

**DEVELOPMENT REVIEW APPLICATION**

| For Office Use Only              |                                  |                    |
|----------------------------------|----------------------------------|--------------------|
| STAFF CONTACT: <i>John Boyd</i>  | PROJECT NO(S): <i>MISC-18-07</i> |                    |
| NON-REFUNDABLE FEES: <i>850-</i> | REFUNDABLE DEPOSIT(S)            | TOTAL: <i>850-</i> |

**Type of Review (Please check all that apply):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation (ANN)                      | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP) *              | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses *                                |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA) */**                   | <input type="checkbox"/> Time Extension *                                |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA) */**             | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |  |

**X DIRECTOR'S INTERPRETATION CDC 01.060**

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

**Site Location/Address:**

Northwest corner of Tannler Drive and Blankenship Road:  
2444, 2422, and 2410 Tannler Dr

Assessor's Map No.: **21E35C**

Tax Lot(s): **00100, 00102, 00200**

Total Land Area: **Approx. 11.41 acres**

**Brief Description of Proposal:** Request for Planning Director's Code Interpretation pursuant to CDC Sections 01.060 and 99.060.A.2.

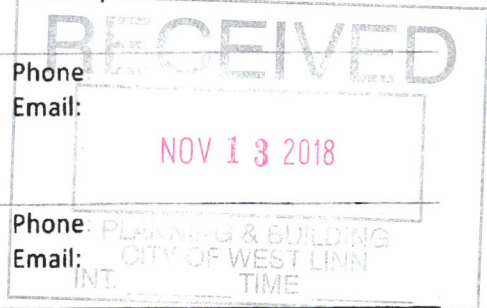
**Applicant Name:** Zoe Lynn Powers  
(please print)  
**Address:** 111 SW Columbia Street, Suite 700  
**City State Zip:** Portland, OR 97201

Phone: 971-634-0215  
Email: zpowers@radlerwhite.com

**Owner Name (required):** Jeffery I. Parker and Diane Wilt,  
(please print) *as tenants in common*  
**Address:** 1800 Blankenship Road, Suite 200  
**City State Zip:** West Linn, OR 97068

Phone:  
Email:

Phone: PLANNING & BUILDING  
Email: CITY OF WEST LINN  
INT. TIME



**Consultant Name:** N/A  
(please print)  
**Address:**  
**City State Zip:**

- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

*[Signature]*  
Applicant's signature

*10/30/18*  
Date

*[Signature]* 11/7/18  
Owner (Parker) Signature (required) Date

*[Signature]* 11-7-18  
Owner (Wilt) signature (required) Date

Zoe Lynn Powers  
zpowers@radlerwhite.com  
971-634-0215

October 25, 2018

**VIA CERTIFIED MAIL**

John Boyd  
Planning Manager  
City of West Linn  
22500 Salamo Road, #1000  
West Linn, OR 97068  
Jboyd@westlinnoregon.gov

**RE: Fee for Request for Planning Director's Code Interpretation Pursuant to CDC 01.060**

Mr. Boyd,

I submitted a request on October 19, 2018, for a Planning Director's Code Interpretation pursuant to CDC 01.060 on behalf of the owners of the approximately 11.41-acre site located at the northwest corner of Tannler Drive and Blankenship Road.

As we discussed on the phone, enclosed is a check (check # 22720) in the amount of eight hundred and fifty dollars (\$850.00) to pay the fee for "9.3 Code Interpretation" as provided in the Master Fees and Charges Document adopted June 18, 2018.

Please do not hesitate to contact me if you have any questions or concerns about this request.

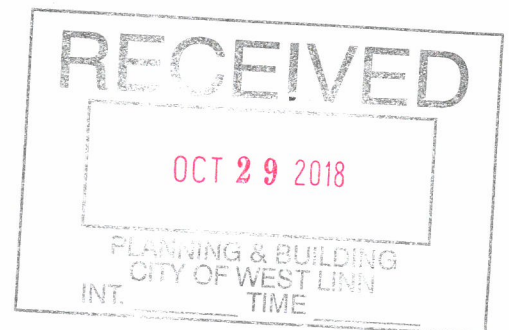
Best regards,



Zoe Lynn Powers

Enclosures

{00840781;1}



Zoe Lynn Powers  
zpowers@radlerwhite.com  
971-634-0215

October 19, 2018

VIA EMAIL AND CERTIFIED MAIL

John Boyd  
Planning Manager  
City of West Linn  
22500 Salamo Road, #1000  
West Linn, OR 97068  
Jboyd@westlinnoregon.gov

**RE: Request for Planning Director's Code Interpretation Pursuant to CDC 01.060**

Mr. Boyd,

I am writing on behalf of the owners of the approximately 11.41-acre site located at the northwest corner of Tannler Drive and Blankenship Road (the "**Property**") to request an interpretation of the West Linn ("**City**") Community Development Code ("**CDC**" or the "**Code**") pursuant to CDC Section 01.060 and Section 99.060.A.2.

