



**PLANNING COMMISSION
Meeting Notes of October 4, 2023**

<u>Commissioners present:</u>	John Carr, Gary Walvatne, Charles Mathews, Kevin Bonnington, Tom Watton, and Joel Metlen
<u>Commissioners absent:</u>	Bayley Boggess
<u>Applicant present:</u>	Scott Sutton, SRG Architect
<u>Public present:</u>	Ian Brown
<u>Staff present:</u>	Planning Manager Darren Wyss, City Attorney Bill Monahan, Senior Planner John Floyd, and Administrative Assistant Lynn Schroder

The meeting video is available on the [City website](#).

Pre-Meeting Work Session

Senior Planner Floyd discussed a procedural question raised in written comments submitted before the hearing. The question concerned whether the Historic Review Board (HRB) should reconsider the revised application before the Planning Commission proceeds with its hearing. The City Attorney agrees that a remand to the HRB is appropriate because the revised application contains a new design exception request within the exclusive jurisdiction of the HRB. City Attorney Monahan discussed the standards and procedures for remanding the proposal to the HRB.

1. Call To Order and Roll Call

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

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

None.

3. Public Hearing (Quasi-Judicial): [DR-23-01, Class II Design Review for a proposed commercial building at 1919/1949 Willamette Falls Drive](#)

Chair Carr introduced application DR-23-01, a Class II Design Review to construct a new commercial building at 1919 & 1949 Willamette Falls Drive. Carr explained the hearing procedures and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to the application are contained in Community Development Code (CDC) Chapter 19, General Commercial, Chapter 41, Building Height, Chapter 46, Off-Street Parking, Chapter 48, Access, Egress and Circulation, Chapter 55, Design Review, Chapter 58, Willamette Falls Drive Commercial Design District; and Chapter 99, Procedures for Decision Making: Quasi-Judicial.

City Attorney Monahan addressed Planning Commission conflicts of interest, ex-parte contacts, jurisdiction, and bias challenges. Member Watton stated that he is also a member of the HRB, but clarified that he recused himself from the HRB hearing for this application. Furthermore, he mentioned that he leases office space from the applicant at a distinct location unrelated to the proposed application. He also pointed out his prior work as an architectural consultant for the applicant on residential projects. He emphasized that he had no involvement in the current application and brought up a recent brief professional conversation with the applicant three weeks before the present hearing.

Commissioner Mathews stated that he drove by the site earlier in the day. No other member made declarations of ex-parte contacts, conflicts of interest, or bias existed.

Monahan asked if any audience member wished to challenge the Planning Commission's jurisdiction, impartiality, or ex-parte disclosures of any members of the Planning Commission. Ian Brown asked Member Watton if his relationship with the applicant would influence his decision. Member Watton replied that it would not.

Senior Planner John Floyd presented the staff report. The applicant is requesting approval of a Class II Design Review to demolish two existing structures, and replacing them with a new 29,00 square feet commercial building at 1919 and 1949 Willamette Falls Drive. The proposal includes underground parking with 33 parking stalls with access from the existing garage on 11th Street.

Floyd explained that the HRB makes a recommendation to the Planning Commission on compliance with Chapter 58, Willamette Falls Drive Commercial Design District for Class II Design Reviews within the District (99.060.D). However, only the HRB has the authority to grant a design exception under Chapter 58.090.

Three design exceptions were originally requested as part of the application considered by the HRB:

- Use of James Hardie fiber cement instead of wood siding and trim;
- Use of brick masonry instead of wood siding along selected portions of the façade; and
- The use of support columns to support an extended metal awning at the corner of Willamette Falls Drive and 12th Street (subsequently withdrawn).

In addition to the design exceptions, the applicant initially requested that the third floor featured in the original application be classified as a mezzanine rather than a complete story. This request was based on the Willamette Falls Drive Commercial Design District requirements, which restrict structures to a maximum height of 35 feet and a maximum of two stories.

On June 13, 2023, the HRB reviewed the application and, with a vote of 3-2, recommended approving DR-23-01 with additional consideration to the 'mezzanine area' by the Planning Commission. The deliberation included a substantial conversation regarding the definitions of a "story," the placement of windows, and the necessary support columns for awnings.

