The proposed mixed-use portion of the property is 11,630 square feet. Parking is provided on-street, in front of building 8, and in the parking area between buildings 9 and 10. The applicant does not anticipate a need for more than 20 employee parking spaces associated with the proposed commercial uses. All of the disabled parking and customer use parking spaces will be marked accordingly and are illustrated for reference throughout the various plans.

- C. *Existing developments along transit streets or near transit stops may redevelop 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: This will be a new development. This standard is not applicable.

SECTION 46.110: RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES

Response: There are no drive-in uses proposed with this development. These standards are not applicable.

SECTION 46.120: DRIVEWAYS REQUIRED ON SITE

Any school or meeting place which is designed to accommodate more than 35 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 development does not include a school or meeting place designed to accommodate more than 35 people at one time. This standard is not applicable.

SECTION 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>Industrial:</u>		
Manufacturing	5,000 sq. ft.	40,000 sq. ft.
Warehouse	5,000	40,000
Storage	10,000	100,000
<u>Commercial:</u>		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Comm. recreational (incl. bowling alley)	10,000	100,000
Restaurants	5,000	25,000
Laundry	10,000	25,000
Office building	10,000	100,000
Hotel	10,000	100,000
<u>Institutional:</u>		
Schools	10,000	100,000
Hospitals	10,000	100,000
Other care facilities	10,000	100,000
<u>Public buildings:</u>		
Terminals	5,000	40,000
Auditoriums	10,000	100,000
Arenas	10,000	100,000
Funeral homes	10,000	100,000

Response: The proposed development would provide approximately 11,630 square feet of flex retail/commercial which requires 1 space, but that floor area is anticipated to be divided amongst several businesses. A more flexible approach for this development is proposed that would offer shared facilities within the off-street parking area of the site which is better suited for this development as deliveries are more likely to occur from smaller commercial vehicles. This approach will meet the intent of the regulation by designating loading areas in the off-street parking areas to accommodate deliveries. The off-street loading proposed for this development would be located within the off-street parking provided between buildings 9 and 10 south of the Tannler Drive realignment. This approach would eliminate underutilized dead space that hinders the mixed-use developments economic viability. The minimum standard for a loading berth is 14 feet in width by 20 feet in depth. The designated loading space will be signed and striped to ensure that an area equal to these dimensions or larger is provided within the off-street parking area during business hours of the proposed commercial spaces. A detailed location and design will be illustrated in the final construction drawings. It is feasible for the development to satisfy this requirement.

SECTION 46.150: DESIGN AND IMPROVEMENT 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 parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multifamily parking stalls back onto a driveway, as opposed to a drive aisle within a parking lot, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.*

Response: All of the proposed off-street parking is accessed from drive aisles within the proposed development; None of the proposed parking spaces back onto a driveway. Therefore the minimum parking space dimensions for the development would be either eight feet in width by 16 feet in length or nine feet in width and 18 feet in length. As proposed, parking within the garages will be at least nine feet wide by 19 feet deep, parking spaces adjacent to landscaping (Sheet C206) without a sidewalk or against a retaining wall will be marked as compact and designed to be nine feet wide by 16 feet in length with wheel stops provided, and all other spaces provided on site will be nine feet wide and 18 feet deep with a two-foot overhang onto a seven-foot-wide sidewalk. There are no water resource areas located on the property. Please refer to the attached civil plan sheets (C201-C206) for details related to the parking space design standards. As proposed, the development complies with the parking design standards.

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: Disabled parking for the proposed development has been located throughout the site and has been designed to satisfy the federal dimensional standards as required. The location of the proposed Americans with Disabilities Act (ADA) spaces are located nearest to accessible building entryways and ramps. As stated previously in this narrative, the design team consulted with Rachelle Freegard, LEED AP, a Senior Accessibility Consultant with Endelman & Associates, PLLC, to locate the required accessibility routes to ensure that the site meets the requirements of the ADA. Please see sheets C202-C206 for the proposed locations.

3. *Repealed by Ord. 1622.*
4. *Service drives for non-residential development 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: There are no proposed service drives separate from the on-site access drives associated with the development.

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, except where stacked parking is permitted pursuant to CDC 46.070(B)(4) or 46.090(A).*

Response: The proposed loading space discussed previously in this narrative will be signed and striped to minimize conflicts with off-street parking. All proposed parking on site is provided with clear access and will not require the relocation of other vehicles to function. There is no proposed stacked parking associated with this development.

6. *Except for single-family attached and detached residences, any area intended to be used for off-street parking 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: All proposed off-street parking, drives, and access aisles are illustrated on the attached civil plans (C200-C206). A signage and striping plan will be included in the final construction drawings for the proposed development. The proposed development will comply with this standard in construction.

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: All proposed parking, drives, and access aisles will be improved with asphalt in accordance with these requirements. The proposed development will comply with this standard when constructed.

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

Response: The proposed development includes multi-family residential homes. All of the proposed parking and vehicular circulation, will be paved with asphalt. There are no garages proposed for the development that are oriented to a public street. The garages proposed with this development are not provided with individual driveways that are subject to this standard. Further, there are not any proposed garage entrances within 20 feet of the public street.

9. *Access drives from the street to off-street parking or loading areas for non-residential development 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 for all development 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: As stated previously, proposed off-street parking, drives, and access aisles will be clearly marked as required. A signage and striping plan will be included in the final design drawings satisfying these requirements. All proposed access drive locations are intended to facilitate a circuitous flow of traffic for residents, business, and fire access to each building. The existing topography of the site and surrounding properties require that development on the property be tiered. The proposed development provides an access to serve each proposed tier of the development. Please see sheet C200 for the proposed access locations and C300, the Overall Grading Plan for reference of the grading that will be necessary in order to develop the site.

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

Response: As stated earlier, the included civil site plans all demonstrate that the proposed access drives meet the Clear Vision Areas required in Chapter 42 where they intersect with Tannler Drive. Please refer to sheet C200 for details.

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: All of the proposed off-street parking spaces adjacent to the interior landscaped areas where sidewalks do not exist or adjacent to a retaining wall will be provided with a two-foot overhang or wheel stop in accordance with this requirement. Where parking spaces are adjacent to sidewalks, the sidewalk has been designed to be two feet wider than the required minimum width.

12. *Off-street parking and loading areas shall be drained in accordance with City of West Linn Public Works Design Standards. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.*

Response: All stormwater on-site will be captured and conveyed, treated, and designed in below ground facilities located on the property. Stormwater runoff will be treated using proprietary treatment vaults for the site except for a small portion of Buildings 8 and 10, which will be treated by a lined, vegetated planter. Details for the

proposed system are provided in the preliminary storm report attached as attachment 006 to this report and illustrated in the Storm Sewer Plans provided in sheets C501-C506 provided with this submittal. As proposed system will meet the City of West Linn Public Works Design Standards.

13. Artificial lighting on all off-street parking facilities shall be concealed or shielded with an Illuminating Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property and so as not to create a hazard to the public use of any road or street. Examples of shielded light fixtures are shown below.

Response: An on-site lighting plan has been prepared by MKE & Associates, Inc., a licensed mechanical and electrical design firm. The plan has been designed to satisfy the lighting standards for the off-street parking facilities and is included with this submittal as attachment 012. The plans include a photometric plan and fixture cut sheets. All proposed fixtures are IESNA full cut-off style, with an angle not exceeding 90 degrees, and are installed to minimize glare and unnecessary light trespass onto adjacent properties. As proposed, the lighting for all off-street parking facilities meets this standard.

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

Response: A signage and striping plan will be included in the final construction drawings satisfying these requirements. Preliminary striping and traffic control devices are illustrated on the attached civil plan sheets (C200-C206).

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

Response: This standard applies to single-family housing and is not applicable to the proposed development.

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

Response: Any parking on site designated for visitor and guests will be identified in the signage and striping plan included with the final construction drawings. It is feasible for the proposed development to satisfy this requirement during construction permitting.

17. Parking spaces shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.

Response: Parking spaces have been designed to have less than a five percent grade as required, and no drainage will be directed to cross any adjacent sidewalks or walkways. Stormwater is proposed to be collected and conveyed to underground facilities located beneath the access drives. Compliance with this requirement is illustrated on the preliminary grading drawings included with this submittal and discussed in detail in the

preliminary storm report provided as appendix 006. Please see sheets C300 – C317 and the preliminary storm report included with this submittal.

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: None of the proposed off-street parking fronts the public street. All frontages, with the exception of proposed driveway access locations, are provided with buildings and/or landscaping.

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: All of the proposed parking areas are going to be improved with asphalt. The proposed parking bays are made up of 10 or fewer spaces, evenly distributed throughout the site, and separated by landscape islands or larger areas that are landscaped. Compliance with these standards are illustrated on the provided civil site plans (C200-C206) and landscape plans (L2.2-L2.4). As proposed, the development will comply with these standards.

20. *Pedestrian connections through parking areas.*
- a. *Pedestrian walkways shall be provided in parking areas that are larger than one-half acre. The pedestrian walkways or sidewalks should provide access to building entrances, existing or planned pedestrian facilities in the public right-of-way, and to accessible parking spaces.*
 - b. *Walkways or sidewalks shall be constructed through parking lots where such parking lots lie between major buildings/activity areas (an example in multifamily housing: between recreation center, swimming pool, manager's office, park or open space areas, parking lots, etc.) within a development and adjacent streets or adjacent transit stops. The walkways or sidewalks should also provide access to building entrances, existing or planned pedestrian facilities in the public rights-of-way, and to accessible parking spaces.*
 - c. *Walkways through parking lots shall be constructed using a material that visually contrasts with the parking lot and driveway surface and that may have a contrasting surface texture*

(surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.). Walkways shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of grade separation, walls, curbs, and/or landscaping.

d. *Walkways shall be a minimum of six feet wide.*

Response: As proposed and demonstrated with this land use submittal, the development complies with the pedestrian connection requirements. The project includes a comprehensive network of internal walkways that effectively bisect the site and parking areas. The proposed walkways are designed to provide direct, unobstructed access between the primary building entrances, the on-site amenities, and the transit stop located at SW Blankenship. Furthermore, the paths are integrated with the designated accessible parking stalls, ensuring a continuous and safe route for all users throughout the site. All of the proposed walkways on-site that are adjacent to or cross a parking area is proposed to be constructed of concrete, providing a distinct visual and textural contrast to the asphalt driving surfaces without impeding the use of mobility devices or strollers.

The proposed walkways are a minimum of six feet wide and physically protected from vehicular traffic through a combination of six-inch raised curbing and landscape islands. Compliance with these standards are illustrated on the provided civil site plans (C200-C206) and landscape plans (L2.2-L2.4). As proposed, the development will comply with these standards.

21. Parking and circulation patterns shall be easily comprehended and defined. The patterns shall be clear to minimize traffic hazards and congestion and to facilitate emergency vehicles. Residential developments which are exempt from design review or subject to only clear and objective design review are not required to comply with this design standard.

Response: The proposed development is a mixed-use development comprised of both residential and commercial uses. The parking and circulation have been professionally designed to be circuitous, meet fire and service access requirements as well as prevent traffic congestion. The proposed parking and circulation has been informed by professional, licensed, traffic and civil engineers. The design has been reviewed and preliminary agreed to by Tualatin Valley Fire and Rescue (See attachment 014). As stated previously in this narrative, the development will be striped and signed as required to ensure that the circulation patterns are easy to follow and designed to minimize traffic hazards and congestion. Please see sheets C200-C206 for the overall parking and circulation patterns and the preliminary traffic impact report provided by Kittelson and Associates provided with this submittal as attachment 008.

22. Parking spaces for residential development subject to clear and objective review shall be provided on the same lot. Parking spaces for non-residential development or for residential development subject to discretionary review shall be close to the related use.

Response: All proposed off-street parking is provided on the project site. On-street parking, where permitted, has been proposed along Tannler Drive to support the proposed development.

23. Permeable parking spaces shall be designed and built in compliance with the West Linn Public Works Design Standards.

Response: The proposed parking does not include any permeable parking. This standard is not applicable.

