



Memorandum

Date: April 26, 2017

To: West Linn Planning Commission

From: Jennifer Arnold, Associate Planner 

Subject: Public Testimony for West Linn Planning Commission Public Hearing-Continued
DR-17-01

On April 19, 2017 the Planning Commission held a public hearing for DR-17-01, 2 story commercial building at 0 Willamette Falls Drive (adjacent to 1754). Before closing the record, a continuance was requested and granted as follows:

From April 19, 2017 to April 26, 2017 at 5pm (first 7 day period) the record was held open for new testimony and evidence. This recognized rights for opponents to respond and the applicant to rebut.

From April 27, 2017 to May 3, 2017 (second 7 day period) is open for the public to rebut testimony submitted during the first 7 day period. No new evidence will be accepted during this time.

May 4, 2017 to May 10, 2017 is open for the applicant's final rebuttal of testimony submitted. No new evidence will be accepted during this time.

Attached you will find the public testimony submitted during the first 7 day period (April 19, 2017 to April 26, 2017).

Arnold, Jennifer

From: King, Seth J. (Perkins Coie) <sking@perkinscoie.com>
Sent: Wednesday, April 26, 2017 4:53 PM
To: Arnold, Jennifer
Cc: Thornton, Megan; Boyd, John; danolaw.olsen@gmail.com; Robinson, Michael C. (Perkins Coie); Scot Sutton (ssutton@sg-arch.net); Kevin Godwin (kgodwin@sg-arch.net); trent@domanpcpa.com; jenny@domanpcpa.com
Subject: Willamette Falls Drive Commercial Building (City File No. DR-17-01)
Attachments: 2017.04.26 Ltr to Planning Commission (First Open Record Period).pdf; 16-111_PC TREE EXHIBIT (4-26-2017)final.pdf; Doman (Updated Survey 5-26-2017) F.pdf

Jennifer:

This office represents the applicant for City File No. DR-17-01. Attached find the applicant's first open record period submittal for this matter. Please place a copy of this submittal in the record for this matter and place a copy before the Planning Commission. Thank you.

Seth King | Perkins Coie LLP

PARTNER

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

April 26, 2017

Michael C. Robinson
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VIA EMAIL

Mr. Gary Walvatne, Chair
West Linn Planning Commission
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068

**Re: Class II Design Review Application
City File No. DR-17-01
Applicant's First Open Record Period Submittal**

Dear Chair Walvatne and Members of the Planning Commission:

This office represents PNW Properties, LLC ("PNW"), the developer of the proposed two-story commercial building on Willamette Falls Drive identified as City File No. DR-17-01 ("Application"). This letter and its attachments constitute PNW's first open record period submittal, and it is being timely submitted to City staff before April 26, 2017, at 5:00pm. We have asked staff to place a copy of these materials into the record for this matter. Please consider these materials before making a final decision on the Application.

In the space below, PNW addresses issues and questions that were raised pertaining to the Application and applicable law:

- 1. The Planning Commission should defer to the Historic Review Board ("HRB")'s recommendation that the Application complies with applicable criteria.**

The HRB unanimously recommended approval of the Application. In light of the HRB's expertise in the area of historic preservation and design, the Planning Commission should presumptively defer to the HRB's recommendation to approve the Application and the HRB's recommended conditions.

2. Because CDC Chapter 58 specifically regulates development in the Willamette Falls Commercial District, it controls over the general Design Review standards of CDC Chapter 55 in the event of a conflict between the two chapters.

It is well-settled under Oregon law that when a general provision and specific provision are inconsistent, the specific provision controls. ORS 174.020(2); *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993).

CDC Chapter 58 regulates the design of commercial development in the Willamette Falls Drive (“WFD”) Commercial District in order to implement the comprehensive plan, enhance the aesthetics of the district, and encourage a sense of historic identity. CDC 58.010. CDC Chapter 58 achieves this goal by establishing unique design standards that apply to the WFD Commercial District and not at other locations in the City. Notably, CDC Chapter 58 provides a “clear and objective list of design elements,” not subjective standards. CDC 58.090.A.

CDC Chapter 55 regulates design review in general and implements general design standards. These standards are not limited to a specific geographic area, and they are not intended to encourage a sense of identity consistent with a specific historic era. Further, they are, in many cases, highly subjective in nature.

Thus, as suggested by Commissioner Mathews at the hearing in this matter, the provisions of CDC Chapter 58 are more specific than the provisions of CDC Chapter 55. Thus, in the event of a conflict between the two standards, the provisions of CDC Chapter 58 control. One such conflict is addressed in Section 4 of this letter.

3. The Planning Commission has the authority to approve the variances requested by PNW.

Mr. Connors contends that Applicant has requested three variances but the City only has the authority to approve two variances per year on the subject property, pursuant to CDC 75.050.E. The Planning Commission should deny this contention for two reasons. First, as explained in the staff report, PNW submitted revised plans to respond to the HRB’s recommendation, which eliminated the need for one of the variances. (PNW continues to request a variance to allow a metal awning rather than a vinyl or

canvas awning and a variance to allow 70 percent of the building frontage with pedestrian level windows rather than 80 percent.)

Second, Mr. Connors' contention misconstrues the CDC. The limitation on variances in CDC Chapter 75 does not apply to variances to design review standards in the WFD Commercial District. Design review variances are different than traditional variances because they are regulated by a separate chapter of the CDC, which has separate application procedures and separate approval criteria. Moreover, nothing in the text of CDC Chapter 58 or 75 indicates an intent that the limitation on traditional variances would also apply to limit design review variances.

Further, although Mr. Connors contends that PNW has not adequately justified the variances, he is mistaken. The City may grant a variance to the standards of CDC Chapter 58 when either one of the following criteria are met:

- (1) The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880-1915; or
- (2) The applicant is incorporating exceptional 1880-1915 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship.

CDC 58.100. In this case, both standards are met. As explained in the application, the variances allow for superior design, detail, and workmanship. Alternatively, as the HRB found, approval of the variances will allow alternative development that is correct and appropriate to architecture in the region in 1880-1915. The HRB reached this conclusion based upon period photographs submitted into the record. Mr. Connors does not dispute the accuracy of these photographs.

For these reasons, the Planning Commission should find that the requested variances satisfy applicable criteria.

- 4. Subject to compliance with Condition 5, the Application satisfies the criteria to allow removal of three trees from the Property, or alternatively, the tree removal standards of CDC 55.100.B conflict with, and must yield, to the specific dimensional standards of CDC 58.090.C.**

As explained in the staff report, the Application satisfies the tree removal standards of CDC 55.100.B, subject to compliance with Condition 5 requiring coordination with the City Arborist. City staff reached this conclusion because the subject trees are not heritage trees, and the subject property does not consist of any Type I or II lands. Therefore, PNW is not automatically required to preserve the trees and their related buffers, and the City Arborist, not the Planning Commission, has the ultimate authority to determine whether or not the trees should be preserved.

In the alternative, the Planning Commission should find that CDC Chapter 58 conflicts with, and controls over, CDC Chapter 55 on this subject. The intent of CDC Chapter 58 is to implement historically appropriate standards for this neighborhood, including up to 100 percent lot coverage and 0-foot setbacks at the front and side yards. CDC 58.090.C. As applied to this case, these standards conflict with CDC 55.100.B.2 standards pertaining to tree preservation. Further, because CDC 58.090.C is more specific than the general tree protection standards of CDC 55.100.B.2, the general tree protection standards of CDC 55.100.B.2 must yield to CDC 58.090.C. In short, CDC 55.100.B.2 is not applicable to the Application.

Although Mr. Sutherland contends that the trees extend on to his property and he therefore has a property right to maintain them, the Planning Commission should deny this contention based upon both the facts and the law.

First, as to the facts, the evidence demonstrates that the centerlines of all three trees are located on the subject property. As support for this conclusion, the Planning Commission can rely upon the photographs and survey attached to this letter.

Second, even if small portions of one or more of the trees extend onto Mr. Sutherland's property, this fact does not necessarily give him a property right to maintain that tree or to prevent its removal. Although Mr. Connors contends that the law is clear that Mr. Sutherland has a property right, Mr. Connors is mistaken. Mr. Connors' letter only cites to appellate decisions from other states but none from Oregon. This is because no

Oregon appellate cases have addressed this question. Even if Oregon adopted the majority rule on this issue, that rule does not give the neighbor an automatic property right in the tree; rather, that right only exists if the trunk of the tree (as opposed to simply the roots) straddles the property line, and the right only extends up to the portion of the tree trunk that is located on that owner's property. *Robinson v. Clapp*, 65 Conn 365, 32 A 939 (1895). In the present case, at least two of the tree trunks do not extend onto Mr. Sutherland's property. PNW understood Mr. Sutherland to suggest at the hearing that these two trees did not extend on to his property. Therefore, even under the majority rule, Mr. Sutherland has no rights in these two trees.

Further, with due respect to the City Attorney, PNW disagrees with the analogy he gave the Planning Commission at the public hearing in this matter. In that analogy, Mr. Olsen stated that Oregon law recognizes that an owner may trim an overhanging branch from a neighbor's tree so long as it does not damage the neighbor's tree, and as a result, it is likely that Oregon courts would adopt the majority rule on the issue of a boundary line tree and recognize that an owner cannot lawfully damage a neighbor's tree. But, Mr. Olsen's analogy is not analogous at all: The fundamental premise of Mr. Olsen's example is that it is the neighbor's tree and thus, the neighbor has a property right in that tree. In the present case, as explained above, Mr. Sutherland has not established under the facts that he has a property right in the tree. Therefore, the doctrine outlined by Mr. Olsen is not applicable.

Ultimately, PNW contends that the Planning Commission need not decide the ownership status of the trees. Instead, that can be resolved privately among PNW and Mr. Sutherland. In the meantime, the Planning Commission should find that, subject to compliance with Condition 5, the Application satisfies applicable tree removal standards, or alternatively, such standards are not applicable.

5. Development on the Property cannot be designed to match the adjacent bungalow structures because they do not conform to the WFD Commercial District.

Under the CDC, non-conforming structures are disfavored. See CDC Chapter 66 (providing that if non-conforming structure is destroyed, it may only be rebuilt in compliance with the CDC). As discussed at the Planning Commission hearing in this matter, there are bungalow structures located on the two adjacent properties. These

bungalows do not conform to the WFD Commercial District. As a result, they cannot serve as examples to which new development on the Property should conform. Otherwise, the new development of the Property will not conform to the WFD Commercial District, and the City will not achieve its long-term vision for the WFD Commercial District. Therefore, the Planning Commission should deny contentions that Applicant should develop the Property with a one-story bungalow to conform to the adjacent properties.

6. The approval criteria for the Application are those in effect when the Application was filed.

The Application is a limited land use application and was made complete within 180 days after it was submitted. Further, the City's comprehensive plan and land use regulations are acknowledged. As a result, the Application is only subject to the approval criteria in effect when the Application was submitted. ORS 227.178(3)(a). Additional local laws (including the goals and policies of the Comprehensive Plan, purpose statements for CDC Chapters 55 and 58, and general parking standards) are not approval criteria, and the Application cannot be denied or conditioned for non-compliance with these provisions.

7. Conclusion.

For these reasons, and the additional reasons set forth in the record, the Planning Commission should find that the Application satisfies all relevant and applicable approval standards. Accordingly, the Planning Commission should approve the Application.

Thank you for your consideration of this testimony. PNW reserves the right to submit additional argument and evidence in this proceeding in accordance with ORS 197.763 and the open record periods established by the Planning Commission.

West Linn Planning Commission
April 26, 2017
Page 7

Very truly yours,

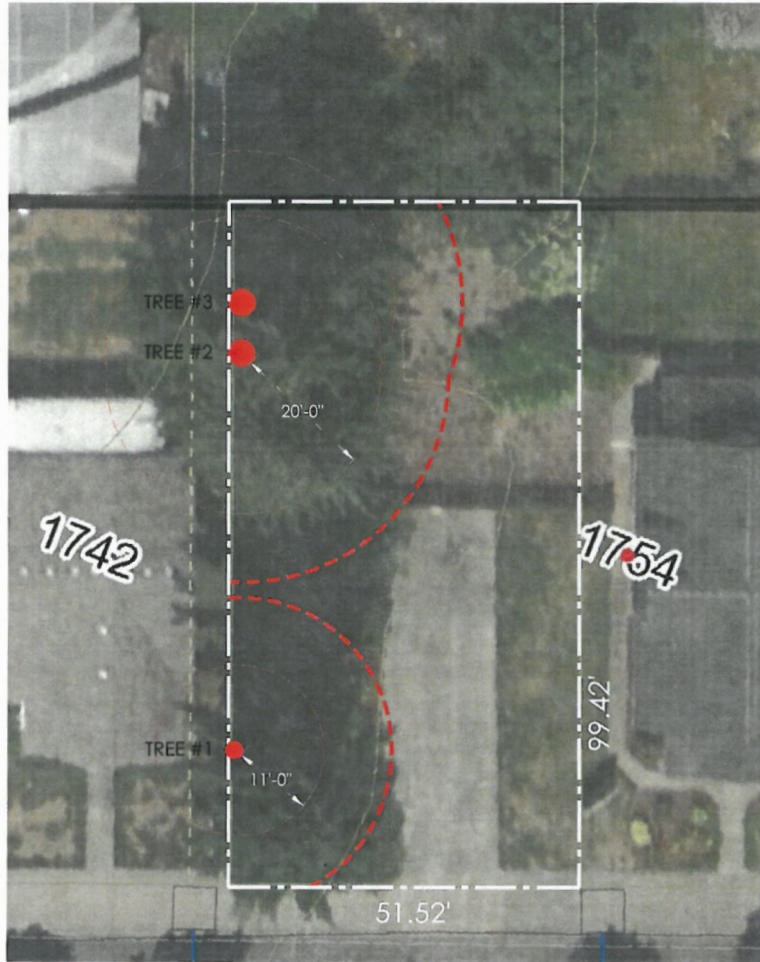
A handwritten signature in blue ink, appearing to read "Michael C. Robinson".

Michael C. Robinson

MCR:rsr

Enclosures

cc: Mr. John Boyd (via email) (w/encls.)
Ms. Jennifer Arnold (via email) (w/encls.)
Mr. Dan Olsen (via email) (w/encls.)
Ms. Megan Thornton (via email) (w/encls.)
Mr. Scot Sutton (via email) (w/encls.)
Mr. Kevin Godwin (via email) (w/encls.)
Mr. Trent Doman (via email) (w/encls.)
Ms. Jenny Doman (via email) (w/encls.)
Mr. Seth King (via email) (w/encls.)



