

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: December 23, 2022

FILE NO.: DR-22-07

REQUEST: Approval of a Class I Historic Design Review and Class I Design Review at 4835 Willamette Falls Drive

PLANNER: John Floyd, Associate Planner

Planning Manager DSW

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION	2
BACKGROUND	3
PUBLIC COMMENTS	4
DECISION AND CONDITIONS OF APPROVAL	5
ADDENDUM	
STAFF FINDINGS	6
EXHIBITS	
PD-1 APPLICANT SUBMITTAL.....	19
PD-2 COMPLETENESS LETTER	31
PD-3 CULTURAL RESOURCE SURVEY FORM	33
PD-4 DR-09-01/MISC-09-01 FINAL DECISIONS	35
PD-5 PUBLIC COMMENTS	38
PD-6 AFFIDAVIT AND NOTICE PACKET.....	43

GENERAL INFORMATION

- CONSULTANT:** Juergen Panoscha
Kidd Panoscha Architecture & Design
3333 NE Sandy Blvd
Portland OR 97232
- OWNER/APPLICANT:** 4835 Willamette Falls Drive, LLC
Attn: Dylan Hydes
4835 Willamette Falls Drive
West Linn OR 97068
- SITE LOCATION:** 4835 Willamette Falls Drive
- SITE SIZE:** 0.32 acres per Clackamas County Assessor
- LEGAL DESCRIPTION:** Assessor's Map 22E31BA Tax Lot 01100
- COMP PLAN DESIGNATION:** Commercial
- ZONING:** GC, General Commercial; Historic District Overlay; Willamette Greenway Overlay
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 19: General Commercial; Chapter 25: Overlay Zones – Historic District; Chapter 46 – Off-Street Parking; Chapter 54 – Landscaping; Chapter 55 – Design Review; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
- 120-DAY RULE:** The application became complete on October 20, 2022. The 120-day period ends February 17, 2022.
- PUBLIC NOTICE:** Notice was mailed to property owners within 300 feet of the subject property and to the Bolton Neighborhood Association on November 16, 2022. A sign was placed on the property on November 17, 2022. The notice was also posted on the City's website on November 15, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

BACKGROUND

The applicant is requesting approval to expand an existing parking area from five parking spaces to nine, including construction of a masonry block retaining wall and new landscaping (Exhibit PD-1). The purpose of the expansion is to improve the functionality of an existing office space by expanding available parking, including replacement of a parking space lost when a detached garage on the site was removed in 2021. No changes are proposed to the nature of the use or site access, which will remain unaffected.

The project site is located at 4835 Willamette Falls Drive, one of a cluster of seven residential and previously residential structures along a ridgetop, located westerly of the intersection of Willamette Falls Drive and West A Street. Four of the structures are locally significant historical landmarks, including the structure on the project site known as the Pickens Residence (Exhibit PD-3).

The project site and properties to the west and east are zoned General Commercial, consistent with the commercial/industrial history of this part of the city, though some of the structures retain their original residential uses. The large parking area located south of the project site is zoned General Industrial.

A review of available records indicates this property was converted from residential to office use in 2009 under DR-09-01/MISC-09-01 (Exhibit PD-4). The first commercial occupant has now given way to a law office. At the time of conversion, a Class I Design Review was required for the change of use and new parking layout, and a non-conforming review by the Planning Commission was also required due to the substandard access to the structure, which relies upon a private access easement through properties to the west in order to access Willamette Falls Drive. As part of the approval, the Planning Commission applied three conditions of approval, two of which are applicable to this application.

Condition No. 2 limited use of the structure to no more than fifteen trips per day (a trip defined as one arrival plus one departure), unless the access drive is improved to meet all CDC standards. Fifteen trips was chosen as it found to be roughly equivalent to the average trips generated by a single-family home plus the maximum allowed daily trips by a home occupation. The current occupant of the structure has provided a memorandum confirming their operations are consistent with this standard, and expansion of the parking area will not affect their ability to comply with the trip limit. Therefore, enlargement of the parking lot will not change the nonconformity of the site access.

Condition No. 3 restricted the commercial use of the structure to no more than 2,300 square feet. The basis of the condition was to ensure the structure remained in compliance with minimum parking requirements. As discussed in the staff findings, this condition will no longer

apply once the project is complete, as the applicant is increasing the amount of on-site parking to fully comply with minimum parking requirements for a professional office use.

PUBLIC COMMENT

Two public comment letters were submitted. One from Nancy McMath, owner of the property next door at 4845 Willamette Falls Drive, and her daughter Rachel O'Doud-Vega (Exhibit PD-5). The content of the two letters pertained to the following topics:

- Concern about increased water runoff from the placement of additional concrete surfaces due to existing flooding of their home.
- Concern about the owner renting office space within the structure to other attorneys/paralegals.
- Concern about adequacy of adjacent roadway due to lack of a sidewalk or shoulder and safety of pedestrians.
- Marking of parking spots.
- Visibility of the parking area, scale of retaining wall and adequacy of landscaping.

The application has shown consistency with all city standards regarding these items, as discussed in Staff Findings 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, and 19.

DECISION

The Community Development Director (designee) approves this application (DR-22-07), 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. **Plans, Elevations, and Narrative.** The project shall conform to the plans, elevations, and narrative submitted in Exhibit PD-1 and obtain all necessary building permits.
2. **Continuing Conditions.** Applicant shall continue to comply with Condition 2 of DR-09-01/MISC-09-01 regarding maximum trips: “No changes that result in a total number of trips in excess of 15 per day (one trip defined as one arrival plus one departure) shall be permitted under this approval unless the access drive is improved to meet all CDC requirements.”

The provisions of the Community Development Code Chapter 99 have been met.



John Floyd, Associate Planner

December 23, 2022

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date. The appeal fee is \$400. The appeal must be filed by an individual who has established standing by submitting comments before the decision date. Approval will lapse 3 years from the effective approval date if the final plat is not recorded.

Mailed this 28th Day of December, 2022.

Therefore, the 14-day appeal period ends at 5 p.m. on January 11th, 2023.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-22-07

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

I. CHAPTER 19, GENERAL COMMERCIAL, GC

19.030 PERMITTED USES

The following uses are allowed in this zone under prescribed conditions:

(...)

23. Professional and administrative services.

(...)

Staff Finding 1: The proposal is to expand the parking area for an existing law office, which falls under the use category of professional and administrative services. In 2009 the Planning Commission approved the conversion of the structure from residential to professional office use under DR-09-01/MISC-09-01. No change in use is proposed. Therefore, this standard is met.

II. CHAPTER 25, HISTORIC RESOURCES

25.040 HISTORIC DESIGN REVIEW PROCESSES

Proposed changes to historic resources that are not exempted by subsection A of this section, Exemptions from historic design review, are subject to subsection B of this section, Class I historic design review, or subsection C of this section, Class II historic design review. Class I historic design review addresses significant changes that warrant staff review. Class II historic design review addresses major changes including additions and new construction, subject to Historic Review Board approval. The processes for conducting Class I and Class II historic design review are in Chapter 99 CDC.

A. Exemptions from Historic Design Review. The following are exempt from Historic Design Review:

(...)