**1 ON A SLOPED SITE, WHAT CONSTITUTES THE "FIRST FLOOR OF THE STRUCTURE"?**

---

In the Office Business Center ("**OBC**") zone, the following use is allowed under prescribed conditions:

"Multiple-family units only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor." CDC 21.050.

The Property is located in the OBC zone.

On a sloped site such as the Property, it is unclear if the "first floor of the structure" means the downhill space, fully exposed on one side but underground on the other, or if it means both the downhill and uphill spaces – with the uphill space actually being on the second floor of the structure, although it is the ground floor on that uphill side. This is illustrated by the drawing on Exhibit A.

Please provide a determination as to whether the configuration shown on Exhibit A "utilizes the entire first floor" as required by CDC 21.050.

## 2 WHAT CONSTITUTES A “COMMERCIAL” USE OR DEVELOPMENT?

---

In various zones, the City’s Code provides that a “commercial” use of some kind is allowed. *See e.g.*, CDC 19.050.1; CDC 22.060.B. As noted above, in the OBC zone a commercial use is allowed as a prescribed condition: “Multiple-family units only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor.” CDC 21.050.

“Commercial” is not defined in the Code. Words not specifically defined in the Code “have the meaning specified in Webster’s Third New International Dictionary of the English Language, Unabridged.” CDC 02.010.D. Unfortunately, the official Webster’s definition of “commercial” – provided as Exhibit B – gives only a general sense that “commercial” means “of, in, or relating to commerce”.

Please provide a determination as to whether the following uses would be considered a “commercial” development or use under the City’s Code and, in particular, for the first floor of structures on the Property with multiple-family units above pursuant to CDC 21.050 (the “Project”).

### 2.1 The “Work” Portion of Live-Work Units

In a recent meeting with the Willamette Neighborhood Association, a neighbor suggested that we develop live-work units – that is, a single unit with separate spaces designed for residential and working uses. We were told by the neighbors anecdotally that 60% of all businesses in the City are home occupations, indicating that there is a high demand for live-work spaces.

Live-work units would fulfill a number of the goals in the City’s comprehensive plan, including creating “districts that blend housing and commercial uses” in order to “increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns[.]” City of West Linn Comprehensive Plan, updated 7/31/2017, page LU-7.

The “work” portion of a live-work unit could be a shop, boutique, artist’s or other design studio, salon, dance or personal trainer studio, or offices for various professionals, including consultants, accountants, architects, attorneys, computer related professionals, internet-based companies or resellers, engineers, designers, home-based office workers, insurance, real estate, and travel agents, one-on-one instructors, photographers, and similar occupations.

Please advise on if the “work” portion of a live-work unit would qualify as a commercial development for the first floor of the Project.

In addition, please advise whether there are any building code or other requirements for the commercial “work” space that would impact the design of the Project. For example, if the entire first floor of a unit (of multiple in the building) is a tax professional’s office, would the office space need to be separated from the living space above? Could there be an internal circulation system, such as stairs, to connect the “work” and “live” spaces without the need to go outside? Would the office space need to have separate restrooms from the residential space?

Planning Manager – City of West Linn  
October 19, 2018  
Page 3

**2.2 Parking Spaces, Garages, or Bike Parking**

The Project could instead or additionally provide commercial parking on the first floor. This could be enclosed (similar to a garage) or open (similar to a car port, but under the building). It could either be rented on an individual basis separately from any other rental property in the development or could be rented as commercial parking serving other commercial uses on the first floor. Some of the space could be used for bike parking.

Please advise on if parking spaces, garages, and/or bike parking could qualify as a commercial use for the first floor of the Project and, if so, if there are any requirements such as an enclosed or open space or individual rental agreements.