EXISTING SITE PLAN (AERIAL)

LEGEND



EXISTING TREE CANOPY LINE



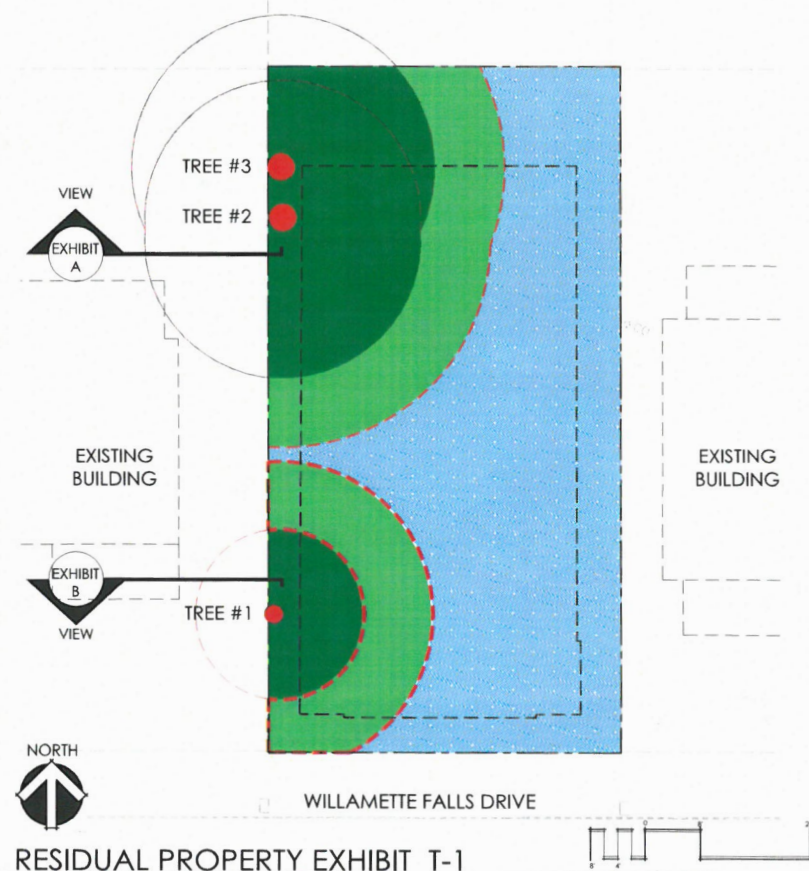
10 FOOT MIN. WIDE TREE DRIPLINE SETBACK
-2,680 sf (47.68 % TAKE - INCLUDING TREE)



RESIDUAL DEVELOPABLE LAND
2,442 sf (52.32 %)

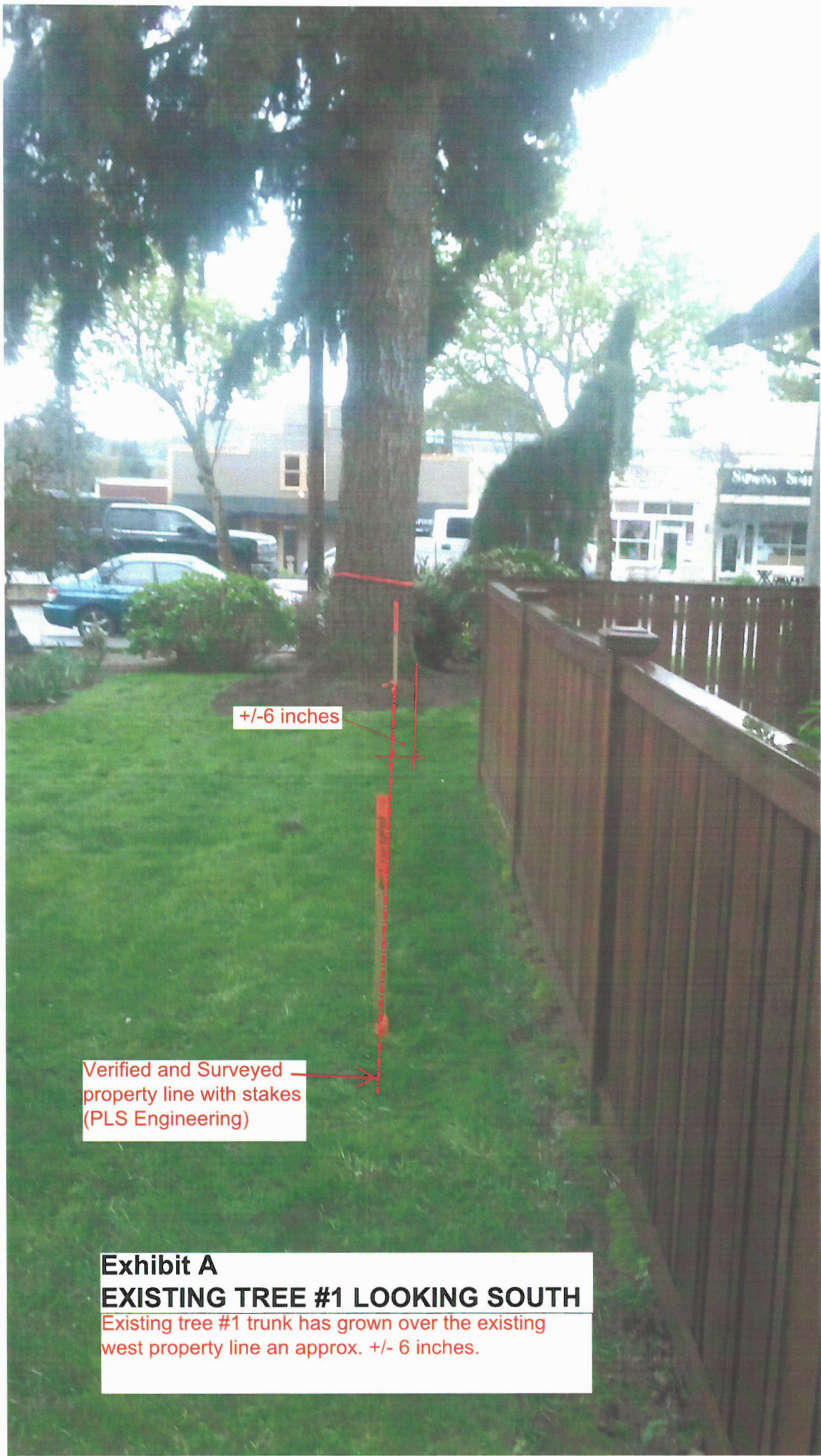
----- PROPOSED BUILDING FOOTPRINT - 3,000 sf

----- PROPERTY LINE (TOTAL PROPERTY AREA = 5,122 sf)



RESIDUAL PROPERTY EXHIBIT T-1

\\SGA\CAD\Layout\2017\Projects\2014\16-111 Doman West Linn\HRB & Design Review (Class B)\16-111_PC (tree demo) revised 24-2017.dwg



+/-6 inches

Verified and Surveyed
property line with stakes
(PLS Engineering)

Exhibit A
EXISTING TREE #1 LOOKING SOUTH

Existing tree #1 trunk has grown over the existing
west property line an approx. +/- 6 inches.



Existing Tree #2

+/-2 inches

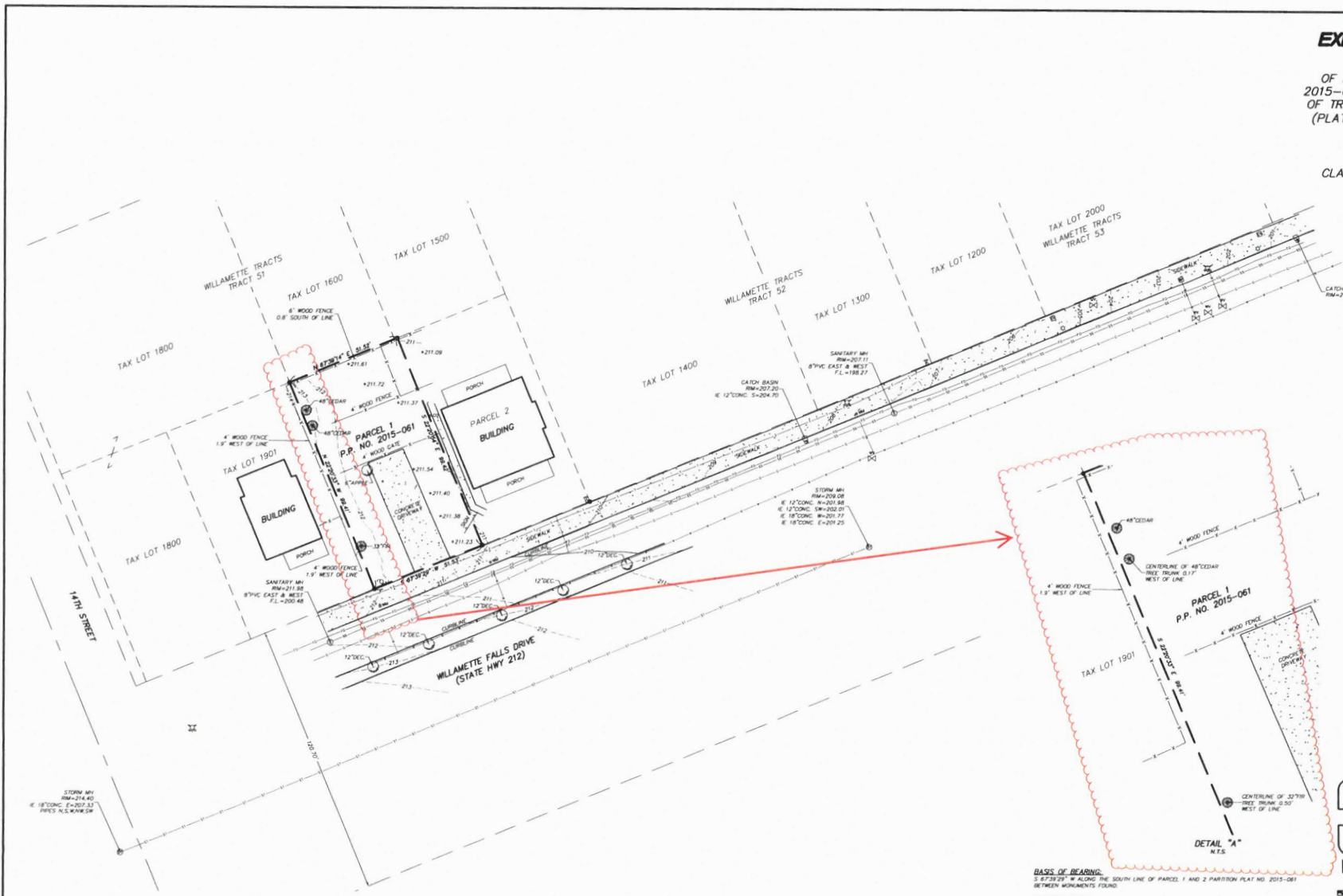
Verified and Surveyed
property line with stakes
(PLS Engineering)

Exhibit B
EXISTING TREE #2 LOOKING NORTH
Existing tree #3 trunk ROOT has grown over the existing west property line an approx. +/- 2 inches.

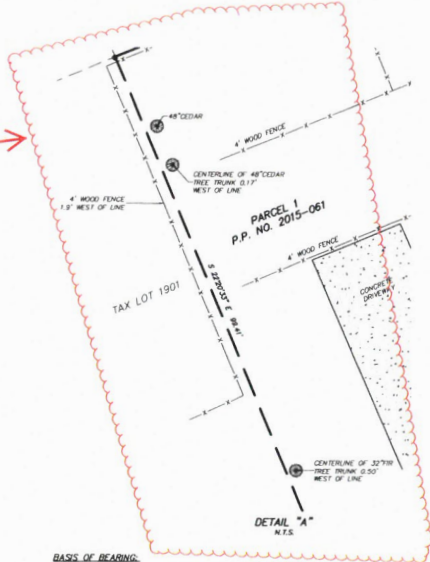
EXISTING CONDITIONS SURVEY

OF PARCEL 1 PARTITION PLAT
2015-061 A REPLAT OF A PORTION
OF TRACT 51, WILLAMETTE TRACTS
(PLAT NO. 147) LOCATED IN THE
NW 1/4 OF SECTION 2
T. 3 S., R. 1 E., W.M.
CITY OF WEST LINN,
CLACKAMAS COUNTY, OREGON

409 NO. 2846
DATA COLLECT: 11-07-16, 11-09-16
DRAWING DATE: 11-09-16
SHEET 1 OF 1



- LEGEND:**
- ⊠ INDICATES WATER VALVE
 - ⊞ INDICATES POWER POLE WITH DIRECTION OF OVERHEAD LINES
 - ⊟ INDICATES FIRE HYDRANT
 - ⊞ INDICATES WATER METER
 - ⊞ INDICATES WATER VAULT
 - ⊞ INDICATES SANITARY SEWER MANHOLE
 - ⊞ INDICATES CATCH BASIN
 - ⊞ INDICATES STORM SEWER MANHOLE
 - INDICATES SIGN
 - ⊞ INDICATES TELEPHONE PEDESTAL
 - ⊞ INDICATES ELECTRIC VAULT
 - ⊞ INDICATES LIGHT POLE
 - ⊞ INDICATES GAS VALVE
 - +214.50 INDICATES SPOT ELEVATION
 - ⊞ INDICATES DOWNSPOUT CLEANOUT
 - ⊞ INDICATES FOUND SURF FROM ROAD R/W/F/C TO UNDERGROUND
 - ⊞ INDICATES EVERGREEN TREE WITH TRUNK DIAMETER AND TYPE
 - ⊞ INDICATES DECIDUOUS TREE WITH TRUNK DIAMETER AND TYPE
 - ⊞ INDICATES FIBER OPTIC LOCATE
 - ⊞ INDICATES GAS LOCATE
 - ⊞ INDICATES SANITARY LOCATE
 - ⊞ INDICATES STORM LOCATE
 - ⊞ INDICATES TELEPHONE LOCATE
 - ⊞ INDICATES WATER LOCATE



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JUNE 30, 1997
DANIEL A. HENTON
2050
Expires 12-31-2018

SCALE 1 INCH = 20 FEET

UPDATED SURVEY
4-26-2017

BASIS OF BEARING:
S 87°29'27" W ALONG THE SOUTH LINE OF PARCEL 1 AND 2 PARTITION PLAT NO. 2015-061 BETWEEN MONUMENTS FOUND

VERTICAL DATUM:
NAVD 88 (GEOID 2011.00) BASED ON REAL TIME KINEMATIC TIES TO NGS PD 101448 EL+130.31

NOTE:
A UTILITY LOCATE WAS CALLED FOR ON 11-04-16 UNDER TICKET NUMBER 1627742. THE UNDERGROUND UTILITIES AS SHOWN HEREON ARE AS MARKED AT THE TIME OF THIS SURVEY. UNDERGROUND UTILITY LOCATIONS SHOWN ARE APPROXIMATE ONLY. UNDERGROUND CONNECTIONS ARE SHOWN AS STRAIGHT LINES BETWEEN SURFACE LOCATIONS BUT MAY CONTAIN BENDS OR CURVES NOT SHOWN. SOME UNDERGROUND LOCATIONS HEREON MAY HAVE BEEN TAKEN FROM PUBLIC RECORDS. M.E.S. ASSUMES NO LIABILITY FOR THE ACCURACY OF PUBLIC RECORDS.