10. Retaining walls. Construction of retaining walls that meet the following requirements:

a. No greater than three feet high; and

b. Project above upper grade no more than 12 inches.

(...)

B. Class I historic design review. The following are subject to Class I historic design review to determine their compliance with the applicable approval standards:

1. Nonexempt. Items listed in CDC 25.040(A)(1) through (16) that do not qualify for an exemption;

(...)

Staff Finding 2: The project includes a retaining wall in excess of three feet high, therefore Class I Historic Design Review is required and has been requested (Exhibit PD-1). This standard is met.

25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new construction proposed on a designated historic resource. These standards are intended to preserve the

features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in CDC [25.080](#).

A. Standards for alterations and additions. This section applies to historic reviews for alteration of and additions to designated historic resources:

- 1. Retention of original construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and historic significance.*
- 2. Retention of historic material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.*
- 3. Time period consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.*
- 4. Significance over time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.*
- 5. Differentiate old from new. Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.*
- 6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired. [...]*
- 7. New windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.*
- 8. Storm windows. Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or another material that is consistent with the color, detail, and proportions of the building.*
- 9. Window replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.*
- 10. Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.*
- 11. New exterior walls and siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.*
- 12. Gutters and downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, half-round or K-shaped and comprised of wood or metal material, or styles and materials that match those that were typically used on similar style buildings of the era, or the era the building style*

references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.

13. *New windows. New windows shall be located on rear or secondary facades, unless required for a new use. New windows shall match the appearance and size of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows are consistent with the original historic appearance and material, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. Replacement of existing windows shall meet standards for window replacement.*
14. *Storm windows. Storm windows shall be made of painted wood, a material with a baked enamel finish, anodized aluminum, or another material that is consistent with the color, detail, and proportions of the building.*
15. *Window replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance and material, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color, method of operation and related features, such as shutters.*
16. *Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.*
17. *Porches. Front porches are allowed on new construction. No front porch shall be added to a structure if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:
 - a. *Maintain the shape, width, and spacing of the original columns; and*
 - b. *Maintain the height, detail, and spacing of the original balustrade.**
18. *Decks. Decks shall be located in the rear yard or the portion of the side yard behind the front 50 percent of the primary structure.*
19. *Foundations. Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:
 - a. *The proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block, based on photographic or other evidence; or*
 - b. *It is necessary to satisfy a requirement of the building code and/or floodplain regulations (Chapter 27 CDC).**
20. *Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting is not permitted.*

Staff Finding 3: No changes to the historic structure are proposed, and all changes are limited to the parking area and adjoining landscaping. A review of available records indicated the historic landmark status was only for the structure and not the site (Exhibit PD-3). The existing rock retaining wall adjacent to the parking area was installed in 2009, and the proposed Murata wall utilizes a design that is complimentary of the historic structure, reversible, and will not create a false sense of history. None of the remaining standards address retaining walls or parking areas. Therefore, these standards are met or are not applicable.

25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to properties within a historic district.

[...]

Staff Finding 4: The project site is not located within a historic district. These standards do not apply.

III. CHAPTER 28, WILLAMETTE AND TUALATIN RIVER PROTECTION

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

[...]

S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas Not Designated as HCAs" and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

[...]

Staff Finding 5: The site is within the Willamette River Greenway, the border of which is along 1-205 in this section of the city, but is not designated as Habitat Conservation Area (HCA). Therefore, no Willamette River Greenway permit is required on this site. These standards do not apply.

IV. CHAPTER 46, OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

[...]

C. Commercial.

[...]

5. Professional offices, banks and savings and loans, and government offices. One space for every 370 sq. ft. of gross area.

[...]

F. Maximum parking. Parking spaces (except for single-family attached and detached residential uses) shall not exceed the minimum required number of spaces by more than 10 percent.

G. Parking reductions. An applicant may reduce parking up to 10 percent for development sites within one-quarter mile of a transit corridor or within a mixed-use commercial area, and up to 10 percent for commercial development sites adjacent to multifamily residential sites with the potential to accommodate more than 20 dwelling units.

[...]

Staff Finding 6: The 2009 application to convert the historic home to an office use included six parking spaces (4 surface spaces, one in a detached garage, and 1 accessible space). The application was approved with a condition limiting commercial use of the property to no more than 2,300 square feet of the structure to correspond to the amount of parking proposed. This limit was applied to make sure the commercial activity inside the structure remained compliant with the parking standard in place at the time, which mandated one parking space for every 350 square feet of gross office space, inclusive of an optional 10% discount for proximity to a transit line.

The applicant is now proposing 9 parking spaces, one to replace the now demolished detached garage, and three more to provide expanded capacity as the ADA space is rarely used and the current parking prevents full use of the structure. With the structure measuring 3,450 square feet per the project architect, ten spaces are required under existing standards of one space per 370 gross square

feet (3,450 / 370 = 9.3 spaces). When applying the proximity to transit discount of 10% per section (G) above, the minimum requirement is reduced to 9 spaces (10% of 10 spaces = 1 space reduction). Therefore, the proposed parking expansion would make the site compliant with minimum parking requirements, and abates the underlying deficiency that resulting in the 2009 condition limiting use of the structure to 2,300 square feet.

One comment letter questioned the adequacy of nine parking spaces based upon speculation about the number of employees that could occupy the structure (Exhibit PD-5). As discussed above, the CDC establishes minimum parking by square footage and not occupant. Furthermore, the trip cap of 15 trips per day (one trip defined as one arrival and one departure) will remain in force, and set practical limits on use of the structure. This standard is met.

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

1. *“One standard parking space” means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as “compact.” To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multifamily parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.*
[...]

4. *Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.*

5. *Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required.*

6. *Except for single-family attached and detached residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.*

7. *Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of City streets. The remainder of the areas used for parking may use a permeable paving surface designed to reduce surface runoff. Parking for public parks or trailheads may use a permeable paving surface designed to reduce surface runoff for all parking areas. Where a parking lot contains both paved and unpaved areas, the paved areas shall be located closest to the use which they serve.*
[...]

9. *Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the*

site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.

10. Access drives shall have a minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.

11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Such parking spaces may be provided without wheel stops if the sidewalks or landscaped areas adjacent the parking stalls are two feet wider than the minimum width.

Staff Finding 7: The application includes a site plan demonstrating the proposed parking layout (Sheet HR-1 of Exhibit PD-1). Of the four new spaces, two will be 8 feet x 18 feet and the other two will measure 9 feet by 18 feet, in compliance with minimum dimensional standards. Five of the nine spaces will be standard spaces and four compact spaces, in compliance with the requirement that no more than 50% of the spaces be compact. All spaces are proposed on asphalt with striping and wheels stops demarcating the boundaries of the space, and continue a head-in parking configuration previously approved by the Planning Commission in DR-09-01. Striping will be confirmed during final planning inspection as part of the normal building permit process. Vehicular and pedestrian access to the property is per a nonconforming 16' wide reciprocal access agreement, also approved by the Planning Commission in DR-09-01, subject to a trip cap limitation (Exhibit PD-4). Neither the access nor the trip cap is proposed for modification, and the increase in parking spaces will not result in additional trips to the site above existing conditions. These standards are met.

