

**WEST LINN PLANNING COMMISSION  
FINAL DECISION AND ORDER  
DR-17-01**

**IN THE MATTER OF A NEW TWO-STORY COMMERCIAL BUILDING AT 0  
WILLAMETTE FALLS DRIVE (ADJACENT TO 1754)**

**I. Overview**

SG Architecture, LLC (Applicant) filed its application in January 2017 and it was deemed complete on February 16, 2017. The approval criteria for the application are found in Community Development Code (CDC) Chapters 19, 55, 58, and 99. The hearings were conducted pursuant to the provisions of CDC Chapter 99.

The West Linn Historic Review Board (HRB) held the initial evidentiary hearing on March 21, 2017 for the purpose of making a recommendation to the West Linn Planning Commission (Commission) on compliance with CDC Chapter 58: Willamette Falls Drive Commercial Design District. The HRB made a recommendation for approval on March 21, 2017 with a 6 to 0 vote, including 3 variance requests as allowed by CDC 58.100. The West Linn Planning Commission (Commission) held a public hearing on April 19, 2017. The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Scot Sutton and Kevin Godwin, SG Architecture, LLC, presented for the applicant. The Commission heard public testimony from eight individuals, four were in opposition to the project and 4 did not specify a position for the project. Michael Connors, in opposition of the project, requested a continuance to review material submitted at the hearing. After all public testimony and rebuttal by the applicant was complete the Planning Commission granted a continuance with instructions for leaving the record open. The hearing was continued to May 10, 2017.

The continuance instructions were 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) testimony is limited to public response of the applicant's submittal and applicant's first rebuttal during the first 7 day period. No new evidence will be accepted during this time. May 4, 2017 to May 10, 2017 (third 7 day period) testimony is limited to the applicant's final rebuttal of testimony submitted. No new evidence will be accepted during this time.

At the initial hearing and the outset of deliberations the parties were provided an opportunity to raise procedural or other objections, but none were raised.

At the continued hearing on May 10, 2017, the Planning Commission opened the hearing for deliberations.

After deliberations, a motion was made by Commissioner Mathews and seconded by Commissioner Pellett to approve the applications with 7 conditions of approval and direct staff to prepare a Final Decision and Order. The motion passed with four votes in favor and three votes opposed.

## **II. The Record**

The record was finalized at the May 10, 2017, hearing. The record includes the entire file from DR-17-01.

## **III. Findings of Fact**

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

## **IV. Findings**


The Commission adopts the April 19, 2017, Staff Report for DR-17-01 with attachments, including specifically the Addendum dated April 19, 2017, as its findings, which are incorporated by this reference.

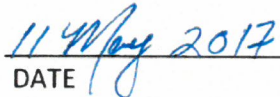
## **V. Order**

The Commission concludes that DR-17-01 is approved based on the Record, Findings of Fact and Findings above. The Commission concludes all of the required approval criteria are met subject to the following conditions of approval:

1. **Site Plans. With the exception of modifications required by these conditions, the project shall substantially conform to all submitted Tentative Plan Sheets. (See Staff Findings 24, 65, 67 & 72)**
2. **Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to the issuance of the final building certificate of occupancy. (See Staff Finding 15, 47, 48, 49, 56, & 84-87)**

3. **Street Improvements.** The applicant shall mitigate any impacts to existing right-of-way improvements along Willamette Falls Drive. The mitigation will include replacement of impacted pavement, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, and street storm drainage. (See Staff Findings 15 & 85-89)
4. **Fire Flow.** The applicant shall perform a fire flow test, per Staff Finding 53, and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present prior to the issuance of the final building certificate of occupancy. (See Staff Finding 48)
5. **Tree Protection.** The applicant shall coordinate with the City Arborist prior to the removal of the significant trees on the subject property. (See Staff Finding 26, 27, & 29)
6. **Scope of Approval.** Approval of this application does not authorize the applicant or any other person to enter upon, remove or damage any other person's property. Any tree removal shall be at the applicant's sole risk.
7. **Entry Doors.** The entry doors shall be recessed 3-5 feet from the building line.

  
 \_\_\_\_\_  
 GARY WALVATNE, COMMISSIONER  
 WEST LINN PLANNING COMMISSION

  
 \_\_\_\_\_  
 DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing(s), or signed in on an attendance sheet or testimony form at a hearing(s), may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Mailed this 12<sup>th</sup> day of May, 2017.

Therefore, this decision becomes effective at 5 p.m., May 25, 2017.