PLS ENGINEERING

Arnold, Jennifer

From: Trent Doman <trent@domancpa.com>
Sent: Wednesday, April 26, 2017 4:53 PM
To: Arnold, Jennifer
Subject: DR-17-01 TESTIMONY
Attachments: DR-17-01 testimony.pdf

Jennifer,

Sorry that this is coming to you so late, but I got back to it as soon as my appointments were over ... and found that my emails weren't coming through.

Trent Doman

[Member of Intuit's Accountant and Advisor Customer Council 2007-2009](#)

Trent Doman, CPA, P.C. • 19860 SE Hwy 212 • Damascus, OR 97089 • 503.658.8157 phone • 503.658.2199 fax • www.domancpa.com

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Wednesday, April 26, 2017

To the City of West Linn Planning Commission:

RE: File Number DR-17-01

As residents of West Linn for 18 years, and as the applicant, we would like to submit our written testimony in an effort to provide our goals and intents as active community members, to add clarifications of matters previously discussed, and to provide a more complete and accurate background and picture of ourselves.

Over 11 years ago, we moved into the Willamette Neighborhood Association. At that time, the Police Department needed some grass roots advocacy in order to gain the communities support during a special election to provide the financial support the Police Department needed. Jenny willingly volunteered and went door to door, to inform, educate, and call the members of the community to action. Her efforts resulted in the largest turn out for a special election in West Linn.

While we've lived in West Linn, each of our three children has been a part of the West Linn School District. During this time, my wife Jenny, was very active in the school PTSA programs as much as possible. Unfortunately, when the kids were still very young, Jenny was seriously injured and ended up enduring seven back surgeries over 6 years. While she was immobilized over these years, the schools and other community members have been a huge support for our family. We feel very fortunate to be a part of such a wonderful school district that provides greater opportunities for our children's success. Our kids scholastic talents range from talented and gifted to a highly functioning borderline autistic behavior struggling to meet the minimum expectations of teachers. As we have met with these highly trained professionals and educators, we have rest assured that are kids are in good hands as we have seen dramatic improvements as needed as a result of the school's efforts.

We've enjoyed watching the Historic Willamette District evolve into what it is today, and we applaud the efforts of so many to take an avid interest in making this area such an attractive and desirable place to be. The family oriented events on Main Street and down at the Willamette Park have been so memorable for us to participate in. Our oldest is an avid dancer and has also enjoyed participating in the community activities in Willamette Park and on Historic Willamette Main Street, by sharing her talents as a dancer to hopefully positively influence others with this Art form of expressions and movements. As she continues to excel in her talents, she hopes to continue to give back to the community by hopefully arranging for more talented famous dancers and choreographers to visit our community for special events.

Over the years, my CPA accounting practice has demanded a lot of hours, especially during tax season. Also, as a result of employees retiring, Jenny has been required to work more hours. Due to our office location, we have struggled finding staff willing to commute as the workforce is sparse or nonexistent at our location. At this current time, we only have myself, Jenny, and one other employee. We have been considering moving our office closer to home to position the

office in a more central location, and more importantly, so that we could be there more for our kid's needs.

During the past year, my wife was diagnosed with cancer. I knew that we needed to make this change happen in order for me to be able to take care of her while she undergoes cancer treatment. In May of 2016, we drove by the commercial lot for sale that is the subject DR-17-01. At that time, we learned from the seller, David Smith that he had gone through the process in July of 2014 to partition the lot in order to sell it. David is a real estate attorney, with expertise in commercial matters, and was able to complete the lot partitioning process on his own. According to city code, lot partitions require a notification to be sent to anyone within a 300 foot radius. In addition to the mailed notification, a lot partitioning notification sign was posted on the property site. As a result, the adjacent property owner, Steven Sutherland was properly notified of the adjacent property lot partitioning that the Seller, David Smith, was in the process of completing.

In addition, at the same time this lot partitioning was taking place, the City in West Linn was offering Tree Conservation Easements as a means in order to preserve trees that may be subject to potential development. Mr. Sutherland nor Mr. Smith completed a Tree Conservation Easement. Instead, Mr. Sutherland has remained silent for nearly three years, regarding his position on the trees along the adjacent property line.

Furthermore, during the Willamette Neighborhood Association meeting on April 12, 2017, Mr. Sutherland stood and testified that Jenny and I had meet with him three years ago and expressed interest to buy the property and we had discussed the property and were looking forward to being neighbors. Jenny was present in the room and was then able to stand and testify otherwise. We have never met with or talked to Mr. Sutherland prior to the time we were first investigating acquiring the property, which was approximately May of 2016.

During this meeting, Steven Sutherland expressed how we misrepresented his position on the ultimate fate of the trees on our property line. Jenny stood and publicly apologized for that misunderstanding. The city arborist and our architect were both at our site location discussing the trees, and the city arborist explained that even though there were two significant trees on the lot, the code and general commercial zoning allows for the removal of the trees. At that time, David Smith the adjacent property owner came out of his building and had a conversation with the architect and city arborist, stating that he would prefer to see the trees come down due to the potential hazards of limbs and branches falling down during storms. The architect understood David to speak and express this concern for both adjacent property owners. This information was relayed to us, and we simply wanted to verify that was the case by sending out an email to both David and Steve requesting that their opinions be submitted to the city. It was at that time when Steve replied back to the contrary. We had no intention of misrepresenting anyone, and therefore, we reached out for confirmation of what was said. Jenny publicly apologized sincerely to Steve during the Willamette Neighborhood Association meeting.

We've become aware of rumors from an unknown source that we are a large corporation looking to come in to West Linn and force their wants and desires upon the community members regardless of what they would want. I formed a single-member LLC in order to

provide legal liability protection for the property and building. This is a substantial investment for my family and is taking every resource we have to complete the entire process. We have been long-time West Linn residents, who support the community in any way that we can.

In regards to the parking situation, we have evaluated and exhausted all possible plans that are within our means and limitations of the size of the lot, and have not been able to accommodate for parking on our lot. At my current office location, we park the equivalent of 1 to 2 blocks away from our office space in order to accommodate for those potential clients who may need to park. We are accustomed to walking and not parking in front of our building space. Even though we are not required to per the city code, we are still investigating other alternatives to providing more parking spaces. Currently, some the adjacent lots to the north on 8th avenue are zoned R10, which do not provide an immediate solution for us to pursue. We urge that the zoning along this street be considered for a change to be more conducive a commercial district's needs.

We feel like our tax accounting practice would provide a complimentary business next to a real estate attorney and a financial advisor (with a CPA designation), as we often times are looking for referrals to these types of professional services to fulfill the needs of our clients.

However, if the Planning Commission does not approve this project, despite the fact that we have met all the criteria, followed the code as laid out before us, and received the necessary approvals to get to this point, then my family would endure an undue extreme financial and emotional hardship. We as residents of West Linn should focus of the true facts and guidance provided in the code in order to ensure that our neighborhoods and historic districts reach the vision as expressed by members of the community, Historic Review Board, and Historic Willamette Main Street.

Sincerely,

Trent & Jenny Doman

2486 Debok Rd. West Linn

Arnold, Jennifer

From: Meyers <tdacm@comcast.net>
Sent: Wednesday, April 26, 2017 4:53 PM
To: Arnold, Jennifer
Subject: 1754 Willamette Falls Drive, application DR-17-01

Hello Jennifer,

I am writing to express concern over the proposed building at 1754 Willamette Falls Drive. The primary concern is the lack of additional parking spaces with this new proposed building. The Willamette area already lacks enough parking, so adding additional office space without additional parking only adds to the parking frustration. Please reject this proposal unless parking spaces can be added.

Thank you in advance,

Debbie Meyers
2220 River Heights Circle
West Linn

Arnold, Jennifer

From: Laura Tucker <lauralatucker@gmail.com>
Sent: Wednesday, April 26, 2017 4:49 PM
To: Arnold, Jennifer
Subject: DR-17-01

Dear Ms. Arnold,

From my understanding, it seems as though changes are being required to DR-17-01 mid-way through the process. This is not right and is unfair. I believe the planning commission should work with the Domans to come to an agreeable solution for all and uphold the requirements that were in place at the start of the process for the Domans. The Domans are long time members of our community who want to move their business to West Linn. I believe this is a good thing and hope that they are able to succeed in what is a dream for their family.

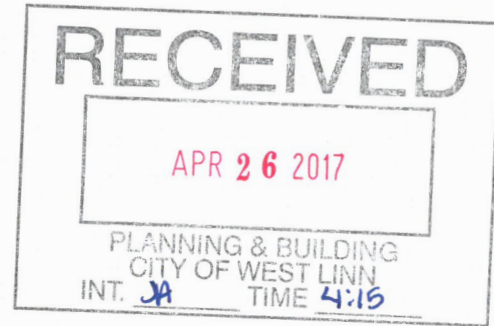
Laura Tucker
1161 Ryan Court
West Linn

April 26, 2017

Via Hand Delivery

Planning Commission -- City of West Linn
22500 Salamo Road
West Linn, OR 97068

Re: DR-17-01 (1754 Willamette Falls Drive)



Dear Commissioners:

In my written and oral testimony at the Planning Commission meeting on April 19, I indicated my belief that one or more of the three significant trees between my property (1742 Willamette Falls Drive) and the proposed development straddled the property boundary line.

I hired Andy Paris & Associates, a local land surveying company with over 60 years of experience to provide a professional opinion. The existing Township Survey pins were used (Partition Plat No. 2015-061). These were from a survey on September 9, 2014, to support the division of the lot at 1754 Willamette Falls Drive into 2 parcels.

The results of the surveyor are as follows: The fir tree closest to the front of the property and the middle (cedar) tree straddle the boundary line both at the basal flair. The back (cedar) tree is entirely on the Applicant's property at the basal flair though the trunk leans over onto my property about 10 feet above the ground. Attached is a signed statement from the surveyor and a map showing the relative position of the trees. Also attached are 7 photos (the first 4 are based on the recent survey work and the last 3 are photos I personally took prior to their work which support their findings). Based upon the City's attorney's summary of law at the April 19th hearing (which confirmed my research), I understand that I am a joint owner of at least the front and middle trees (and possibly the rear tree).

It is unfortunate that better due diligence was not performed early in the process. The clearly visible white stake marking the monument pin at the front of the property has been there since the survey was done in 2014. A line of sight view from front to back clearly shows the fir tree on the boundary line which should've prompted discussion and consideration early on. As I noted in my testimony, I cannot in good conscience provide my permission or support for the removal of these trees based on the design that has been proposed. For this reason, I request that you formally deny the current application.

Respectfully submitted,

Steve Sutherland

1742 Willamette Falls Drive Property Owner

ANDY PARIS & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS

Steve Sutherland
1742 Willamette Falls Dr.
West Linn, Or. 97068

Re: Tree Location Survey

Date: April 26, 2017

Dear Steve,

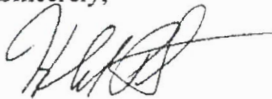
On April 25, 2017 our field crew surveyed the easterly property line of 1742 Willamette Falls Drive in West Linn, Oregon for the purpose of determining the location of three trees in relation to said property line.

In the course of the survey, we found monuments marking said easterly line per Partition Plat No. 2015-061, Clackamas County Plat records. We located the trees with the following results, more particularly shown on the attached map.

We measured to the basal flair, close to the ground and found that the westerly face of the closest tree to the street was westerly of the property line by 0.9 feet. The middle tree westerly face was 0.3 feet westerly of the easterly property line and the farthest tree from the street (most northerly) was entirely on the adjacent property to the east.

The diameter shown on the map are at DBH (diameter at breast height) and are for reference only.