12. Off-street parking and loading areas shall be drained in accordance with plans and specifications approved by the City Engineer. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.

[...]

17. The parking area shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.

Staff Finding 8: The application was reviewed by the Engineering division and the proposed work does not appear to exceed the minimum threshold to trigger the city's stormwater standards (creation of new more than 1,000 square feet of new impervious surfaces). Applicable stormwater requirement will also be verified through the building permit process. As demonstrated on the site plan, the parking area will exceed 5% slope and no drainage will occur across sidewalks or walkway per detail 3 of Sheet A1.0 (Exhibit PD-1). Drainage facilities for the retaining wall will be addressed as part of normal building permit review. These standards are met.

18. Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. The defensible space of the parking lot should not be compromised.

Staff Finding 9: The project site has been substantially developed for over 100 years, with access limited to an easement along the upper slope area of the property that prohibits placement of additional parking to the side or rear of the structure. In addition, an access easement along the frontage of Willamette Falls Drive prohibits placement of landscaping, but there is a defined grade change with the proposed parking area approximately ten feet below the grade of the roadway. Furthermore, as noted in the findings of DR-09-01 and documented in the site plan in Exhibit PD-1, there is currently a 15-foot deep vegetated area between the existing driveway and the curb of the Willamette Falls Drive Roadway. Therefore, these standards have been met to the degree possible.

19. Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area...
[...]

Staff Finding 10: The proposal is for a total of nine spaces. This standard is not applicable.

F. (See Figures 1 and 2 below.)
[...]

ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION 'A'		DIMENSION 'B'	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	8.0'	9.0'	8.0'	9.0'	8.0'
30°	DRIVE-IN	12.5'	12.5'	16.8'	13.8'	18.0'	16.0'
45°	DRIVE-IN	12.5'	12.5'	19.1'	17.0'	12.7'	11.3'
60°	DRIVE-IN	19.0'	18.0'	20.1'	17.8'	10.4'	9.2'
60°	BACK-IN	17.0'	17.0'	20.1'	17.8'	10.4'	9.2'
90°	DRIVE-IN	23.0'	23.0'	18.0'	16.0'	9.0'	8.0'
90°	BACK-IN	22.0'	22.0'	18.0'	16.0'	9.0'	8.0'

Staff Finding 11: The proposal provides for 23 feet of aisle width for cars to backup and maneuver. This This standard is met.

V. CHAPTER 54, LANDSCAPING

54.020 APPROVAL CRITERIA

[...]

E. Landscaping – By type, location and amount.

[...]

2. Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.

Staff Finding 12: Approximately 55% of the site will be landscaped. This standard is met.

3. All uses (residential uses (non-single-family) and non-residential uses):

a. The landscaping shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area. There shall be one shade tree planted for every eight parking spaces. These trees shall be evenly distributed throughout the parking lot to provide shade. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. The perimeter landscaping, explained in subsection (E)(3)(d) of this section, shall not be included in the 10 percent figure. Parking lots with 10 to 20 spaces shall have a minimum five percent of the interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the five percent. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one-third for the area with the permeable parking surface only.

b. The landscaped areas shall not have a width of less than five feet.

[...]

f. A parking, loading, or service area which abuts a property line shall be separated from the property line by a landscaped area at least five feet in width and which shall act as a screen and noise buffer, and the adequacy of the screen and buffer shall be determined by the criteria set forth in CDC 55.100(C) and (D), except where shared parking is approved under CDC 46.050.

[...]

Staff Finding 13: The application proposes four additional parking spaces for a total of nine, and includes the planting of a Scarlett Oak south of the parking lot in an area where sufficient soil volume will allow it to grow to height sufficient to provide shade. An existing tree on site will provide the second required shade tree. Perimeter landscaping adjoining the new parking area is approximately 7 feet wide on the eastern side, which adjoins a residential property. The adequacy of the landscaping is discussed in Staff Findings 18 and 19. These standards are met.

l. For commercial, office, multi-family, and other sites, the developer shall select trees that possess the following characteristics:

- 1) Provide generous “spreading” canopy for shade.
- 2) Roots do not break up adjacent paving.
- 3) Tree canopy spread starts at least six feet up from grade in, or adjacent to, parking lots, roads, or sidewalks unless the tree is columnar in nature.
- 4) No sticky leaves or sap-dripping trees (no honey-dew excretion).
- 5) No seed pods or fruit-bearing trees (flowering trees are acceptable).
- 6) Disease-resistant.

- 7) *Compatible with planter size.*
 - 8) *Drought-tolerant unless irrigation is provided.*
 - 9) *Attractive foliage or form all seasons.*
- [...]

Staff Finding 14: The proposed shade tree is a Scarlett Oak (*Quercus coccinea*). Oregon State University recommends this tree as a good lawn and street tree that achieves an average height of 70-80 feet with horizontal branches and scarlet foliage in the fall. The species is known for growing in a wide range of soils and has some drought tolerance. These standards are met.

VI. CHAPTER 55, DESIGN REVIEW

55.020 CLASSES OF DESIGN REVIEW

A. Class I Design Review. The following are subject to Class I Design Review:

[...]

9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.

[...]

c. Addition or reduction of parking stalls.

[...]

Staff Finding 15: The proposal is to add one parking stall. Therefore, a Class I Design Review is required.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

4. The design standards or requirements identified in the base zone shall apply.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

Staff Finding 16: The project site is substantially developed and involves the minor expansion of an existing parking area. The affected area does not contain any trees or other significant vegetation other than a stand of bamboo based on a site visit by staff and the existing and proposed site plan on Sheet HR-1 (Exhibit PD-1). Therefore, the standards of CDC 55.100(B)(1) through (4) do not apply. The project does involve exterior changes to the site, but note the main structure, and as

demonstrated in Staff Finding 16, these standards do not apply to the proposed project. The site has already been approved for the existing in DR-09-01 and no change of use, occupancy, trips, or access is proposed, therefore the adequacy of public facilities is not applicable. These standards do not apply.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

[...]

B. Relationship to the natural and physical environment.

[...]

5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

6. Architecture.

a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.

b. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

c. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

d. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally. The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the “height and width” ratio referenced in this section.

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

f. Variations in depth and roof line are encouraged for all elevations.

To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

g. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.

i. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.

Staff Finding 17: The proposed project for four additional parking spaces does not include changes to the existing structure on site. As all of these standards are specific to the architectural elements and style of a building or pedestrian environments, these standards do not apply.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.

b. The size of the buffer required to achieve the purpose in terms of width and height.

c. The direction(s) from which buffering is needed.

d. The required density of the buffering.

e. Whether the viewer is stationary or mobile.

2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

a. What needs to be screened?

b. The direction from which it is needed.

c. How dense the screen needs to be.

d. Whether the viewer is stationary or mobile.

e. Whether the screening needs to be year-round.