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

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

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	-
26 – 50	2	1	-
51 – 75	3	1	-
76 – 100	4	1	-
101 – 150	5	-	1
151 – 200	6	-	1
201 – 300	7	-	2
301 – 400	8	-	2
401 – 500	9	-	2
501 – 999	2 percent of total spaces	-	1 in every 6 accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	-	1 in every 6 spaces or portion thereof

Response: As proposed, the development would provide 147 standard parking stalls, 6 compact stalls, 6 uncovered ADA accessible parking stalls 2 garage ADA stalls and 1 carport ADA stall, 238 parking stalls within carports or garages for a total of 400 stalls. One of these stalls will be signed "Wheelchair Use Only" as required and discussed below. As proposed, the development will provide more ADA parking than is required by the above table.

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 proposed site plans demonstrate that all accessible parking spaces are located in close proximity to the shortest possible accessible route to an accessible entrance. All proposed parking areas are intended to serve a specific building, the ADA proposed locations ensure convenient and direct access, complying with this standard. Please see civil sheet C200 for the overall locations of provided accessible spaces, and sheets C201-C206 for more detailed locations. As proposed, this standard is satisfied.

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

Response: The proposed development will be tiered to accommodate the site's topography. With this submittal, the design team has provided preliminary grading plans to illustrate that it is feasible to satisfy this requirement. As the construction documents are prepared, fine tuning of the preliminary grading plan will occur to demonstrate compliance with the vertical and horizontal slope standards as required. Please see sheets C300-C317 for details of the proposed grading.

4. *Where any differences exist between this section and current Federal standards, those Federal standards shall prevail over this code section.*

Response: The design team will ensure that the final construction documents demonstrate compliance with the Federal standards for the design of the required ADA parking spaces.

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

Response: As stated previously in this narrative, there are 9 proposed accessible spaces. This standard would require that at least one of those stalls is served by an access aisle that is 96-inches wide. There is an access aisle provided to the side of the two on-street ADA spaces on the portion of Tannler that's to be realigned, and in between each pair of accessible spaces on the site parking areas. Please see sheets C202-C204 and C206 for details of the proposed ADA location and design. As proposed, the development will exceed this standard.

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: As indicated earlier, all onsite parking and circulation will be striped and signed in accordance with these code requirements. Compliance with these requirements will be provided with the final construction documents which will include a signage and striping plan.

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

Response: As proposed and discussed later in this narrative, the landscape design for the development satisfies the requirements of Chapter 54 CDC.

D. *Bicycle facilities and parking.*

1. *Provisions shall be made for pedestrian and bicycle ways if such facilities are identified on pages 24-26 of the West Linn Transportation System Plan or in the 2013 West Linn Trails Plan.*
2. *Bicycle parking improvements and location.*
 - a. *Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclists' locks securing the frame and both wheels.*

- b. *The nearest bicycle parking space shall be no more than 50 feet from the entrance to the building and shall be visible from the building entrance.*
 - c. *Required parking shall be signed and reserved for bicycle parking only. If a bicycle parking area is not visible from the main building entrance, a directional sign shall be posted at the building entrance indicating the location of the bicycle parking area.*
 - d. *Required bicycle parking shall be lighted to a minimum three foot-candles to allow secure use at night.*
3. *Bicycle parking must be provided in the following amounts:*

Response: Per the West Linn TSP, there are no proposed trails connections through the subject property; however, Figure 6 on page 25 of the adopted TSP calls for on-street connections to the communities' trail system along the sites frontage of both Tannler Drive and Blankenship Rd. The applicant expects that the development will be required to provide ½ street improvements along the frontages along both facilities. Because a portion of Tannler Drive will be realigned through a portion of the site, a full street improvement will be required for that portion of the improvements. Before imposing these obligations, the City must establish a nexus for the improvement and that they are roughly proportional. The proposed street sections for these improvements are shown in sheet C801. A plan and profile are provided for the improvements along Blankenship Rd. on sheet C810 and for the improvements to Tannler Dr. on sheets C811-C815.

A SB 1537 mandatory adjustment to the minimum required bicycle parking space requirement is proposed for this development. With 320 multi-family residential units, 160 bicycle parking spaces are required. These spaces are proposed to be located within the units and near the common areas. Required bicycle parking for the proposed commercial uses will be provided at a rate of 0.33 spaces per 1,000 square feet as it's the most restrictive of the uses that would be expected to be located in the flex/commercial retail portion of the site. With the 11,630 square feet of flex commercial/retail/office uses, 4 spaces would be required. The proposed landscape plan shows bicycle racks in front of the commercial spaces near the realigned portion of Tannler Drive (sheet L2.4). The code requires 50% of the required bicycle parking spaces for the multi-family development to be covered and 50% of the flex space would be required to be covered. All of the proposed bicycle parking spaces are required to be visible, signed, and lit. It is feasible for the proposed development to satisfy these requirements. Compliance with these standards will be demonstrated on the final construction drawings.

E. See Figures 1 and 2 below.

Response: These two figures reference the required bicycle parking layout and dimensional design. It is feasible for required bicycle parking to comply with these standards. Compliance with these standards will ultimately be illustrated on the final construction documents for the individual buildings and site improvements.

- F. The following requirements apply to any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles:*
- 1. *Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting. Trees planted or preserved to meet parking area landscaping requirements in CDC 54.020 may count toward the tree canopy cover percentage.*
 - 2. *At a minimum, trees planted to meet canopy cover requirements must be planted at the standards and specifications no lower than the 2021 American National Standards Institute A300 standards.*

Response: Based on the fact that the development is new and that the off-street surface parking proposed for the site is more than ½ acre in size, these standards are required to be satisfied. Brian Martin, ASLA a licensed landscape architect with Lango Hansen Landscape Architecture, has prepared landscape plans for the entire site. As proposed, the development would propose to provide 78 shade trees throughout the surface parking areas including along the drive aisles and in planter islands uniformly spaced throughout the parking areas.

Based on the expected canopy of the trees at maturity, approximately 52% percent of the new parking lot area will be covered by new tree canopy at maturity. The trees will be specified to meet the standards and specifications for the 2021 ANSI A300 on the final construction plans. Please see sheets L1.1 – L1.4 and the planting schedule for tree types found on sheet L2.1 for details.

- G. *New construction or redevelopment for the following uses must include provision of electric service capacity, as defined in ORS 455.417 and in this Code, for a minimum percentage of vehicle parking spaces:*
1. *Commercial buildings under private ownership: 20%*
 2. *Multifamily buildings (5 or more units): 40%*
 3. *Mixed use buildings consisting of privately owned commercial spaces and five or more residential dwelling units: 40%*

Response: The proposed development is a mixed-use project consisting of privately owned commercial spaces and includes more than 5 residential dwelling units. Therefore, the development is required to include provision of electric service capacity for 40% of the off-street parking spaces. Franchise utility design and conduit placement required to meet these standards will be provided in the final construction drawings, but the project Civil Engineer has indicated that provision of the amenities can be located anywhere on site and will be shown in the final utility plans.

CHAPTER 48: ACCESS, EGRESS, AND CIRCULATION

SECTION 48.020: APPLICABILITY AND GENERAL PROVISIONS

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

Response: The design team has reviewed the adopted TSP and has been coordinating the overall access and circulation plans with both City and TVF&R staff. As proposed, the development complies with the applicable standards for access.

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

Response: As proposed all lots will have access from Tannler Drive, an existing public street within the City. This standard is met by the proposed development. Details can be found on the civil site plans. See Sheets C201-C204 and C206 for details on the proposed access locations to serve the site.

- C. *No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are*

to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.

Response: Compliance with the access and circulation standards is illustrated on scaled plans provided with this submittal. The City has jurisdiction over both roads that front the proposed development. The development complies with the City standards for access, egress, and circulation.

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

Response: This is an application to change the use from three vacant parcels to a mixed-use development on a single consolidated parcel. The development has been designed by a team of licensed or registered professionals that are aware of the applicable standards for access, egress, and circulation that apply to the proposed development. The proposed development is designed to comply with the applicable requirements discussed in this narrative and demonstrated in the attached plans.

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

Response: Joint access into the site already exists with the office development located west of the subject site. That access is being relocated and redeveloped with the realignment of Tannler Drive consistent with requirements imposed by the City. . Pedestrian connections are also proposed along the west edge of the property once the development is complete. Currently, all of the properties are owned by the same entity. Required easements will be provided to the City once the lot lines have been consolidated and the final locations of the proposed connections are approved in accordance with this standard.

- F. Property owners with access to their property via platted stems of flag lots may request alternate access as part of a discretionary review if other driveways and easements are available and approved by the City Engineer.*

Response: This standard does not apply to this property.

SECTION 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 proposal is for approval of a mixed-use development that includes both commercial and residential uses. The design team is aware of the requirements and intends to satisfy the applicable requirements as discussed below and illustrated in the plans provided with this submittal.

B. Access control standards.

1. *Traffic impact analysis requirements. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).*

Response: A Traffic Impact Analysis (TIA) has been scoped in accordance with both the City of West Linn and the Oregon Department of Transportation. The TIA has been prepared by professional and licensed traffic engineers with the firm Kittelson and Associates. The TIA provides an analysis of the proposed developments traffic impacts on surrounding intersections within the existing street system. The analysis includes recommendations to mitigate for any impacts that compromise the acceptable levels of service established for those facilities within the City's adopted Transportation System Plan.

The traffic impact analysis analyzed 6 intersections identified by both the City and the Oregon Department of Transportation (ODOT). Specifically, the development code requires analysis of all points of access onto the public street system, all intersections of arterials, collectors, and neighborhoods routes within 1,000 linear feet from all points of access onto the public street system, and all intersections where the traffic generated by the proposed development exceeds five percent of existing AM or PM peak hour total intersection traffic volume. In addition, ODOT requires additional analysis when intersections under its jurisdiction receive more than 50 peak hour trips as the result of a proposed land use action.

operational analyses were performed at the following study intersections during the weekday AM and PM peak periods:

- Blankenship Road/Parkrose Hardware Driveway/Office Driveway
- Blankenship Road/Tannler Drive;
- Blankenship Road/Salamo Road/10th Street;
- 10th Street/Interstate 205 Southbound Ramp;
- 10th Street/Interstate 205 Northbound Ramp; and,
- 10th Street/8th Avenue/8th Court.

The report addresses the following transportation topics:

- Existing land use and transportation system conditions within the site vicinity during the weekday AM peak and PM peak periods, including study intersection volume-to-capacity (V/C) ratio and level-of-service (LOS);
- Crash data analysis for the most recent five-year period with complete data;
- Forecast year 2029 background traffic conditions during the weekday AM peak and PM peak periods, considering previously approved developments and funded changes to the transportation system;
- Trip generation and distribution estimates for the proposed development;
- Forecast year 2029 full buildout traffic conditions during the weekday AM peak and PM peak periods, assuming occupancy of the proposed buildings; and,
- Traffic control and lane geometry needs at the realigned Tannler Drive/Blankenship Road intersection.

The report concludes that the proposed development can be constructed and occupied while maintaining acceptable operations at the study intersections and access points, assuming provision of the following recommendations in conjunction with site development.

- *Collaborate with the City to identify funding to construct a traffic signal at the relocated Blankenship Road/Tannler Drive intersection prior to the occupancy of the proposed homes or retail space. As part of the signal implementation, the following is recommended:*
 - *Provide permissive left-turn signal phasing on the Blankenship Road eastbound-westbound approaches and split phasing on the northbound/southbound approaches.*
 - *Re-stripe the existing Blankenship Road two-way left-turn lane to separate left-turn lanes with at least 100 feet of storage on both the eastbound and westbound intersection approaches.*
 - *Construct a southbound right-turn lane with at least 75 feet of storage and a separate shared through/left-turn lane on the relocated Tannler Drive at its intersection with Blankenship Road.*
- *Extend the existing two-way left turn lane along Blankenship Road to the southeastern Shopping Center Driveway.*
- *Place and maintain all vegetation, landscaping, and above ground objects adjacent to the site access points along the public street site frontage, and throughout the site to provide adequate minimum sight distance in accordance with the City requirements.*

Please see attachment 8 for the traffic impact analysis.

