



CITY OF
West Linn

**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: MISC-21-13

HEARING DATE: January 19, 2022

REQUEST: Two-Year Extension of 2019 Planning Commission Class II Design approval to construct five (5) multi-family residential units at 20312 Noble Lane (DR-18-03/VAR-18-01)

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 99.325: Extensions of Approval

STAFF REPORT PREPARED BY: Betty Avila, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

**APPLICANT/
OWNER:**

Ali and Nina Ladha
9334 SE Hunters Bluff Ave.
Happy Valley, OR 97086

CONSULTANT:

Robert Price
3935 NE 72nd Ave.
Portland, OR 97213

SITE LOCATION:

20312 Noble Lane

SITE SIZE:

0.4 acres (17,517 square feet)

LEGAL

DESCRIPTION:

Assessor's Map 2S-1E-26D, tax lot 00402

COMP PLAN

DESIGNATION:

Medium High Density Residential

ZONING:

R-3, Single-Family and Multiple-Family Residential
(3,000 sq. ft. min. lot size for each multiple-family dwelling unit)

APPROVAL

CRITERIA:

Community Development Code (CDC):

Chapter 99.325: Extensions of Approval

120-DAY RULE:

The application became complete on December 7, 2021. The 120-day period therefore ends on April 6, 2022.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property, to all Neighborhood Associations, and posted on the City's website on December 21, 2021. The property was posted with a notice sign on January 6, 2022. The notice was published in the West Linn Tidings on January 5, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is a request for a two-year extension to the previously approved Class II Design Review (DR-18-03) and Class I Variance (VAR-18-01) for a 5-unit attached multi-family housing project located at 20312 Noble Lane. The applicant is requesting the extension in order to complete their proposed project that will expire on April 2, 2022. CDC Chapter 55.040 requires a design review approval complete substantial construction within three years or be granted an extension. The applicant has not requested any modifications to the original approval. Staff has recommended the same conditions of approval from DR-18-03/VAR-18-01.

Public comments:

No public comments were received when this staff report was published.

RECOMMENDATION

Staff recommends approval of application MISC-21-13 based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all submitted drawings dated 7/9/18.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. All improvements must be designed, constructed, and completed prior to the issuance of occupancy permits.
3. **Side Wall Transition.** The applicant must alter the nonexempt sidewalls of the proposed structures to comply with CDC 43.040.A.
4. **Curb Cut Spacing.** Driveway curb cuts onto Noble Lane shall meet spacing requirements.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MISC-21-13

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

Chapter 15: SINGLE-FAMILY AND MULTIPLE FAMILY RESIDENTIAL, R-3
15.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

- (....)*
- 2. Duplex residential unit*
- 3. Multiple-family residential unit*
- 4. Single-family attached residential units*
- (...)*

Staff Finding 1: The application was approved for the construction of five (5) multi-family residential units in two buildings effective April 2, 2019 (DR-18-03/VAR-18-01). The applicant has requested an extension in order to complete the proposed project. The extension proposal does not change the applicant's plan to construct five (5) multi-family residential units. The criteria are met.

15.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. The minimum lot size shall be:

- 1. For a single-family detached unit, 3,000 square feet.*
- 2. For each attached single-family unit, 3,000 square feet.*
- 3. For each multiple-family dwelling unit, 3,000 square feet.*

Staff Finding 2: The applicant under the original application for DR-18-03/VAR-18-01 requested a Class I Variance, thereby allowing for the reduction in lot area of up to five percent. This Class I Variance was previously approved to allow for a lot area reduction of 2.3 percent. The applicant has proposed no changes as part of the extension request. FAR, building height, driveway placement, lot coverage and setbacks will be reviewed prior to issuance of a building permit. Subject to the Conditions of Approval, the criteria are met.

99.325 EXTENSIONS OF APPROVAL

A. An extension may be granted by the original decision-making body by an additional two years from the effective date of approval pertaining to applications listed in CDC [99.060](#)(A), (B), (C), (D) or (E), as applicable, upon finding that:

Staff Finding 4: The West Linn Planning Commission was the original approval authority for DR-18-03/VAR-18-01 per CDC 99.060.B.2(h). The approval will expire on April 2, 2022. CDC Chapter 55.040 requires design review projects to complete substantial construction or be granted an extension within three years of effective date of approval. Therefore, the West Linn Planning Commission is granted authority to render a decision for the extension approval. The criteria are met.

- 1. The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and*

Staff Finding 5: The Planning Commission approved five (5) multi-family residential units (DR-18-03/VAR-18-01) demonstrating that all applicable code criteria had been satisfied, subject to Conditions of Approval. No relevant approval criteria has been enacted since the application was initially approved in 2019. The applicant has not proposed any changes to the approved project. Subject to the Conditions of Approval, the criteria are met.

- 2. There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or*

Staff Finding 6: Staff has not found any material misrepresentation, errors, omissions, or any changes of facts in the review of this application. The criteria are met.

- 3. The applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.*

Staff Finding 7: The original Class II Design Review and Class I Variance application (DR-18-03/VAR-18-01) was found to be in conformance with the provisions of CDC Chapters 15, 55, and 75, subject to Conditions of Approval, and was subsequently approved. Staff finds that the application continues to be in conformance with the applicable CDC provisions. Staff does not find any evidence of a demonstrated material misrepresentation, errors, omissions or changes to the original application. No modifications to the original approval are proposed at this time and no remedies under subsection A(2) are proposed. The criteria are met.

E. Extension procedures.

- 1. The application for extension of approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC [99.030\(B\)](#). If no modifications are made to the original approval, a pre-application conference is not required.*

Staff Finding 8: No modifications to the original application have been proposed. The applicant is requesting additional time to complete previously approved conditions of approval. No pre-application meeting was required. The criteria are met.

2. The application for extension of approval with modifications to the original approval shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. If no modifications are made to the original approval, no neighborhood meeting is required

Staff Finding 9: No modifications to the original application have been proposed; therefore, no neighborhood meeting is required. The criteria are met.

3. Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.

Staff Finding 10: The applicant has submitted the appropriate deposit and application materials found in Exhibit PC-1. The criteria are met.

4. Notice of the decision shall be issued consistent with CDC 99.080.

Staff Finding 11: CDC 99.080 states that extensions of approvals shall have the same notice as the original application. The original approval of DR-18-03/VAR-18-01 was a Class A notice due to the Class II Design Review; therefore, a Class A notice has been sent for the extension of the approval. See staff findings 13-19 for compliance with a Class A Notice. The criteria are met.

5. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter.

Staff Finding 12: The decision will not be effect until the resolution of all appeal periods. The criteria are met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

- 1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:*
 - a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.*
 - b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.*
 - c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon*

Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.

d. The affected recognized neighborhood association or citizens advisory committee.

e. For a hearing on appeal or review, all parties and persons with standing described in CDC [99.140](#) to an appeal or petition for review.

Staff Finding 13: The application requires a Class A notice per Staff Finding 11. Notice was mailed on December 21, 2021 to: the applicant, all property owners of record within 500 feet, and all neighborhood associations. The criteria are met.

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to CDC [99.060\(A\)](#), Planning Director authority, are exempt from the requirements of this subsection.

Staff Finding 14: Notice was published in the West Linn Tidings on January 5, 2022. An affidavit of publication can be found in Exhibit PC-3. The criteria are met.

3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated. If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.

Staff Finding 15: A sign was posted on the subject property, 20312 Noble Lane, on January 6, 2022. The criterion is met.

4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.

Staff Finding 16: The application is not related to a manufactured home park. The criterion does not apply.

5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

Staff Finding 17: The affidavit of mailing of notice has been produced and can be found in Exhibit PC-3. The criterion is met.

6. At the conclusion of the land use action the signs shall be removed.

Staff Finding 18: The land use action sign will be removed after the conclusion of the application for the extension of the approval. The criterion is met.

E. Table of notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060.

<i>Extensions of Approvals</i>	<i>Same notice as original application</i>
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Staff Finding 19: The applicant has applied for an extension of a previous approval (DR-18-03/VAR-18-01); therefore, a Type A notice has been utilized. Please see Staff Findings 13 to 18. The criteria are met.