3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

Staff Finding 18: These standards are applicable as they are referenced in the parking area standards discussed in Staff Finding 12. Per these standards, buffering is required between different types of land uses, such as the proposed parking area and the adjoining property containing a single family dwelling. The applicant has proposed a planting plan on sheet HR-1 that includes a 7-foot wide area planted with hedges to provide a buffer between the last parking stall and the adjoining property line. The eastern side will be planted with a row of arborvitae at the top and bottom of the eastern retaining wall. Similarly, the plan shows a

hedge of rhododendron along the southern side of the retaining wall. Combined with the parapet wall, these will provide year-round screening of the new retaining wall and parking area from the adjoining residential property. Installation of all landscaping will be inspected and confirmed during the building permit process. These standards are met.

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.
2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).) If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

Staff Finding 19: No residential uses are proposed on site. The only source of light and glare would occur from the new parking spaces, which will be screened by the proposed vegetation addressed in Staff Finding 18 and sheet HR-1. The existing law practice within the structure is not reasonably expected to generate noise in excess of the city's noise standards. Therefore, these standards are met or do not apply.

VII. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL
99.080 NOTICE

Notice shall be given in the following ways:

[...]

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

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:
 - a. The applicant or their agent;
 - b. The affected recognized neighborhood association or citizens advisory committee; and
 - c. All property owners of record within 300 feet of the site perimeter;
2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Community Development Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.
3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.
4. At the conclusion of the land use action the signs shall be removed.

[...]

Staff Finding 20: Class I Historic Design Review and Class I Design Review applications are subject to Type B Notice. As required, mailed notice was provided on November 16, 2022 to all required parties including the neighborhood association and all property owners within 300 feet, and a sign posted on site the project site on November 17th. Therefore,notice requirements were met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT John Floyd	PROJECT NO(S). DR-22-07	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) \$250	REFUNDABLE DEPOSIT(S)	TOTAL \$250

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input checked="" 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"/> Code Interpretation | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

Site Location/Address:

4835 Willamette Falls Drive
West Linn, OR 97068

Assessor's Map No.: 2S 2E 31BA

Tax Lot(s): 1100

Total Land Area: 0.32 Acres

Brief Description of Proposal:

Project is to expand existing surface parking area from 5 spaces to 9 spaces. Provide site retaining walls as required for new parking. New work is limited to exterior site work only. No work to existing building.

Applicant Name:

(please print) Juergen Panoscha, Kidd Panoscha Architecture & Design
Address: 3333 NE Sandy Blvd.
Suite 210
City State Zip: Portland, Oregon 97232

Phone: 503.351.7923
Email: juergen@kiddpanoscha.com

Owner Name

(required) (please print) 4835 Willamette Falls Drive, LLC
Address: Attn: Dylan Hydes
4835 Willamette Falls Drive
City State Zip: West Linn, Oregon 97068

Phone: 503.892.1896
Email: dylanhydes@gmail.com

Consultant Name:

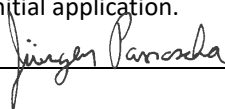
(please print)
Address:
City State Zip:

Phone:
Email:

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. 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.

Applicant's signature



09.15.2022

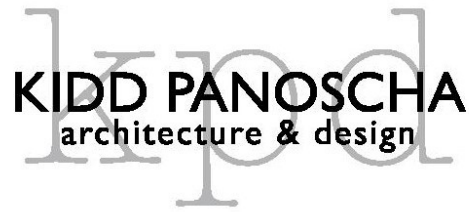
Date



Owner's signature (**required**)

09.16.22

Date



WFD Parking Expansion

4835 Willamette Falls Drive
West Linn, OR 97068

September 15, 2022

Description of proposed parking expansion:

The 3,450 square foot house at 4835 Willamette Falls Drive is designated as a Historic Landmark, and the occupancy was converted to office in 2009. To improve the functionality of the office, the current owner proposes to expand the parking on the site. Six parking spaces were provided in the 2009 office conversion, though the space in the former garage location is currently unusable. This proposal is to replace the lost space and add three additional spaces, increasing the total number of spaces to nine. The owner intends for the parking spaces to be used by full time office staff with occasional client visits, and does not anticipate exceeding 15 vehicle trips per day as allowed under the 2009 office conversion. See attached letter by owner for more details.

All work in this proposal is exterior site work located off the alley access at the rear of the property, and away from the historic structure. No work is planned for the historic structure itself. The existing parking lot retaining wall will need to be extended for the new parking area. The new retaining wall will range in height from under three feet adjacent to the existing parking, to around six feet near the northeast property line. A 42 inch high parapet for vehicle protection is also proposed for the section of wall facing towards the front of the property. Retaining wall heights greater than three feet and parapet projections more than one foot above upper grade are the non-exempt items requiring historic review for this project.

The existing parking retaining wall is a stacked rock wall constructed under the 2009 conversion. A section of this wall along with a stone stair to the lower yard, all from around the same era, are to be removed.

The proposed new retaining wall is to be stacked block with mechanically stabilized earth construction to provide stability for the taller wall. Murata block by Western Interlock is proposed. While the block is clearly a new material, the modular nature is compatible with the scale and proportion of the existing retaining wall. To soften the visual impact of the wall, tall hedges are proposed along both sides of the wall base, and in the planting area adjacent to the parking along the northeast side.

Dylan Hydes
Attorney At Law

4835 Willamette Falls Drive
West Linn, OR 97068
503-892-1896
dylan@wellstonelaw.com

September 15, 2022

City of West Linn
22500 Salamo Rd.
West Linn, OR 97068

To Whom It May Concern:

I manage the commercial property of 4835 Willamette Falls Drive in West Linn. I understand it has a limit on the number of visits to the property of 15 vehicle visits per day. I have every expectation, based on the type of business being transacted within this property, that we will have no problem keeping our daily number of trips at or below 15 vehicular visits per day. This would remain the case if the number of spaces was increased to nine.

I envision this building will never have more than five people working in it. There are only five workspaces (four offices plus a receptionist desk). For the past year, my paralegal and I have been the only people working in the building. I hope to find three other attorneys/paralegals to fill the three empty offices.

The Covid pandemic has changed the way law is practiced. Almost all work is done virtually. This includes client meetings, depositions, mediations, and arbitrations. In other words, the activities that would normally cause people to visit a law firm's physical premises now occur almost entirely online. Even with life mostly returning to normal, it appears attorneys and clients are preferring to maintain virtual interactions. Just yesterday my office scheduled a deposition to occur in a couple weeks and opposing counsel insisted that it be done via Zoom. We agreed.

Over the past nine months that I have worked at this address, I estimate we have averaged one client visit per week. If I found three other attorneys to rent office space here, I expect they would see a similar level of visitors. This means that even if I were to fill all office space in this building, and each tenant came to work every day, we would likely not even reach 10 total vehicular visits each day.

The additional parking is being sought because the current parking at this address is inadequate to support the building's commercial needs (it cannot be used for a residence). Specifically, there are essentially only four parking spaces at present. The fifth space is a handicapped space that likely will likely not be used by a tenant since most of the work space is on the second floor—

which is only accessible by stairs. This means I am currently unable to rent out the offices because there is not parking for each tenant—let alone an occasional visitor. I need a few additional spaces to allow people working here to drive to work and for a client or two to visit. As you likely know, there is no available street parking or commercial parking lots nearby.

Thank you for your consideration. Please do not hesitate to call me if there is anything further I can provide to assist with your processing of this matter.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Dylan Hydes". The signature is fluid and cursive, with a prominent initial "D" and "H".