2. *In order to comply with the access standards in this chapter, 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. Access to and from off-street parking areas shall not permit backing onto a public street.*

Response: The proposed development is adjacent to two public streets and has been designed to comply with the applicable access standards located within this chapter. None of the proposed access points to the off-street parking areas will require backing onto a public street. Compliance with these requirements are discussed below and illustrated in civil plans provided with this application. As proposed, the development complies with the access standards for the City of West Linn. Eight curb cuts are proposed along Tannler Drive to provide vehicle access to the proposed buildings. The four northern curb cuts form two on-site driveway loops that connect buildings 1-7, and 11 with Tannler Drive.

The City's TSP specifies access spacing standards for roads under its jurisdiction. Accordingly, private driveways need to be spaced 100 feet apart along neighborhood routes (i.e., Tannler Drive's classification). The City's Public Works Design Standards Section 5.0070 further requires that each driveway curb cut have a minimum width of 16 feet and a maximum width of 36 feet. The proposed accesses are 24 feet in width. The proposed curb cuts and driveway locations meet the City standards.

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 from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an*

alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.

- 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. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.*
- 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 ensure access to the closest public street for all users of the private street/drive.*

Response: Access into the development is from Tannler Drive, a public street adjacent to the property proposed to be developed. The proposed accesses into the development comply with the spacing standards as discussed above as well as in subsection (B)(6) below and illustrated in the civil plans. Please see sheet C200-C206 for the proposed spacing between the site access locations on site.

- 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.*

Response: The proposed development does not include a residential land division. This standard is not applicable to this request.

- 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.*

Response: Once the property line adjustment is approved for the proposed development, the lot containing proposed buildings 9 and 10 will have frontage onto both Tannler Drive and Blankenship Rd. Tannler Drive is classified as a neighborhood collector in figure 17 of the adopted TSP. Blankenship Rd. is classified as a collector in the same figure. Since Tannler Drive has the lowest classification, access has been proposed from that right of way to satisfy this standard. As proposed, this standard is satisfied.

- 6. Access spacing.*
 - a) The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.*
 - b) Private drives and other access ways are subject to the requirements of CDC 48.060.*

Response: Access spacing requirements are not listed for neighborhood collector in CDC section 48.060. However, Table 15 within the TSP requires that access locations between street intersections and driveways or between driveways on a neighborhood route are required to be spaced a minimum of 100 feet away from each other. All

of the proposed access locations exceed these spacing requirements as illustrated on sheet C200 of the submitted plan sets.

7. *Number of access points. For single-family (detached and attached) 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 CDC 48.060. The number of street access points for multiple family development is subject to the access spacing standards in CDC 48.060. The number of street access points for 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 (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.*

Response: All of the driveways intended to serve the development will come off Tannler Drive, a public street and designated neighborhood route. As discussed previously, the proposed access locations for this development have been designed to satisfy the access spacing standards along a neighborhood route as required in CDC 48.060. The spacing of driveways along this classification is 100 feet. The site plan demonstrates that the proposed accesses into the site are spaced more than 100 feet apart. Please see sheets C200-C206 for details. As proposed, this standard is satisfied.

8. *Shared driveways. For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, 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) *When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall 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. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that 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: There is an existing shared driveway with the property located east of the development site. Although, the proposed development will not require access to the property to the west, a portion of the driveway is located on the subject site. That property is owned by the same entity and the driveway is protected through a shared access agreement. The proposed development will continue to provide access across a portion of the site to that

property in order to comply with the easement. There is no need for any additional shared driveways to serve the development. As proposed, the development will comply with these requirements.

- C. *Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and 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 along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).*
 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 as part of a discretionary review when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200©, Pedestrian and bicycle trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.*

Response: The subject site is steep and does not conform to a traditional city block as there are no other streets on the perimeter to tie into. The project is seeking an exception to this standard under provision 3 above. While there is a public right of way located along the northeastern boundary of the property, it only provides a connection to this property. The right-of-way extended to the west property line, but the tax map indicates that that portion of the right of way, except for a 20-foot sewer easement and pedestrian trail, was vacated and abandoned.

The steep slopes, large Oak trees, and existing development, would make any connection to the west unlikely to be extended. The topography and surrounding development patterns are not conducive to street connections and the formation of a typical block system. The proposed development is provided with a pedestrian system that bisects the property, connects to all of the surrounding public streets, and connects to the property west of the site. The onsite pedestrian system has been designed to meet the City's standards for pedestrian connectivity as discussed previously in this narrative. Please see sheets C200-C206 for an illustration of the proposed vehicular and pedestrian circulation. As proposed, the development complies with the applicable standards of the City of West Linn

SECTION 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 TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted 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 by an 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, the applicant may request access onto an arterial street as part of a discretionary review, and approval may be granted by the Planning Director and City Engineer after review of the following criteria:

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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.*

Response: The proposed development is for a mixed-use development. There are no single-family dwellings or duplex lots associated with this proposal. Nevertheless, none of the proposed accesses to serve the proposed development are to a designated arterial. This standard is not applicable to this development.

B. Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:

1. *One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged but not required.*
2. *Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.*
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. However, in no case shall the last 18 feet in front of the garage exceed 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 development is for a multi-family mixed-use development. This standard is not applicable to this development.

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 shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.*
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 TVF&R.*
4. *There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

Response: The proposed development is for a multi-family mixed use development. This standard is not applicable to this development.

- D. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.*

Response: The proposed development is for a multi-family mixed-use development. This standard is not applicable to this development.

- E. Access and/or service drives for multifamily 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. Turnaround facilities as required by TVF&R standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waive by TVF&R.*
 - 5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.*
 - 6. A minimum centerline turning radius of 45 feet for the curve.*

Response: The proposed development includes 320 multi-family dwellings. Access to these units is provided through multiple driveways accommodating two-way traffic onto Tannler Drive, a public street. All of the proposed accesses into the site are 24 feet in width with a minimum vertical clearance in excess of 13 feet six inches. Each access is designed to meet the requirements for emergency and service vehicle circulation at each tier of the development as it steps down the hill (see appendix 014 – TVFR service provider approval). Grades for the access into the site from Tannler Drive vary from as low as 4% to 15% based on the topography of the site as illustrated in the provided grading plans (See sheets C300-C317). The site is tiered to ensure that grades do not exceed 10% on average. Each access has been designed to meet the minimum centerline turning radius. All access and service drives are paved with asphalt. Driveway aprons will be concrete.

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

Response: As illustrated on the civil plan set attached to this submittal and discussed throughout this narrative, on-site maneuvering and access drives have been designed to comply with the applicable standards of Chapters 46 and 48 of the West Linn CDC.

- G. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.*

Response: There are no local street connections identified in the TSP, Table 17 or figure 12 within the boundaries of the project site. This standard is not applicable to the proposed development.

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

Response: Gated accessways are not proposed with this development.

SECTION 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 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 proposed development is a mixed-use development that includes 314 multi-family dwellings and approximately 11,630 square feet of flex commercial/retail space. Access to the development is provided through multiple driveways accommodating two-way traffic. All the proposed accesses are 24 feet wide, paved, and designed to satisfy these requirements.

- 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: There are no service drives proposed with the development. All access and circulation is proposed to occur on site. Due to the continuous design of the on-site circulation, there is no reason that any vehicle would need to back into a public street.

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

Response: All on-site maneuvering will be paved and designed to satisfy the City of West Linn design standards. The project site will be maintained by the owners of the development.

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

Response: As stated previously, there are no gated accessways proposed with this development.

SECTION 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: One-way vehicular access points are not proposed with this development. This standard is not applicable to the development.

SECTION 48.060: WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

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

{01591501;1}

Response: Curb cuts for the proposed driveways are intended to accommodate two-way traffic and will exceed the minimum curb cut width of 16 feet. Please see the proposed site plans (sheets C200-C206) submitted with this application.

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

Response: As discussed previously in this narrative and illustrated in the attached plan set, the proposed accesses into the site are all 24-feet wide. None of the proposed curb cuts will exceed 36 feet in width. The project site is not located along Highway 43 and does not include access to any nearby emergency service stations.

- 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: Curb cuts proposed with this development are onto Tannler Drive, a designated neighborhood route within the TSP. Blankenship Rd. is classified as a collector. The nearest access from the intersection of the two streets is greater than 35 feet. Please see sheet C811 for detailed locations of the proposed accesses. As discussed previously in this narrative and illustrated on the attached plans, the site has been designed to meet the access spacing requirements of the TSP.

- 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 access spacing requirements for neighborhood routes is 100 feet as required by the TSP and as discussed earlier in this code, the proposed access spacing provided by the development meets the minimum allowed spacing along Tannler Dr.

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

Response: Rolled curbs are not proposed in lieu of curb cuts and access separation requirements. This standard is not applicable to the proposed development.

- F. For non-residential development, 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.*

Response: The proposal is for approval of a mixed-use development that is not located on Highway 43. The number of driveways proposed to serve the site is simply to accommodate resident and visitor access as well as to meet the emergency and service access needs of the development.

- G. Clear vision areas shall be maintained, pursuant to Chapter 42 CDC, and required line of sight shall be provided at each driveway or accessway, pursuant to the West Linn Public Works Design Standards.*

Response: As discussed previously in this narrative and illustrated on sheet C200, clear vision areas are provided at intersections of site accesses with Tannler Drive. The owner is aware of the requirement to maintain the clear vision areas. This standard is an on-going requirement of development.

SECTION 48.080: BICYCLE AND PEDESTRIAN CIRCULATION

- A. Within all multifamily developments, 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 concrete, asphalt, brick or masonry pavers, or other hard surface. 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(C).*
- C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.*

Response: All the proposed uses within the development are connected to vehicular parking and common areas by a comprehensive system of pedestrian sidewalks. The proposed sidewalks will be seven feet in width adjacent to all vehicular parking stalls and six feet in all other locations. The proposed sidewalks will be constructed of concrete and protected from vehicular circulation by a six-inch curb. The development does not include a subdivision. Please see the attached civil site plans (C200-C206) for detailed location and dimensions.

CHAPTER 52: SIGNS

Response: No signs are proposed with the project at this time. However, when they are proposed they will be designed to comply with all applicable standards and the contractor will obtain all necessary permits prior to installation.

CHAPTER 53: SIDEWALK USE

SECTION 53.030: STANDARDS

Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:

- A. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks.*
- B. Displays, tables, and customer service shall not extend beyond the frontage associated with the products or service, with the exception that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.*
- C. Permission from the Oregon Department of Transportation for use of sidewalks in state right-of-way.*

Response: The tenants of the flex commercial spaces are not yet known, and there are no anticipated displays or tables for customer services on the sidewalks with the current proposal. If in the future this is proposed, it will be feasible for the displays and/or tables to meet the above standards with the widened pedestrian areas in front of the proposed commercial spaces. Please see sheet C202.

CHAPTER 54: LANDSCAPING

SECTION 54.020: APPROVAL CRITERIA

A. Tree preservation.

1. *Intent and guidance. 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 microclimate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.*
2. *Inventory required. Every development proposal shall submit an inventory of existing site conditions, which includes significant trees and heritage trees.*
3. *Repealed by Ord. 1754.*
4. *Developers must also comply with the municipal code chapter on tree protection and, if applicable, with CDC 55.100(B) or 55.105(B).*
5. *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: The proposed development has been designed to minimize tree removal. There are large and more significant stands of trees located at the northern end of the subject site. Liliana Morgan, a certified arborist has been hired to inventory the trees on site, assess their health, and recommend protection measures to ensure that the trees proposed to be maintained survive the proposed construction and thrive once the development opens and is occupied. According to the project arborist, there are no Heritage trees located on the property. The arborist report is provided as attachment 007 to this submittal. Tree removal and protection plans are provided as sheets C101-C106.

