



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: August 19, 2015

FILE NO.: DR-15-12

REQUEST: Class I Historic Design Review application to install a new awning and paint the building at 1731 Willamette Falls Dr.

PLANNER: Darren Wyss, Associate Planner

 Planning Manager

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GENERAL INFORMATION

**OWNER/
APPLICANT:** West Linn Saloon & Steakhouse
1731 Willamette Falls Drive
West Linn, OR 97068

CONSULTANT: Rose City Awning
2728 NW Nela Street
Portland, OR 97210

SITE LOCATION: 1731 Willamette Falls Drive

SITE SIZE: 0.23 acres

**LEGAL
DESCRIPTION:** Assessor's Maps and Tax Lot - 31E02BA02500

**COMP PLAN
DESIGNATION:** Commercial

ZONING: General Commercial
Willamette Historic District Local Overlay Zone
Willamette Commercial District Overlay Zone

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapters 19, 25, 58, and 99

120-DAY RULE: The application declared complete on July 29, 2015. The 120-day period ends on November 26, 2015.

PUBLIC NOTICE: Notice was mailed to property owners within 300 feet of the subject property and all Neighborhood Associations on July 31, 2015. A sign was placed on the property on August 4, 2015. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a Class I Historic Design Review, per CDC 58.030, to install a new awning and paint the building at 1731 Willamette Falls Dr. The property is zoned General Commercial and is located in both the Willamette Historic District and the Willamette Falls Drive Commercial District.

The applicable CDC Chapters include:

- Chapter 19, General Commercial (GC) Zoning District
- Chapter 25, Overlay Zones - Historic District
- Chapter 58, Willamette Falls Drive Commercial District Design Standards
- Chapter 99, Procedures for Decision Making: Quasi-Judicial

Public comments:

Staff received no written comments.

DECISION

The Planning Manager (designee) approves this application (DR-15-12), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met.

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



Darren Wyss, Associate Planner

August 19, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 19th day of August, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on September 2, 2015.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-15-10**

Staff recommends adoption of the findings for approval contained within the applicant's submittal, with the following additions:

CHAPTER 19, GENERAL COMMERCIAL (GC) ZONING DISTRICT

19.030 Permitted Uses

10. Eating and drinking establishments

Staff Finding 1: An eating and drinking establishment is a permitted use in the zone. This criterion is met.

19.070 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 50 feet.*
- 3. The average minimum lot depth shall not be less than 90 feet.*
- 4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply.*
- 5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C)(1)(d).*
- 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 zone.*
- 7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. 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.*

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Staff Finding 2: The proposal does not alter the lot size, setbacks, or building size/height. This criterion is met.

CHAPTER 25, OVERLAY ZONES - HISTORIC DISTRICT

25.030 Permitted Uses

Unless otherwise provided for in this chapter, uses permitted by the base zoning district that are in accordance with the CDC are allowed on sites containing historic resources.

Staff Finding 3: An eating and drinking establishment is a permitted use within the zone. This criterion is met.

25.040 Historic Design Review Processes

B. Class I historic design review. The following are subject to Class I historic design review to determine their compliance with the applicable approval standards.

2. Façade Alteration. Alteration of a façade when 100 square feet or less of the structure's façade is being altered;

Staff Finding 4: The proposed awning alters less than 100 sq. ft. of the façade. This criterion is met.

25.060 Design Standards Applicable to Historic Resources

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in CDC 25.080.

A. Standards for alterations and additions. This section applies to historic reviews for alteration of and additions to designated historic resources:

...

6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.

...

Staff Finding 5: The proposal is to replace the existing awning with a new awning of like style. The new awning will traverse the entire front façade of the building. Chapter 58 requires awnings in the Willamette Falls Drive Commercial District. No additions or other alterations are proposed to conflict with any of the above listed criteria. These criteria are met.

25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to properties within a historic district.

A. Standards for alterations and additions.

1. Compatibility with nearby context. Alterations and additions shall be:

a. Compatible in scale and mass to adjacent properties; and

- b. Constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.*
- 2. Not in period buildings. Alterations to compatible, not in period buildings shall follow all applicable standards of this chapter to avoid creating a false sense of history.*
- 3. Not in period noncompatible buildings. Alterations to not in period, noncompatible buildings shall be consistent with applicable standards in CDC 25.060 and 25.070. Such buildings do not contribute to the historic value of the district and are not subject to standards pertaining to siding, windows, and other materials listed in CDC 25.060(A); however, such buildings shall not be so stylistically different from adjacent buildings that they detract from the district's historic character.*

Staff Finding 6: The proposal is to replace the existing awning with a new awning of like style. The new awning is compatible in scale and mass to adjacent properties. The new awning will traverse the entire front façade of the building. Chapter 58 requires awnings in the Willamette Falls Drive Commercial District. No additions or other alterations are proposed to conflict with any of the above listed criterions. These criterions are met.