Dylan Hydes
Attorney at Law



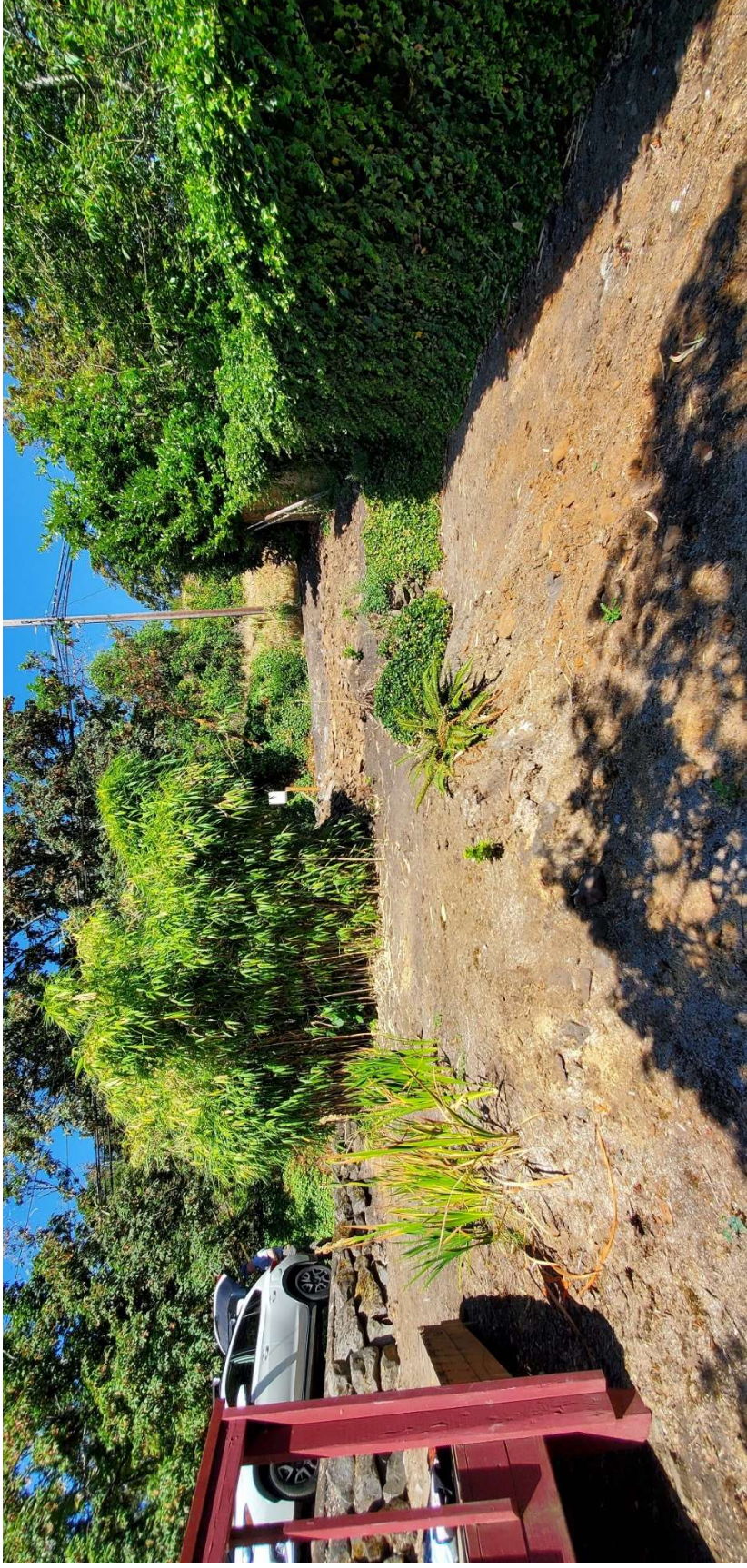
Back of House, Alley and Existing Parking
From northwest property corner

4835 Willamette Falls Drive
West Linn, OR 97068



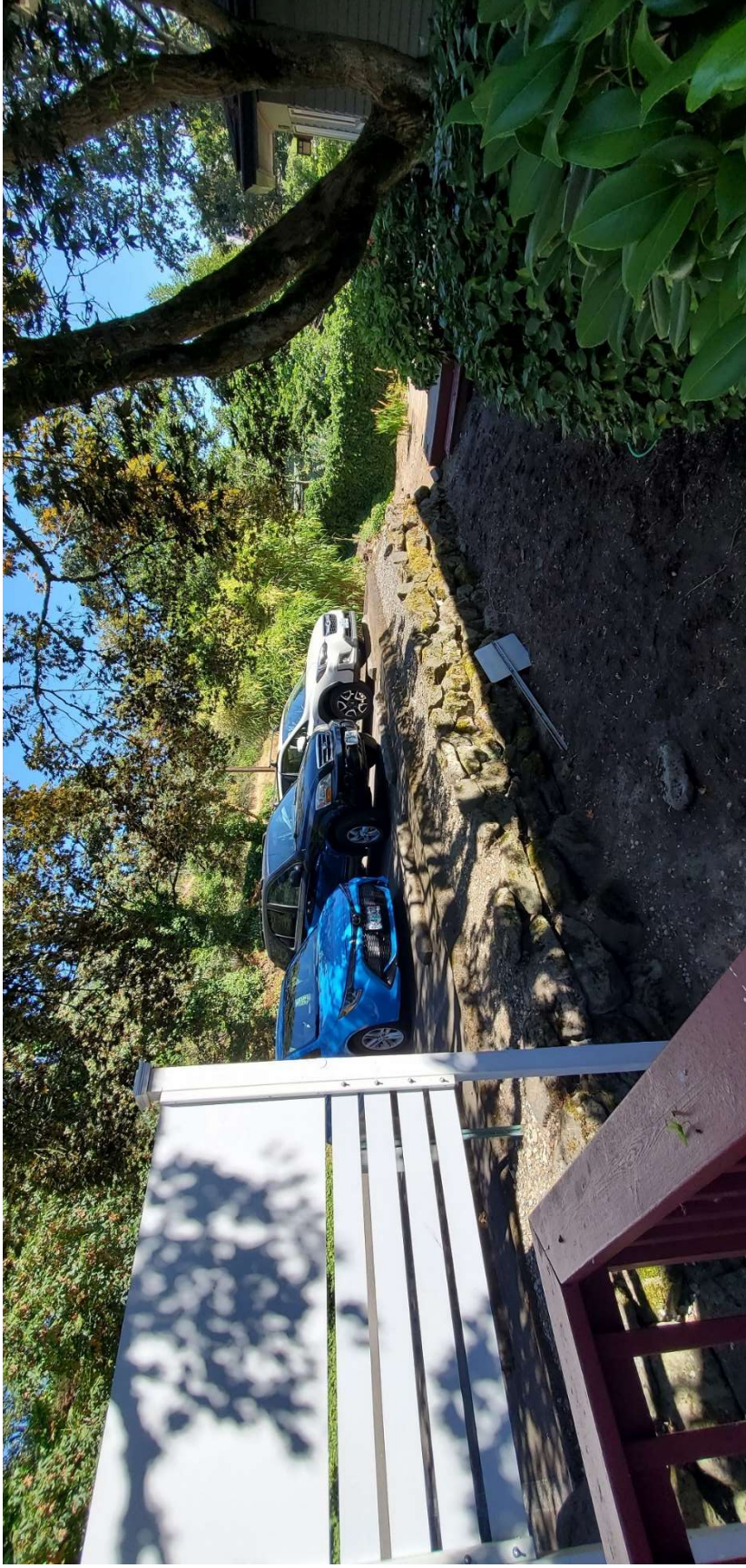
Back of House and Proposed Parking Area
From north property corner