B. Landscaping – By type, location and amount.

1. *Residential uses (non-single-family). A minimum of 25 percent of the gross site area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under CDC 55.100 or 55.105, as applicable. Parking lot landscaping may be counted in the percentage.*

Response: The site is 11.15 acres in size. The proposed development is mixed-use and will landscape 31.3% of the gross site as illustrated on the proposed landscape plans provided with this application.

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.*

{01591501;1}

Response: As indicated above, this is a mixed-use development. The site is 11.15 acres in size. The proposed development is mixed-use and will landscape 31.3% of the gross site as illustrated on the proposed landscape plans provided with this application. Please see sheets L2.1-L2.4 for specific landscape locations and planting schedule. This standard is satisfied.

3. *Parking area landscaping – All uses (residential uses (non-single-family) and non-residential uses):*
- a. *There shall be one shade tree planted for every eight parking spaces, except as required under subsection (B)(3)(d) of this section. Shade trees are defined as medium to large trees with a canopy, at maturity, at least 40 feet in diameter. These trees shall be evenly distributed throughout the parking lot to provide shade.*

Response: Because the proposed on-site surface parking areas will exceed ½ acre in size, the development is subject to the more stringent standards of Section 46.150.F(1 and 2). Trees are spaced according to these standards and along the accessways to achieve an overall tree canopy of 52% for the on-site parking areas at maturity. Please see sheets L1.1-L1.4 for details.

- b. *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, as provided in subsection (B)(3)(h) of this section, shall not be included in the 10 percent figure.*

Response: The proposed parking area will have more than 20 spaces and is therefore subject to these landscape requirements. The standard requires 10 percent of the interior of the parking area to be landscaped. As proposed, 10% of the interior parking lot is landscaped. Please see sheets L2.1-L2.4 for details. This standard is met.

- c. *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 provided in subsection (B)(3)(h) of this section, shall not be included in the five percent.*

Response: The proposed development includes a parking lot with more than 20 spaces. This standard is not applicable to this development.

- d. *Parking lots with fewer than 10 spaces shall have perimeter landscaping, if required under subsection (B)(3)(h) of this section, and at least two shade trees.*

Response: The proposed development includes a parking lot with more than 20 spaces. This standard is not applicable to this development.

- e. *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: No permeable parking is proposed with this development. This standard is not applicable to the proposed development.

- f. The landscaped areas shall not have a width of less than five feet and shall be uniformly distributed throughout the parking or loading area.*

Response: As illustrated in landscape plans attached to this submittal, the landscaped areas are uniformly distributed throughout the parking areas and none of the landscaped areas within the parking areas are less than five feet in width. Please see sheets L2.2-L2.4 for details.

- g. 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: Any proposed soil amendments will be illustrated in the final landscape plans. The proposed irrigation system will be an as-built system intended to ensure the establishment of the proposed plants as well as the healthy and long-term maintenance of the proposed landscaping. Compliance with this standard will be ensured through specifications in the final construction documents.

- h. 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) Trees spaced as appropriate to the species, not to exceed 30 feet apart on center, 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; and*
 - 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: As proposed and illustrated on the submitted landscape plans, all of the proposed parking and loading areas are setback from the street right-of-way line and provided with a landscape strip that meets or exceeds ten feet. The perimeter parking and maneuvering areas adjacent to surrounding lots are provided with a landscaped buffer that varies but meets or exceeds the required width of 5 feet. The proposed landscaping includes a combination of trees, shrubs, and ground cover spaced according to the standards listed above. Please see sheets L2.1-L2.4 for details.

- i. 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: There is no proposed parking fronting any of the surrounding streets. Further, none of the surrounding streets are designated arterials. This standard is not applicable to the proposed development.

- j. *All areas in a parking lots not used for parking, maneuvering, or circulation shall be landscaped.*

Response: All areas in the proposed parking lots not used for parking, maneuvering, or circulation will be landscaped as required. Please see sheets L2.2-L2.4 for the location and details of landscaping within and on the perimeter of the proposed parking and circulation areas.

- k. *The landscaping in parking areas shall maintain minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.*

Response: As stated previously in this narrative and illustrated on the civil site plan (C200) and planting plans provided (L2.2-L2.4), all vision clearance areas will be maintained in accordance with CDC Chapter 42.

4. *Other landscaping standards – All uses (residential uses (non-single-family) and non-residential uses):*
- a. *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) or 55.105(G), as applicable.*

Response: As proposed trash enclosures will be constructed into the slope on each level. Screening is provided along the back side of the enclosure by retaining walls and on the sides by walls associated with the proposed garages. The fronts of all enclosures will be screened by sight obscuring fences. Those enclosures proposed near buildings 1 and between buildings 9 and 10 will be screened with sight obscuring walls, fences, and landscaping. All other above ground utility facilities will be well interior to the site and screened by a combination of shrubs, low ground cover and neutral colors. Please see sheets L2.2-L2.4 for location of the proposed trash enclosures and landscape screening. The detail for the proposed enclosures located between the site garages are shown on sheet 3.1J-1 in the architectural plans. As proposed, the development will comply with this standard.

- b. *For non-residential development, 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: The only buildings that will contain non-residential uses are the ground floors of buildings 7, 8, 9, and 10. Building 11 is the location of the clubhouse and leasing office. All of the other buildings on-site are residential. The layout of the site ensures that all public spaces are within eyesight of multiple units. Lighting will be provided throughout the site and each unit within the development is provided with on the front façade of the unit and a combination of glazing and a balcony at the rear of each unit. Landscaping will comply with the minimum requirements and will not prohibit the surveillance of public and semi-public areas from several different units. See sheets L2.1-L2.4 for specific details on the proposed landscaping.

- c. *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: Proposed irrigation facilities will be as-built systems constructed by the contractor. All proposed irrigation will be buried so as not to interfere with vehicular or pedestrian circulation. Final irrigation details will be provided within the construction documents submitted for the project.

- d. *For commercial, office, and other non-residential 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.*

Response: The landscape architect is aware of these standard and has selected tree varieties for the landscaping that have proven track records throughout the city and the broader region. The diversity of tree types will add variety to the neighborhood and contribute to the overall health and vitality of the urban tree canopy. The proposed trees have generous canopies, vary in color throughout the various seasons and are not expected to create maintenance issues for sidewalks, public, or private property. Please see sheets L2.1-L2.4 for the proposed locations and varieties of the proposed landscape trees on site.

- e. *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: The proposed landscape plans have been professionally prepared by a licensed landscape architect with these requirements in mind. The landscape architect has selected shrubs and ground cover for the landscaping that are known to thrive in the region and are appropriate for the site. Please see sheets L2.1-L2.4 for proposed locations and varieties of ground cover and shrubs.

C. Landscaping (trees) in new subdivision. [...]

Response: The proposed development does not include a subdivision. This standard is not applicable to this development.

- D. *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.*

Response: There are no water resource areas located within or adjacent to the project site. This standard is not applicable to the proposed development.

SECTION 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 include allowances for planting strips, unless an applicant demonstrates that this is not feasible and requests an exception as part of a discretionary review. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. This chapter requires any multifamily, commercial, or public facility which causes change in public right-of-way or street improvement to comply with the street tree planting plan and standards.

Response: The proposed development will include frontage improvements along Tannler Drive and Blankenship. A design exception will be submitted to the City Engineer requesting modifications to the street section along Tannler Drive to provide a curb-tight sidewalk with the planter strip and street trees provided behind the sidewalk. The exception will include a request to eliminate the bike lane due to the steepness of the facility. The proposed right-of-way improvements and adjacent landscaping are provided in the civil plans C801-C815 and landscape plans L2.1 – L2.4.

SECTION 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 is aware of this requirement. All planting plans will be converted to construction documents for the contractor to follow. All proposed landscaping will be professionally installed consistent with these standards prior to a request for a certificate of occupancy.

SECTION 54.050: 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.

Response: There are no street trees along the site's existing frontage. New street trees will be planted along the site's frontage with the proposed street improvements. The developer is aware that this is an ongoing standard that will continue to apply to the development in the future.

SECTION 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 project, once completed, will be professionally managed and maintained consistent with the best practices of other multi-family developments. This includes contracted professional landscape maintenance. The developer is aware that this is an ongoing standard that will continue to apply to the development in the future.

SECTION 54.070: SPECIFICATION SUMMARY

Area/Location	Landscaping Req'd.
1. Between parking lot and right-of-way. CDC 54.020(B)(3)(h).	10 ft.
2. Between parking lot and other lot. CDC 54.020(B)(3)(f).	5 ft.
3. Between parking lot and right-of-way if parking lot comprises more than 50 percent of main right-of-way frontage. CDC 54.020(B)(3)(i).	15 ft.
4. Percentage of residential/multifamily site to be landscaped. CDC 54.020(B)(1).	25%
5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. CDC 54.020(B)(2).	20%
6. Percentage of 10 – 20 car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	5%
7. Percentage of 1 – 9 car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	0%
8. Percentage of 20+ car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	10%

Response: The proposed landscape plans have been professionally prepared by a licensed landscape architect. Compliance with these requirements are addressed previously in this narrative and illustrated within the attached landscape plans (L2.1-L2.4). As proposed, the development will comply with the standards applicable to landscaping for this project.

CHAPTER 55: DESIGN REVIEW

SECTION 55.100: STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY

Response: The proposed project is a mixed-use development with residential uses. The project will be reviewed as a Class II Design Review under the clear and objective standards as outlined in Section 55.105. Please see the below sections for details on compliance with the City of West Linn’s approval criteria.

SECTION 55.105: APPROVAL STANDARDS – CLASS II DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE

- A. *Applicability. Class II Design Review applications for the development of one or more new dwelling units, as applicable under CDC 55.020(B), are subject to the clear and objective approval standards in this section. Proposals where the applicant cannot or chooses not to meet the clear and objective approval standards in this section may apply under the discretionary Class II approval standards in CDC 55.100. 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 for residential development:*

Response: The proposed development includes one or more new dwelling units and is therefore subject to the clear and objective approval standards in this section. The applicant has not elected to proceed with any discretionary Class II review.

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

- 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*
- 2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*
- 3. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.*
- 4. Chapter 42 CDC, Clear Vision Areas.*
- 5. Chapter 44 CDC, Fences.*
- 6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.*
- 7. Chapter 48 CDC, Access, Egress and Circulation.*
- 8. Chapter 52 CDC, Signs.*
- 9. Chapter 54 CDC, Landscaping.*

Response: All of the applicable standards listed above can be satisfied by the proposed development or where necessary relief has been requested through the mandatory adjustments offered to residential projects by Oregon SB 1537. Please see the responses within each chapter of this narrative, as well as the supporting plan sets and reports to demonstrate that compliance with the requirements has been met.

C. 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. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed.*

Response: There are no heritage trees on the subject property. This standard is not applicable to the proposed development.

- 2. The following shall be protected pursuant to the criteria of subsections (C)(2)(a) through (f) of this section: all heritage trees, as defined in the municipal code and all significant trees and significant tree clusters, as defined in CDC 2.030.*
 - a. The protected area for heritage trees, significant trees, and significant tree clusters is defined as the area within the dripline of the tree(s), plus an additional 10-foot measurement beyond the dripline.*
 - b. Required protected areas include the following:*
 - 1) On Type I and II lands, protected areas are required for all heritage trees and all significant trees and significant tree clusters. The protected area(s) shall also be preserved within a dedication or easement.*
 - 2) On non-Type I and II lands, protected areas are required for all heritage trees, significant trees, and significant tree clusters. However, in no case shall more than 20 percent of the non-Type I and II lands on the site be required to be set aside within protected areas. Where the percentage of total protected area exceeds 20 percent of the non-Type I and II lands, and includes both heritage trees and significant trees or tree clusters, the priority shall be to first protect the heritage trees, followed by protecting the significant tree*

clusters, and significant trees. Exemptions of subsections (C)(2)(d), (e), and (f) of this section shall apply.