CHAPTER 58, WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

58.050 PERMITTED USES

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997)

Staff Finding 7: An eating and drinking establishment is a permitted use within the zone. This criterion is met.

58.090 STANDARDS

C. The following standards shall apply to new construction and remodels.

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transoms and awnings, although transoms are not required. Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, either attached to the building or a simple four-inch by four-inch wood post extending down to the outside of the sidewalk. Awnings shall, therefore, extend beyond the front property line to the outside edge of the sidewalk, and shall possess a seven-foot clearance to the valance or any other part. The pitch of the awning shall be 10 to 40 degrees. No "bubble-type" awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one-color or striped and shall have a free-hanging

plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

Staff Finding 8: The proposed replacement awning will solid black colored canvas and extend from the façade by internal metal framework. The awning will have a seven-foot clearance and fall within the pitch of 10 to 40 degrees. The awning will have a free-hanging plain valance. The awning is proposed for only one structure. The criterion is met.

26. *Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel of acceptable 1880 – 1915 period colors shall be the basis for color selection. No other colors are allowed. The palette is available at the Community Development Department.*

Staff Finding 9: The body color is proposed to be olive green with contrasting color of tan for the trim and windows. The colors are consistent with the period colors. This criterion is met.

LOCATION



AFFIDAVIT OF NOTICE

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

GENERAL

File No. DR-15-12 Applicant's Name West Linn Saloon and Steakhouse
Development Name _____
Scheduled Meeting/Decision Date 8-14-15

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) _____ (signed) _____
City's website (posted date) _____ (signed) _____

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 8-4-2015 (signed) Dan S Wye

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B

- A. The applicant (date) 7-31-15 (signed) S. Shroyer
- B. Affected property owners (date) 7-31-15 (signed) S. Shroyer
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 7-31-15 (ALL) (signed) S. Shroyer

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: 7-31-15 (signed) S. Shroyer

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 8-19-2015 (signed) Dan S Wye

PD-2 NOTICE MAILING PACKET

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. DR-15-12**

The West Linn Planning Manager is considering a request for a Class I Historic Design Review application to install a new awning and paint the building at 1731 Willamette Falls Dr.

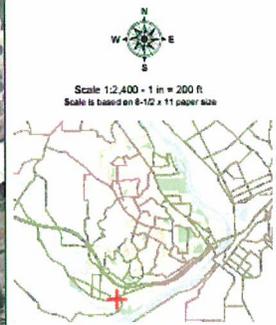
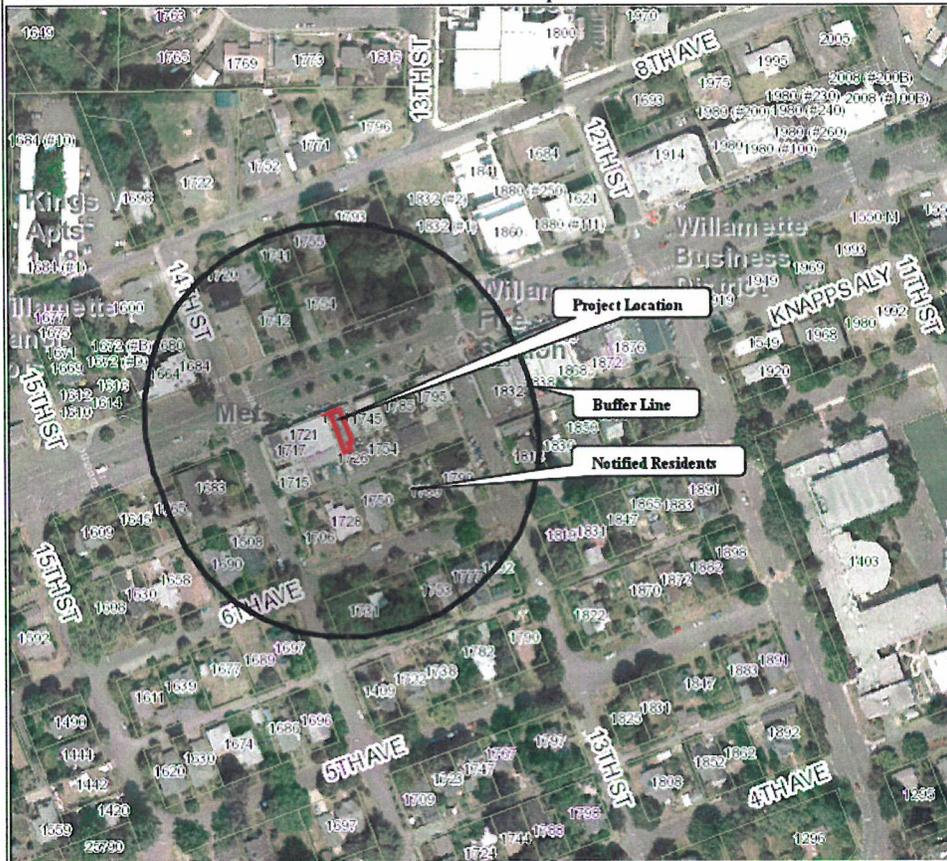
The decision will be based on the approval criteria in Chapters 19, 25, 58, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have been notified of this proposal because County records indicate that you own property within 300 feet of this property (Tax Lot 2500 of Clackamas County Assessor's Map 31E 02BA) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <https://westlinnoregon.gov/planning/1731-willamette-falls-drive-class-ii-historic-review-commercial-minor-alteration> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on August 14, 2015.** Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline. For further information, please contact Darren Wyss, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503)722-5512 or dwyss@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