4835 Willamette Falls Drive
West Linn, OR 97068



Proposed Parking Area and Northeast Property Line
From below

4835 Willamette Falls Drive
West Linn, OR 97068



Front of Existing Parking
From ADA ramp

4835 Willamette Falls Drive
West Linn, OR 97068



MURATA™

RETAINING WALL SYSTEM



PRODUCT SUPPLEMENT

muratawall.com








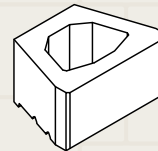
Murata Wall™ Olympian Blend

2 • MURATA WALL™

Murata™ Retaining Wall System

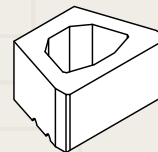
   Special installation procedure required. For more details, see full manual or go to muratawall.com

We are pleased to announce the arrival of the Murata™ retaining wall system to our family of products. Murata™ is a modular retaining block which utilizes a rear alignment tab for easy assembly. It has a tight, crisp surface finish with strong straight lines and dramatic color blending. The complete system includes some unique corner blocks, which allow you to create columns and posts, along with dedicated step and post caps. Its high compressive strength gives it a high strength-to-weight ratio, as well as excellent color retention.



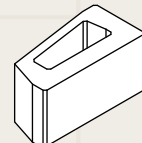
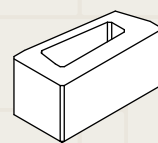
rear tab detail

MS4020 Standard
400x295x200mm • 15.75x11.61x7.87"



no rear tab

MV4020 Variable
400x295x200mm • 15.75x11.61x7.87"



MA4020 Angolo (sold as pair)
400x200x200mm • 15.75x7.87x7.87"