Response: As stated previously, there are no heritage trees on site. Significant trees are defined as, “A tree with a minimum of six-inch DBH for Oregon white oak, Pacific madrone, and Pacific dogwood, and 12-inch DBH for all other tree species. If the tree splits into multiple trunks above grade but below breast height, the diameter shall be determined by adding the total diameter of all trunks two inches or greater DBH.” Significant tree clusters are defined as, “Three or more significant trees with overlapping driplines,” within the CDC. The lands on site have been classified and the trees on site have been evaluated and inventoried by a certified arborist. All onsite trees and those on adjoining properties identified as potentially subject to construction impacts were assessed. Trees suitable for preservation and trees proposed for removal were evaluated based on the proposed construction impacts in the plans provided to the arborist by the design team. Where it was determined to be unlikely that a tree would survive the construction impacts, removal was recommended. Please see the tree removal and protection plans on sheets C101-C107 and the Arborist report provided as attachment 007. The arborists assessment included the following conclusions.

Table 2. Number of Inventoried Trees Located Onsite by Treatment and Significance

Treatment	Remove	Retain	Total
Non-Significant Trees	154	10 (6%)	164
Significant Trees	174	70 (29%)	244
Total	328	80 (20%)	408

Of the 408 inventoried trees on the property, 80 trees are proposed for retention, and 328 trees are proposed for removal to accommodate the proposed development. Of the 80 trees designated for retention, 70 are classified as significant. The remaining 10 trees designated for retention on properties owned or controlled by the applicant are classified as non-significant because they measure less than 12 inches DSH and are not one of the designated native species which are considered significant at six-inch DSH and greater, according to City of West Linn Code. These trees are being retained because they do not conflict with proposed site improvements.

To the extent possible the significant trees on site have been preserved and are set aside in larger open spaces located at the north end of the proposed development. Protection measures, as prescribed by the project arborist, will be implemented during construction of the proposed development. Please see attachment 007 for arborist details.

- c. Development within required protected areas is prohibited except as specified in subsections (C)(2)(d), (e), and (f) of this section.*

Response: The design of the proposed development was guided by information provided by the project arborist. Tree protection was a key consideration in the design given the subject sites proximity to the White Oak Savannah located on the east side of Tannler Drive. All development within required protected areas is either prohibited or

will be limited to only those activities permitted by subsections (C)(2)(d), (e), and (f) of the code as discussed below and under the site specific tree protection recommendations of the project arborist as discussed in the report.

- d. The following are exempt from the requirements of subsections (C)(2)(a) through (c) of this section: significant trees, significant tree clusters, or heritage trees that would prevent the extension of stubbed streets from abutting properties; and where a row of significant trees or tree clusters would block access, per construction code standards, to a lot or parcel.*

Response: There are no stubbed streets from abutting properties and there is not a row of significant trees or tree clusters that would block access. These exemptions are not applicable to the proposed development.

- e. The site 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 protecting significant trees or significant tree clusters as specified in this subsection (C)(2).*

Response: There is not a maximum density prescribed for the Office Business Center zoning designation. This standard is not applicable to this development.

- f. Where an applicant proposes grading within the required protected area for significant tree(s) or significant tree clusters, the applicant may request an exception to the tree protection requirements of this section in order to remove the significant tree(s) or tree cluster(s). The applicant shall submit evidence to the Planning Director that the grading is necessary for the development of street grades, per City construction codes, and that all reasonable alternative grading plans have been considered and cannot work. The applicant shall 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 inches). The mix of tree sizes and types shall be approved by the City Arborist.*

Response: Proposed grading to provide access to residents, service providers, and emergency services is necessary to develop the site. It’s not possible to avoid every significant tree on site and where necessary, some trees have been proposed to be removed. Tree removal and protection has been discussed in the arborist report (attachment 007), and identified in the civil plan set (sheets C101 – C107). Mitigation for those trees removed will be calculated subject to these standards and planted on site in the larger open space areas with installation of the proposed landscape.

- 3. 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: While there are steep slopes on the subject property, there were not any areas identified by the geotechnical engineer or within the City’s online maps to suggest that any of the development site is located in an area that is subject to slumping and sliding. In fact, the Geotech investigation indicated that shallow basalt bedrock was found on the site and made the following observations as it relates to slumping and sliding:

- *“The upper portion of the bedrock is weathered and decomposed and was possible to excavate using small excavator with a toothed bucket. The underlying intact bedrock could not be penetrated by the excavator, even with significant effort. Some site cuts are proposed below intact bedrock elevations, which will likely require specialized excavation methods such as hydraulic breakers, rock trenchers, or blasting.”;*
- *“Based on our explorations and the observed shallow depth to bedrock, liquefaction is not considered a hazard at the site.”; and*
- *“Based on USGS interactive fault mapping, the nearest mapped fault to the site is the Canby-Molalla fault, which is located approximately 3 km southwest of the site (USGS 2025). As such, fault rupture is not considered a hazard at the site.”*

Please see the geotechnical report (attachment 005) provided with this submittal.

- D. Building orientation and entries. The following standards are intended to create and maintain street frontages that are attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces.*
- 1. Main entrance. At least one main entrance for each residential structure shall meet the requirements of both subsections (D)(1)(a) and (b) of this section.*
 - a. The entry shall be no further than eight feet behind the longest street-facing wall of the building; and*
 - b. The entry shall either face the street, be at an angle of no more than 45 degrees from the street, or open to a porch. If the entry opens to a porch, the porch shall meet all of the following standards:*
 - 1) Have a minimum area of 25 square feet, with a minimum depth of five feet;*
 - 2) Have at least one porch entry facing the street; and*
 - 3) Have a roof that is a maximum of 12 feet above the floor of the porch and that covers at least 30 percent of the porch area.*

Response: While it is feasible to comply with these standards for the proposed buildings located along the Tannler Drive frontage at the location of the realignment and where the commercial/retail flex spaces are proposed, the orientation of the remaining buildings is restricted due to site topography and the requirements for development. For this reason, a mandatory adjustment to building orientation standards as allowed by SB 1537 is requested. Compliance with the approval criteria of SB 1537 is discussed later in this narrative.

- 2. Alternative for multifamily structures. As an alternative to subsection (D)(1)(a) of this section, an entrance to a multifamily structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:*
 - a. The courtyard must be at least 15 feet in width;*
 - b. The courtyard must abut a street; and*
 - c. The courtyard must be landscaped or hard-surfaced for use by pedestrians.*

Response: Please see the response above. The orientation of the multifamily structures on this site is largely driven by the topography. A mandatory adjustment under SB 1537 is requested for building orientation requirements with this application.

- E. *Architecture. The following standards are intended to promote building details in new residential construction that provide visual interest, contribute to a high-quality living environment for residents, give a sense of quality and permanence, and enhance compatibility with the surrounding community:*
1. *Windows. At least 15 percent of the area of each facade facing a street, and 20 percent of the ground floor facing a street, shall be glazing or entry doors with glazing insets.*
 - a. *Transparent windows allowing views from the dwelling to the street meet this standard. Up to 25 percent of the required area may also be met by privacy (translucent) windows, glass blocks, or entry doors with translucent glass.*
 - b. *Window area is considered the entire area within the outer window frame, including any interior window grid.*
 - c. *All of the window area of the street-facing wall(s) of an attached garage, and half of the total window area in the door(s) of an attached garage may be counted toward this standard.*
 - d. *Doors used to meet this standard contain glass and shall face the street or be at an angle of not more than 45 degrees from the street. Security viewing devices ("peepholes") do not by themselves meet this standard.*
 - e. *Door area is considered the portion of the door that moves. Door frames do not count toward this standard.*

Response: The individual buildings have been designed by Lloyd Hill, AIA a licensed architect and president of Hill Architects. As proposed, those buildings that are oriented to Tannler Drive and Blankenship Road, specifically, buildings 1 and 9 and 10 provide the highest amounts of glazing. Buildings that are not oriented to either of those streets include glazing along their facades, on all floors exceeding the requirements, but buildings 1,3, and 5 have street facing ends that provide between 14.9% and 17.9% which will not satisfy the standards. A mandatory adjustment to total window area is being requested along with this application to account for the lack of glazing on those buildings. The architectural plans indicate the amount of glazing associated with each building. With a 30% mandatory adjustment allowed by SB 1537 the buildings will comply with these requirements.

2. *Articulation. All residential dwelling structures shall incorporate elements that break up all street-facing facades facing streets into smaller planes using four or more of the elements listed below. On corner or multi-frontage lots, four or more elements shall be provided on each street-facing facade. Architectural features that meet the standards in this subsection include the following features:*
 - a. *A covered porch with a minimum depth of five feet (measured horizontally from the face of the main facade) and a minimum length of six feet;*
 - b. *A balcony, at least four feet deep and eight feet wide, that is accessible from one interior room;*
 - c. *A bay window at least six feet wide, bumped out by at least two feet and extending from the top of the foundation to the top of the main facade wall;*
 - d. *A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least five feet wide;*
 - e. *A section of the facade, at least six feet in width, that is either recessed or bumped out by at least two feet deep from the front wall plane;*
 - f. *An offset on the building face of at least 16 inches from one exterior wall to the other;*
 - g. *Roofline offset of at least two feet from the top surface of one roof to the top surface of the other; or*
 - h. *Other similar architectural features proposed by the applicant if approved by the review authority through discretionary review.*

Response: The architect has designed each street facing façade for buildings 1,3,5,7,8,9, and 10 so that at least four of the following elements is provided on the building to satisfy these requirements:

- A balcony, at least four feet deep and eight feet wide, that is accessible from one interior room; **(Most Units)**
- A bay window at least six feet wide, bumped out by at least two feet and extending from the top of the foundation to the top of the main facade wall **(building 7)**;
- A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least five feet wide **(buildings 7, 9, and 10)**;
- An offset on the building face of at least 16 inches from one exterior wall to the other **(every street facing façade except building 9's west facing façade)**;
- An offset on the building face of at least 16 inches from one exterior wall to the other **(included with every building)**;
- Roofline offset of at least two feet from the top surface of one roof to the top surface of the other **(included on every building)**; or
- Other similar architectural features proposed by the applicant if approved by the review authority through discretionary review.

All of the buildings include at least three of the items listed above but the other features are spread across the buildings based on the design. The details for each building are provided on the floor elevations included in sheets 3.1A-1 – 3.2H-1 of the architectural plans. Building types are also keyed on sheet 2.2 of the architectural plans.

3. *Detailed design elements. All residential dwelling structures shall provide at least nine of the following elements, on any street-facing facade. On all other facades, at least four of the following elements shall be provided:*
- A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least five feet wide;*
 - Roof eaves on all elevations that project at least 12 inches from the intersection of the roof and the exterior walls;*
 - A minimum of three gable end brackets (either triangular knee braces or rake brackets), spaced a maximum of 15 feet on center;*
 - Roofline offset of at least two feet from the top surface of one roof to the top surface of the other;*
 - Hip or gambrel roof design with a minimum pitch of 6/12;*
 - Siding in gables which differs from the primary siding type (e.g., shingle siding in gable when primary siding is horizontal lap);*
 - Tile roofs;*
 - Fiber-cement horizontal lap siding between three and seven inches wide (the visible portion once installed);*
 - Exterior finish materials covering at least 40 percent of the facade from one or more of the following: brick, fiber-cement shingles, stone, or stucco;*
 - Window trim around all windows with a minimum width of three inches and a minimum thickness of five-eighths inches;*
 - On any facade not facing a street, minimum 15 percent of the area in glazing or entry doors, consistent with subsections (E)(1)(a) through (e) of this section;*
 - Recesses in all windows on a facade of at least three inches as measured horizontally from the face of the facade;*

- m. Mullions or window grids in all windows on a facade;
- n. Attached garage width, as measured on the inside of the garage door frame, of 35 percent or less of the width of the street-facing facade;
- o. Horizontal band or barge boards;
- p. Color palette including four colors. Colors may be paint or intrinsic to the material (e.g., wood, brick, or stone). One main color shall cover at least 40 percent of the street-facing facade and each of the other colors shall be used on a minimum of four square feet; and/or
- q. Other similar architectural features proposed by the applicant if approved by the review authority through discretionary review.