Sincerely,



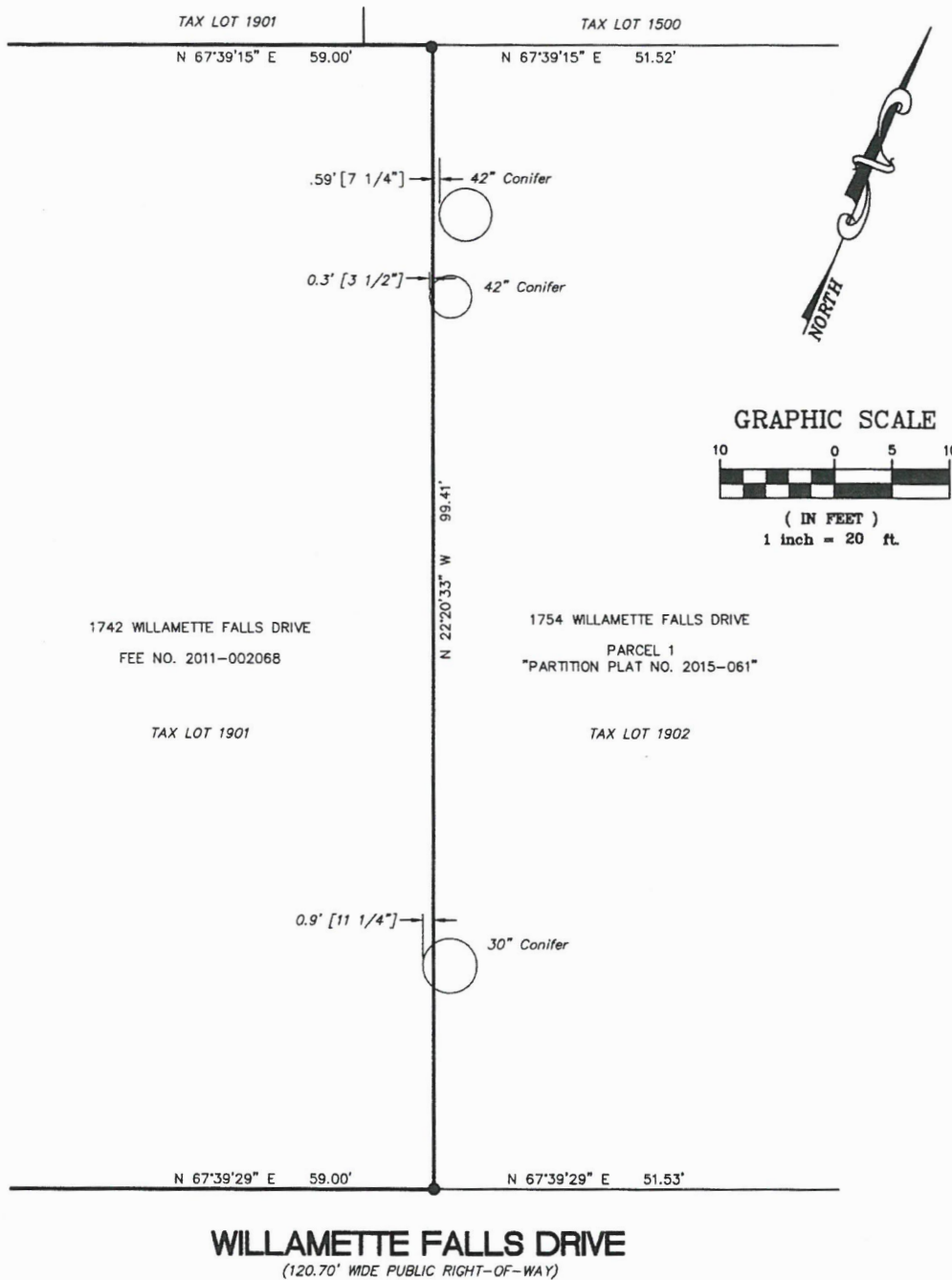
Harold P. (Harry) Salo, P.L.S. 2264
Principal

TREE SURVEY

FOR:
STEVE SUTHERLAND

BEING A PORTION OF TRACT 51, 'WILLAMETTE TRACTS'
IN THE NW 1/4 SECTION 23, T.3S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

TAX MAP 3 1 02BA
APRIL 26, 2017



LEGEND:

- FOUND AND HELD 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TOWNSHIP SURVEYS"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 1987
HAROLD P. SALO
2264
EXPIRES: JUNE 30, 2018

(SINCE 1952)
ANDY PARIS AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
16057 BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
PH: 503-636-3341
www.andyparis.com

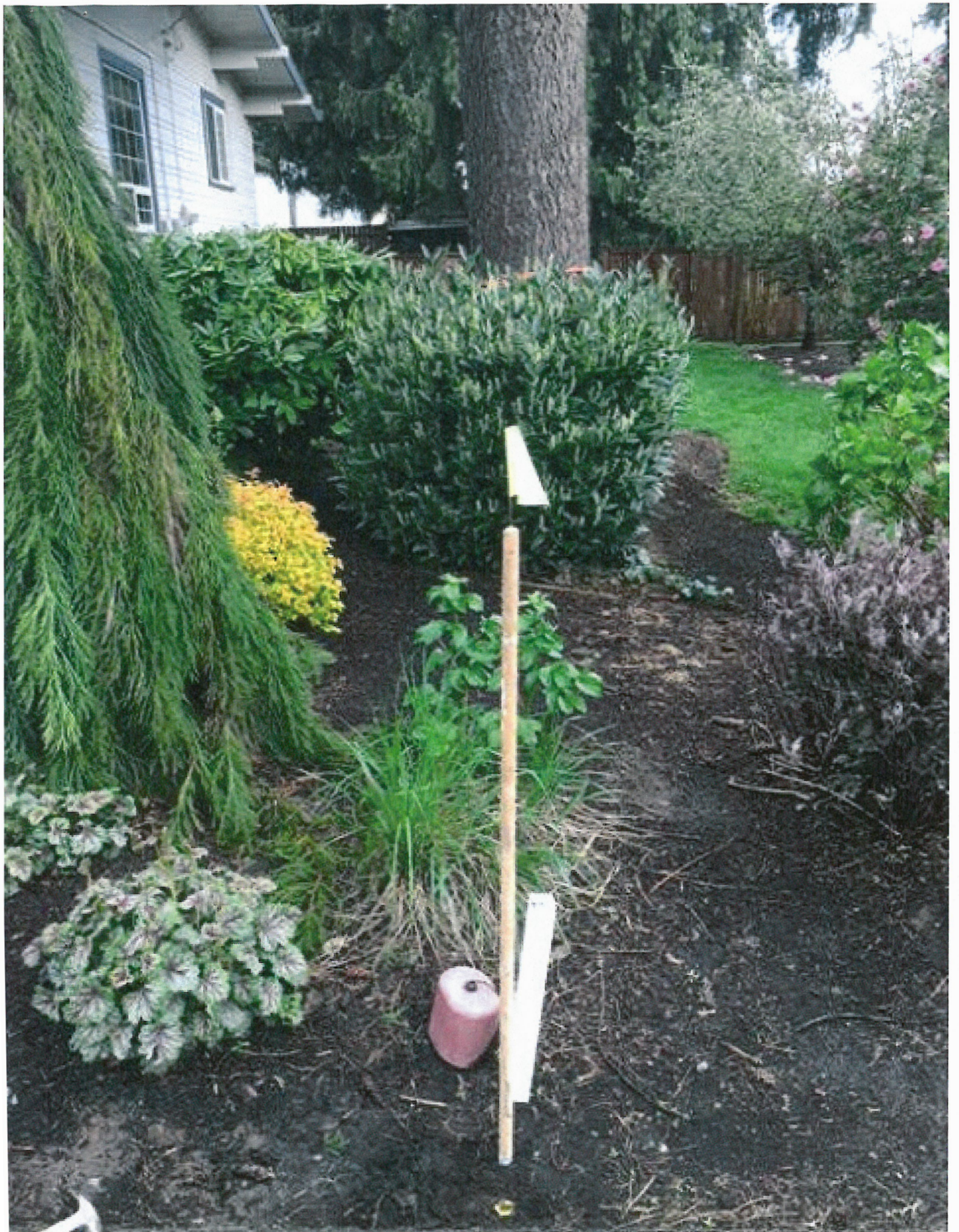
PROJECT: 17098
DRAWING: 1709BEX1.DWG
DRAFTED: MPC 07/11/16














TOWNSHIP
SURVEYS



KENNETH KAUFMANN ATTORNEY AT LAW

1785 Willamette Falls Drive • Suite 5
West Linn, OR 97068

office (503) 230-7715
fax (503) 972-2921

Kenneth E. Kaufmann
ken@kaufmann.law

April 26, 2017

VIA HAND DELIVERY

Planning Commission
City of West Linn
22500 Salamo Road
West Linn, OR 97068

Subject: 1754 Willamette Falls Drive (DR-17-01)



Dear Commissioners:

At the April 19 hearing on DR17-01, most people in the audience and on the Planning Commission expressed concern that the proposed building would not fit well among, or transition well to, the adjacent and nearby structures on Willamette Falls Drive. Whereas all of the existing structures on the block north of Willamette Falls Drive between 12th and 14th (where the proposed building would reside) are of a similar scale and architectural style, the proposed building would stick out among them like a sore thumb. (See **Exhibit A**). Wedging the proposed structure in amongst the coherent fabric of the existing buildings would look like a serious mistake so long as those structures remain standing. None of the existing structures are scheduled to be removed; they are well maintained and likely to remain for decades.

Another issue relevant to the Commission's decision is impact to the Willamette Commercial District as a whole. See West Linn CDC Section 58.010.¹ The adverse impacts to the District from vehicles serving the proposed structure would be significant. The attached aerial photo (**Exhibit B**) shows that the proposed site has access challenges not present elsewhere in the Willamette Commercial District. All buildings on the south side of Willamette Falls Drive have access via a back alley and on-site parking (except for two corner lots which have side street access and parking). On the north side (the side of DR17-01) the lots have either an alley or a private drive with on-site parking. Only the block of the proposed project (north of Willamette Falls Drive between 12th and 14th street) lacks rear access via an alley or private drive.

¹ 58.010 PURPOSE AND INTENT--GENERAL

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

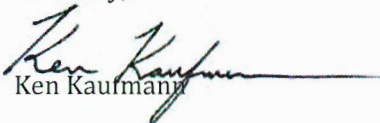
If the Commission approves the proposed building it will be the only large structure in the Willamette Falls Commercial Zone lacking on-site parking and rear or side-street vehicle access. Besides adding demand for approximately 16 parking spaces for occupants, the service vehicles, garbage trucks (including garbage cans on Fridays), will occupy additional parking spaces or else block traffic if parking is not available. It does not appear that anyone has yet considered the unique access challenges the proposed development would face: How do the existing buildings in the District utilize their driveways, alleys, and on-site parking; how will the proposed structure meet those needs with no driveway, alley, or on-site parking; and how well will the District assimilate the resulting new burdens?

Given all of the above, the proposed development does not appear to meet the General criteria of CDC Chapter 58.010 or the specific approval criteria in CDC Chapter 25.070(B). [That subsection requires new structures to complement and support the district, and Chapter 25's requirements supersede conflicting standards elsewhere in the CDC. CDC Chapter 25.020(B)]. The proposed development also appears to lack adequate analysis of vehicle-related impacts to adjacent properties and the neighborhood per CDC Chapter 55.100.I(1).

In sum, the DR17-01 may not be ready for approval at this time, and a more complementary design with a smaller footprint may be a better alternative. A smaller building that blends with the surrounding structures would have fewer off-site impacts and would better conform to the intent of the Willamette Falls Commercial Zone. Chapter 58, Section 58.100, permits a variance where the alternative "is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915" and of a superior design. The criteria permit the Commission to allow a commercial structure that is similar to the existing structures at 1742 Willamette Falls Drive and 1720 Willamette Falls Drive, both of which were constructed prior to 1915. See **Exhibit C**. A structure of such style and scale would better serve the intent of Chapter 58, as set forth in 58.010, and would mitigate the otherwise significant negative vehicle-related impacts.

Thank you for your time and consideration.

Sincerely,


Ken Kaufmann

Enclosure

- Exhibit A--Google Street View photos of adjacent structures
- Exhibit B--Google aerial view of Willamette Falls Commercial Zone
- Exhibit C--State Historic Preservation Office reports on adjacent historic properties