**2.3 Self-Storage Units**

The Project could instead or additionally have self-storage units on the first floor, rented on an individual basis separately from any other rental property in the development or rented in conjunction with other commercial uses on the first floor. Please advise on if this would qualify as a commercial use for the first floor of the Project.

**2.4 Non-Private and Non-Profit Uses**

Neighbors also expressed the need for a post office space. Please advise on whether a public use, such as a post office, or any government facility related to the transmission of mail, would qualify as a commercial use for the first floor of the Project. Similarly, please advise on whether a non-profit use of the space, such as community organizations, schools, or hospitals, would qualify as a commercial use for the first floor of the Project.

We appreciate your time and attention to this request.

Best regards,



Zoe Lynn Powers

Enclosures

**EXHIBIT A**  
*"First Floor of the Structure"*

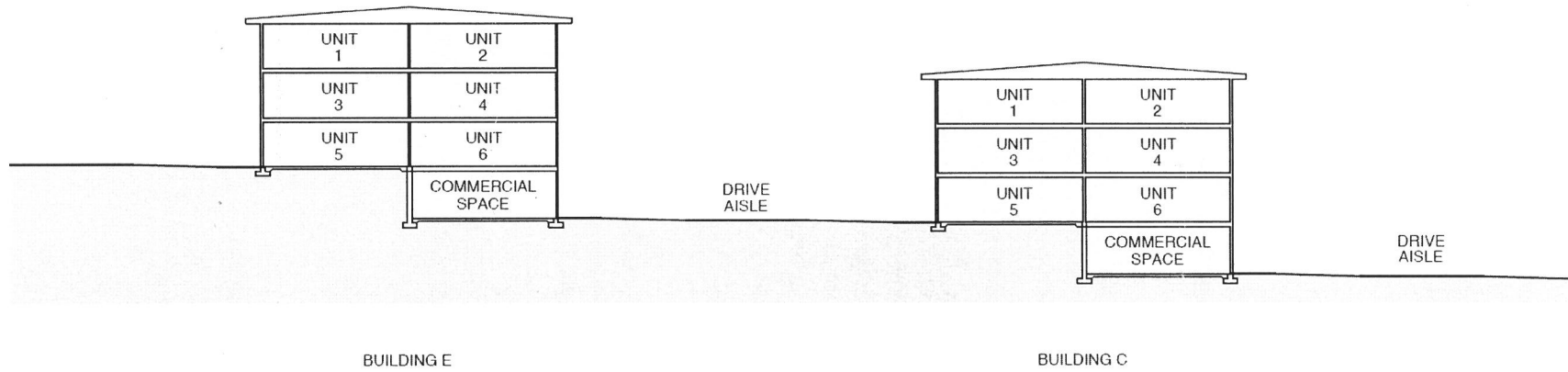


EXHIBIT B  
Webster's Definition of "Commercial"

# com·mer·cial

adjective \kə-'mər-shəl\

1

: of, in, or relating to commerce: such as

**a** : occupied with or engaged in commerce<a *commercial* establishment><the *commercial* world><*commercial* aviation><Birds are bad news at airports. Hit by planes, they cause \$25 million to \$40 million in damage to *commercial* aircraft every year and, in rare cases, threaten passenger safety. — Eric Schmitt, *The New York Times*, 8 Feb. 1987>

**b** : related to or dealing with commerce<*commercial* treaty>

**c** — used in or characteristic of commerce<*commercial* weights><*commercial* language><*commercial* ethics>

**d** : suitable to or adequate for commerce<found oil in *commercial* quantities>

**e** (1) : of the kind or quality used in commerce (2) : of an average or inferior quality<*commercial* oxalic acid><*commercial* grade of beef>— compare TECHNICAL

**f** : produced or producible in large quantities for commerce<relying on a balanced diet rather than *commercial* vitamin concentrates>

2

**a** : from the point of view of profit : having profit as the primary aim<*commercial* success><*commercial* failure><*commercial* aspect>

**b** : sacrificing artistic principles for qualities that bring financial success<*commercial* drama><*commercial* music>

3

*of a school, a course, or a curriculum* : emphasizing skills and subjects considered useful in business occupations — compare BUSINESS EDUCATION, GENERAL

4

: paid for by an advertiser — used especially of a radio or television program

*Webster's Third New International Dictionary, Unabridged, s.v. "commercial," accessed October 16, 2018, <http://unabridged.merriam-webster.com>.*