PC-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Avila DARREN WYSS	PROJECT NO(S). DR-18-03 MISC-21-13	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) \$2,562.50	TOTAL \$2,562.50

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <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 checked="" 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 | | |

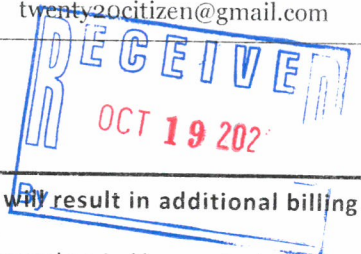
Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 20312 Noble Lane	Assessor's Map No.: T2S R1E SEC 26D
	Tax Lot(s): 0402
	Total Land Area: 17,517 SF

Brief Description of Proposal:

EXTENSION OF LAND USE APPROVAL IN West Linn, File No DR-18-03.

Applicant Name: (please print) INVESTCO REALTY GROUP (Ali & Nina Ladha)	Phone:
Address: 9334 SE Hunters Bluff Ave	Email: 503/720-0021
City State Zip: Portland, OR 97086	twenty2ocitizen@gmail.com
Owner Name (required): (please print) INVESTCO REALTY GROUP (Ali & Nina Ladha)	Phone:
Address: 9334 SE Hunters Bluff Ave	Email: 503/720-0021
City State Zip: Portland, OR 97086	twenty2ocitizen@gmail.com
Consultant Name: (please print) ROBERT PRICE	Phone:
Address:	Email:
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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>

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.

<u>Ali Ladha</u>	10/20/21	<u>Ali Ladha</u>	10/20/21
Applicant's signature	Date	Owner's signature (required)	Date

West Linn CDC 99.325 Extensions of Approval

A. *An extension may be granted by the original decision-making body by an additional two years from an effective date of approval pertaining to applications listed in CDC 99.060(A), (B), (C), (D) or (E), as applicable, upon finding that:*

1. *The applicant has demonstrated that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved;*

Response: For the applicant, nothing about the proposed project to develop 5 units on the subject site located at 0 Noble Lane. Noting that no part of the West Linn CDC has changed that would directly affect this project, the extension for time should be approved, as it was in 2019 when approved by the West Linn Planning Commission. This also applies to the appropriate relevant approval criteria. No development on the subject site, in conformance with the approved development plan, has taken place, with the site remaining vacant.

2. *There are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including but not limited to, existing conditions, traffic, street alignment and drainage;*

Response: There are no misrepresentations, errors, omissions, or change in facts that have any significant direct impacts on the project or the subject site. The development plan for the subject site remains the same, including existing conditions, existing or proposed site generated traffic, street alignment of Noble Lane or Hoodview Avenue, or any other factors that could impact the proposed development of the subject site. The applicant continues to have intentions of developing the subject site, but requires a two year time extension to the original approval in order to move forward with the project.

3. *The applicant has modified the approved plans to conform to current approval criteria and remedied any inconsistency with subsection (A)(2) of this section, in conformance with any applicable limits on modifications to approvals established by the CDC.*

Response: To be perfectly clear, the applicant HAS NOT modified any approved plans in order to conform to current approval criteria, because the approval criteria for this proposed time extension has not changed. Nor has the original approval criteria contained in CDC 55.100 or any other appropriate and applicable sections of the CDC. The original development plan was approved by the West Linn Planning Commission in public hearing on March 6, 2019. This approval is reflected in the Final Order of the WLPC, signed by Gary Walvatne, Chair, on March 18, 2019.

For purposes of further explanation, the applicant obtained original approval in 2019, just about when the COVID pandemic seemed to change everything. The applicant suddenly found themselves with no contractor, no materials, and no labor help to get the project started. Everything, starting with site preparation, was put "on hold", not just by the applicants but by many, many other project developers and sponsors. Supply chain problems, as well as labor shortages have made it difficult to re-start the project. While things appear to be improving

somewhat, the applicants are still having difficulty coordinating the various elements of the project on the initial front end activities. As such, a two-year extension for the approval of the project is necessary and required.

- B.)
)
- C.) *Repealed by various city ordinances.*
)
- D.)

E. *Extension procedures*

1. *The application for extension approval with modifications to the original approval may be submitted only after a pre-application meeting under CDC 99.030(B). If no modifications are made to the original approval, a pre-application conference is not required.*

Response: The proposed time extension does not involve any change in the originally approved development plan. However, in the interests of accuracy and being completely up front with city staff, a pre-application meeting with Darren Wyss was held on August 6, 2021. Even though not required by this provision of the CDC, the pre-application meeting was a significant help to the applicants nevertheless.

2. *The application for extension of approval with modifications to the original approval shall satisfy the neighborhood meeting requirements of CDC 99.038 for those cases that require compliance with that section. If no modifications are made to the original approval, no neighborhood meeting is required.*

Response: For purposes of the proposed time extension, no modifications are made to the originally approved development plan. Because no modifications are proposed, no neighborhood meeting is required and, as such, no neighborhood meeting has been held or is proposed to be held.

3. *Applications for extensions must be submitted along with the appropriate deposit to the Community Development Department.*

Response: The appropriate and applicable city application for a time extension, along with the required fee, has been submitted to the West Linn Community Development Department. Therefore, this requirement has been fulfilled.

4. *Notice of the decision shall be issued consistent with CDC 99.080.*

Response: Such Notice of Decision is the responsibility of the city and city staff, and not of the applicants. Therefore this requirement does not apply to the applicants.

5. *The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter.*

Response: The applicants recognize this provision of the CDC, and agree to its substance.

PC-2 COMPLETENESS LETTER



CITY OF
West Linn

December 7, 2021

Investco Realty Group
Attn: Ali and Nina Ladha
9334 SE Hunters Bluff Avenue
Portland, OR 97086

SUBJECT: MISC-21-13 Application requesting a two year time extension for the previous approval of a Class II Design Review (DR-18-03) and Class I Variance (VAR-18-01) located at 20312 Noble Lane

Dear Ali and Nina Ladha,

Your application submitted on October 19, 2021 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends April 6, 2021.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential hearing date by the Planning Commission.

Please contact me at 503-742-6057, or by email at bavila@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Betty Avila

Betty Avila
Associate Planner

PC-3 AFFADAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
Type A**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **MISC-21-13**

Applicant's Name: **Ali & Nina Ladha**

Development Name: 20312 Noble Land Extension

Scheduled Decision Date: **Planning Manager Commission Decision no earlier than 1/19/22**

APPLICATION

The application was posted on the website at least 20 days prior to the hearing or decision date. All documents or evidence relied upon by the applicant and applicable criteria are available for review at least 20 days prior to the hearing date at City Hall per Section 99.040 of the Community Development Code.

12/22/21	<i>Lynn Schroder</i>
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MAILED NOTICE

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

Applicant, Ali & Nina Ladha	12/22/21	<i>Lynn Schroder</i>
Applicant Representative, Bon Price	12/22/21	<i>Lynn Schroder</i>
Property owners of record within 500 feet	12/22/21	<i>Lynn Schroder</i>
All Neighborhood Associations	12/22/21	<i>Lynn Schroder</i>

TIDINGS

Notice was posted in the West Linn Tidings at least 10 days prior to the hearing or meeting date per Section 99.080 of the Community Development Code.

1/5/22	<i>Lynn Schroder</i>
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WEBSITE

Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

12/21/21	<i>Lynn Schroder</i>
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SIGN

At least 10 days prior to the scheduled hearing, a sign was posted on the property per Section 99.080 of the Community Development Code.

1/6/21	<i>Betty Avila</i>
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STAFF REPORT was posted on the website and mailed to the applicant and members of the decision-making body at least 10 days prior to the scheduled date of the public hearing per Section 99.040 of the Community Development Code.

	<i>Lynn Schroder</i>
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**CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. MISC-21-13**

The West Linn Planning Commission will hold a hybrid public hearing on **Wednesday, January 19, 2022** at 6:30 pm to consider MISC-21-13, a request for a two-year extension to a previously approved Class II Design Review and Class I Variance (DR-18-03 and VAR-18-01) for a 5-unit attached multi-housing project located at 20312 Noble Lane.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the property (Clackamas County Assessor's Map 2S-1E-26D, tax lot 00402), or as otherwise required by CDC Chapter 99.080.