Response: The architect has designed each street facing façade for buildings 1,3,5,7,8,9, and 10 so that at least nine of the following elements is provided on the building and at least 4 of the elements on all other facades to satisfy these requirements:

- j. A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least five feet wide **(buildings 7,9, and 10)**;
- k. Roof eaves on all elevations that project at least 12 inches from the intersection of the roof and the exterior walls **(provided on all buildings)**;
- l. A minimum of three gable end brackets (either triangular knee braces or rake brackets), spaced a maximum of 15 feet on center **(buildings 7,8,9, and 10)**;
- m. Roofline offset of at least two feet from the top surface of one roof to the top surface of the other **(buildings 1,3,5,8,9, and 10)**;
- q. Hip or gambrel roof design with a minimum pitch of 6/12 **(provided on all buildings)**;
- r. Fiber-cement horizontal lap siding between three and seven inches wide (the visible portion once installed) **(provided on all buildings)**;
- s. Window trim around all windows with a minimum width of three inches and a minimum thickness of five-eighths inches **(provided on all buildings)**;
- t. On any facade not facing a street, minimum 15 percent of the area in glazing or entry doors, consistent with subsections (E)(1)(a) through (e) of this section **(provided on all buildings)**;
- x. Recesses in all windows on a facade of at least three inches as measured horizontally from the face of the façade **(provided on buildings 7,9, and 10)**;
- y. Mullions or window grids in all windows on a façade **(provided on all buildings)**;
- z. Horizontal band or barge boards **(provided on all buildings)**;
- aa. Color palette including four colors. Colors may be paint or intrinsic to the material (e.g., wood, brick, or stone). One main color shall cover at least 40 percent of the street-facing facade and each of the other colors shall be used on a minimum of four square feet **(provided on all buildings)**; and/or
- bb. Other similar architectural features proposed by the applicant if approved by the review authority through discretionary review **(provided on building 7)**.

The residential buildings are also being designed to incorporate at least 4 of the above design elements on all other facades that do not face the street. Details for the proposed design elements are shown on the architectural plans. Please see architectural sheets 3.1A-1 – 3.2G-1 of the submitted plans. Building types are keyed on sheet 2.2 of the architectural plans.

- 4. *Transition setbacks. The following standards apply to multifamily development and are intended to create transitions with nearby lower-density or smaller-scale residential development, in order to enhance compatibility of scale and to reduce the impacts of*

multifamily development on lower-density development. This standard applies to multifamily buildings that exceed 30 feet, where an abutting lot meets the criteria of subsection (E)(4)(a) or (b) of this section, or both. In such cases, the building on the subject site shall meet the standard in subsection (E)(4)(c) of this section.

- a. The abutting lot is in the R-40, R-20, R-15, R-10, R-7, R-5, or R-4.5 zoning district.*
- b. The abutting lot has a pre-existing single-family detached home and is in a zoning district other than those listed in subsection (E)(4)(a) of this section. For the purposes of this section a “pre-existing single-family detached home” is one constructed prior to September 18, 2023.*
- c. The subject building shall be designed to “step back” the building height along the property line shared by the abutting lot that meets criteria of subsection (E)(4)(a) or (b) of this section. The required height setback shall be at least one foot for every one-foot increase in height above 30 feet.*

Response: There are existing single-family homes north of the abandoned Green Street right-of-way which is 70 feet wide. While not technically adjacent to the northeastern property line, there were purposefully no residential buildings located near the right-of-way. The structures associated with the proposed development that are closest to the northeast property line include single-story carports and garages. The garages and carports are single story structures that are separated from the single-family properties by 70+ feet.

There is also a multi-family condominium development adjacent to the northwestern property line. The nearest buildings to the northwest property line also include single-story garages, and proposed building 2. Building 2 was selected for that location because it was a shorter building. It's setback from the property line by 50.2 feet. The building steps down the slope in a manner that will result in a building that will appear even shorter from the property line given the site topography and tiered nature of the development. While this standard does not technically apply to the development, the spirit of the regulation has been satisfied to appease concerns the team heard during the neighborhood meetings held with the neighbors.

- F. Vehicle parking. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:*
- 1. Limitation on parking frontage for multifamily developments.*
 - a. Parking and vehicle use areas and garages adjacent to any public or private street frontage, except alleys, shall extend across no more than 50 percent of the street frontage.*
 - b. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area.*
 - c. Parking areas shall not be located between buildings and a public or private street, except alleys.*

Response: This standard is satisfied by the proposed development. None of the proposed multi-family parking is adjacent to the public street frontage or located within a required front yard. There is also no parking proposed between the streets and buildings. Please see sheet C200 for the proposed locations of parking provided for the development.

- G. Pedestrian access and circulation. The following standards are intended to ensure that pedestrian circulation systems for multifamily development are designed to provide clear, identifiable, safe, and convenient connections within the development and to adjacent uses and public streets/sidewalks:*
- 1. Residential developments shall meet the pedestrian circulation standards in CDC 48.080(A).*

2. *Except as required for crosswalks, per subsection (G)(4) of this section, where a pedestrian pathway abuts a vehicle circulation area, it shall be physically separated by a curb that is raised at least six inches or by bollards.*
3. *All pedestrian pathways shall comply with the requirements of the Americans with Disabilities Act.*
4. *In order to provide safe crossings of streets, driveways, and parking areas, crossings shall be clearly marked with either contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) or reflective striping that emphasizes the crossing under low light and inclement weather conditions.*
5. *Pedestrian connections shall be provided between buildings and between the development and adjacent rights-of-way, transit stops, and commercial developments. At least one connection shall be made to each adjacent street and sidewalk for every 200 linear feet of street frontage. Sites with less than 200 linear feet of street frontage shall provide at least one connection to the street and/or sidewalk.*

Response: The development is provided with a comprehensive pedestrian system that connects all the proposed structures to each other, to the on-site community clubhouse, and to the adjacent public street right of way. The current system includes a pedestrian path that bisects the property from the realigned Tannler Drive to the open space and covered picnic area at the north end of the site. Sidewalks extend from all of the buildings to Tannler Drive connecting all of the buildings and common areas to each other. Please see the site plans (C200-C206) attached to this submittal for the proposed pedestrian access and circulation system. Compliance with the pedestrian circulation standards has been discussed previously in this narrative. As proposed, the development complies with these standards.

H. Compatibility between adjoining uses, buffering, and screening.

1. *Buffering. Where a multifamily development abuts a non-residential use or a property zoned R-40, R-20, R-15, R-10, R-7, R-5, or R-4.5, a landscape buffer shall be provided in accordance with the following standards:*
 - a. *The buffer shall have a minimum depth of 10 feet and shall extend for the length of the property line of the abutting use or uses.*
 - b. *The buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, vehicular accessways or parking areas are allowed in a buffer area.*
 - c. *The minimum improvements within a buffer area shall consist of the following:*
 - 1) *At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this code (e.g., solar access).*
 - 2) *At least five five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.*
 - 3) *The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).*
2. *Screening. On-site screening from view from adjoining properties of parking, loading, and service areas for multifamily development shall be provided in accordance with the following standards:*
 - a. *A landscape buffer shall be provided that meets the standards in subsection (H)(1) of this section.*
 - b. *In addition, one of the following types of screening shall be provided:*

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- 1) *One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting; or*
- 2) *A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen; or*
- 3) *An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.*
- 4) *Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

Response: This condition exists along the eastern property line as that property is developed with a non-residential use. There are less densely developed residential uses north of the site, so the requirement for a buffer along the east property line, and a requirement for screening along the north property line has been satisfied by the proposed development by provision of a minimum 10-foot wide buffer around the perimeter of the development. The buffer has been designed to include a mixture of trees, shrubs, and low growing ground cover or lawn consistent with the standards listed above.

In addition to the buffer being provided, a sight obscuring fence will also be provided adjacent to the northwest property line. The parking and garages will be below the single and multi-family residences located north of the site, and parking oriented in that direction is screened by either the buffer, or by a retaining wall as the development steps down the slope. Please see the proposed landscape plans (L1.0-L1.4) provided with this submittal. As proposed, the development will comply with these standards.

- I. *Noise. Where noise levels produced off site exceed the noise standards contained in West Linn Municipal Code Section 5.487, residential dwelling units shall be placed on the site in areas having minimal noise exposure or sound barriers shall be used to lessen noise impacts.*

Response: There are no known surrounding uses that generate noise levels expected to exceed the noise standards contained in the West Linn Municipal code. This standard is not applicable to this development.

- J. *Private outdoor area. This section only applies to multifamily projects.*
 1. *Each dwelling unit shall have an outdoor private area (e.g., patio, terrace, porch, or balcony) of not less than 48 square feet in area;*
 2. *The private outdoor area shall be screened from view from adjacent units or oriented to avoid direct lines of sight into adjacent units.*
 3. *Except for front porches, private outdoor areas for at-grade dwellings shall be screened from view from public streets and shared outdoor areas.*

Response: Most of the residential units within the development will be provided with a balcony or patio. A SB 1537 mandatory adjustment has been requested to this standard. Where they're provided, ground floor units will be provided with patios. Both amenities when provided will be designed and oriented to avoid direct lines of sight into adjacent units. The proposed balconies and patios when provided will be designed to be at least 48 square feet in area.

- K. *Shared outdoor recreation areas. This section only applies to multifamily projects.*
 1. *Shared outdoor recreation areas are open spaces that provide recreational and social opportunities, such as playfields, improved playgrounds, swimming pools, tennis courts, community gardens,*

plazas, picnic areas, paths, and passive seating areas. Such areas must be improved and maintained for their intended use.

2. *In addition to the requirements of subsection F of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:*
 - a. *Studios up to and including two-bedroom units: 200 square feet per unit.*
 - b. *Three or more bedroom units: 300 square feet per unit.*
3. *The required recreation space may be provided as follows:*
 - a. *It may be all outdoor space; or*
 - b. *It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and*
 - c. *Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.*
 - d. *No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such.*
4. *All shared outdoor recreational spaces shall be visible from the windows of at least 20 percent of the dwelling units, or two dwelling units, whichever is greater, to facilitate crime prevention and safety.*

Response: There are 268 one and two bedroom units and 52 three bedroom units proposed in this development. The standard requires a minimum of 68,000 square feet (268 x 200 SF) + (52 x 300 SF) = 69,200 SF. The proposed development will provide 69,948 SF as illustrated on landscape sheets L2.1-L2.4. The shared recreation space is provided as both open space and in on-site amenities, such as the clubhouse, pool, dog park, picnic pavilion, and plazas. As proposed, the standard is met.

- L. *Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas shall be defined by one or more of the following:*
 1. *A deck, patio, fence, low wall, hedge, or draping vine;*
 2. *A trellis or arbor;*
 3. *A change in level;*
 4. *A change in the texture of the path material;*
 5. *Sign; or*
 6. *Landscaping.*

Response: The development will satisfy this requirement through a combination of improvements, signage, and landscaping. Public areas will be distinct from the private property by concrete aprons at the driveways, curbs, retaining walls and landscaping. The team will also include a signage and striping plan with the construction documents that will also reinforce this separation. Signage will be provided to demarcate places on the site that are public as opposed to private. The most likely signage locations will be near the commercial areas and intended to differentiate the public spaces from the open spaces and amenities associated for the tenants of the multi-family development. Please see sheets C200 and L2.2-L2.4.

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M. Public transit.

1. Provisions for public transit may be required where the site abuts an existing public transit route. The required facilities shall be based on the following:
 - a. The location of other transit facilities in the area.
 - b. The size and type of the proposed development.
 - c. The rough proportionality between the impacts from the development and the required facility.
2. The required facilities shall be limited to such facilities as the following:
 - a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
 - b. A turnout area for loading and unloading designed per regional transit agency standards.
 - c. Hard-surface paths connecting the development to the waiting and boarding areas.
 - d. Regional transit agency standards shall, however, prevail if they supersede these standards.
3. The primary building entrance shall not be more than 200 feet from the transit stop with a pedestrian link in compliance with subsection G of this section.
4. Multifamily projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The multifamily project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. If a new or relocated transit stop is to be required, this information shall be provided to the applicant at the pre-application conference, or before the application is deemed complete. The transit stop shall be built per subsection (M)(2) of this section.

