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**WEST LINN PLANNING COMMISSION**

**FINAL DECISION NOTICE**

**DR-08-01//VAR-08-01/WAP-08-01**

**IN THE MATTER OF THE PROPOSAL OF A NEW HOTEL, WITH CLASS II DESIGN REVIEW, WITH A WATER RESOURCES AREA PERMIT DUE TO BERNERT CREEK AND WETLANDS ON SITE, AND WITH A CLASS II VARIANCE FOR AMOUNT OF SQUARE FOOTAGE PROPOSED FOR DEVELOPMENT IN WATER RESOURCES TRANSITION AREA, AT 2400-2450 WILLAMETTE FALLS DRIVE**

At their meeting of December 3, 2008, the West Linn Planning Commission held a public hearing to consider the request by VKNW, Inc. to approve a new hotel at 2400-2450 Willamette Falls Drive. This required a Class II Design Review and also required a Water Resources Area permit due to the presence of wetlands and Bernert Creek on site. The applicant also requested a Class II Variance for the amount of square footage to be developed within the transition area as the amount proposed exceeded the 5,000 square feet allowed under the hardship provisions of Community Development Code (CDC) 32.090. The approval criteria for Design Review are found in Chapter 55 of the CDC. The approval criteria for Water Resources Area permit are found in Chapter 32 of the CDC. The approval criteria for Variance are found in Chapter 75 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. Brad Kaul of Steven P. Elkins Architects presented for the applicant. Alice Richmond spoke in favor of the application. Elizabeth Kieres provided neutral testimony. Gary Hitesman, Karen Stuart, Paul Kays, Karie Oakes, and Teri Cummings spoke against the application. Mr. Kaul provided the applicant's rebuttal.

A motion was made and approved to continue the application to the hearing date of January 7, 2009.

On January 7 Chair Babbitt reopened the hearing. Mr. Soppe provided the staff presentation. Mr. Kaul, Dale Gulliford of Schott & Associates, and Tim Turner of TRT Engineering presented for the applicant. Ms. Richmond spoke in favor of the application, and Ms. Oakes spoke against the application. Mr. Kaul, Mr. Gulliford, and Mr. Turner provided the applicant's rebuttal. The public hearing was closed. A motion was made and approved to continue the application to the hearing date of January 21, 2009, providing citizens until January 14 to submit comments and providing the applicant until noon on January 21 to provide a rebuttal to any such comments.

On January 21 Mr. Soppe presented the Commission with the citizen submittals and the applicant's rebuttal. Manish Patel and Jay Patel answered questions for the applicant regarding a new proposed condition by the Planning Commission. A motion was made, seconded, and

passed to approve the application with staff's conditions of approval from the January 15 staff memo, one additional finding, and one additional condition of approval.

The additional finding is as follows:

Assurance should be made that the sidewalk to be installed along Willamette Falls Drive does not drain untreated into the adjacent drainageway and wetland.

The final conditions of approval are presented as follows:

1. The applicant shall plant only native plants in the stormwater treatment facility proposed on site and in the raingarden between the sidewalk and street (see Condition 2).
2. The applicant shall install an 8-foot wide sidewalk along Willamette Falls Drive, with a minimum 6-foot wide raingarden swale strip between the sidewalk and the street. The sidewalk shall be connected to the existing sidewalk to the east. Appropriate street trees and street lighting shall be planted in the raingarden swale strip. Applicant shall provide half-street improvements to the satisfaction of the Engineering Department. The infield implementation of the actual half-street construction shall be determined by the City Engineer.
3. A 6 foot wide sidewalk shall be installed connecting the building to Willamette Falls Drive.
4. The existing drainageway culvert under the existing driveway shall be replaced to the satisfaction of the Sewer and Storm Division of the Public Works Department.
5. The water line shall be installed to allow for eventual looping west to 8<sup>th</sup> Court. This and other aspects of connecting the site to the water system shall be done to the satisfaction of the Water Division of the Public Works Department.
6. The gravel parking spaces at the southwest corner of the site shall no longer be used for parking, as these areas will be occupied partly by vegetative buffer restoration area and partially by right of way improvements. Up to 9 spaces at the west end of the proposed parking lot may be shared with the law office currently using the gravel parking area to be abandoned. Any parking sharing agreed to in the future by the applicant must conform to the provisions of the CDC, including Chapter 46.
7. All pervious pavement in the parking lot shall be constructed of hard-surfaced materials, not gravel.
8. All areas of the site not proposed for development that are within the drainageway, wetlands, and their 100-foot transition areas shall be placed in a conservation easement protecting them from further development.

9. Alternate methods of construction mitigating the limited fire access shall be approved by the Building Official and the TVFR Fire Marshal at the time of building permit issuance. The building permit shall not be issued unless all alternative methods deemed necessary by the Building Official and the Fire Marshal are proposed by the applicant in the building permit submittal.
10. The section of the driveway between Willamette Falls Driveway and the fork in the driveway shall be 24 feet wide. The driveway approach shall be designed and constructed per the current City of West Linn Public Works standards.
11. The applicant shall provide the Engineering Department a drainage plan showing that runoff from the sidewalk on Willamette Falls Drive will sufficiently drain to the raingarden in the planter strip.

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, or signed in on the attendance sheet at the hearing, 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 \$2500 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

  
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 MICHAEL BABBITT, CHAIR  
 WEST LINN PLANNING COMMISSION

1-22-09  
 \_\_\_\_\_  
 DATE

Mailed this 27<sup>th</sup> day of January, 2009.

Therefore, this decision becomes final at 5 p.m., February 10, 2009.