The Planning Commission will decide the application based on criteria in Chapters 15, 55, 75, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/20312-noble-lane-extension-approval-class-2-design-review> . Alternatively, the application, all documents or evidence relied upon by the applicant, and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost. The staff report will be available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170. **Anyone wishing to present written testimony for consideration may submit all materials before 12:00 pm on January 19, 2022 to bavila@westlinnoregon.gov or mail them to City Hall. The City cannot accept *emailed* testimony after 12:00 pm on the meeting day. The Planning Commission will accept written testimony in-person at the public hearing.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

The Planning Commission meeting will be conducted in a hybrid format with some Commissioners, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting online at <https://westlinnoregon.gov/meetings> or on Cable Channel 30.

Those who choose to provide oral testimony remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 12:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call in. Those who choose to attend in-person must wear a mask and maintain six feet of physical distance.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

Contact Betty Avila, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057 for additional information.



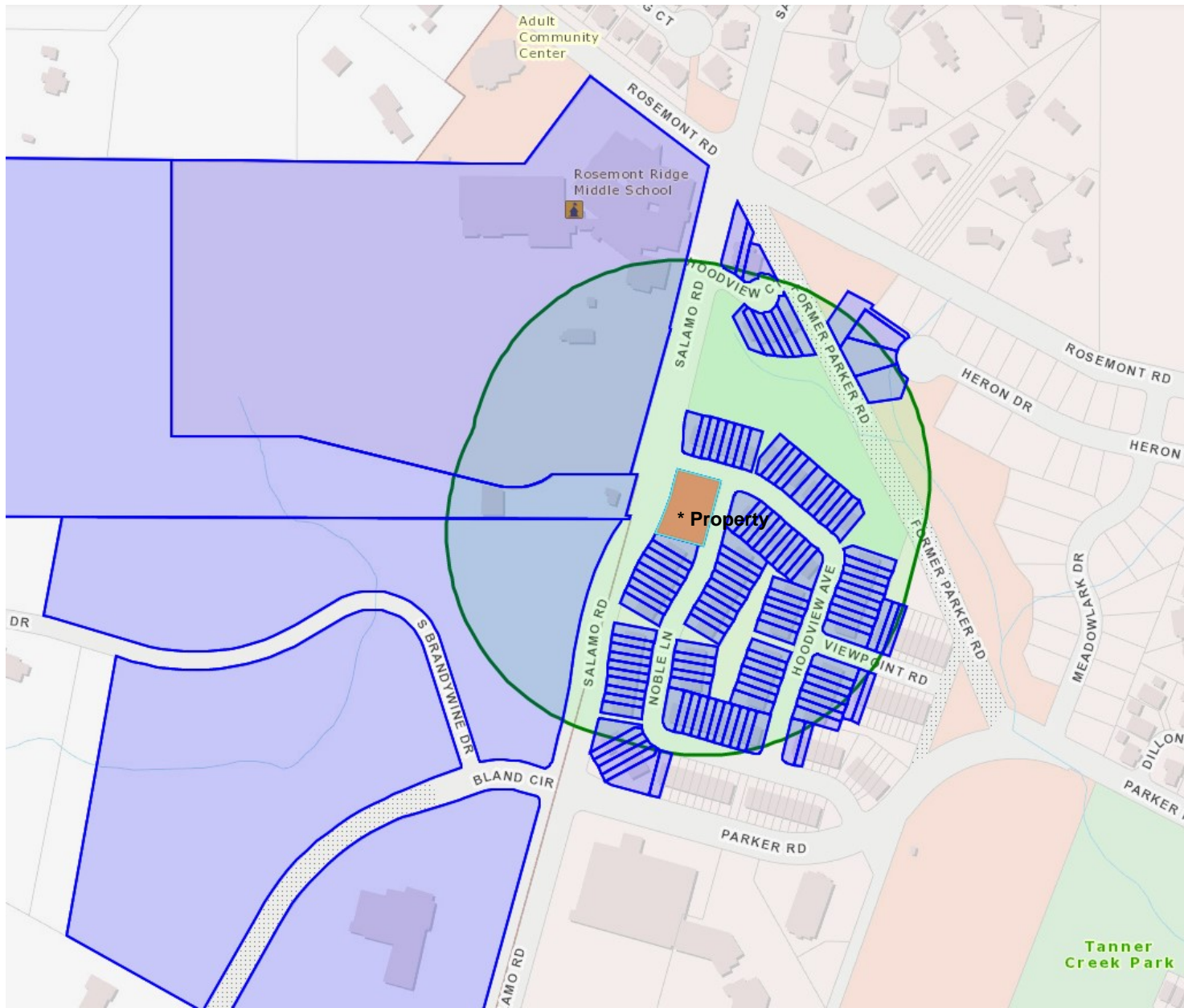
**NOTICE OF UPCOMING
PLANNING COMMISSION DECISION**

**PROJECT # MISC-21-13
MAIL: 12/22/21 TIDINGS: 1/5/22**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

MISC-21-13 Notified Properties



PC-4 FINAL DECISION AND ORDER (DR-18-03/VAR-18-01)

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

DR-18-03/VAR-18-01

IN THE MATTER OF A PROPOSAL FOR A CLASS II DESIGN REVIEW TO CONSTRUCT 5-RESIDENTIAL UNITS IN TWO BUILDINGS AND A CLASS I VARIANCE TO LOT AREA AT 0 NOBLE LANE (VACANT PROPERTY AT THE CORNER OF NOBLE LN AND HOODVIEW AVE.)

I. Overview

At their meeting of March 6, 2019, the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by Robert Price on behalf of owners Ali and Nina Ladha, to approve a proposal for a Class II Design Review to construct 5-residential units in two buildings and a Class I variance to lot area requirements. The approval criteria for a Class II Design Review and Class I Variance are found in Chapter 15: Single-Family and Multiple-Family Residential, Chapter 55: Design Review, and Chapter 75: Variances and Special Waivers of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Owners Ali and Nina Ladha introduced their consultant, Robert Price who presented as the applicant. During public testimony the Commission heard testimony from Rita Crawford who expressed concern over on-street parking but was neither for nor against the application. Susan Laszlo testified in opposition to the application due to the architectural style chosen by the applicant. The Commission received written testimony from Tim Young who is also opposed to the application due to the architectural style chosen by the applicant. The hearing was closed and the Commission went into deliberations.

The Commission discussed parking and architectural design associated with the proposed development. The Commission learned during the hearing that on-street parking in front of the vacant lot on Noble Lane can be moved to the opposite side of the street under a separate action. The Commission found that each unit will provide a full double garage for parking of two vehicles and space for one to two additional vehicles in front of each garage. The CDC requires a minimum of one off street parking place, which was satisfied by the proposed design. The Commission discussed architectural style with the applicant during the hearing and deliberated further on this matter. The Commission requested support from planning staff and the City Attorney regarding any applicable requirements and learned State statute does not allow for architectural review criteria that are not clear and objective. Although the applicant’s proposed design is different than surrounding residential design, the Commission determined it

has no authority under the CDC to require architectural design be consistent with neighboring properties.

A motion was made by Commissioner Mathews and seconded by Commissioner King to approve the application with a modification to condition of approval 4. The motion removed "be consolidated to" to read as follows:

"Curb Cut Spacing. Driveway curb cuts onto Noble Lane shall ~~be consolidated to~~ meet spacing requirements."

The motion passed unanimously (6-0).

II. The Record

The record was finalized at the March 6, 2019, hearing. The record includes the entire file from DR-18-03/VAR-18-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Robert Price on behalf of owners Ali and Nina Ladha.
- 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, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings


The Commission adopts the Staff Report for March 6, 2019, with attachments, including specifically the Addendum dated March 6, 2019, as its findings, which are incorporated by this reference. The Commission concludes that 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 drawings dated 7/9/18.**
2. **Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. All improvements must be designed, constructed, and completed prior to the issuance of occupancy permits.**
3. **Side Wall Transition. The applicant must alter the nonexempt sidewalls of the proposed structures to comply with CDC 43.040.A.**

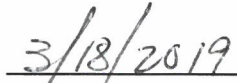
4. **Curb Cut Spacing.** Driveway curb cuts onto Noble Lane shall meet spacing requirements.