EXHIBIT A1

KEY MAP SHOWING PROPOSED PROJECT DR17-01 AND ADJACENT STRUCTURES

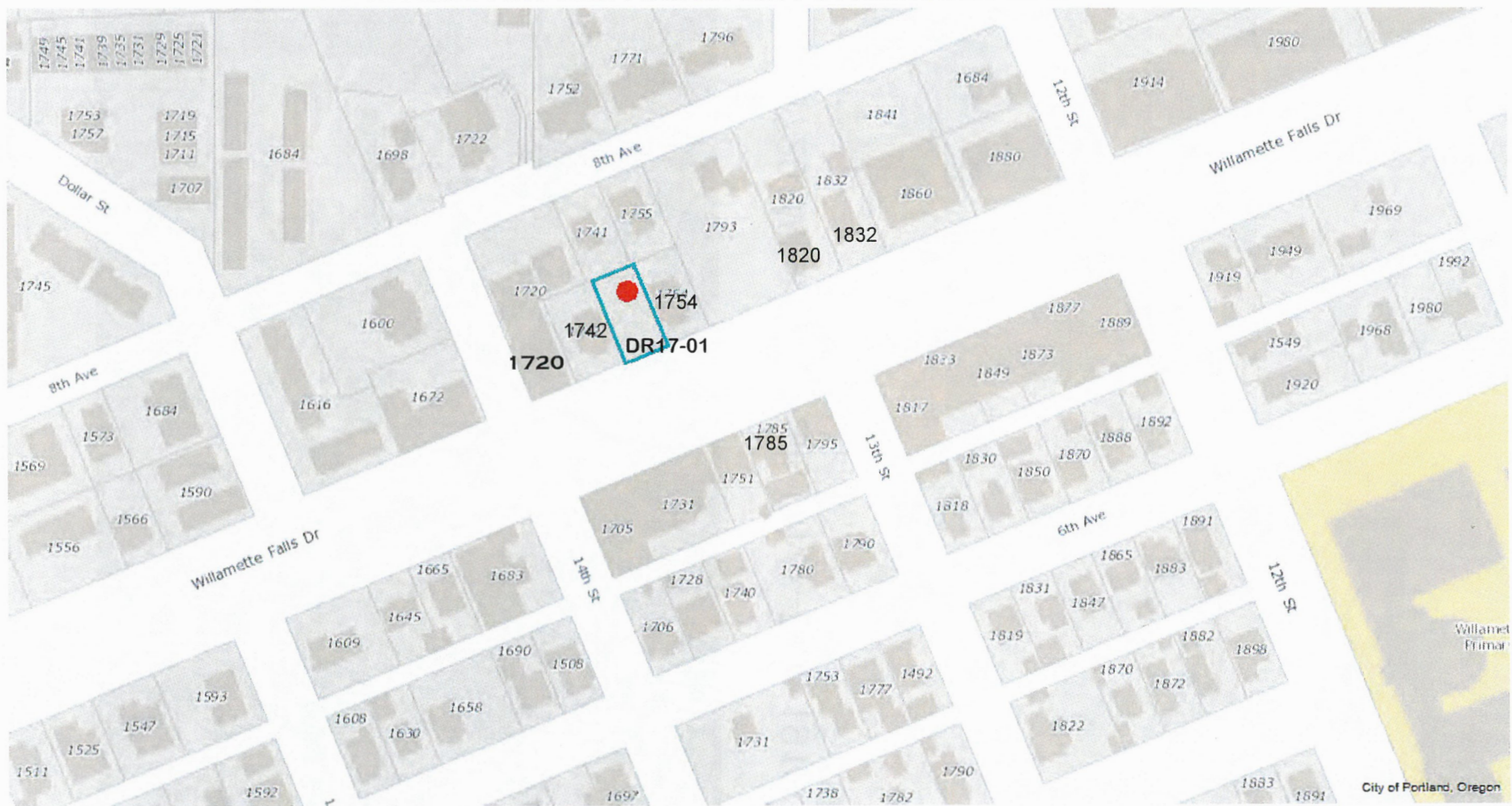


Exhibit A-2



Image capture: Oct 2012 © 2017 Google

West Linn, Oregon
Street View - Oct 2012

1720 Willamette Falls Drive--Built 1913

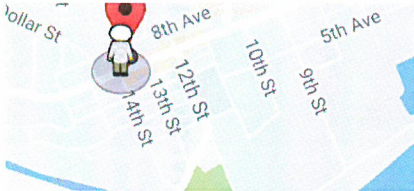




Image capture: Aug 2016 © 2017 Google

West Linn, Oregon
Street View - Aug 2016

1742 Willamette Falls Drive--Built 1914

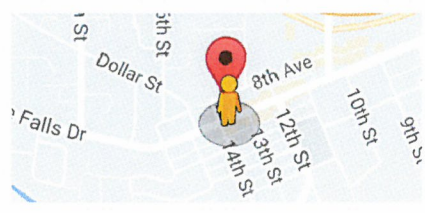




Image capture: Aug 2015 © 2017 Google

West Linn, Oregon

Street View - Aug 2015

1754 Willamette Falls Drive--Built 1920





Image capture: Aug 2016 © 2017 Google

West Linn, Oregon
Street View - Aug 2016

1820 Willamette Falls Drive--Built 1935

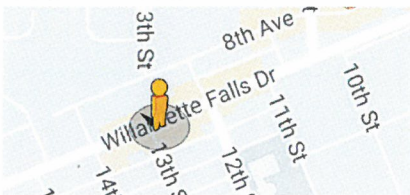




Image capture: Aug 2015 © 2017 Google

West Linn, Oregon

Street View - Aug 2015

1832 Willamette Falls Drive--Built 1921

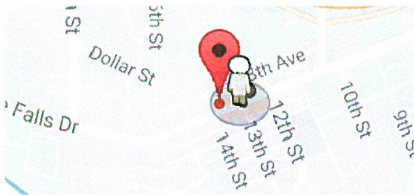


Exhibit A-7

Google Maps



Image capture: Oct 2012 © 2017 Google

West Linn, Oregon
Street View - Oct 2012

1785 Willamette Falls Drive--Built 1895

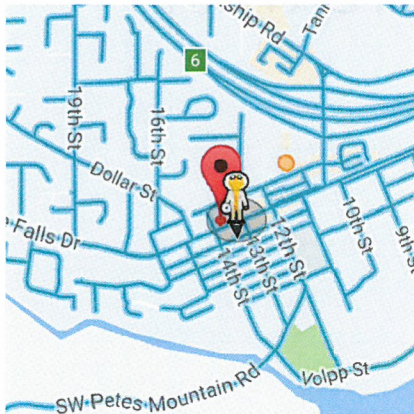


Exhibit A-8



Image capture: Aug 2016 © 2017 Google

West Linn, Oregon

Street View - Aug 2016

Across Willamette Falls Drive from DR17-01

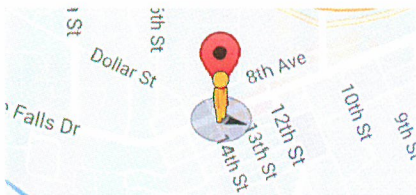


Exhibit A-9



Proposed new commercial office space to be located. next.to.1754 Willamette Falls Drive (DR 17-01, City of West Linn)

Submitted to Jennifer Arnold, Associate Planner (jarnold@westlinnoregon.gov).

Exhibit B--Aerial View of DR17-01 Site

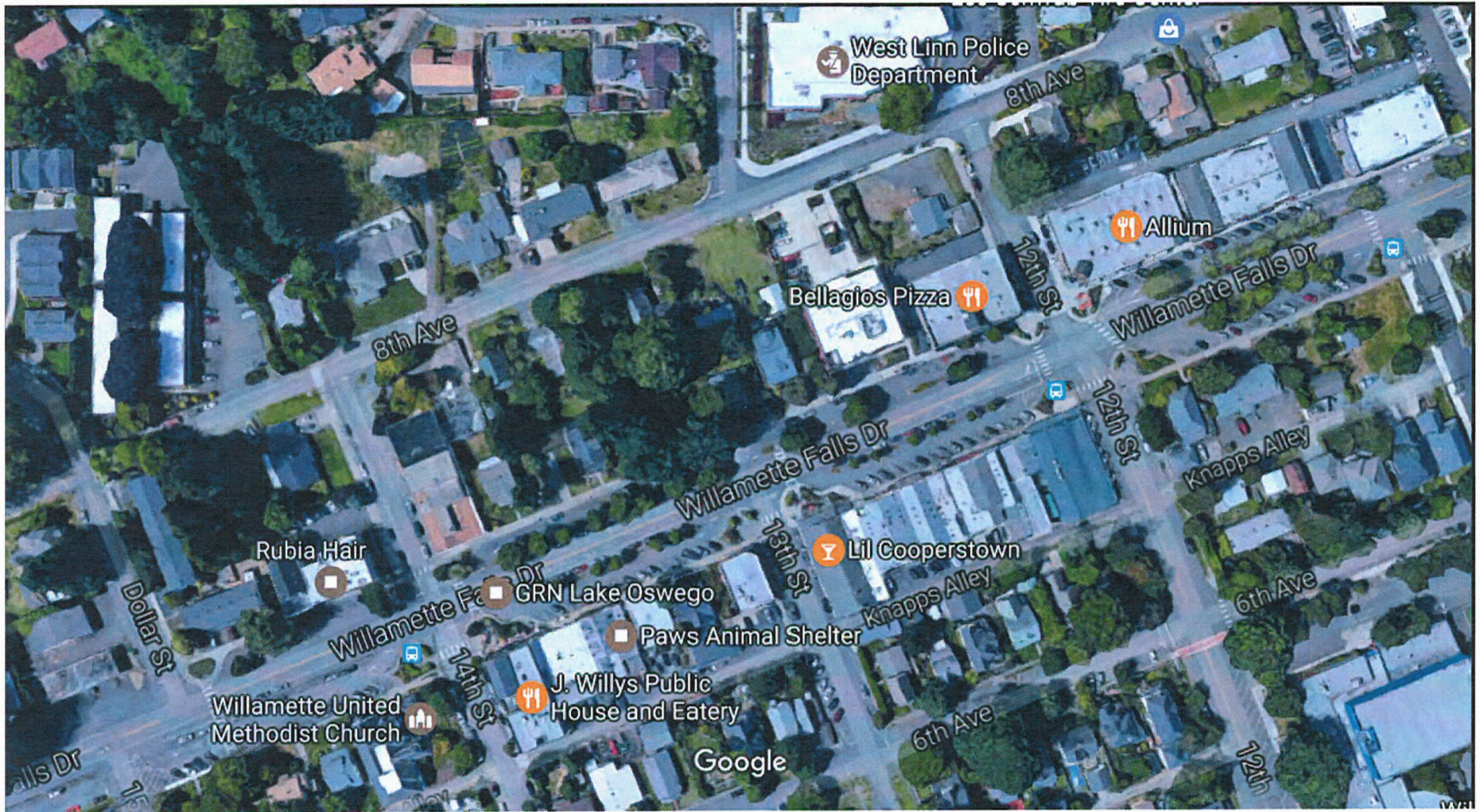


Exhibit C-1

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1720 Willamette Falls Dr West Linn, Clackamas County	historic name:	Willamette General Store
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	3S 1E 2
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	c.1913	total inelig resources:	0
		NR Status:	
		date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:	Specialty Store	prim style comments:	
primary style:	Bungalow (Type)	sec style comments:	
secondary style:		siding comments:	
primary siding:	Horizontal Board	architect:	
secondary siding:		builder:	
plan type:	Bungalow		
comments/notes:			
Winterbrook study says 1913 date built Addition to east			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
West Linn, Willamette Falls Neighborhood, RLS 2008	Survey & Inventory Project		2008
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	10/29/2008	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Exhibit C-2

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1742 Willamette Falls Dr West Linn, Clackamas County (97068)	historic name:	Batdorf-Buckles House
assoc addresses:	1742 7th Ave	current/other names:	Buckles, Albert William, House
location descr:		block/lot/tax lot:	51 / 2/3 of S 1/2 of 51 / 3/1E/02BA 1900
		twshp/rng/sect/qtr sect:	3S 1E 2
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.0
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	c.1914	NR Status:	
		total inelig resources:	0
		date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	low-pitched intersecting gable
second orig use:	Business	prim style comments:	
primary style:	Bungalow (Type)	sec style comments:	
secondary style:		siding comments:	Varigated Shingles
primary siding:	Shingle	architect:	
secondary siding:		builder:	
plan type:	Bungalow		
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
West Linn RLS 2008	Survey & Inventory Project		2008
West Linn, Willamette Falls Neighborhood, RLS 2008	Survey & Inventory Project		2008
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	10/29/2008	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
<p>Decorative Features: gabled single bay front porch with massive square posts and ornamental truss; exposed rafters Other: Multi-light front door; enclosed back porch This house is one of numerous Bungalow style houses that were built throughout West Linn in the early decades of the 20th century. It is significant for being a well-preserved example of the style. The only apparent alterations appear to be the replacement of some windows. Characteristic features of the Bungalow style include the intersecting gable roof with exposed rafters, varigated shingle siding, and a projecting, single-bay porch with massive square posts and decorative truss. The house is located on the north side of 7th Avenue, a moderately trafficked road, in the center of the Willamette District commercial area.</p>			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
<p>T.J. Gary originally bought the property from the Willamette Land Company in 1905. The property was mortgaged to local builder Noah Herren in 1914, it is believed that this is the date of construction. In 1917 George and Clara Batdorf purchased the property from Gary. The Batdorfs owned the property to at least 1927. It is assumed that the Batdorfs resided here during that time. George and Samuel ran the Batdorf Brother's General Merchandise store in willamette for over fifteen years. In 1930 the property was purchased by Albert B. Buckles. Buckles was married to Della Hathaway Batdorf. Born in Fontany, Kansas, in 1896, Buckles came to Oregon City where he established Buckle's Feed and Grain business, later expanding into the grocery business. A civic minded leader, buckles served on the City Council for four years, was treasurer of the Rosemont Community Club and an active member of the Elks lodge. Many of the City business' and offices closed out of respect for Buckles on his funeral. BIBLIOGRAPHY: Clackamas Co. rural Directory 1907, Oregonian, 13 March 1972, p. Sohns & Woodbeck, Clackamas Co. Directory 1916-17, TICOR Title Co. Records, Oregon City, Oregon. U.S. Census Records, 1910, 1920, 1930. DATE: 4/88 PREPARED BY: Koler/Morrison Consultants</p>			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Exhibit C-3

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1754 Willamette Falls Dr West Linn, Clackamas County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twncshp/rng/sect/qtr sect:	3S 1E 2
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	c.1920	second date:	
		total inelig resources:	0
		NR Status:	
		date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Bungalow (Type)	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Shingle	siding comments:	
secondary siding:			
plan type:	Bungalow	architect:	
		builder:	
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
West Linn, Willamette Falls Neighborhood, RLS 2008	Survey & Inventory Project		2008
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	10/29/2008	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Exhibit C-4

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1832 Willamette Falls Dr West Linn, Clackamas County	historic name:	Young, Mildred F, House; Maximum Health Clinic PC
assoc addresses:	1832 7th Ave	block/lot/tax lot:	52 / E 1/3 of block / 3/1E/02BA 1200
location descr:		twshp/rng/sect/qtr sect:	3S 1E 2
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	c. 1921	NR Status:	
		date indiv listed:	
primary orig use:	Single Dwelling	total inelig resources:	0
second orig use:	Business		
primary style:	Bungalow (Type)	orig use comments:	
secondary style:		prim style comments:	roof form: gable
primary siding:	Horizontal Board	sec style comments:	
secondary siding:	Shingle	siding comments:	varigated shingles
plan type:	Bungalow	architect:	
		builder:	
comments/notes:			
Winterbrook study says 1921 for yr blt			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
West Linn RLS 2008	Survey & Inventory Project		2008
West Linn, Willamette Falls Neighborhood, RLS 2008	Survey & Inventory Project		2008
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	10/29/2008	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
<p>Decorative Features: Massive rafter ends; varigated shingles Recessed full-width front porch with battered supports an polychrome brick pedestals and balustrade; rectangular bay window This House is one of numerous Bungalow style houses that were built throughtout West Linn in the early decades of the 20th century. It is significant for being a well-preserved example of the style. There are no apparent alterations to the exterior of the house. Characteristic features of the Bungalow style include the gable roof, horizontal lap and varigated shingle siding, and a full-width front porch with battered supports on polychrome brick supports. A contemporary garage with carport is located to the east of the house. The house is located on the north side of 7th Avenue, a moderately trafficked road, in the center of the Willamette District commercial area.</p>			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
<p>Title company records indicate that the Willamette Falls company sold the property to Robert W. Baker in f1904. Baker retained ownership until 1921 when he sold the property to Glen Epler. It is believed that Baker was the original owner at the time of construction. It is unclear whether or not he lived in the house or not. The property changed hands several times, Emil Volpp purchased it in 1928. Volpp, an employee of Crown-Willamette Paper Co., resided in the house until 1933. The house remained in the family until 1952. BIBLIOGRAPHY: Clackamas Co. Probate Records, County Court House, Clackamas Co. Rural Directory, 1907 Sohns & Woodbeck, Clackamas Co. Directory 1916-17. TICOR Title Co. Records, Oregon City, Oregon. DATE: 4/88 PREPARED BY: Koler/Morrison Consultants</p>			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Cultural Resource Survey Form:

CLACKAMAS COUNTY

T. D. NUMBER WL-2-728

PHOTO INFORMATION:

ROLL: XXVI
 FRAME: 10

STUDY AREA: WEST LINN
LEGAL: T. 3S R. 1E SEC. 2BA
TAX (LOTS): 2300
ZONE _____ SIZE .23

WF B. 8L 1,2

IDENTIFICATION:

COMMON/HISTORICAL NAME: JOHNSON RESIDENCE
ADDRESS: 1785 S. W. 7th Avenue AREA: West Linn
CURRENT OWNER: GEORGE R. ELLIGSEN USE: Residence
OWNER'S ADDRESS: Same West Linn 97068
ORIGINAL OWNER: _____ USE: Residence
AREA OF SIGNIFICANCE: TOWN: X COUNTY: _____ CITY: _____ NATION: _____

HISTORIC INTEREST:

THEME: Architecture - 19th Century DATE: ca. 1895
DESCRIPTION: A former owner and possible original owner was Wm. Pierce Johnson (1901).

