

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01

IN THE MATTER OF THE PROPOSAL OF A NEW PARKING LOT, PATHS, AND RETAINING WALLS AT THE WEST LINN PUBLIC LIBRARY AT 1595 BURNS STREET/5750 HOOD STREET REQUIRING CLASS II DESIGN REVIEW, WATER RESOURCE AREA APPROVAL, FOUR CLASS II VARIANCES FOR A) AMOUNT OF DEVELOPED SQUARE FOOTAGE PROPOSED IN THE WATER RESOURCE AREA ON HOOD STREET PARCEL, B) ADDING TO NON-CONFORMING AMOUNT OF SQUARE FOOTAGE IN WATER RESOURCE AREA ON BURNS STREET PARCEL, C) ELIMINATING PARKING LOT INTERIOR LANDSCAPING, AND D) HAVING A SHORTER DRIVEWAY SEPARATION DISTANCE THAN ALLOWED, AND A REQUEST TO ENLARGE/ALTER A NON-CONFORMING STRUCTURE

At their meeting of March 13, 2013, the West Linn Planning Commission held a public hearing to consider the request by the City of West Linn to approve a new parking lot and associated retaining walls and paths at the West Linn Library site at 1595 Burns Street/5750 Hood Street. This required a Class II Design Review approval and a Water Resource Area permit. Four Class II Variances were requested for the amount of developed square footage in the water resource area of the Hood Street parcel, adding to the amount of non-conforming developed square footage in the resource area of the Burns Street parcel, eliminating parking lot interior landscaping, and having a driveway distance shorter than what is allowed to the driveway on the next property. Also required was a permit to enlarge/alter a non-conforming structure, as there are several ways in which existing development on the Burns Street parcel is non-conforming to current CDC provisions. The approval criteria for Design Review are found in Chapter 55 of the CDC. The approval criteria for Water Resource Area permit are found in Chapter 32 of the CDC. The approval criteria for variances are found in Chapter 75 of the CDC. The approval criteria to Enlarge/Alter a Non-Conforming Structure are found in Chapter 66 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Pat Duke of the West Linn Library and Lance Calvert of the Public Works Department presented for the applicant. Doug Erickson, Mike Jones, Gregory Williams, Alan Lewis, Sherry Sheng, and Alice Richmond spoke in favor of the application. Karie Oakes spoke in opposition to the application. Erich Kunrath provided neutral testimony. The Planning Commission voted to continue the hearing until April 3, leaving the record open for new written testimony until March 20 and open for an applicant's rebuttal until March 27.

At the beginning of the hearing on April 3rd, staff presented the new testimony from citizens and the applicant. Then Chair Babbitt closed the public hearing, and deliberations began. After deliberations, a motion was made, seconded, and passed to approve the application with the proposed conditions of approval as they appear in the staff report with the modifications and additions shown in the staff presentation. The Planning Commission adopts the applicant's findings and the Staff Report, which are incorporated herein by this reference, as its findings, to the extent that those findings do not contradict the findings included below. The additional findings are as follows:

Additional Finding 1: Placing 12 full-sized spaces here is the minimum economic viability necessary for the library as provided in Section 32.090(B), is the minimum variance necessary as provided in Section 75.060(D), and fulfills the basic property right of the library to have sufficient parking for users and employees as provided in Section 75.060(B), for the reasons discussed above. as discussed in Section 75.060(A). The provision of parking to access this cultural institution helps fulfill Comprehensive Plan goals and policies regarding access to cultural resources. Also the proposed mitigation, on-site revegetation, and permeable pavers ensure that the proposal is not in conflict with Comprehensive Plan goals and policies regarding environmental protection. The lighting and screening, as proposed and conditioned, ensures that the proposal is compatible with Comprehensive Plan goals and policies regarding protecting residential properties from the effects of adjacent non-residential development. Therefore the proposal is also compatible with Section 75.060(C) regarding compatibility with the Comprehensive Plan.

Additional Finding 2: The path is necessary as there are compelling community access reasons to provide families easy access to the rear level of the library, where the path from the proposed parking lot would connect, as this is the children's section of the library. The eight-foot width of the path is appropriate for safety and utility access reasons, as discussed by the Public Works Department. Therefore the hardship provisions, the request to Enlarge/Alter a Non-Conforming Structure, and the Variance requested for the Burns Street parcel meet the appropriate code sections; specifically these are met via the Variance criteria of 75.060 for the requested variances related to non-compliance with the hardship and Non-Conforming provisions. For the reasons discussed above in this finding the path is the minimum variance per Section 75.060(D). For the reasons discussed in Additional Finding 1 these requests related to the Burns Street parcel meet the cultural, environmental, and land use compatibility goals and policies of the Comprehensive Plan as well, meeting Section 75.060(C).