V. Order

The Commission concludes that DR-18-03/VAR-18-01 is approved based on the Record, Findings of Fact and Findings above.



Gary Walvatne, CHAIR
WEST LINN PLANNING COMMISSION



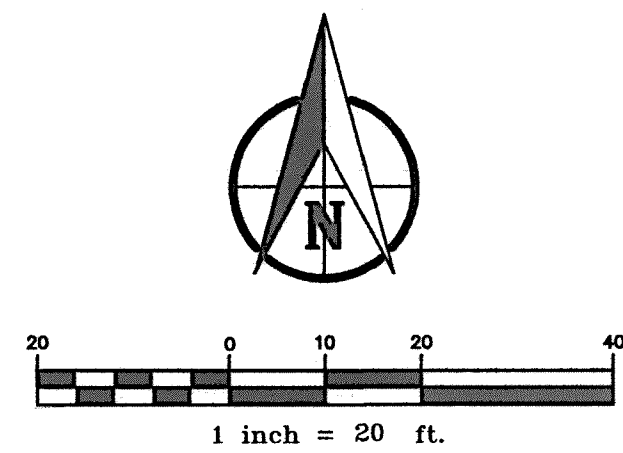
DATE

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.

Mailed this 19th day of March, 2019.

Therefore, this decision becomes effective at 5 p.m., April 2, 2019.

PC-5 SITE PLANS (DR-18-03/VAR-18-01)

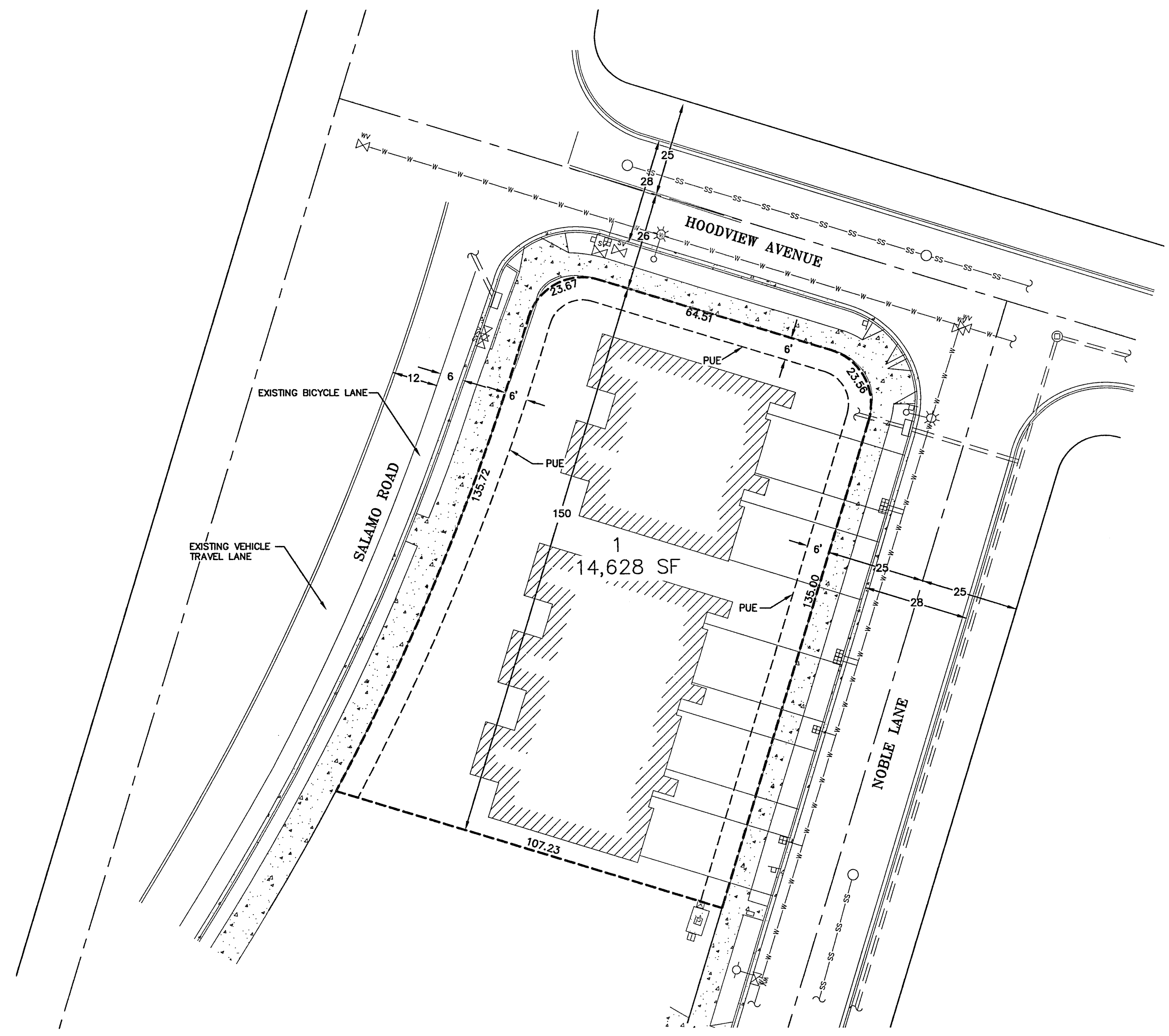


LEGEND

- PROPOSED SIDEWALK
- PROPOSED CURB
- SAWCUT LINE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT

UTILITY LEGEND

- PROPOSED STORM LINE & MANHOLE
- PROPOSED STORM LINE & CLEANOUT
- PROPOSED SANITARY LINE & CLEANOUT
- PROPOSED SANITARY LINE & MANHOLE
- PROPOSED WATERLINE & VALVE
- AREA / DITCH INLET CATCH BASIN
- CG-30 STYLE CATCH BASIN



TENTATIVE PLAN
1"=20'

CWK2
LAND DEVELOPMENT CONSULTANTS

CWK2 LAND DEVELOPMENT CONSULTANTS
10700 SW BEAV. HILLSDALE HWY., SUITE 533
BEAVERTON, OR 97005
TEL: (503) 620-7182
FAX: (503) 620-7283