ARCHITECTURAL INTEREST:

STYLE: Queen Anne STORIES: 2
DATE: ca. 1895 CONDITION: Good ARCHITECT: _____
SIDING: Wide shiplap with corner boards and pattern shingles in gable peak.
ROOF: Cross gable with gable ornament and decorative bargeboards.
DOORS: _____
WINDOWS: 1/1 double-hung with plain molding.

MAIN ENTRANCE: Encircling porch with hip roof supported by turned posts and plain balustrade.

NOTES:



BIBLIOGRAPHY:
47 Bk. 3 p. 171

DATE: 1/12/84
RECORDER: HAYDEN/ALTIER



Hathaway Koback
Connors LLP

520 SW Yamhill St.
Suite 235
Portland, OR 97204

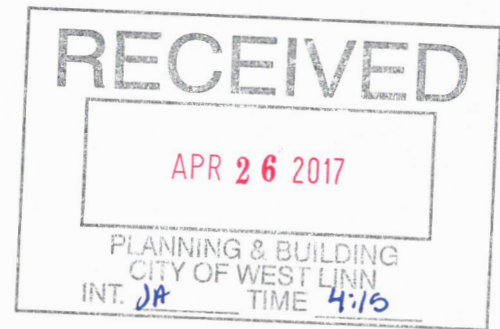
E. Michael Connors
503-205-8400 main
503-205-8401 direct

mikeconnors@hkcllp.com

April 26, 2017

VIA EMAIL

Planning Commission
c/o Jennifer Arnold, Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068



Re: File No. DR-17-01
Class II Design Review – New Two-Story Office Building
My Client: Sutherland Properties, LLC
Supplemental Evidence

Dear Commissioners:

As you know, this firm represents Sutherland Properties, LLC (“Sutherland”), which owns and operates a business on the property located at 1742 Willamette Falls Drive, West Linn, OR, adjacent to the property for the above-referenced Class II Design Review Application to approve an approximate 6,000 square foot, two-story office building (the “Application”). Pursuant to the post-hearing procedures established at the April 19, 2017 hearing, we are submitting these additional written comments and attached documents to supplement our previous comments.

This letter addresses two key issues discussed during the April 19 hearing, and raises a significant new issue that puts the entire project into question. First, we submitted additional information that clearly shows that at least two, and likely all three, of the significant trees are located partially on Sutherland’s property based on the survey monument pin located on the property and a surveyor’s opinion recently obtained by our client. Our survey research also revealed a discrepancy with the applicant’s site plans that indicates that the applicant may be using the wrong property line for the entire project. Second, we addressed the interplay between CDC Chapter 55 and 58 and demonstrated that CDC Chapter 58 does not require a building substantially larger in size and scale to the adjacent buildings and does not supersede the design review standards in Chapter 55.

1. The survey monument pin and additional survey information demonstrate that the significant trees are located on Sutherland's property and reveal a discrepancy with the applicant's site plans.

At the April 19 hearing, Commissioner Mathews noted that there is a property boundary stake located in front of the large fir tree the applicant is proposing to remove that clearly shows a significant portion of the trunk is located on Sutherland's property. The City attorney, Dan Olsen, confirmed our legal position that a tree whose trunk straddles the property line is owned jointly by both affected property owners and cannot be removed without the consent of both property owners. Therefore, if any portion of the significant trees are located on Sutherland's property they cannot be removed and require the applicant to redesign the project in a way that accommodates these trees.

Mr. Sutherland submitted a separate letter and photographs that clearly demonstrate that the stake represents the property line and at least two of the significant trees, and possibly all three, are located partially on Sutherland's property. Mr. Sutherland's photographs show that the stake is located directly in front of a yellow survey monument pin labeled "Township Surveys". The legend for the Plat Map that created the applicant's property, Partition Plat No. 2015-061, notes that the property corner monuments are set with a "yellow plastic cap marked 'Township Surveys'". The Partition Plat Map is attached as Exhibit A. This information proves that the monument pin and the stake located directly behind it represent the property line between the applicant and Sutherland's properties. As Commissioner Mathews noted at the hearing and Mr. Sutherland's photographs show, there is no question that a portion of the large fir tree trunk immediately behind the stake is on the Sutherland property. Additionally, Mr. Sutherland hired a surveyor (Andy Paris & Associates) to provide an opinion and the surveyor confirmed that at least two of the significant trees are located on the Sutherland property. Since the two significant trees in the back are considered a grove, it is highly likely that one tree cannot be removed without the other. Therefore, none of the significant trees can be removed without our client's consent.

Our research into the survey revealed another discrepancy in the applicant's material. The applicant's site plans show the property line between the applicant and Sutherland's properties lining up directly with the property line between the properties immediately to the north.¹ The Plat Map, however, reveals that these property lines do not line up. *See* Exhibit A. The property line between the applicant and Sutherland properties is further to the east. The County Assessor's Tax Map, attached as Exhibit C, is consistent with the Plat Map and confirms that the property line between the applicant and Sutherland properties is further to the east in comparison to the property line dividing the adjacent properties to the north. This discrepancy could explain why the applicant mistakenly believes all three significant trees are entirely on their property if these drawings inaccurately show the property line further west than its actual location.

¹ We included copies of one of the applicant's site plan drawings with circles showing the areas where the applicant shows the property line running north/south between the applicant and Sutherland's properties lining up directly with the property line between the properties immediately to the north. Attached as Exhibit B. All of the site plan drawings show this same thing.

We do not know if these discrepancies between the applicant's site plans and the Plat Map and County Assessor's Tax Map are explainable, inadvertent or intentional, but it is certainly a troubling pattern considering the applicant's misrepresentations about Mr. Sutherland's position on the significant trees. As Commissioner King noted at the April 19 hearing, the Revised Application included the following justification for removing the significant trees: "The adjacent property owners on both sides of this property have shared their concerns with the Applicant that whenever there is a major storm or ice conditions they suffer roof damage and/or major site clean-up on their building/sites. They have expressed their support for the removal of these trees in order to ensure a safe environment..." Revised Application, dated February 15, 2017, p.4. (Emphasis added). As we previously explained, this statement is false and misleading in several respects. It was submitted five days before the applicant sent Mr. Sutherland a February 20 email. It was also inaccurate. Mr. Sutherland's February 20 response email stated that these trees had not been a problem, he was not concerned about potential damage, he actually liked the trees and did not support their removal. The applicant representative's claim at the April 19 hearing that this statement was not intended to represent Mr. Sutherland's position is undermined by the highlighted language noted above ("adjacent property owners on both sides of this property") and the fact that the applicant subsequently sent the February 20 email to Mr. Sutherland. The applicant clearly understood that Mr. Sutherland was the adjacent property owner who would be most affected by the removal of these trees. Even if the applicant had been confused at that time, which seems unlikely, at a minimum the applicant should have corrected its misstatement after receiving the February 20 email response from Mr. Sutherland. The applicant never corrected this statement until Commissioner King pressed the applicant on this issue at the April 19 hearing.

The new evidence demonstrating that the significant trees are located partially on Sutherland's property and the discrepancies in the site plans not only raise doubts about the proposal to remove the significant trees, they raise serious doubts about the entire project. The applicant cannot remove or rely upon the removal of any of the significant trees until it proves that the entire tree trunk is located on its property. The applicant's evidence on this point has been contradicted by the more reliable and objective evidence we provided and is questionable given the discrepancy between the site plans and the Plat Map and County Assessor's Tax Map. The applicant will be required to modify the proposed building if *any* of the trees are required to remain, so this issue has to be resolved before the project can be approved. The discrepancies with the site plans also raise questions about the accuracy of the building envelope and the setback from the Sutherland property. The Planning Commission certainly cannot approve the Application unless and until these discrepancies are completely resolved.

It is also important to remember that the applicant did not want to take the time to make sure that this important issue was done correctly. Mr. Sutherland wanted to continue the hearing and allow for time so that he could get a surveyor to confirm the significant trees location in proximity to the property line. But the applicant refused to grant the City an extension to the 120-day deadline and insisted on moving forward based on the written record. So the applicant is not entitled to the benefit of any doubt with respect to these discrepancies because it chose to move forward with these serious questions unanswered.

2. CDC Chapter 58 does not require a building substantially larger in size and scale to the adjacent buildings and does not supersede the design review standards in Chapter 55.

At the April 19 hearing, the applicant argued that CDC Chapter 58 requires the City to approve a building substantially larger in size and scale to the adjacent buildings notwithstanding the contrary requirement in CDC 55.100(B)(6). CDC 55.100(B)(6)(a) provides that the “proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites.” (Emphasis added). CDC 55.100(B)(6)(b) provides that the proposed buildings must “architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings.” (Emphasis added). It is important to emphasize that these requirements apply specifically to the adjacent and adjoining properties, not the broader general area as the applicant suggested at the April 19 hearing.

Despite the fact that the Application is a Design Review application clearly subject to the Design Review requirements of CDC Chapter 55, the applicant argued that the City is required to approve a building substantially larger than the adjacent buildings because: (1) CDC Chapter 58 requires the proposed size building or the maximum size possible; and (2) CDC Chapter 58 overrides or supersedes the requirements in CDC Chapter 55. Both of these claims are wrong and inconsistent with the plain language of the code

CDC Chapter 58 does not compel the applicant to develop this large of a building on the property, and similar to CDC 55.100(B)(6) specifically requires the applicant to take into account the size of the adjacent structures. First of all, CDC Chapter 58 does not impose a minimum or specific size requirement. The only section in CDC Chapter 58 that addresses the size or dimensions of new buildings is CDC 58.090(C)(1). CDC 58.090(C)(1)(a) imposes a zero-foot front setback, but it specifically provides that the building can be set back further if “it is consistent with predominant building line.”² (Emphasis added). CDC 58.090(C)(1)(b) allows for a zero to 6-foot side setback, but is specifically provides that the “setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it.”³ (Emphasis added). CDC 58.090(C)(1)(c) allows for a zero to 20-foot rear setback, but “only if the applicant can demonstrate that he or she can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.”⁴ (Emphasis added). CDC 58.090(C)(1)(d) provides that “up to 100 percent of lot may be developed,” which means that it is permissive and not mandatory, but it specifically limits the lot coverage “depending upon ability to mitigate impacts upon abutting residential and other uses.” So not only is the applicant wrong in claiming that CDC Chapter 58 requires the proposed size building or the maximum size possible, it specifically requires the applicant to consider the compatibility with the adjacent structures similar to CDC 55.100(B)(6).

Moreover, the applicant’s claim that CDC Chapter 58 supersedes Chapter 55 and allows the City to ignore CDC 55.100(B)(6) is not consistent with the plain language of the CDC. There is

² Both adjacent buildings and several other buildings on this side of the street are setback from the street, and therefore the predominate building line is further back.

³ Both adjacent buildings have significantly larger side setbacks.

⁴ Both adjacent buildings have significantly larger rear setbacks.

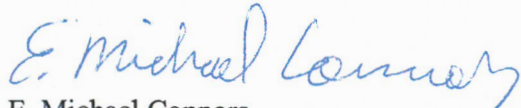
nothing in CDC Chapter 58, Chapter 55 or anywhere else in the code that provides that Chapter 58 supersedes Chapter 55 or any other code section. To the extent the City intended certain code criteria to supersede other sections of the code, it expressly provided so in the code. For example, the code specifically provides that the Historic District Overlay standards in CDC Chapter 25 "shall supersede any conflicting standards or criteria elsewhere in the CDC." CDC 25.020(B). The fact that the City included this language in Chapter 25, but not Chapter 58, is strong evidence that the City did not intend Chapter 58 to override or supersede other applicable CDC provisions.