1731 Willamette Falls Drive Notification Map



Scale 1:2,400 - 1 in = 200 ft
 Scale is based on 8-1/2 x 11 paper size

Map created by: SSYROVER
 Date Created: 27-Jul-15 11:11 AM
WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.



PLANNING MANAGER DECISION 2015-08-14

**PROJECT # DR-15-12
NOTICE DATE: MAIL 7/31/15 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

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

PD-3 COMPLETENESS LETTER



West Linn

July 29, 2015

West Linn Saloon & Steakhouse
1731 Willamette Falls Drive
West Linn, OR 97068

RE: DR-15-12 (Design Review-Historic District)

Dear James:

Your application received on July 24, 2015, has been deemed complete. The City has 120 days to exhaust all local review. That period lapses on November 26, 2015.

Staff will now prepare the staff report and 14-day public notice of a Director's Decision. If there is any need for more information or clarification from you, I will be in touch.

Otherwise, please feel free to contact me if you have any questions or comments, or if you wish to meet.

Sincerely,

A handwritten signature in blue ink that reads "Darren S. Wyss".

Darren Wyss
Associate Planner
503-722-5512
dwyss@westlinnoregon.gov

PD-4 APPLICANT'S SUBMITTAL



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
 Telephone 503.656.4211 • Fax 503.656.4106 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Myss</i>	PROJECT NO(S). <i>DR-15-12</i>	
NON-REFUNDABLE FEE(S) <i>250-</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>250-</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

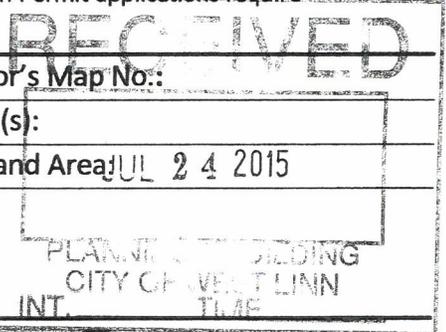
Site Location/Address: *1731 Willamette Falls Drive
West Linn, OR 97068*

Assessor's Map No.:

Tax Lot(s):

Total Land Area: *JUL 24 2015*

Brief Description of Proposal: *Awning @ exterior*



Applicant Name: *West Linn Saloon & Steakhouse*
 (please print)
 Address: *1731 Willamette Falls Drive*
 City State Zip: *West Linn, OR 97068*

Phone: *503-655-2098*

Email: *scull115@yahoo.co*

Owner Name (required): *Scull & Slentz LLC*
 (please print)
 Address: *16700 Marshall way*
 City State Zip: *Nehalem, OR 97131*

Phone: *503-791-4286*

Email: *scull115@yahoo.co*

Consultant Name: *Rose city Awning*
 (please print)
 Address: *2728 NW Ncla St.*
 City State Zip: *Portland, OR 97210*

Phone: *503-226-2761*

Email:

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

[Signature]
 Applicant's signature

7-22-15
 Date

[Signature]
 Owner's signature (required)

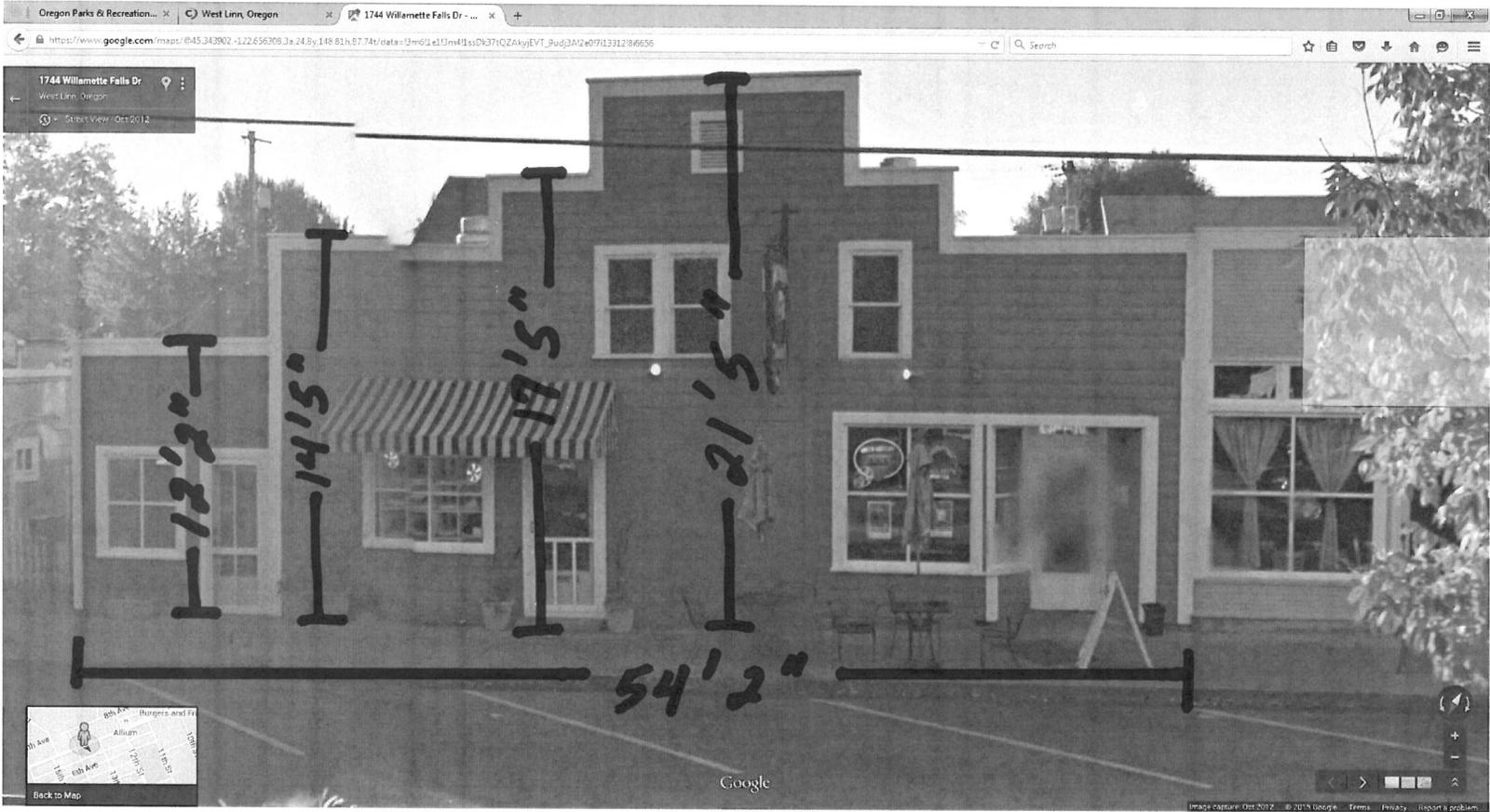
7/24/15
 Date

A Class I Historic Design Review for a minor commercial alteration

The existing small awning will be replaced by one that extends across the entire building. The awning will be black colored (not color shown below) canvas material and extend out from the building per CDC 58.090(C)(11). The paint color (shown in attached photo) will be consistent with the standards of 58.090C)(26) with light olive body and an accenting tan trim







PD-5 PUBLIC COMMENTS

No public comments were received.