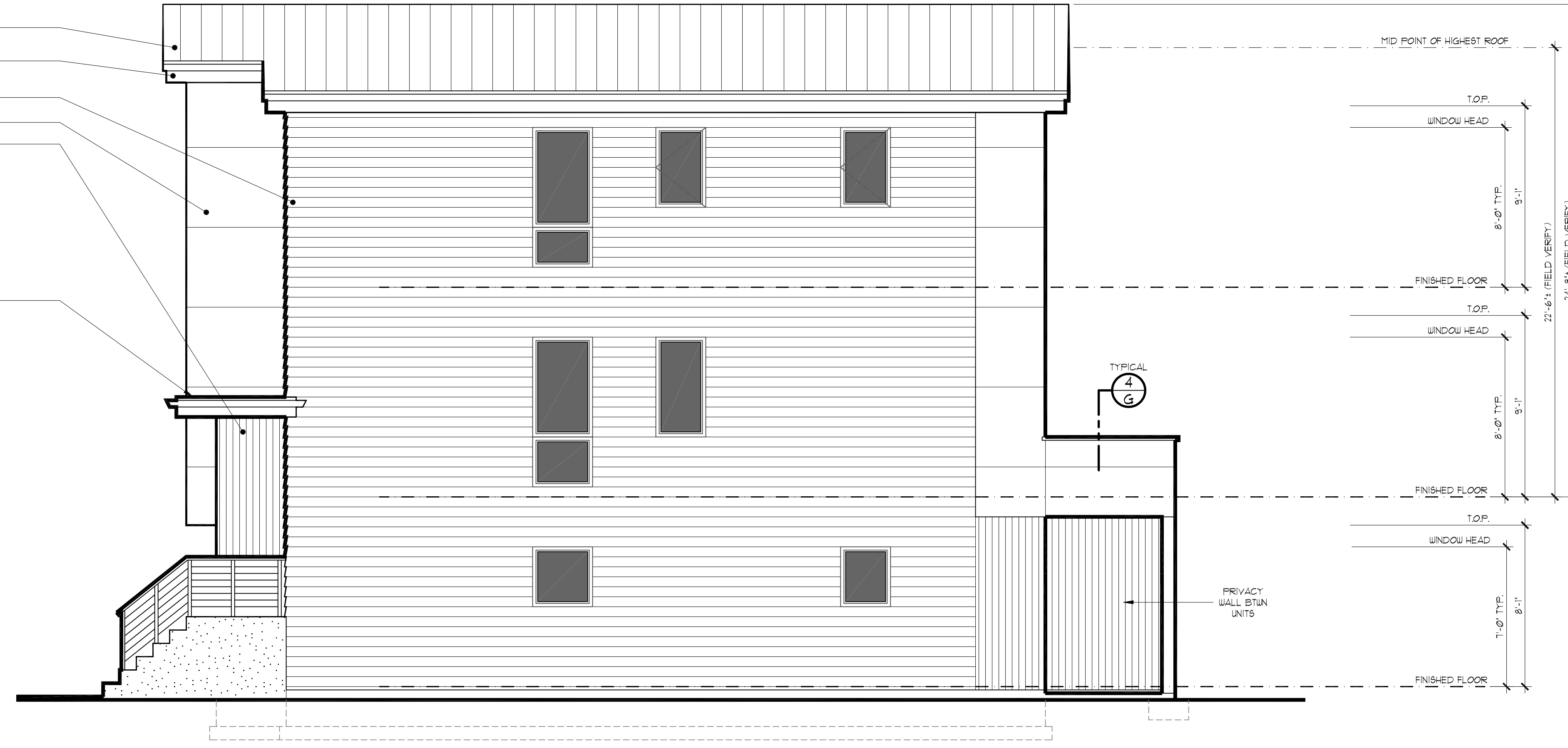
TENTATIVE PLAN
HOODVIEW SUMMIT
ALI LADHA
9334 SE HUNTERS BLUFF AVE. (503) 788-4401

REGISTERED PROFESSIONAL ENGINEER
72848PE
WILLIAM J. KEHRLE
RENEWAL 6/30/19

DATE: 7/13/2018
DRAWN BY: WJK
PROJ. MGR: WJK
CHECKED BY: WJK
PROJECT NUMBER
BRT.001
CASE FILE NUMBER
-

SHEET NUMBER
3
OF
7

STANDING SEAM METAL ROOFING (SEE ROOF PLAN)
 G. I. GUTTER ON 2 X 8 FASCIA C/W DOWNSPOUTS (SEE ROOF PLAN)
 HORIZONTAL LAP SIDING
 PAINTED FIBER CEMENT PANELS
 VERTICAL SIDING
 THE TYPE OF EXTERIOR FINISH, THE INSTALLATION AND THE WATERPROOFING DETAILS ARE ALL TO BE THE FULL RESPONSIBILITY OF THE OWNER/BUILDER. THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE INTEGRITY OF THE BLDG ENVELOPE.
 WATERPROOF MEMBRANE TYPE ROOFING (ex. 'EPDM') SYSTEM OR EQUAL. INSTALL PER MANUF. SPECS. 1/2" RATED SHING INDEX 32/16 ON 2 X SLEEPERS SLOPED 1/4" FT. MIN. OVER ENG. RETRS OR 2 X FRNG MEMBS (SEE PLANS) (SEE SHT G FOR INSL. VALUES, IF UNVENTED, SEE (UNVENTED INSL. OPT) (TYP. @ FLAT ROOF PORTION)



RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"



FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

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Mascord COLLECTION

ALAN MASCORD DESIGN ASSOCIATES, INC. 2116 S. MAIN ST. PORTLAND, OR 97201 503/225-9061 FAX 503/981-1815

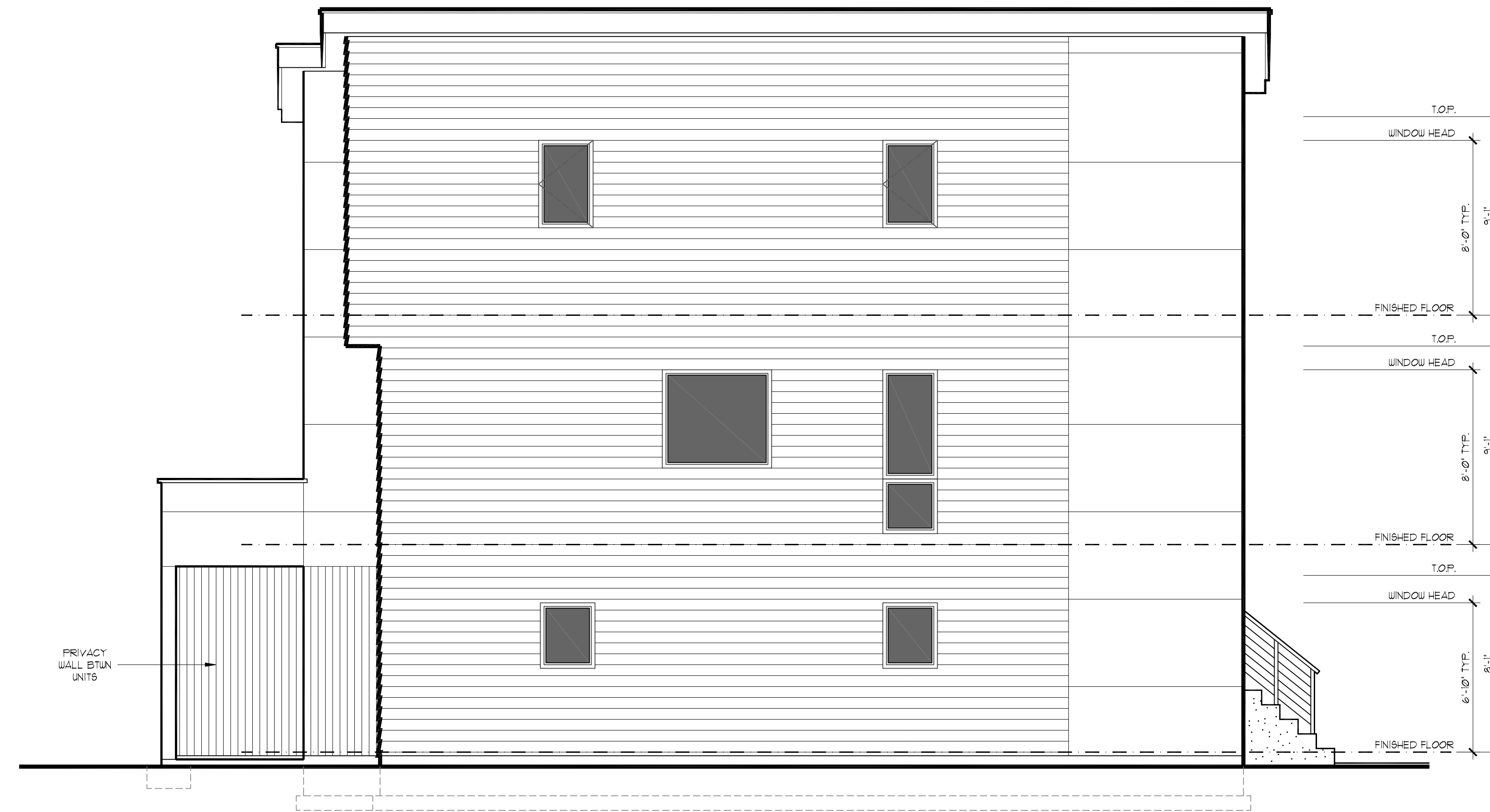
INVESTCO-DUPLEX-1 PROJECT MANAGERS DRAWN 02/02/18 LAW

RESIDENCES FOR INVESTCO REALTY GROUP
 HOODVIEW ZONING SUBDIVISION
 W.C.T. LIND - OR 6000

25# SNOW LOAD

UNITS A & C	878 SQ. FT.
UPPER FLOOR	854 SQ. FT.
MAIN FLOOR	286 SQ. FT.
LOWER FLOOR	2000 SQ. FT.
TOTAL AREA	3938 SQ. FT.
GARAGE AREA	1,983 SQ. FT.