MURATA™
RETAINING WALL SYSTEM



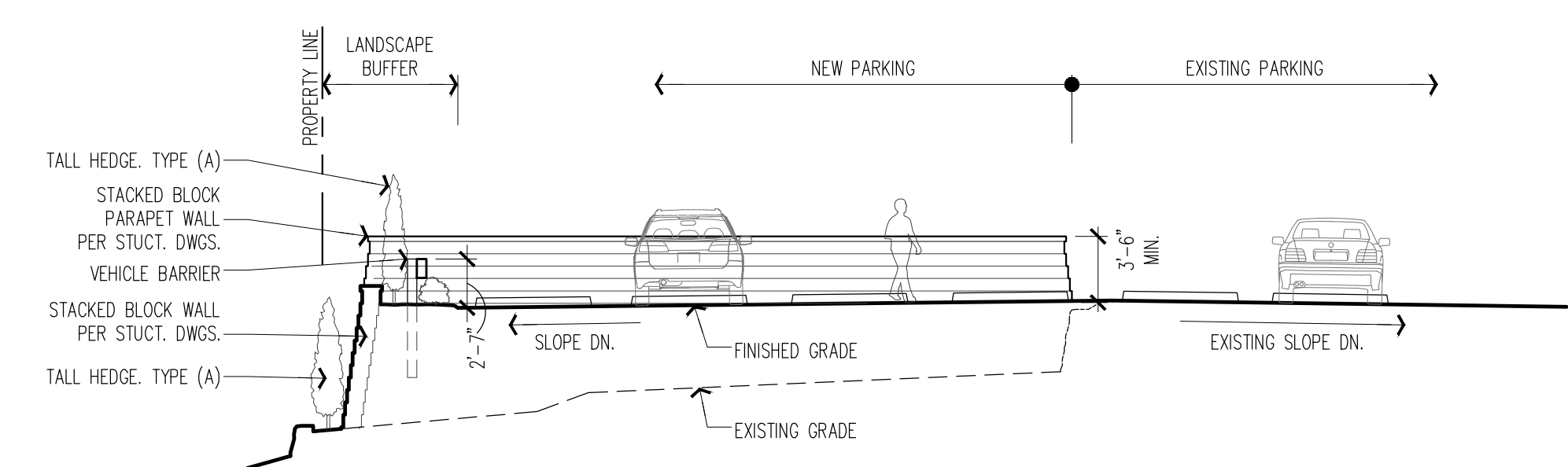
Cambridge Blend



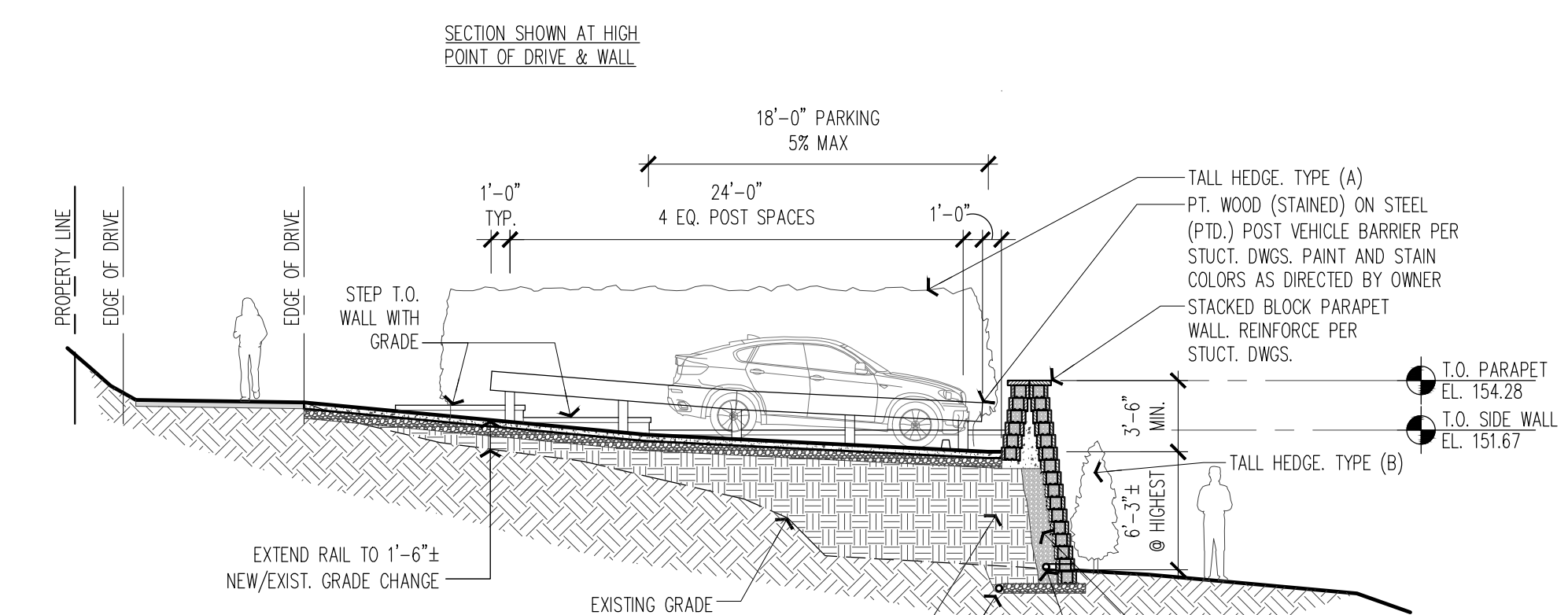
Olympian Blend



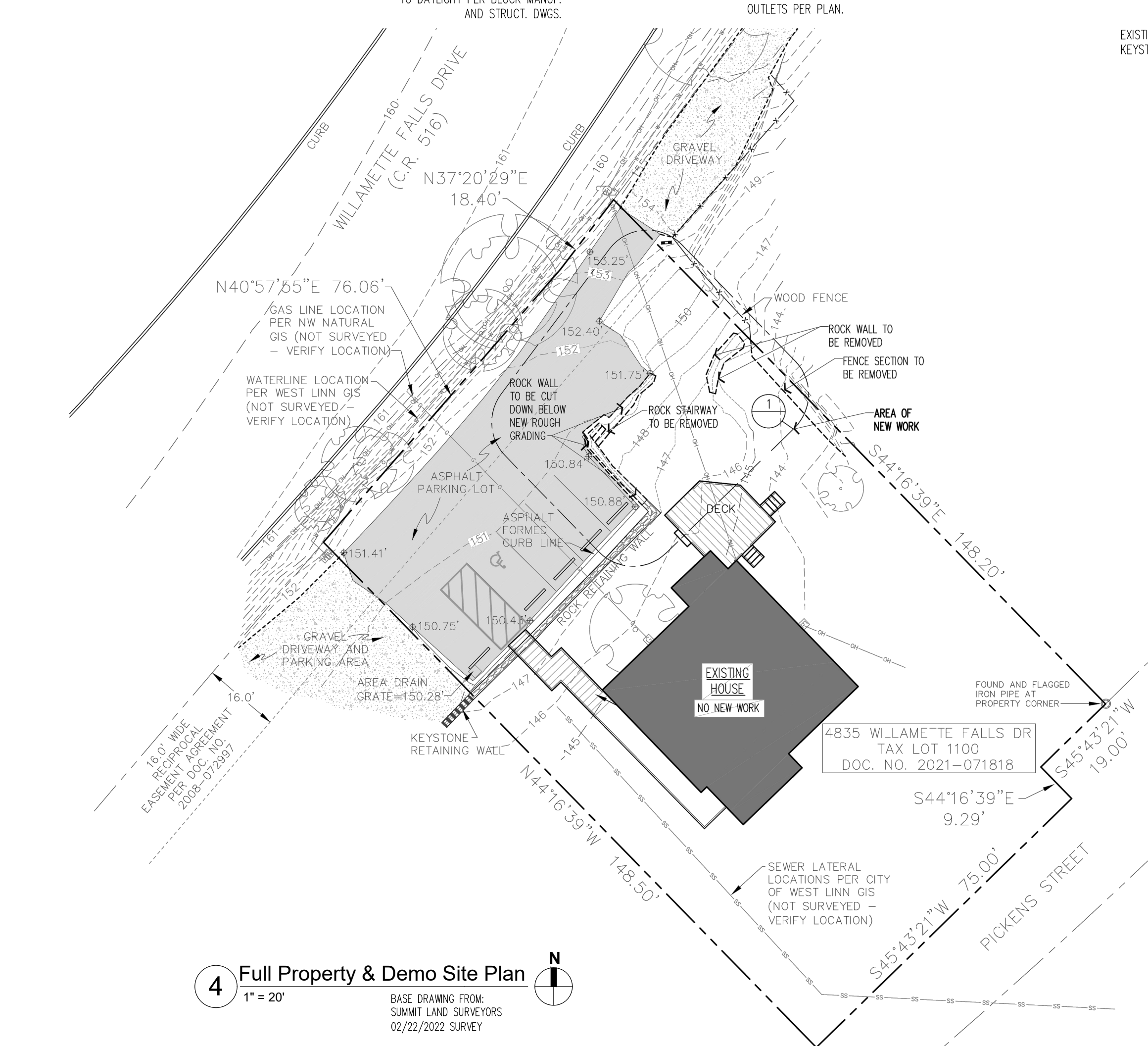
ZERO WALL FAILURES



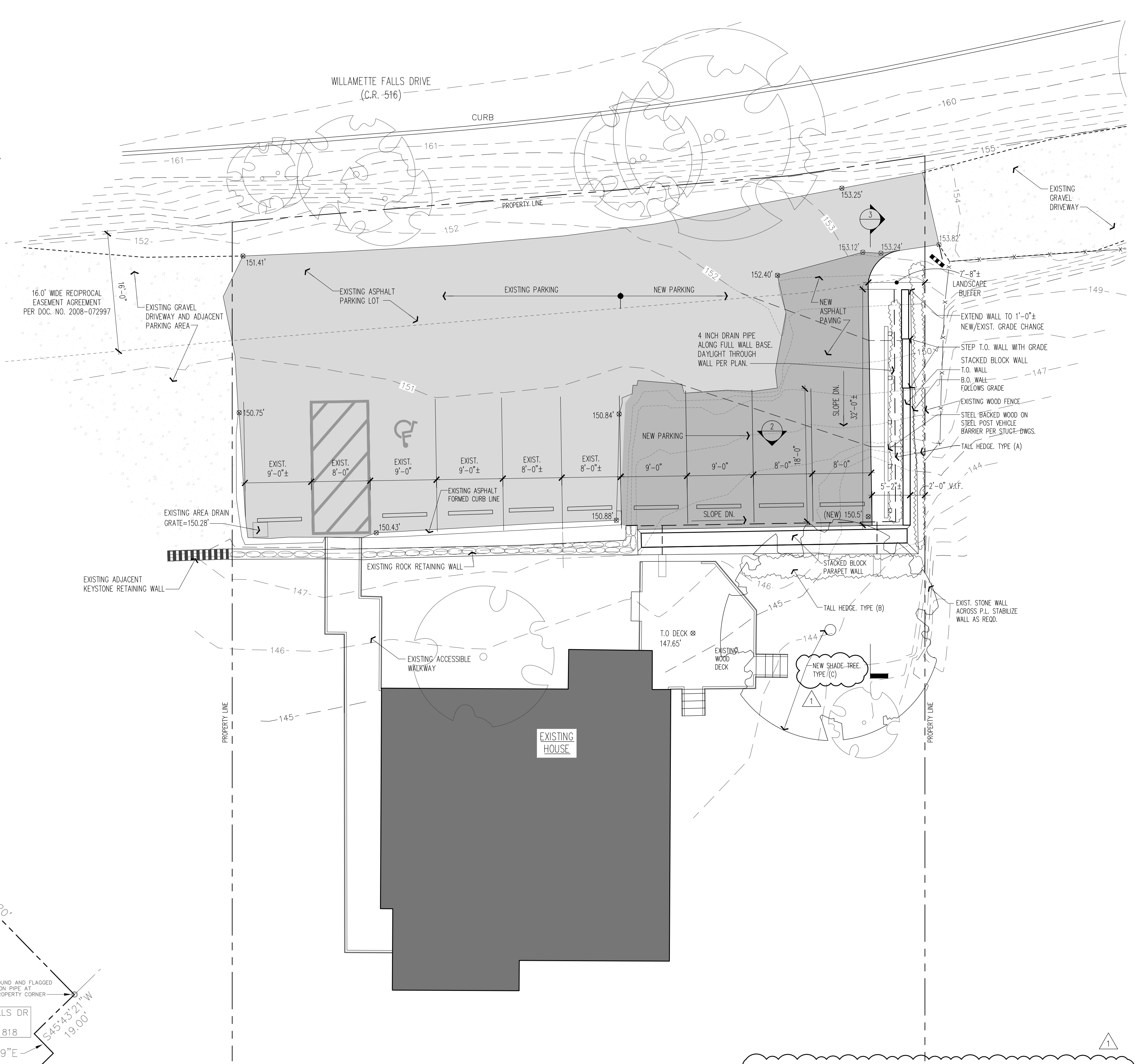
2 Site Elevation
 1/8" = 1'-0"



