

**WEST LINN PLANNING COMMISSION
FINAL DECISION AND ORDER
DR-16-01**

**IN THE MATTER OF A NEW TWO-STORY MIXED USE BUILDING AT 1969
WILLAMETTE FALLS DRIVE**

I. Overview

Icon Construction (Applicant) filed its application in February 2016 and it was deemed complete on April 26, 2016. The approval criteria for the application are found in Community Development Code (CDC) Chapters 19, 55, 58, 92, and 99. The hearings were conducted pursuant to the provisions of CDC Chapter 99.

The West Linn Historic Review Board (HRB) held the initial evidentiary hearing on May 17, 2016 for the purpose of making a recommendation to the West Linn Planning Commission (Commission) on compliance with CDC Chapter 58: Willamette Falls Drive Commercial Design District. The HRB made a recommendation for approval on June 21, 2016 with a 6 to 0 vote, including four variance requests as allowed by CDC 58.100. The West Linn Planning Commission (Commission) held a public hearing on July 20, 2016. The hearing commenced with a staff report presented by Darren Wyss, Associate Planner. Scot Sutton and Kevin Godwin, SG Architecture, LLC, presented for the applicant. The Commission heard public testimony from two individuals, both in favor of the project.

After deliberations, a motion was made by Commissioner Mathews and seconded by Commissioner Farrell to approve the applications with 11 conditions of approval and direct staff to prepare a Final Decision and Order. The motion passed unanimously with four votes in favor and zero votes opposed.

II. The Record

The record was finalized at the July 20, 2016, hearing. The record includes the entire file from DR-16-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Icon Development.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record, including any exhibits received at the hearings.

IV. Findings

The Commission adopts the July 20, 2016, Staff Report for DR-16-01 with attachments, including specifically the Addendum dated July 20, 2016, and the Applicant's Submittals, including without limitation the narratives, as its findings, which are incorporated by this reference.

V. Order

The Commission concludes that DR-16-01 is approved based on the Record, Findings of Fact and Findings above. The Commission concludes all of the required approval criteria are met subject to the following conditions of approval:

1. Site Plans. With the exception of modifications required by these conditions, the project shall substantially conform to all submitted Tentative Plan Sheets.
2. Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to the issuance of the final building certificate of occupancy.
3. Street Improvements. The applicant shall mitigate any impacts to existing right-of-way improvements along Willamette Falls Drive, 11th Street, and Knapps Alley. The mitigation will include replacement of impacted pavement, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, and street storm drainage.
4. Overhead Utilities. The applicant shall coordinate with utility providers and the City Engineer to remove existing overhead utilities and associated services and place them underground, or pay a fee-in-lieu per Staff Finding 61. If the overhead utilities are placed underground, the applicant shall comply with both utility provider and City of West Linn standards. This must be completed prior to the issuance of the final building certificate of occupancy.
5. Fire Flow. The applicant shall perform a fire flow test, per Staff Finding 53, and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present prior to the issuance of the final building certificate of occupancy.
6. Knapps Alley. The applicant shall improve, including repaving, the portion of Knapps Alley adjacent to the site per Staff Finding 20. This must be completed prior to the issuance of the final building certificate of occupancy.
7. Willamette Falls Drive Sidewalk. The applicant shall install the Willamette Falls Drive sidewalk that is adjacent to the site to be flush with the new building, per Staff Finding 52. The applicant shall also reconstruct the pedestrian bulb at the corner of Willamette Falls Drive and 11th Street to meet current ADA standards, including ramps. This must be completed prior to the issuance of the final building certificate of occupancy.

8. Shadow Transitions. The front façade shadow transitions shall be a minimum of 12 inches. See Staff finding 36 and Exhibit PC-6.
9. Traffic Mitigation. The applicant shall submit a final traffic impact analysis for the review and approval of the City Engineer prior to the issuance of the public works and private development construction permits. The applicant shall provide the improvements for the off-site traffic mitigation and/or pay the cost of the improvements, as determined and approved by the City Engineer or ODOT. The off-site mitigation is for Willamette Falls Drive at 12th Street, Willamette Falls Drive at 10th Street, and 10th Street at 8th Avenue/8th Court, and/or other transportation facilities as recommended by the final traffic impact analysis and as approved by the City Engineer and ODOT prior to approval of the final plat per staff finding 67.
10. Underground Parking Garage Design. The applicant shall mark all parking spaces less than 9 feet by 18 feet as "compact" and reconfigure the underground parking garage spaces that do not meet current code standards for compact spaces prior to the issuance of final building certificate of occupancy.
11. Recycling/Refuse Center. The applicant shall modify the site plans to combine the recycling and refuse enclosures at the west end of the rear of the building along Knapps Alley to improve vision clearance at the intersection of 11th Street and Knapps Alley.



MICHAEL BABBITT, CHAIR
WEST LINN PLANNING COMMISSION

7-26-16

DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. 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 hearing(s), or signed in on an attendance sheet or testimony form at a hearing(s), 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 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.

Mailed this 26th day of July, 2016.

Therefore, this decision becomes effective at 5 p.m., August 9, 2016.