INVESTCO
 1



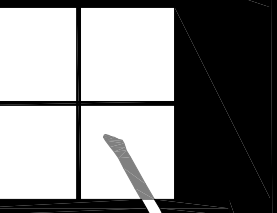
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



Mascord
COLLECTION

ALAN MASCORD DESIGN ASSOCIATES, INC.
1116 S. MAIN ST. PORTLAND, OR 97204
TEL: 503.225.9051 FAX: 503.981.1851

INVESTCO-DUPLEX-2
PROJECT MANAGER/EA
DRAWN 02/02/18 LAW

RESIDENCE FOR
INVESTCO REALTY GROUP
HOODVIEW ZONING SUBDIVISION
WETLAND REGION

25# SNOW LOAD

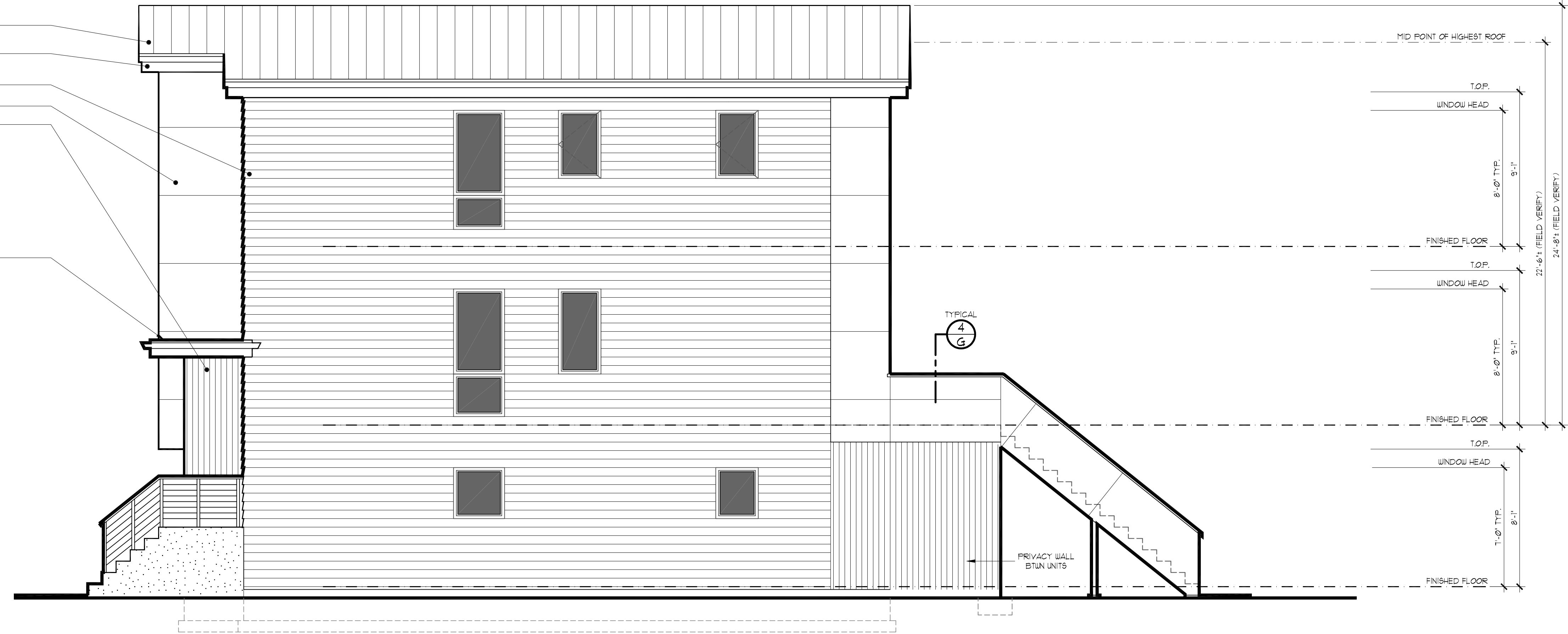
UNITS A & C	878 SQ. FT.
UPPER FLOOR	854 SQ. FT.
MAIN FLOOR	286 SQ. FT.
LOWER FLOOR	286 SQ. FT.
TOTAL AREA	2020 SQ. FT.
GARAGE AREA	1,583 SQ. FT.

INVESTCO

2

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

STANDING SEAM METAL ROOFING (SEE ROOF PLAN)
 G. I. GUTTER ON 2 X 8 FASCIA C/W DOWNSPOUTS (SEE ROOF PLAN)
 HORIZONTAL LAP SIDING
 PAINTED FIBER CEMENT PANELS
 VERTICAL SIDING
 THE TYPE OF EXTERIOR FINISH, THE INSTALLATION AND THE WATERPROOFING DETAILS ARE ALL TO BE THE FULL RESPONSIBILITY OF THE OWNER/BLDG. THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE INTEGRITY OF THE BLDG ENVELOPE
 WATERPROOF MEMBRANE TYPE ROOFING (ex. EPDM) SYSTEM OR EQUAL, INSTALL PER MANUF. SPECS
 1/2" RATED SHING INDEX 32/16 ON 2 X SLEEPERS SLOPED 1/4" FT. MIN OVER ENG RETRS OR 2 X FRNG MBRS (SEE PLANS)
 (SEE SHT G FOR INSL. VALUES, IF UNVENTED, SEE (INVENTED INSL. OPT) (TYP. @ FLAT ROOF PORTION)



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

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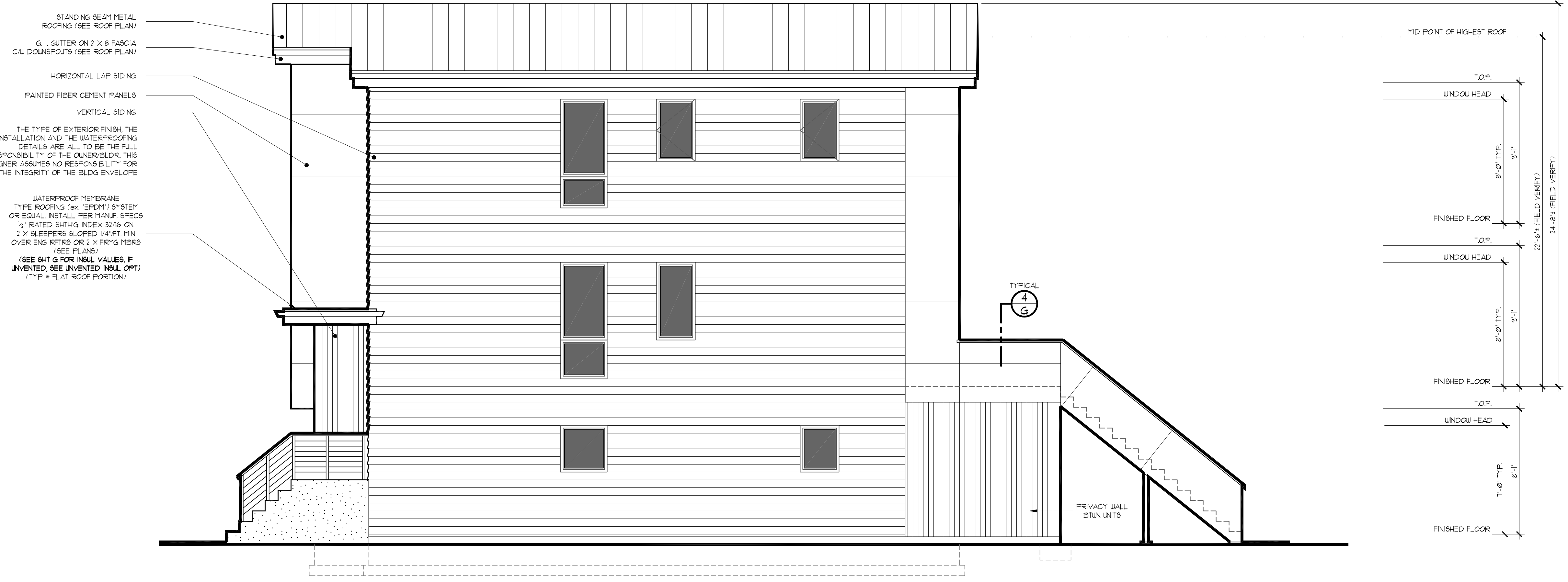
INVESTCO-DUPLEX-1
 PROJECT MANAGER/AS
 DRAWN 02/02/18 LAW