Conclusion

The supplemental evidence we submitted demonstrates without a doubt that at least two of the significant trees, and possibly all three, are located partially on Sutherland's property. It is unfortunate that the neighboring property owner, and not the applicant who bears the burden of proof, had to incur the time and expense to confirm the location of these trees. As we explained in our April 19, 2017 letter and the City attorney confirmed at the hearing, the applicant cannot remove the trees without our client's consent and our client is not willing to consent based on the current proposal. Additionally, we demonstrated that both CDC Chapter 55 and 58 require the proposed building to be compatible with the adjacent buildings in size, scale and design. The proposed building clearly does not satisfy that requirement. Therefore, the Planning Commission should deny the Application and require the applicant to work with the adjacent property owners and propose a revised design that preserves some or all of the significant trees and satisfies the approval criteria.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



E. Michael Connors

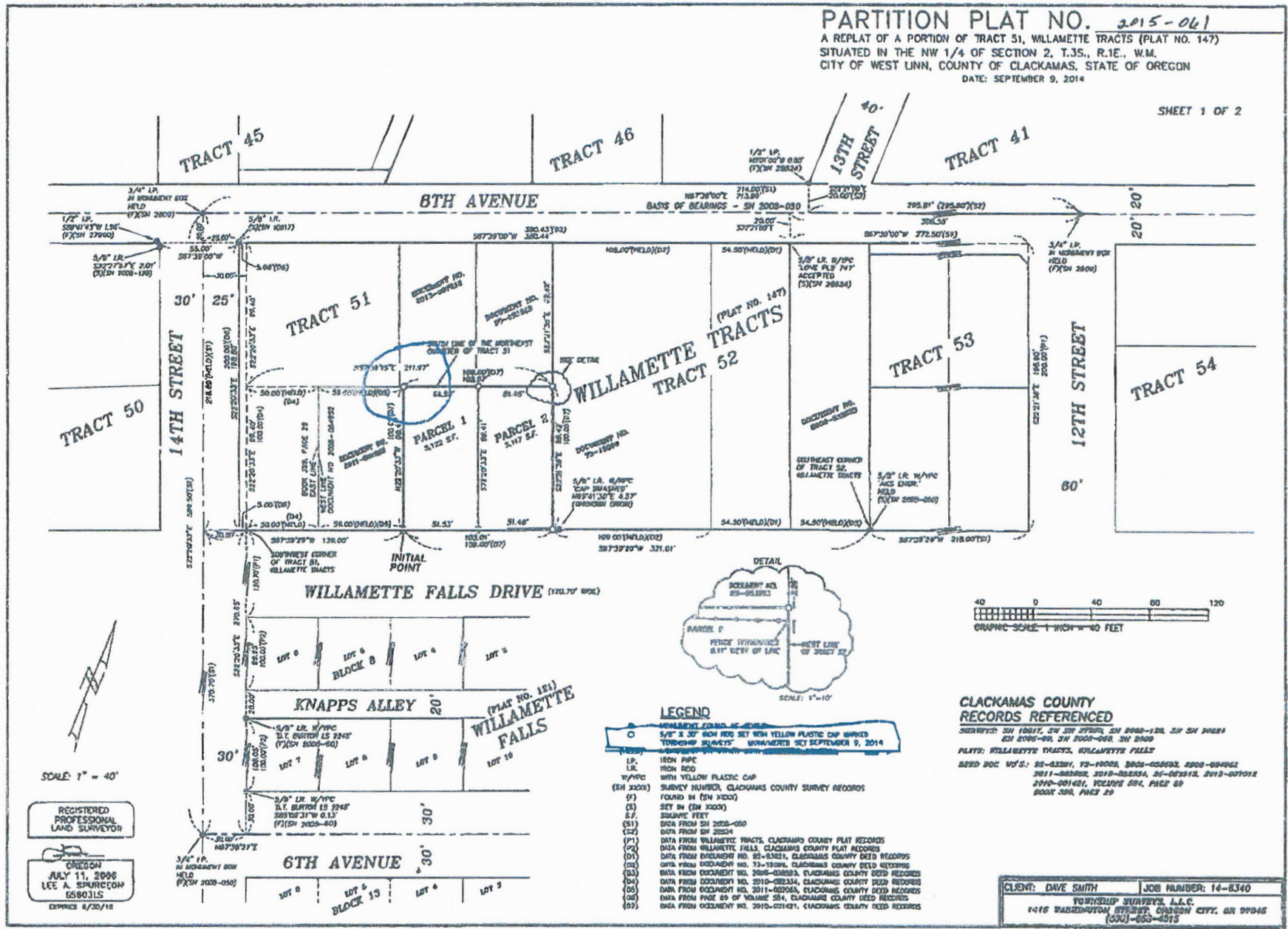
EMC/pl
Enclosures

Cc: Sutherland Properties, LLC

PARTITION PLAT NO. 2015-061
 A REPLAT OF A PORTION OF TRACT 51, WILLAMETTE TRACTS (PLAT NO. 147)
 SITUATED IN THE NW 1/4 OF SECTION 2, T.3S., R.1E., W.M.
 CITY OF WEST Linn, COUNTY OF CLACKAMAS, STATE OF OREGON
 DATE: SEPTEMBER 9, 2014

SHEET 1 OF 2

Exhibit A



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 JULY 11, 2006
 LEE A. SPURGEON
 6580315
 EXPIRES 8/30/18

LEGEND

○ MONUMENT FOUND IN FIELD
 5/8" x 3/8" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "TOPGRAPH SURVEYS" MONUMENTS SET SEPTEMBER 9, 2014
 (M) IRON ROD
 (P) IRON PIPE
 (W) W/PPC WITH YELLOW PLASTIC CAP
 (S) SURVEY STAKE, CLACKAMAS COUNTY SURVEY RECORDS
 (F) FOUND IN (IN HAND)
 (S) SET BY (BY 2000)
 (S.F.) SQUARE FEET
 (D) DATA FROM SH 2008-030
 (S) DATA FROM SH 2008-030
 (F) DATA FROM WILLAMETTE TRACTS, CLACKAMAS COUNTY PLAT RECORDS
 (D) DATA FROM WILLAMETTE FALLS, CLACKAMAS COUNTY PLAT RECORDS
 (D) DATA FROM DOCUMENT NO. 20-15521, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM DOCUMENT NO. 73-15208, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM DOCUMENT NO. 2096-04824, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM DOCUMENT NO. 2010-02354, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM DOCUMENT NO. 2011-02004, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM PAGE 89 OF VOLUME 284, CLACKAMAS COUNTY DEED RECORDS
 (D) DATA FROM DOCUMENT NO. 2010-021421, CLACKAMAS COUNTY DEED RECORDS

CLACKAMAS COUNTY RECORDS REFERENCED

SECTION: SH 18812, SH SH 27098, SH 2008-030, SH SH 2008-030
 SH 2008-030, SH 2008-030, SH 2008-030
 PLATS: WILLAMETTE TRACTS, WILLAMETTE FALLS
 DEED DOC. NOS.: 20-15521, 73-15208, 2096-04824, 2008-04764, 2011-02354, 2010-02354, 25-02372, 2010-02702, 2010-001401, VOLUME 284, PAGE 89, BOOK 306, PAGE 20

CLIENT: DAVE SMITH JOB NUMBER: 14-0340
 YOUNG & SMITH SURVEYS, L.L.C.
 1416 WASHINGTON STREET, OREGON CITY, OR 97046
 (503)-653-4915

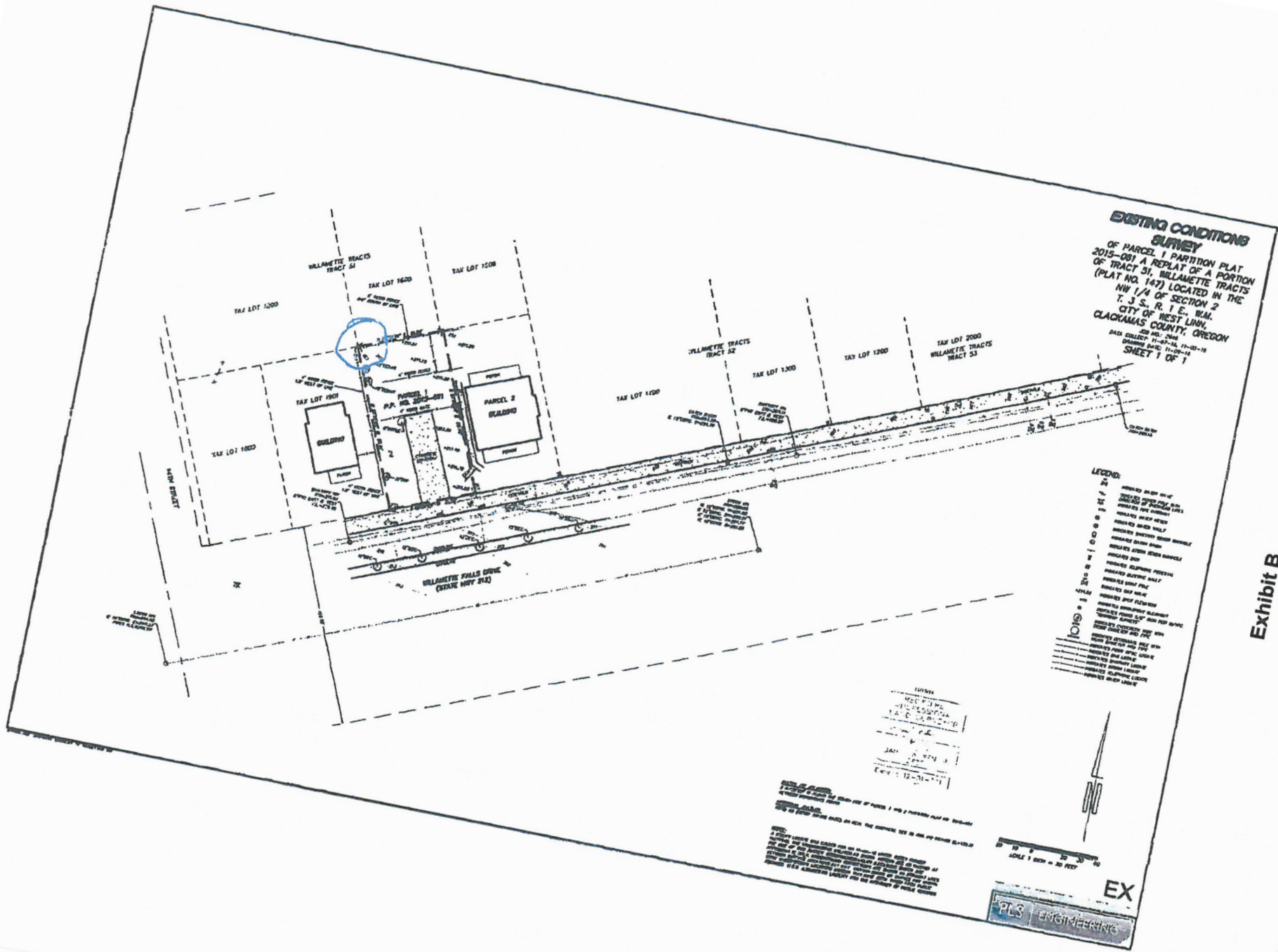
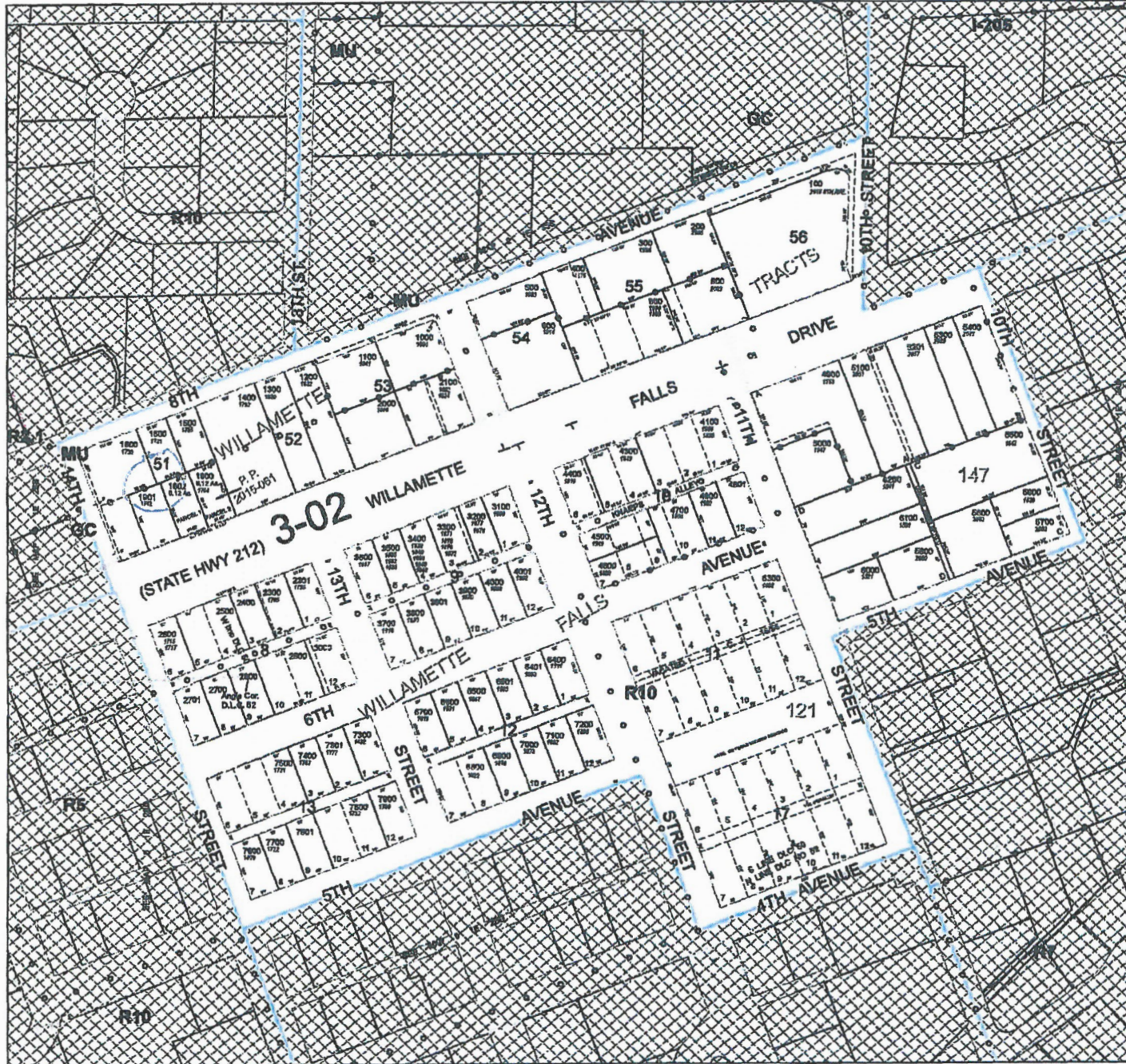


Exhibit C



31 E 02BA
WEST LINN

N.E. 1/4 N.W. 1/4 SEC. 2 T.3S. R.1E. W.M.
CLACKAMAS COUNTY

1" = 100'

D. L. C.
MARSHALL PERRIN NO. 60
AMBROSE FIELDS NO. 62

Contour Elevation

1750
1800
1850
1900
1950
2000
2050
2100
2150
2200

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCadaLine
- Map Index
- Water Lines
- Land Use Zoning
- Plat
- Water
- Corner
- Section Corner
- 1/4TH Line
- 60ft Lot Line
- OLC Line
- Member Line
- PLSB Section Line
- Historic Contour 40'
- Historic Contour 20'

THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

31 E 02BA
WEST LINN

Arnold, Jennifer

From: Christy Russell <christydunnrussell@yahoo.com>
Sent: Wednesday, April 26, 2017 2:55 PM
To: Arnold, Jennifer
Subject: Doman Building DR-17-01

I am writing on behalf of our friends and fellow West Linn residents, Trent and Jen Doman, who are working on moving thier accounting practice into West Linn. They are in compliance with code 58, and deserve a chance to bring their business to our community.

I would be disheartened to think that our planning commission would discourage businesses from coming to West Linn, or that they would make it unduly difficult to obtain the necessary permits and permission, especially when I see empty stores in our shopping areas. I absolutely feel that we have an obligation to preserve the charming and historic character of our community, and for that we need the kind of local businesses that the Domans represent; people invested in West Linn as their home, their schools, and their neighbors.