Response: It is feasible for the proposed development to satisfy these requirements. The pedestrian system has been designed to provide pedestrian access throughout the site and to the adjacent public streets. The TIA (attachment 008) indicates that the existing transit stop on Blankenship Rd. serves TriMet line 153, which operates between West Linn and Lake Oswego. The route operates hourly between approximately 6AM and 5PM on weekdays. At the time of their reporting, TriMet was evaluating significant changes in service levels, including the potential elimination of Route 153. The stop is located within the site and within 200 yards of the building 10 entrance. The applicant would comply with a condition of approval should the transit agency deem improvements or relocation of the transit stop is necessary along the sites frontage given the size of the development.

N. Public facilities. An application may only be approved if adequate public facilities, as defined in CDC 2.030, will be available to provide service to the property prior to occupancy.

1. Streets.
 - a. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.
 - b. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to City standards, in accordance with the West Linn Public Works Design Standards.
 - c. The realignment or redesign of roads shall be consistent with West Linn Public Works Design Standards and shall be consistent with applicable code restrictions regarding resource areas, pursuant to Chapter 27 CDC, Flood Management Areas, Chapter 28 CDC, Willamette and Tualatin River Protection, and Chapter 32 CDC, Water Resource Area Protection.

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- d. *Streets shall be installed per the standards in CDC 85.200(A). Sidewalks shall be installed per CDC 85.200(A)(16) and 92.010(H), and applicable provisions of this chapter.*
- e. *Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the “constrained” cross-section width indicated in the TSP for the applicable street type. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(I).*
- f. *If a traffic impact analysis is required by CDC 85.170(B)(2)(d), the applicant shall construct or cause to be constructed any off-site improvements identified in the Transportation System Plan that are necessary to mitigate the impacts from the proposed development as identified by the analysis. In no case shall an applicant be required to contribute more than their proportionate share of the costs. Proportionate share of the costs is established by the proportionality analysis required as part of the traffic impact analysis.*

Response: The site has frontage onto two existing public streets. Those streets do not traverse a water resource area in this vicinity. The street realignment of Tannler Drive to meet the City’s TSP and frontage improvements along both streets are anticipated as part of this development, assuming that the City can make nexus and rough proportionality findings. Frontage improvements including curb, gutter, sidewalk, and planter strips with street trees are provided with the proposed development. Please see civil sheets C801-C815 for details of the proposed improvements. As discussed previously in this narrative, the TIA provides additional improvement recommendations to mitigate for impacts associated with the proposed development. Please see attachment 008 included with this submittal.

- 2. *Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, and the applicant must provide sufficient factual data to support the conclusions of the submitted plan. Per the submittals required by CDC 55.130(E), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.*

Response: The utility and stormwater plans have been designed by a licensed professional engineer. Per the geotechnical report (attachment 005), infiltration is not recommended due to the site’s steep slopes and subsurface conditions. Vegetated filtration onsite is not feasible due to the site’s topography. Therefore, underground detention is proposed beneath the asphalt of the parking lots with upstream treatment provided by Contech StormFilter vaults.

Site stormwater will be routed to R-Tank underground containment systems beneath each parking area. Proposed R-Tank facilities are designed to capture and detain runoff from onsite only. Runoff in the public right-of-way from Tannler and Blankenship will be captured via catch basins and piped to a public stormwater planter. Stormwater will be mechanically treated and detained underground before slowly being discharged to the public storm sewer. Stormwater generated with the new public facilities will be captured and conveyed to a public storm facility to be constructed along Blankenship Road. There, the stormwater will be treated and detained prior to being discharged into the public storm sewer. Please see the preliminary storm report provided as attachment 006 and the civil plan sheets C400-C506 and C830-C842 for details. As proposed, the development will comply with this standard.

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

Response: Utility plans for this development have been designed by a registered and licensed civil engineer. As proposed, a private water system connecting to the existing public water system in the Greene Street Right-of-Way will be extended into the site to serve the buildings in the '2 Bland' water pressure zone and a water system connected to the existing public water system in Tannler Drive will be extended into the site to serve all of the buildings within the '1 Willamette' pressure zone. The final construction documents will demonstrate compliance with the City design manual for utility improvements associated with this development, but as proposed, the water system is designed and has capacity to serve the site. Please see sheets C701-C705 for specific details of the proposed water system.

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

Response: Utility plans for this development have been designed by a registered and licensed civil engineer. As proposed, a sewer system connecting to the existing system in Tannler Drive will serve all the buildings on-site. The sewer system is designed and has capacity to serve the site. Please see sheets C601-C606 for specific details of the proposed sewer system.

5. *Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided that are sized and located in accordance with West Linn Municipal Code Section 4.500 and must provide adequate capacity to accommodate the minimum service volumes identified in Metro Code Section 5.15-2040.*

Response: As proposed, the solid waste and recycling storage facilities are located uniformly throughout the site. The solid waste service provider has been consulted in the design and location of the facilities. Please see sheets L2.2-L2.4 for the proposed locations and sheet 3.1J-1 of the architectural plans for proposed details associated with the enclosures proposed to be located between the garages on-site.

O. Crime prevention and safety/defensible space.

1. *Windows shall be located so that all shared or common use areas, including vehicle parking areas, bicycle parking, shared outdoor areas, and pedestrian paths, are visible from at least 20 percent of the dwelling units, or two dwelling units, whichever is greater.*
2. *Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.*
3. *Shared or common use areas, including building entries, vehicle parking areas, bicycle parking, shared outdoor areas, and pedestrian paths, shall be lighted to the following minimum levels of foot-candles to enhance safety and allow use at night:*
 - a. *Building entries: minimum three foot-candles.*
 - b. *Pedestrian paths: minimum two foot-candles.*
 - c. *Required bicycle parking: minimum three foot-candles.*

- d. *Vehicle parking: minimum two foot-candles.*
- 4. *Light fixtures shall also be provided in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.*
- 5. *Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All residential projects undergoing design review shall meet the following shielding and light trespass standards:*
 - a. *Shielding. Any light source or lamp that emits more than 900 lumens (15 watt fluorescent/LED or 60 watt incandescent) shall be concealed or shielded with an Illuminating Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Examples of shielded light fixtures are shown below.*
 - b. *Light trespass. Maximum lighting levels at property lines shall not increase lighting levels more than 1.75 foot-candles 10 feet beyond the property line.*

Response: The project design ensures active "eyes on the street" and surveillance of common areas. All of the proposed residential units are oriented such that over 90 percent of the dwelling units have clear sightlines to the proposed vehicle parking areas, open spaces, and pedestrian paths near their respective building. This exceeds the minimum requirement of 20 percent or two dwelling units. As shown on the architectural site plan sheet 2.2, the mailbox kiosks are centrally located along the path that bisects the site and is expected to receive frequent pedestrian traffic. The trash enclosures are visible to many of the units they face. These facilities are equipped with dedicated overhead lighting to ensure user safety. The Lighting Plans (ELC2.0 – ELC2.5) demonstrate that all

The lighting plans were prepared by Steve Lockhart, PE, of MKE and Associates LLC who specialize in the planning and design of electrical systems. Steve indicates that the provided plans indicate that all shared areas can feasibly meet or exceed the required minimum foot-candle (fc) levels prescribed above as evidenced by the attached plans. The proposed lighting is proposed at building entries (wall mounted), stairs, primary walkways, bicycle parking, vehicle parking, the dog park, the clubhouse, the pool, and areas near the commercial units are illuminated. As the building mounted lights are added to the site lighting, specific attention will be given to potentially dangerous areas. Light fixtures are proposed to be strategically placed at (stairwells, ADA ramps, and grade transitions) to ensure uniform visibility and prevent shadows that could obscure trip hazards or safety threats.

Mr. Lockhart has stated that the proposed lighting system has been designed to minimize light pollution and glare while maintaining safety. Below are the standards his lighting plan has been designed to.

Mounting Height: Fixtures are mounted at a height of 14 feet.

Shielding: All fixtures emitting over 900 lumens are specified as IESNA full cut-off style fixtures. They will be shielded and oriented to the ground.

Light Trespass: The Photometric Plan indicates that light levels at the [North/South/East/West] property lines do not result in an increase of more than 0.4 foot-candles at a distance of 10 feet beyond the property boundary, satisfying the 1.75 fc maximum limit.

P. Provisions for persons with disabilities.

- 1. *Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities*

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shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

Response: Accessible routes will be provided to meet the ADA standards for access to the public streets, between buildings, and to the transit stop located in Blankenship. As stated earlier in this narrative, the team includes an ADA consultant who specializes in implementation of the ADA standards. The site has been planned and graded to meet ADA requirements as illustrated on sheets C300-C317. Compliance with these requirements will be further confirmed in the plans submitted for construction.

Q. Signs.

- 1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit shall be established.*
- 2. The signs shall not obscure vehicle drivers' sight distance.*
- 3. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.*

Response: As mentioned earlier in this narrative, a comprehensive wayfinding, signage, and striping plan will be included with the final construction documents to illustrate compliance with these requirements.

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

- 1. Exceptions to the underground utilities requirement shall be permitted in those cases where adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, are also exempted. Where adjacent future development is planned or proposed, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.*

Response: The design team has been coordinating the design of the site with the applicable utility companies. The applicant anticipates meeting this requirement by placing all new and relocated utilities underground as required.

S. Refuse and recycling standards.

- 1. All multifamily developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted only if the applicant elects to use the discretionary review criteria in CDC 55.100. Refer to the criteria in CDC 55.100(O)(1).*

Response: The proposed development would provide 320 multi-family dwellings and is subject to the clear and objective design review process; therefore, these standards are applicable to the proposed development.

- 2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local*

franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

Response: The trash enclosure locations are shown on the site plan attached to this application. The enclosures are generally located in between the garages on the north side of the parking areas except for the trash enclosure serving buildings 1, 9, and 10. The proposed containers will be located on a level Portland cement pad, a minimum of four inches thick. The local service provider has been consulted for the design and location of the proposed enclosures. Please see sheets C202-C206 and architectural sheet 2.2 for location and design details.

3. *Recycling and solid waste service areas.*
 - a. *Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.*
 - b. *The recycling area shall be co-located with the garbage container areas and be accessible to the local franchised collection firm's equipment.*
 - c. *Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water- and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.*
 - d. *The location of the recycling area and method of storage shall be approved by the local fire marshal.*
 - e. *Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.*
 - f. *Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.*

Response: The recycling areas will be located within the proposed trash enclosure locations. As stated previously, these locations are located throughout the development and intended to serve the units for each tier of the development. The local service provider has been consulted for the design and location of the proposed enclosures. Please see sheets C202-C206 and architectural sheet 2.2 for location details, and sheet 3.1j-1 for the typical enclosure detail.

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

Response: There are no known or special waste or recyclable materials proposed with this development. If one of the future tenants of the commercial spaces needed to dispose of special wastes or recyclable materials, they would be expected to meet these requirements as part of their tenant improvement applications.

5. *Screening and buffering.*

- a. *Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.*
- b. *Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. If enclosures are not located so as to conceal them from public view, the landscape hedge required under subsection (S)(5)(a) of this section shall be at least six feet tall.*
- c. *All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry that is used in at least one building on the site. Chain link fencing, with or without slats, will not be allowed.*

Response: As proposed trash enclosures will be constructed into the slope on each level. Screening is provided along the back side of the enclosure by retaining walls and on the sides by walls associated with the proposed garages. The fronts of all enclosures will be screened by sight obscuring fences. Those enclosures proposed near buildings 1 and between buildings 9 and 10 will be screened with sight obscuring walls, fences, and landscaping. All other above ground utility facilities will be well interior to the site and screened by a combination of shrubs, low ground cover and neutral colors. Please see sheets L2.2-L2.4 for location of the proposed trash enclosures and landscape screening. The detail for the proposed enclosures located between the site garages are shown on sheet 3.1J-1 in the architectural plans. As proposed, the development will comply with this standard.

