



**PLANNING COMMISSION  
Meeting Notes of March 16, 2022**

<u>Commissioners present:</u>	Gary Walvatne, Charles Mathews, Scott Erwin, Carrie Pellett, John Carr, and Bayley Boggess.
<u>Commissioners absent:</u>	Joel Metlen
<u>Council Liaison present:</u>	William Relyea
<u>Public present:</u>	Mary Brennock, John Stromquist, Kris Tuor, Rebecca Hollenbeck, Kathie Halicki, Molly Peters, Steve Tagmyer, Ruth Offer, Jerry Offer, Candace Scott, Debbie Laderoute, and Seaneen Rudkin-Manning
<u>Staff present:</u>	Darren Wyss, Planning Manager, Associate Planner John Floyd, City Attorney Bill Monahan, and Lynn Schroder, Administrative Assistant

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The meeting video is available on the City website.

**1. Pre-Meeting Work Session**

Staff reviewed technical and procedural matters and outlined the public comment timeline for the upcoming hybrid quasi-judicial hearing.

**2. Call To Order and Roll Call**

Chair Walvatne called the meeting to order at 6:30 pm. Planning Manager Wyss called the roll.

**3. Public Comment Related To Land Use Items Not On The Agenda**

Teri Cummings submitted a comment letter to the Planning Commission regarding an amendment the 2016 Transportation System Plan, the Willamette Falls Drive Concept Plan, and the approval of the 10<sup>th</sup> Street design changes.

**4. Approval of Meeting Notes: [01.19.2022](#), [02.02.2022](#), and [02.16.2022](#)**

Commissioner Carr moved to approve the meeting notes for 01.19.2022, 02.02.2022, and 02.16.2022. Commissioner Pellett seconded. Ayes: Mathews, Pellett, Erwin, Carr, Boggess, and Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0.

**5. Public Hearing: [DR-21-11/MISC-21-14 A Proposal for a Class I Design Review and Alteration of a Non-Conforming Structure to repurpose the existing structures at 1590 Willamette Falls Drive](#)**

Chair Walvatne introduced application DR-21-11/MISC-21-14/SGN-21-20, a Class I Design Review, Alteration of a non-conforming Structure, and Sign Permit to allow the adaptive reuse of a vacant gas and service station into a food cart pod at 1590 Willamette Falls Drive. Walvatne explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to the proposal are Community Development Code (CDC) Chapters 19, 42, 48, 52, 55, 58, 66, 96, and 99.

City Attorney Monahan addressed Planning Commission conflicts of interest, ex parte contacts, and

challenges. Commissioner Erwin declared ex parte contact and conflict of interest in this hearing because of he participated in the March 1, 2022, HRB hearing on this application as a voting member of that board. He recused himself from this hearing on the matter. Commissioner Walvatne declared that he knew one of the applicants but stated that he was unbiased on the application. No Commissioner challenged Commissioner Walvatne 's participation. Commissioner Carr declared that he knew one of the applicants but stated that he was unbiased on the application. No Commissioner challenged Commissioner Carr's participation. Commissioner Mathews declared two site visits. He stated that he did not learn anything that wasn't already on the record. No other Commissioner declared a conflict of interest, bias, or ex parte contact.

City Attorney Monahan asked if there were any challenges to the Planning Commission's ex parte contact, jurisdiction, or impartiality to hear the matter. No public member challenged or objected to the Commissioners' ex parte contact, jurisdiction, or impartiality on the application.

Associate Planner John Floyd presented the staff report. The applicant proposed to reuse of the site as a dining venue to include eight licensed mobile food carts, an indoor pub in the former garage building, and indoor and outdoor seating. The project is located in the Willamette Falls Drive Commercial Design District. The existing gas station was built circa 1970 in the mid-century style and not in Western False Front, making the existing building a non-conforming design in the district.

The proposal is three separate applications combined into a single request. Typically, Class I Design Review is Planning Director's Decision, but Planning Commission must approve the alteration of a nonconforming commercial building. Planning Director has previously determined that the proposal is an eating and drinking establishment permitted in the zone. HRB reviewed the project for compliance with CDC 58 (WFDCDD) and made a unanimous recommendation of approval to the Planning Commission after considering written and verbal testimony in favor of the project.