Please approve the Doman's plans and welcome their business as an asset to our community.

Respectfully,

Christy Russell
West Linn resident

Arnold, Jennifer

From: kelli alt <livethelove@yahoo.com>
Sent: Tuesday, April 25, 2017 9:48 PM
To: Arnold, Jennifer
Subject: Support for DR-17-01

Hello,

I have lived a majority of my life in West Linn and I have been a resident of the Willamette area for the last 8 years and enjoy raising our boys here. Part of the appeal that the Willamette area has specifically is the commitment to its old town roots and feel. My mother's family homesteaded on Homesteader Road and used Willamette Falls Drive to get to and from West Linn High School. The pathway through the heart of Willamette was something she grew up with. She shared many fond memories of growing up in this area and enjoying the Willamette area on the way to school in my grandfather's pickup truck.

I am writing to support the Doman's family application for building at 1754 Willmette Falls Drive. The Doman's have taken every step to fall within guidelines and compliance in addition to the recommendations the City of West Linn's Historic Review Board has for this building to not only work to preserve the downtown feel but equally as important, to contribute to it. They want nothing more than to give back to the community that they are working to raise their children in by providing an opportunity for continued economic growth for the Historic Willamette Main Street District. Please help them make the contribution to the preservation of the downtown area that they long to do by granting approval for this development.

Please support DR-17-01 for continued preservation and growth of this most treasured gem of the Willamette community.

Sincerely,
Kelli Alt
1300 Tamarisk Dr.

Arnold, Jennifer

From: Earl Barfield <earlbarfield@gmail.com>
Sent: Tuesday, April 25, 2017 5:51 PM
To: Arnold, Jennifer
Subject: DR-17-01

Dear Ms J Arnold:

I'm sending this letter for the support of DR-17-01.

As a client of Trent Doman and a long time (25 years) resident of West Linn and the Willamette neighborhood. I feel like the Domans have complied with the Historic Willamette District code 58 and have the same vision for Main Street Willamette as the City of West Linn's Historic Review Board and the Willamette neighborhood. I feel that the City of West Linn would welcome a professional businesses like the Doman's to our community.

Best regards,
Earl Barfield

2211 Michael Dr
West Linn, OR

Arnold, Jennifer

From: Peggy Kirkendall <peggy@wlneighbor.com>
Sent: Tuesday, April 25, 2017 4:24 PM
To: Arnold, Jennifer; Williams, John
Subject: A letter to the Planning Commission
Attachments: Peggy KirkendallYour Name.docx

I am trusting the two of you to make sure these make it into the boxes of all the PC members as they work on the current issue of the office building in downtown Willamette.

Thanks so much!

Peggy Kirkendall

Peggy Kirkendall



1825 Webb St., West Linn, OR
503.709-2743
peggy@wlneighbor.com

4/24/2017

RE: New office building in Downtown Willamette

Dear Planning Commissioners,

I have been following the development of this building since I attended the WNA meeting last October where it was presented. It is exciting to see professionals purchasing property and wanting to office in all parts of West Linn. What concerned me when I learned of the building of how it was to be developed to essentially encompass most of an entire lot with a large building without sufficient setback from the street and parking close to the former hardware store. Parking is an issue throughout that entire area. It is what makes us refrain from shopping and doing other business in that area.

Another issue is the scale of the building and the fact that it doesn't appear to be a good fit between the lovely bungalow buildings which were once residences and the former hardware store but rather sticks out like a sore thumb. Looking across the street, one sees a mixture of residential buildings turned into offices which makes for a great transition from commercial to residential.

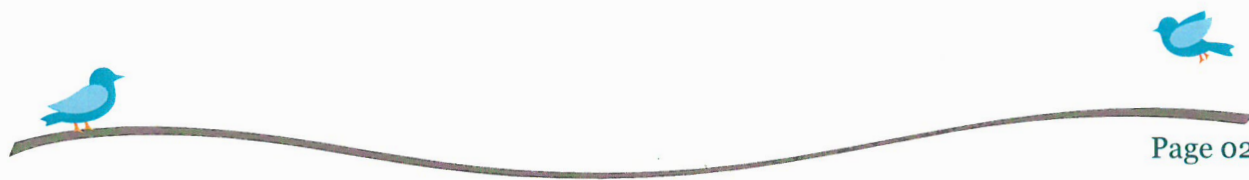
There is an obvious need for code changes for parking in the downtown area of Willamette if there is hope for the area to be financially successful for the owners and building tenants which is beyond the scope of the review of this project. It also appears that the long term design codes for that street should also be reviewed so we don't have buildings that look out of place or replace the current ambiance of the area with a slow transition from commercial to residential scale as people leave and enter the area.

I hope you can determine a way to save the beautiful trees, maintain the current scale of the existing buildings in the design of this new one with an eye to soon review the



overall design concept for the streetscape and the codes to avoid a similar situation in the future.

Warm regards,
Peggy Kirkendall
Bolton neighborhood resident



Arnold, Jennifer

From: Lori Barfield <lori.b916@gmail.com>
Sent: Tuesday, April 25, 2017 3:36 PM
To: Arnold, Jennifer
Subject: DR-17-01

Mr. Arnold,

This letter is to support the approval of application DR-17-01 that was submitted by Trent Doman who is seeking to relocate his business to the Willamette area. To my knowledge his application meets code 58 and the long term vision for the historic Willamette main street district. Bringing his business to the Willamette area is not only good for Trent's business and his family, but will be a benefit to the Willamette area.

As members of the Willamette community, and clients of Trent Doman's, my husband and I would like to see Trent be able to relocate to the Willamette area since that would make it closer for us to travel when needing to consult with him. Trent's family also resides in Willamette and are active members of the community. It just makes sense to be able to work in a community that one lives in and supports.

His longevity in the Damascus community should prove that Trent's business is not to be looked upon as a short term venture, but one that will provide long term stability for the Willamette main street. With the foot traffic that Trent's business can create, this will have people out on the street walking and may benefit other businesses within the community.

Please allow Trent Doman to continue with his current building plans to relocate his business to historic Willamette main street.

Thank you,

Lori Barfield
lori.b916@gmail.com

Arnold, Jennifer

From: Lacey Matney Sortman <laceysortman@outlook.com>
Sent: Tuesday, April 25, 2017 2:54 PM
To: Arnold, Jennifer
Subject: 1754 Willamette Falls, application DR-17-01

Hi Jennifer,

We are new residents in West Linn so are not familiar with the processes here. We wanted to relay thoughts about the development at 1754 Willamette Falls. We adore the look and character of the two neighboringungalows , as well as the trees at the site.

We are concerned that the developer has commented their desires to build a similarly scaled building but that code required a 2 story? We assume this is a code designed to promote density. We miss living in a denser area with more amenities and appreciate what density can bring. However, we are concerned that the size of that development on that lot is inappropriate. It seems more logical to allow a smaller development that will not generate a larger need for parking, and that will fit in with the scale of neighboring properties in our historic area.

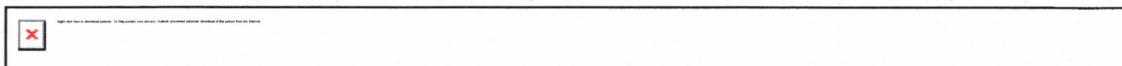
Thank you for your time,
Lacey and Nate Sortman
2382 Fifth Ave, West Linn

On a personal note, I'm including a link to my favorite example of similar scaled development next to existing properties. I've never decided if i love these houses or hate them, but this is my favorite neighborhood in Kansas City. <https://www.google.com/maps/@39.0915478,-94.5946113,3a,75y,275.13h,85t/data=!3m6!1e1!3m4!1sAFf6DsRJ52z7P9lwDvQpwQ!2e0!7i13312!8i6656!6m1!1e1>

From: Willamette Neighborhood Association <WillametteNA=westlinnoregon.gov@mail70.atl31.mcdlv.net> on behalf of Willamette Neighborhood Association <WillametteNA@westlinnoregon.gov>
Sent: Tuesday, April 25, 2017 1:08 PM
To: lmathilda@live.com
Subject: WNA NEWS

Application Continuance.

[View this email in your browser](#)



1754 Willamette Falls Drive, application DR-17-01.

At the West Linn Planning Commission Meeting, 4/19/17, a continuance was requested and the record will be open until 4/26, 5pm for written testimony.

So if you would like to send your comments to the Planner handling this application, send it to her at <jarnold@westlinnoregon.gov>, her name is Jennifer Arnold. She will give your testimony to the Planning Commission.

Please free to call me if you have any questions.

Gail Holmes

WNA President

[503-318-7317](tel:503-318-7317)



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You are receiving this email because you have attended at-some time in the past-a Willamette Neighborhood Association meeting and signed in with your email.

Our mailing address is:

Willamette Neighborhood Association

1852 4th Ave

West Linn, Or 97068

[Add us to your address book](#)

Want to change how you receive these emails?

Arnold, Jennifer

From: Gail Holmes <holmes2410@gmail.com>
Sent: Tuesday, April 25, 2017 11:04 AM
To: Arnold, Jennifer; Boyd, John; Williams, John; Morgan, John
Subject: WLPC 4/19, #DR-17-01

I need to clarify my answer to the PC question, "Why didn't the Historic Resource Bd. (CAB to CC) work on the Historic Code in Willamette?"

The answer should be, 2006 West Linn became a CLG (certified local government) status and the City Council at that time formed the Historic Resource Advisory Board and also at this time the Clackamas County Historic Review Board held hearings for West Linn, our mission on HRAB was to review previous Historic Studies of all of West Linn and work with a Historic Consultant to see if we could turn Willamette into a National Historic Registry District and evaluate other historic property in West Linn. So, this is what we did. Our mission was not to review or correct historic CDC code.

Also, Charles Awalt, 1847 5th Avenue (in the National Registry District of Willamette) has been very active with the planning department since 1988 to establish historic code and historic overlays. His intention was to preserve historic property, not to eliminate such treasures to build all new buildings. He worked with the West Linn Planner Peter Spirs.

In closing what makes Willamette so special is the mix of history and business, PLEASE CONSIDER THIS APPLICATION CAREFULLY.

Remember you have to apply ALL CODES, Imagine West Linn document which should reflect our Community Development codes and Oregon Land use Goals (there are 19 of them). **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. "Local governments and state agencies are encouraged to maintain current inventories of the following resources: a). Historic Resources; b). Open Space; c). Scenic Views and Sites.**

Thank you for your service to our community.

Sincerely,

Gail Holmes
WNA President

Arnold, Jennifer

From: Dirk Hicks <dirkhicks@hotmail.com>
Sent: Tuesday, April 25, 2017 9:39 AM
To: jarnold@westlinnor.gov
Subject: DR-17-01

I am a 26 year resident of the City of West Linn and live in the Willamette Neighborhood. I am writing this note in support of DR-17-10. This application meets code 58 requirements and fits the long term vision for the Historic Willamette Main Street District. This application supports current recommendations that have been approved by the City of West Linn Historic Review Board.

I urge you to support this application in its current form.

Dirk Hicks
1045 Dollar Street
West Linn, OR

Arnold, Jennifer

From: Wendy Miller <wendyamiller@hotmail.com>
Sent: Monday, April 24, 2017 7:11 PM
To: Arnold, Jennifer
Subject: Support for DR-17-01

Dear Ms. Arnold,

I am writing to urge the planning commission to approve application DR-17-01. It is my understanding that project DR-17-01 meets the requirements set forth in code 58 and also fulfills the future vision set forth by the historic review board.

I am a 5 year resident of West Linn. My family and I enjoy dining in the Old Willamette area and attending community festivals there. If this area is to continue to be vibrant it needs to attract new businesses. I believe this new project will be a perfect addition to this neighborhood.

Thank you,
Wendy Miller
2224 Parkview Ct
West Linn
571-236-4023

Arnold, Jennifer

From: sprockethead <sprockethead@comcast.net>
Sent: Monday, April 24, 2017 7:26 PM
To: Arnold, Jennifer
Subject: DR-17-01

To whom it may concern,

This email is in reference to DR-17-01.

It is my understanding that this application meets code 58 and seems to be congruent with the long-term vision for the Historic Willamette Main Street District.

It is my opinion that doman cpa would be an excellent addition to our willamette community of businesses, having been associated with them for ten years on a professional level and twenty years as friends of the family. Thank you for your adherence to existing code, and for your kind attention to this matter.

Regards, Erik Stutznegger, a twenty-one year resident of west linn.

Arnold, Jennifer

From: Wayne Cannon <waynecannon1@gmail.com>
Sent: Monday, April 24, 2017 11:16 PM
To: Arnold, Jennifer
Subject: DR-17-01

Planning Commission,

Please note, Application DR-17-01 conforms with code 58 and the long term vision for the Historic Willamette Main Street District.

Thank you,

--

Wayne Cannon
(503) 764-5977

April 7, 2017

West Linn Planning Department
Attn: Jennifer Arnold
22500 Salamo Rd
West Linn, OR 97068

Dear Jennifer and Planning Board,

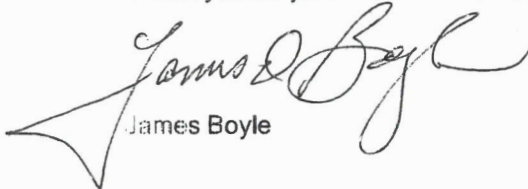
I urge you to vote against the proposed development at 1754 Willamette Falls Drive (Project ID DR-17-01) at the upcoming April 19 planning department meeting.

As a longtime West Linn resident, business owner and past public servant, I do not believe this project would be beneficial to the ongoing function of the Willamette Falls Drive business community nor the surrounding residential neighborhood. Although it may meet the letter of the code, I believe its approval would prove problematic.

Although the code may exempt properties between 10th St and 16th street of a parking requirement, if all developed to the density of the proposed project the resulting situation would be untenable. It is my understanding that a pending development closer to 11th St & Willamette Falls Dr. has a significant amount of new parking built into their design.

In addition, the size of the proposed building in this location is out of proportion and would detract from the visual appeal of this 2 block section of Willamette Falls Drive which has a distinct character that should be preserved. It has also come to my attention that historically significant trees would need to be removed to accommodate this proposal which I believe is a mistake.

Thank you for your consideration on this matter.


James Boyle