RESIDENCE FOR
INVESTCO REALTY GROUP
 HOODVIEW ZONING SUBDIVISION
 WCTT LIND - OR EGON

25# SNOW LOAD

UNITS A & C	878 SQ. FT.
UPPER FLOOR	854 SQ. FT.
MAIN FLOOR	286 SQ. FT.
LOWER FLOOR	286 SQ. FT.
TOTAL AREA	2020 SQ. FT.
GARAGE AREA	488 SQ. FT.





RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Mascord
COLLECTION

ALAN MASCORD DESIGN ASSOCIATES, INC.
1116 S. MAIN ST. PORTLAND, OR 97204
TEL: 503.225.4961 FAX: 503.981.1815

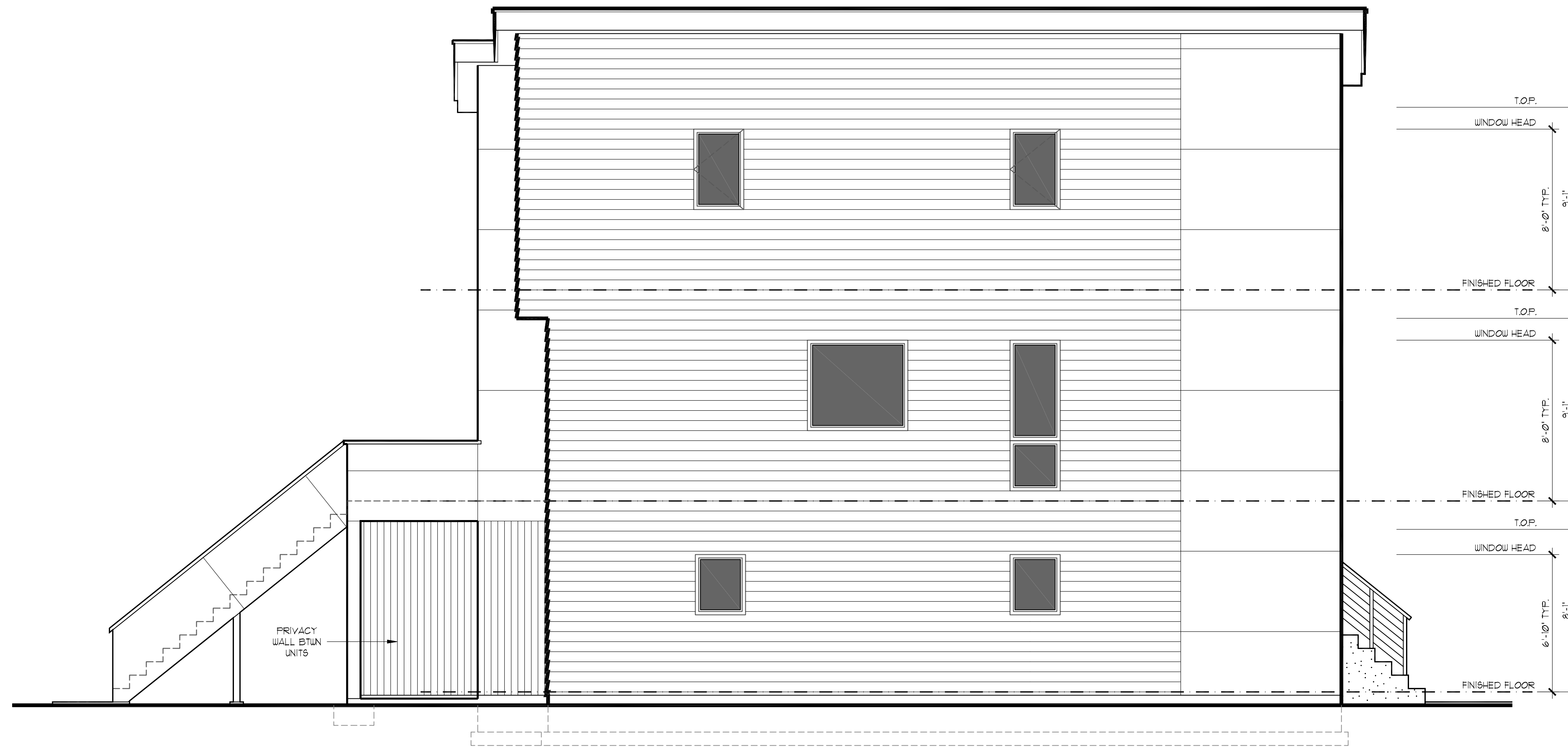
INVESTCO-TRIPLEX-1
PROJECT MANAGERS
DRAWN 02/02/18 LAW

RESIDENCES FOR
INVESTCO REALTY GROUP
HOODVIEW / JARRIT / SUBDIVISION
WEST Linn, Oregon

25# SNOW LOAD

UNITS A & C	UNITS B
UPPER FLOOR	UPPER FLOOR
878 SQ. FT.	939 SQ. FT.
MAIN FLOOR	MAIN FLOOR
854 SQ. FT.	913 SQ. FT.
LOWER FLOOR	LOWER FLOOR
286 SQ. FT.	306 SQ. FT.
TOTAL AREA	TOTAL AREA
2020 SQ. FT.	2158 SQ. FT.
GARAGE AREA	GARAGE AREA
• 683 SQ. FT.	• 622 SQ. FT.

INVESTCO
1



LEFT ELEVATION

SCALE : 1/4" = 1'-0"



REAR ELEVATION

SCALE : 1/4" = 1'-0"

- STANDING SEAM METAL ROOFING (SEE ROOF PLAN)
- 6" L GUTTER ON 2" X 8" FASCIA CW/ DOWNGROUTS (SEE ROOF PLAN)
- HORIZONTAL LAP SIDING
- PAINTED FIBER CEMENT PANELS
- VERTICAL SIDING
- THE TYPE OF EXTERIOR FINISH, THE INSTALLATION AND THE WATERPROOFING DETAILS ARE ALL TO BE THE FULL RESPONSIBILITY OF THE OWNER/BUILDER. THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE INTEGRITY OF THE BLDG ENVELOPE

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INVESTCO-DUPLEX-2
PROJECT MANAGER/AS
DRAWN 02/02/18 LAW

RESIDENCE FOR
INVESTCO REALTY GROUP
HOODVIEW ZONING SUBDIVISION
WETLAND REGION

25# SNOW LOAD

UNITS A & C	878 SQ. FT.
UPPER FLOOR	854 SQ. FT.
MAIN FLOOR	286 SQ. FT.
LOWER FLOOR	
TOTAL AREA	2020 SQ. FT.
GARAGE AREA	1,583 SQ. FT.