6. *Litter receptacles.*

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

Response: There are no proposed litter receptacles proposed with this development. If they are subsequently proposed in support of the multi-family buildings, they will be located interior to the development and outside of any required walkways. Any receptacles placed in support of the commercial/retail flex space will obtain City approval prior to placement.

SECTION 85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

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

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

Response: No new lots or parcels would be created by the proposed property line adjustment or lot consolidation.

- 2. *The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.*

Response: The OC zone does not have a minimum lot size, however, once the lot line is executed, the resulting lots will be 5.90 acres (Lot A) and 12.15 acres (lot B). The proposed adjustment does not create any non-conformities with respect to development of either lot. Lot A will continue to comply with the dimensional

standards of the zone, and Lot B has been designed to comply with the applicable dimensional requirements except where adjustments have been allowed under the mandatory adjustments permitted under SB 1537.

3. *Property line adjustments shall be either:*

- a. *A straight line (see Figure 1 example);*
- b. *A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or*
- c. *A maximum of three turns less than 45 degrees (see Figure 3 example).*

Response: The proposed adjustment would create one 90 degree turn and one 45 degree turn to accomplish the adjusted lots. Please see the preliminary lot line adjustment exhibit provided as exhibit 17.

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

Response: The proposed adjustments to not impact the applicable site development regulations of the adjusted lots. As stated previously, both lots will meet the dimensional requirements of the zone.

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

Response: The proposed adjustment/consolidation will not impact any of the existing easements or utilities. The access easement from lot B to lot A will be relocated and rerecorded if the proposed development on lot B is approved. The access easement will be relocated north so that it's 200 feet from the intersection of the reconfigured Tannler Drive with Blankenship Road to maintain full access to lot A.

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

Response: As stated in the above narrative, the proposed property line adjustment/consolidation will satisfy the standards of this section. This criterion is not applicable to the proposal.

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

Response: The applicant is aware of the appeal requirements.

B. *The provisions of CDC 85.070 shall also apply to property line adjustments. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1635 § 35, 2014; Ord. 1636 § 57, 2014; Ord. 1675 § 54, 2018; Ord. 1745 § 1 (Exh. A), 2023)*

Response: The final property line adjustment will comply with the applicable provisions of CDC section 85.070. The final maps will be prepared by a licensed land surveyor to ensure that all requirements for the property line adjustment are satisfied.

III. RESPONSE TO APPLICABLE APPROVAL CRITERIA FOR SENATE BILL 1537 MANDATORY ADJUSTMENTS

INTRODUCTION AND SUMMARY

Within this development, the applicant submits this adjustment application to mandate approval of seven adjustments including an adjustment to: (1) Bicycle Parking (minimum spaces); (2) Building height maximum; (3) Prohibitions on ground floors of mixed use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street or against nonresidential active uses that support the residential uses of the building; (4) Façade Articulation; (5) Total Window Area; (6) Building orientation requirements; and (7) Requirements for balconies and porches. These adjustments are all expressly listed as mandatory adjustments under SB 1537. The proposed adjustments are shown in the following table:

SB1537 MANDATORY ADJUSTMENTS REQUESTED

Section 38	Development or Design Std.	Local Development or Design Std. to be adjusted	Required Eligible Adjustment Amount	Proposed Adjustment
(4)(g)(A)(i)	Bicycle Parking (Minimum Spaces)	Section 46.150(D)(3) requires 1 bicycle parking space for each residential unit.	Must allow and adjustment to the minimum number of spaces for use by residents provided 0.5 space per unit is provided.	Full adjustment proposed for residential units.
(4)(g)(b)	Building Height Maximums	Section 21.070(A)(6) calls for a maximum building height of three and one-half stories or 45 feet for any structure	Mus allow an adjustment up to the greater of “one story” or 20%.	Full adjustment of 20% for a total height of 54 feet on the multi-family and mixed-use buildings. All accessory buildings will be well below these heights.

Section 38	Development or Design Std.	Local Development or Design Std. to be adjusted	Required Eligible Adjustment Amount	Proposed Adjustment
		located 50 feet or more from a low or medium density residential area.		
(4)(g)(d)(ii)	Prohibitions on ground floors of mixed use buildings against residential uses except for one face of the building facing the street & within 20 feet of the street.	Section 21.050 – Multiple-family units only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor.	Must be eligible for a full adjustment.	Full adjustment proposed for 8 of the 10 multi-family buildings, clubhouse, garages, carports, and accessory buildings on site.
(5)(b)	Façade Articulation	Section 55.105(E)(2)(a-g) Requires all residential dwelling structures to provide minimum façade requirements.	Must be eligible for a full adjustment.	Proposing a full adjustment.

Section 38	Development or Design Std.	Local Development or Design Std. to be adjusted	Required Eligible Adjustment Amount	Proposed Adjustment
(5)(g)	Total Window Area	Section 55.105(E)(1)(a-e) Requires at least 15 percent of the area of each façade facing a street, and 20 percent of the ground floor facing a street to be glazing or entry doors with glazing.	Must allow up to 30% adjustment if application includes at least 12% of total façade area as window area.	Proposing a 30% adjustment for three buildings.
(5)(h)(A)	Building Orientation Requirements	Section 55.105(D)(1-2) Requires buildings and entries to be oriented to the street or a courtyard.	Must be eligible for a full adjustment.	While buildings 7, 9, and 10 comply with these requirements the other buildings are oriented on an east west axis making these building orientation standards unrealistic.
(5)(h)(C)	Requirements for balconies and porches	Section 55.105(J) Requires all Multifamily projects balconies or porches not less than 48 SF in size.	Must be eligible for a full adjustment.	Proposing a full adjustment.

APPROVAL CRITERIA

This narrative addresses the applicable approval criteria under Senate Bill 1537 of 2024 ("SB 1537") for approval of the adjustments. The relevant language of SB 1537 is provided in italics, with responses following each section.

SECTION 38. Mandatory adjustment to housing development standards.

(1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

Response: This application is for an "adjustment" within the meaning of SB 1537 because it requests a deviation from section 46.150(D)(3) Bicycle parking minimums; section 21.070(A)(6) Building Height Maximums; section 21.050 prohibitions on ground floors of mixed-use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street; section 55.105(E)(2)(a-g) façade articulation; section 55.105(E)(1)(a-e) total window area; section 55.105(D)(1-2) Building Orientation Requirements; and section 55.105(J) requirements for balconies and porches which are existing land use regulations of the City. This standard is met.

(b) "Adjustment" does not include:

- (A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;*
- (B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;*
- (C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or*
- (D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.*

Response: This application does not request a use of the property that is not otherwise allowed nor any deviations from the enumerated prohibited categories in subsections (B) or (D). Nor does this application request a complete waiver of land use regulations or changes other than those explicitly requested. Both residential and commercial uses are permitted in the subject zone, along with all the accessory infrastructure, parking and related site amenities. This standard is met.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

Response: The statute provides that the City "shall grant" this adjustment – because the project is "housing" – provided that the conditions addressed below are met.

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

Response: As described in the procedural history above, this application relates to a development permit for the project. Additionally, this application itself is a limited land use decision application under SB 1537 Section 38(3). This standard is met.

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

Response: As confirmed by the code and this application, the project is proposed on lands zoned to allow mixed-use residential. This standard is met.

(c) The residential development is for densities not less than those required under section 55(3)(a)(C) of this 2024 Act;

Response: Section 55(3)(a)(C) referenced in this section requires that “The development will be built at net residential densities not less than: ... (iii) Six units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000[.]” The City of West Linn has a population of approximately 26,597 people. The project proposes 320 units on a site that is 11.15 acres, well exceeding this standard. This standard is met.

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

Response: The project is proposed within the City of West Linn urban growth boundary. This standard is met.

(e) The development is of net new housing units in new construction projects, including:

- (A) Single-family or multifamily;*
- (B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;*
- (C) Manufactured dwelling parks;*
- (D) Accessory dwelling units; or*
- (E) Middle housing as defined in ORS 197A.420;*

Response: The project will provide 320 “net new housing units in new construction” of a series of multifamily and mixed-use buildings. This standard is met. More than 75 % of the developed floor area will be used for residential purposes.

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A “distinct adjustment” means:

- (A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or*
- (B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and*

Response: The project is requesting 7 adjustments under SB 1537. This standard is met.

- (g) *The application states how at least one of the following criteria apply:*
- (A) *The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;*
 -
 - (C) *The adjustments will increase the number of housing units within the application;....*

Response: The project meets multiple of the Section 38(2)(g) criteria, although only one is needed to meet the standard. Under Section 38(2)(g)(C), this adjustment will increase the number of housing units within the application by permitting approximately 148 -154 additional units based on the allowance to place residential units on the ground floor and the allowed increase in height. This standard is met.

- (3) *A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:*
- (a) *Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or*
 - (b) *Directly apply the process set forth in this subsection.*

Response: This is not an approval criterion. The applicant understands that this application is for a limited land use decision that only the applicant may appeal. The applicant understands that the City is directly applying the process provided in SB 1537 to implement the statute for this application.

- (4) *A local government shall grant an adjustment to the following development standards:*

- *§ 38 (4)(a) Side or rear setbacks;*
- *(4)(b) For an individual development project, common area, open space or area that must be landscaped on the same lot or parcel as proposed housing;*
- *(4)(c) Parking minimums;*
- *(4)(d) Minimum lot sizes;*
- *(4)(e) Maximum lot sizes;*
- *(4)(f) Building lot coverage;*
- *(4)(g) (A)(i)* Bicycle parking (minimum spaces);*
- *(4)(g) (A)(ii)* Bicycle parking (location);*
- *(4)(g)(B)* Building height maximums (excluding cottage clusters);*
- *(4)(g) (C)* Unit density maximums;*
- *(4)(g) (D)(i)* Prohibitions on ground floors of mixed use buildings against residential uses except for one face of the building facing the street & within 20 ft of the street; and*
- *(4)(g) (D)(ii)* Prohibitions on ground floors of mixed use buildings against nonresidential active uses that support the residential uses of the building.*

Response: This application requests an adjustment to:

- Section 38(4)(g)(A)(i) -Bicycle Parking (minimum spaces);
- Section 38(4)(g)(d)(ii) - Prohibitions on ground floors of mixed-use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street
- Section 38(4)(g)(B) - Building height maximums (excluding cottage clusters)

Accordingly, the City “shall grant” the adjustment under this subsection (4). This standard is met.

(5) A local government shall grant an adjustment to design standards that regulate:

- *§ 38 (5)(a) Facade materials, color or pattern;*
- *(5)(b) Facade articulation;*
- *(5)(c) Roof forms and materials;*
- *(5)(d) Entry and garage door materials;*
- *(5)(e) Garage door orientation unless adjacent to or across from school/public park;*
- *(5)(f) Window materials except bird-safe glazing requirements;*
- *(5)(g) Total window area;*
- *(5)(h)(A)* Building orientation requirements, not including transit street orientation requirements;*
- *(5)(h)(B)* Building height transition requirements;*
- *(5)(h)(C)* Requirements for balconies and porches; and*
- *(5)(h)(D)* Requirements for recesses and offsets.*

....

Response: The application requests approval of the following two design standard adjustments:

- Section 38(5)(b) – Façade Articulation
- Section 38(5)(g) – Total window area
- Section 38(5)(h)(a) - Building orientation requirements, not including transit street orientation requirements
- Section 38 (5)(h)(C) - Requirements for balconies and porches

Accordingly, the City “shall grant” the adjustment under this subsection (5). This standard is met.

For all of the reasons set forth above, the applicant requests approval of the adjustments. As adjusted, the applicant requests that the project be approved to provide a mixed-use development, including 320 multi-family residential units and 11,630 square feet of ground floor of flex commercial/retail space.

IV. CONCLUSION

This written statement and the accompanying supporting documents demonstrate that the proposed project complies with the applicable approval criteria or can be conditioned to comply for a Design Review, Property Line Adjustment/Consolidation, and seven SB 1537 mandatory adjustments. Therefore, the applicant respectfully requests that the City approve the application.