The applicants proposed to remodel an existing service building to include new glazed overhead doors, new storefront entries at the front and west side, a new utility access door on the rear of the building, new ADA bathrooms, new signage, and lighting, and a new paint scheme. The existing canopy would be retained and used as a cover for outdoor seating. Proposed alterations include fresh paint, new signage and lighting, and the addition of permanent dining counters. Site improvements would include:

- Utility upgrades.
- Concrete and asphalt repair.
- A walk-in cooler.
- A new garbage and recycling enclosure.
- New perimeter fencing.
- Artificial turf within the primary seating area.
- A new pedestrian pathway along the back of the service building

Floyd clarified that the application is not a temporary use because:

- The project includes substantial investment in the restoration and adaptive reuse of site.
- Permanent RV style hookups would provide water, sewer, and electricity to each cart;
- Permanent ADA compliant restroom facilities would be constructed within the existing building;  
and
- Operation is expected to be year-round and not seasonal.

Floyd further noted that onsite parking is not required in the Willamette Falls Drive Commercial Design

District, and the application does not require street frontage improvements on Dollar.

Mary Brennock, John Stromquist, and Kris Tuor presented on behalf of the applicant. The applicant provided the project vision and goals. Kris Tuor discussed the project design. The applicant discussed vendors, business model, and construction timeline. The applicants explained that the onsite food carts would be privately owned by the vendor who would lease the spot for a minimum of one year. The applicant team would actively manage the site and vendors. The site has space for eight 8 x 14 carts. Each cart would be uniquely designed. The lease agreement has specific details about cleanliness and maintenance. The seating capacity is approximately 240 people. They hope to provide a vigorous takeout business. No bike racks are currently included in the design. The site plan consists of a walk-in cooler building to provide storage for vendors as a future design element. They do not plan to construct a cooler in the near term. The storm filter and catch basin are included in the plumbing design. Odors would be controlled by venting filtration. The applicant anticipated that the food carts would closed by 8:00 pm. Noise generated from the site would comply with the City Noise ordinance. The applicant noted that they knew that the City did not have existing food cart regulations, but they incorporated other jurisdiction requirements into their site design. The applicants have targeted some carts opening in June 2022, while the remodel of the pub interior may take longer.

Oral testimony in favor of the proposal was submitted by Rebecca Hollenbeck, Kathie Halicki, Molly Peters, Steve Tagmyer, Ruth Offer, Jerry Offer, Candace Scott, Debbie Laderoute, and Seaneen Rudkin-Manning. Four written comments addressing various issues related to the application were submitted and conveyed to the Planning Commission in two transmittal memorandums by staff dated March 15 and March 16, 2022.

Commissioners asked questions about the Planning Director's determination that the proposed use is an eating and drinking establishment, whether the proposed use is temporary, the condition of approval 3 that would allow the City to partner with the applicant on future improvements, and Chapter 80 unlisted use process.

There were no requests for continuances.

Chair Walvatne closed the public hearing and open deliberations.

The Commission discussed details of the application, including the Planning Director's interpretation, the temporary nature of the business, facility design, parking, bike parking, Condition of Approval 3, and the need for minimum food cart standards.

Vice Chair Mathews agreed with the Planning Director's interpretation that the project, as designed, meets the definition of an eating and drinking establishment because of the nexus of the food carts with the onsite pub and is on the same property that is owned by the pub. Chair Walvatne agreed.

Commissioner Boggess agreed with the staff recommendations and the public testimony supporting the application.

Commissioner Carr supported the application.

Commissioner Matthews moved to approve the application with three condition of approvals set forth by the Planning Department of West Linn in the March 16, 2022 Staff Report. Commissioner Carr seconded.

**Ayes: Pellett, Carr, Boggess, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion**

**passed 5-0-0.**

**6. Planning Commission Announcements**

Chair Walvatne reminded Commissioners to file their annual Oregon Government Ethics Commission disclosure.

**7. Staff Announcements**

Planning Manager Wyss announced the departure of a staff planner. He provided an update on the Athey Creek LUBA case and reviewed the upcoming Planning Commission schedule.

**8. Adjourn**

Chair Walvatne adjourned the meeting at approximately 9:00 pm.