Additional Finding 3: Assurances should be made in the conditions of approval that lighting on site is shielded and screened in a way that does not affect residences across Hood Street.

Additional Finding 4: Assurance is needed in the conditions of approval that ground cover will sufficiently be implemented in disturbed areas of the water resource area and

areas where the invasive species are removed, to ensure slope stabilization and maximize habitat potential.

Additional Finding 5: The raingarden would better serve the purpose of treating runoff from the Hood Street right of way if it is located north of the proposed parking lot driveway along the slope, rather than further south on the east side of the street as proposed in the site plan. The sidewalk as proposed in the Hood Street right of way north of the driveway does not serve a practical purpose as there is only one house on Hood Street north of the parking lot, and the sidewalk is not proposed to connect to that property. Therefore the raingarden, if appropriately designed, can replace the sidewalk and be located along this area of the slope.

The approved conditions of approval are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Site Plan, dated September 1, 2012, located on Page 167 of Exhibit PC-4.
2. Paths.
 - a. The proposed path linking the parking lot with the proposed Hood Street sidewalk shall be four feet wide and composed of a permeable material. In the areas disturbed to construct this path, disturbed soils shall be restored to their original or higher level of porosity to regain infiltration and stormwater storage capacity.
 - b. The proposed path connecting the parking lot to the library shall be composed of a permeable material. In the areas disturbed to construct this path, disturbed soils shall be restored to their original or higher level of porosity to regain infiltration and stormwater storage capacity.
3. Conservation Easement and Signage. A conservation easement shall be recorded that applies to both parcels north of where development exists and where it is approved by this decision. The easement shall include the City's standard conservation easement language for water resource area conservation easements (available from the Planning Department) which prohibits further development and protects native vegetation. The easement shall include standard tree protection language as well. The edge of the conservation easement on all sides shall be marked with the City's standard permanent markers at 30-foot to 50-foot intervals and at all boundary direction changes. The north and east sides of the proposed mitigation area in Fields Bridge Park shall be similarly marked.
4. Street Trees and Clear Vision Area. The two proposed street trees shall only have branches greater than eight feet off of the ground at the time of planting. Signage. The sign proposed to be located on the gate identifying the site and its utilities, as discussed

on pages 64 and 67 of Exhibit PC-3 by the applicant, shall be of the style and material used by the Parks and Recreation Department for signs identifying parks, as this will make the signage compatible with the residential neighborhood.

5. Revegetation and Mitigation Plant Survival. The applicant shall provide a report three years after the revegetation and mitigation plans are implemented, documenting that 80% of the plants have survived. Dead plants shall be replaced as needed to maintain the minimum 80% plant survival at the end of three years.
6. Delineation of Parking Spaces.
 - a. Each parking space shall be clearly delineated using a permanent paint.
 - b. The applicant shall install in each parking space a wheel stop two feet back from the front of the parking stall that is at least four inches high.
7. Lighting on Site. All new outdoor lighting shall be designed with shielding and installed to keep light and glare onsite and not onto or across Hood Street. The lighting shall illuminate the proposed path as well as the parking lot, without lighting the adjacent water resource area.
8. Revegetation Plan Tree and Plant Sizing and Spacing.
 - a. In addition to the vine maples proposed on the Landscape Plan, another type of native tree, acceptable to the City Arborist, shall be planted midway between the two vine maples that are furthest apart on the landscape plan.
 - b. Outside the driplines of existing trees, the proposed revegetation plants shall be planted four to five feet on center. Within the driplines of existing trees, the plants shall be planted in clusters of four or fewer plants.
 - c. Revegetation shrubs shall be at least 12 inches in height at the time of planting.
 - d. Ground cover vegetation shall be incorporated in the revegetation design to stabilize all areas between the creek and top of slope where soils are disturbed and where invasive species are removed.
9. Vegetative Screening. The applicant shall provide evergreen screening in the northeast corner of the parking lot to shield line of sight from the parking lot to adjacent residences.
10. Raingarden Relocation. The applicant shall eliminate the proposed sidewalk north of the proposed parking lot driveway along Hood Street. The applicant shall relocate an

appropriately designed raingarden at this location, thereby replacing the raingarden on the proposed site plan.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



MICHAEL BABBITT, CHAIR
WEST LINN PLANNING COMMISSION

4-11-13

DATE

Mailed this 12th day of April, 2013.

Therefore, this decision becomes effective at 5 p.m., April 26, 2013.