In response to the deliberations and recommendation of the HRB, the applicant submitted a revised plan that reduced the visual impact of the third story, withdrew the request for a design exception for support pillars under the awning, and requested a new design exception to exceed the two-story limit. The updated application includes three requested design exceptions:

- Use of James Hardie fiber cement instead of wood siding and trim (previously approved by the HRB);
- Use of brick masonry instead of wood siding along selected portions of the façade (previously approved by the HRB); and
- Construction of a third story for the enclosure of HVAC equipment and general storage associated with the rooftop deck (not considered as a design exception by the HRB).

Floyd summarized public comments about the proposal related to noise and light, building height, and process and addressed staff findings associated with the public comments.

The HRB has the exclusive authority to grant a design exception under Chapter 58. Because the HRB did not consider the design exception request for a third story, staff recommended that the application be remanded to the HRB to decide the design exceptions and grant a 90-day extension for the application.

Commissioners deliberated on sending the application back to the HRB for further consideration. When queried by Commissioners, City Attorney Monahan affirmed that it was a suitable course of action to remand the application, allowing the HRB to determine the design exceptions.

Scott Sutton, consultant for the applicant, agreed to extend the application for 90 days until February 10, 2024. He commented on the HRB deliberations of the original application and the changes to the application in response to their concerns.

Commissioner Walvatne moved to accept the extension until February 10, 2024. Commissioner Watton seconded. **Ayes: Walvatne, Watton, Metlen, Bonnington, and Carr. Nays: Mathews. Abstentions: None. The motion passed 5-1-0.**

Commissioner Walvatne moved to remand the DR-23-01 to the HRB to consider the design exception for the third story and height of the building. Commissioner Watton seconded. **Ayes: Walvatne, Watton, Metlen, Bonnington, and Carr. Nays: Mathews. Abstentions: None. The motion passed 5-1-0.**

Chair Carr continued the hearing to a later date to receive the remanded recommendation from the HRB.

4. Planning Commission Announcements

Commissioner Walvatne and Chair Carr noted that they will not attend the October 18, 2023 Planning Commission meeting.

5. Staff Announcements

Wyss reviewed the upcoming Planning Commission schedule. Commissioners agreed to cancel the October 18, 2023 PC meeting.

Additional items of interest include:

- A preliminary evaluation of a Community Recreation Center in West Linn is presently underway.
- The City will host an upcoming historic homeowner workshop on October 14, aiming to guide homeowners in listing their residences as potential national or local landmarks.
- The Council has adopted Clear and objective Code updates.
- On October 10, 2023, the Council will hold a hearing on the Planning Commission's recommendation for implementing House Bill 2003.

6. Adjourn

Chair Carr adjourned the meeting at 7:34 pm.



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I wish to provide **Public Comments for non-agenda related item** – (limited to five minutes):

Please specify topic (*required*): _____

I wish to comment on **DR-23-01, Class II Design Review for a New Commercial Building at 1919/1949 Willamette Falls Drive** (limited to five minutes).

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

I do not wish to speak however; I would like to **have standing on DR-23-01.**

REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Laura Secchi

Name of Organization (if applicable): _____

Address: 1920 6th Ave

City: West Linn State OR Zip 97068

Email (optional): lsecchis@yahoo.com

DOR ✓

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REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Dee Deatherage

Name of Organization (if applicable): _____

Address: 1521 11th St.

City: West Linn State OR Zip 97068

Email (optional): _____

DR ✓

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I do not wish to speak however; I would like to **have standing on DR-23-01.**

REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Audra Brown

Name of Organization (if applicable): _____

Address: 1968 6th Ave

City: West Linn State OR Zip 97068

Email (optional): audra brown @ comcast.net



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REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: James Estes

Name of Organization (if applicable): _____

Address: 1992 6th Ave

City: West Linn State OR Zip 97068

Email (optional): jimmyestes@outlook.com

PDR ✓

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REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Yarrow Currie

Name of Organization (if applicable): _____

Address: 1541 11th St.

City: West Linn State OR Zip 97068

Email (optional): yarrowcurrie@yahoo

POK ✓

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I do not wish to speak however; I would like to **have standing on DR-23-01.**

REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Ian Brown

Name of Organization (if applicable): _____

Address: 1968 5th Ave

City: West Linn State OR Zip 97068

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REQUIRED INFORMATION TO HAVE STANDING FOR DR-23-01. PLEASE PRINT:

Name: Al Secchi

Name of Organization (if applicable): _____

Address: 1920 6TH AVE

City: West Linn State OR Zip 97068

Email (optional): AL@SUNSTONE.COM

POB ✓