INVESTCO

2



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

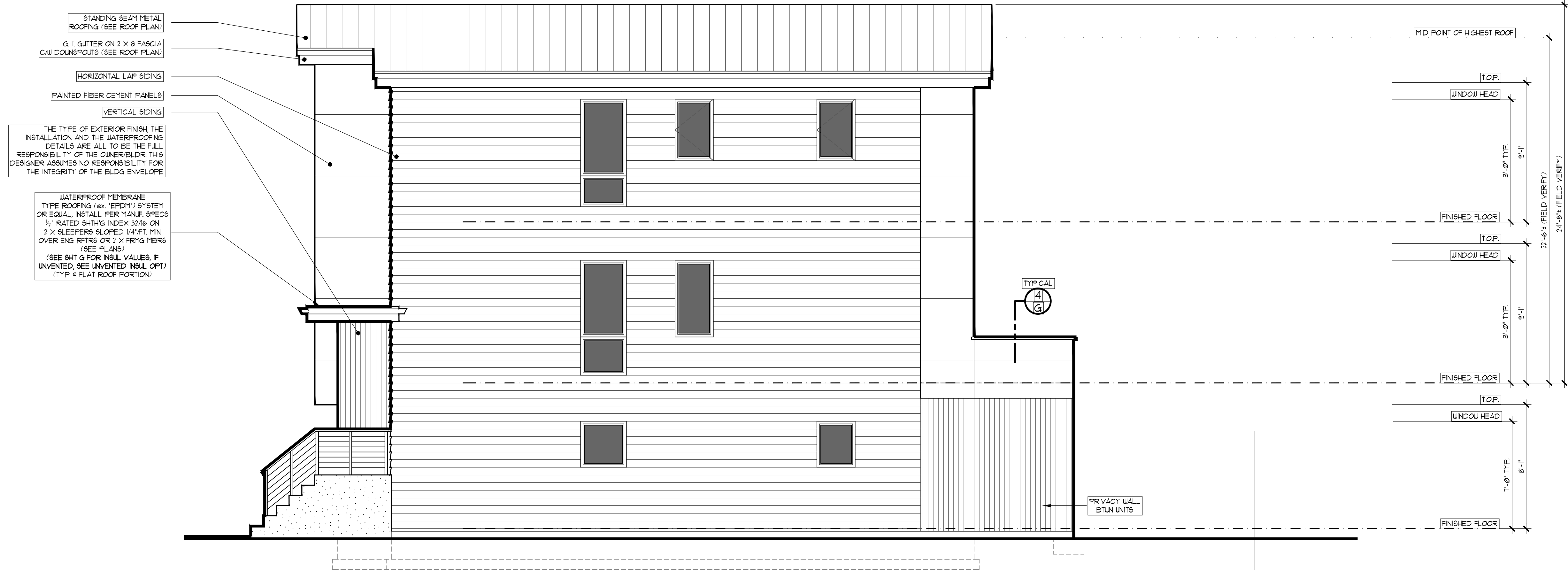


REAR ELEVATION

SCALE: 1/4" = 1'-0"

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

UNITS A & C	UNITS B	GARAGE AREA
UPPER FLOOR	UPPER FLOOR	UPPER FLOOR
878 SQ. FT.	939 SQ. FT.	622 SQ. FT.
MAIN FLOOR	MAIN FLOOR	
884 SQ. FT.	913 SQ. FT.	
LOWER FLOOR	LOWER FLOOR	
288 SQ. FT.	306 SQ. FT.	
TOTAL AREA	TOTAL AREA	
2020 SQ. FT.	2168 SQ. FT.	



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



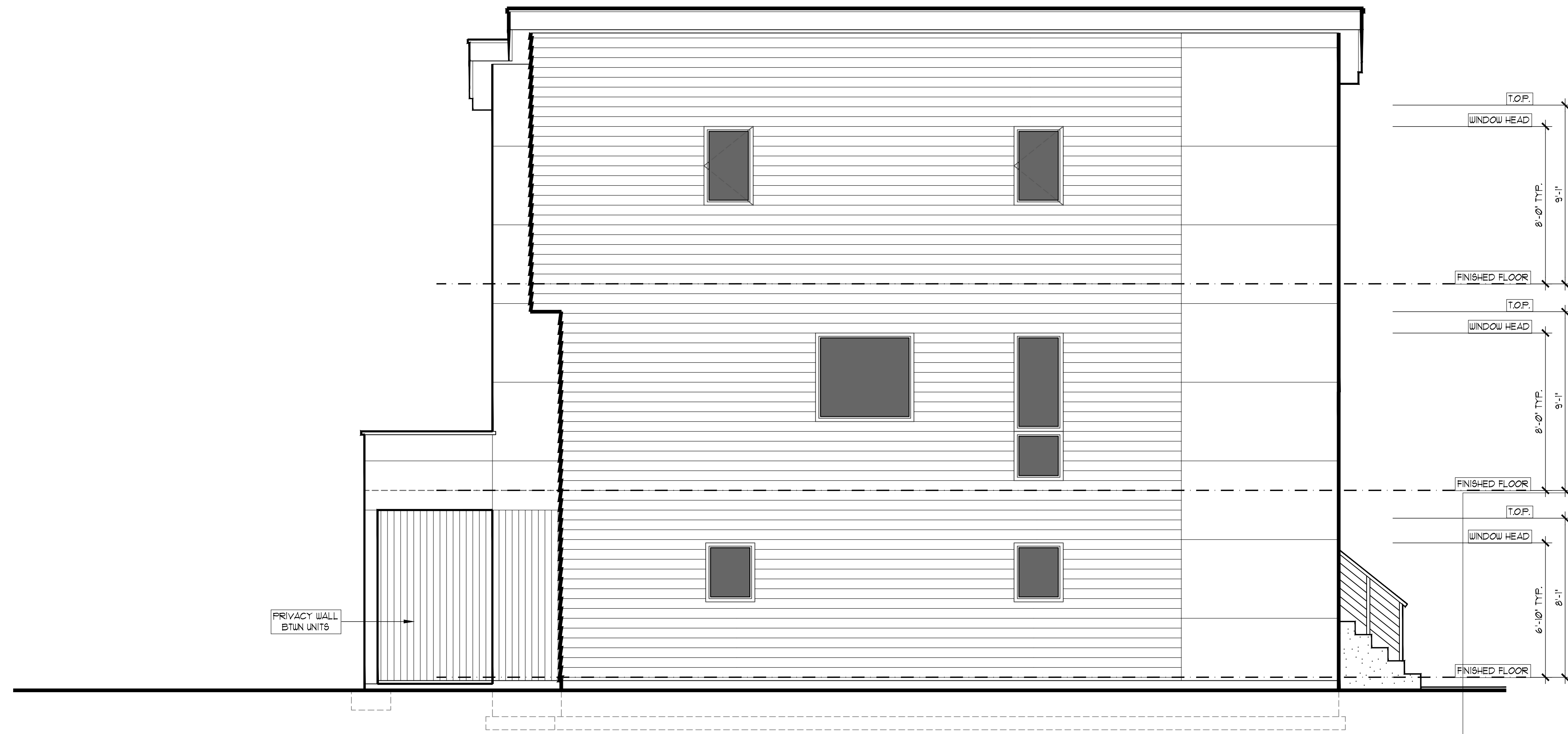
FRONT ELEVATION

SCALE: 1/4" = 1'-0"

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

Mascoord
 COLLECTION
 ALAN MASCOORD DESIGN ASSOCIATES, INC. 10177 WWW.MASCOORDDESIGN.COM
 PROJECT MANAGER/ARCHITECT
 DRAWN 02/02/18 LAW
 INVESTCO REALTY GROUP
 HOUSING / COMMERCIAL / SUBDIVISION
 W.C. TITUS - OFFICE
25# SNOW LOAD

UNIT B	UPPER FLOOR	LOWER FLOOR	TOTAL AREA	GARAGE AREA
878 SQ. FT.	130 SQ. FT.	265 SQ. FT.	622 SQ. FT.	0 SQ. FT.
878 SQ. FT.	130 SQ. FT.	265 SQ. FT.	622 SQ. FT.	0 SQ. FT.
878 SQ. FT.	130 SQ. FT.	265 SQ. FT.	622 SQ. FT.	0 SQ. FT.



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

UNITS A & C		UNIT B	
UPPER FLOOR	878 SQ. FT.	UPPER FLOOR	639 SQ. FT.
LOWER FLOOR	288 SQ. FT.	LOWER FLOOR	130 SQ. FT.
TOTAL AREA	2020 SQ. FT.	TOTAL AREA	2458 SQ. FT.
GARAGE AREA	583 SQ. FT.	GARAGE AREA	622 SQ. FT.

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.