3 Site Section at Highest Point
 1/8" = 1'-0"



4 Full Property & Demo Site Plan
 1" = 20'



1 Partial Site Plan - New Work
 1/8" = 1'-0"

PLANT LIST: SEE DRAWINGS FOR ADDITIONAL LOCATION INFORMATION

TYPE (#)	BOTANICAL NAME	COMMON NAME	LOCATION
SHRUBS - TALL HEDGE			
(A)	THUJA OCCIDENTALIS 'EMERA'	EMERALD GREEN ARBORVITAE	NE PROP. LINE WALL, TOP & BOT. OF WALL
(B)	RHODODENDRON 'LODERI KING GEORGE'		SE PARAPET WALL, BOT. OF WALL
(B) ALT	RHODODENDRON 'P.J.M. ELITE'		
TREES - SHADE TREE			
(C)	QUERCUS COCCINEA	SCARLET OAK	PER PLANS

HISTORIC REVIEW

PD-2 COMPLETENESS LETTER



CITY OF
West Linn

October 20, 2022

Juergen Panoscha
Kidd Panoscha Architecture & Design
3333 NE Sandy Blvd, Suite 110
Portland, OR 97232

SUBJECT: Class I Historic Design Review Application at 4835 Willamette Falls Drive (DR-22-07)

Dear Mr. Panoscha,

We accepted your application for a Class I Historic Design Review on October 4th, 2022. The Community Development Department has reviewed the materials and found the application to be **complete**. The city has 120 days to exhaust all local review, that period ends February 17, 2023.

Please be aware that determination of a complete application does not guarantee a recommendation of approval for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Historic Review Board to render a decision on your proposal. A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Manager.

Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Sincerely,

John Floyd
Associate Planner

PD-3 CULTURAL RESOURCE SURVEY FORM

Cultural Resource Survey Form

CLACKAMAS COUNTY

T. D. NUMBER W-31-W7

PHOTO INFORMATION:

ROLL: XXXI
FRAME: 20, 21

STUDY AREA: WEST LINN
LEGAL: T. 2S R. 2E SEC. 31BA
TAX (LOTS): 1100
ZONE _____ SIZE _____

IDENTIFICATION:

COMMON/HISTORICAL NAME: Pickens Residence
ADDRESS: 4835 Willamette Falls Drive AREA: WEST LINN
CURRENT OWNER: ALLAN J. MILLN USE: Residence
OWNER'S ADDRESS: Same West Linn 97068
ORIGINAL OWNER: Dr. LL and Clara M. Pickens USE: Residence
AREA OF SIGNIFICANCE: TOWN: X COUNTY: _____ CITY: _____ NATION: _____

HISTORIC INTEREST:

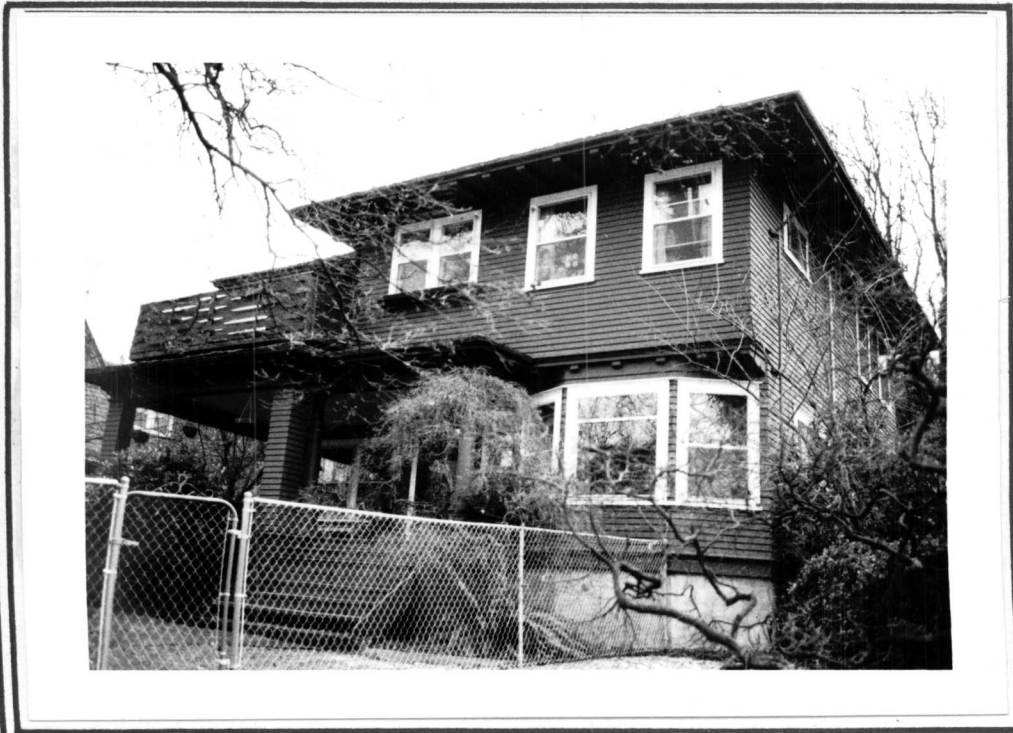
THEME: Architectural - 20th Century DATE: 1910
DESCRIPTION: The original owner was an Oregon City dentist. The house was built by the Vonderahe Brothers. Dr. L. L. Pickens was a dentist in Oregon City and Alderman at the time of incorporation of the City of West Linn.

ARCHITECTURAL INTEREST:

STYLE: Colonial Revival STORIES: 2
DATE: 1910 CONDITION: Good ARCHITECT: Vonderahe Bros. (builder)
SIDING: Narrow bevel
ROOF: Hip with wide overhang with block modillion.
DOORS: Paneled with beveled light.
WINDOWS: 1/1 double-hung. Polygonal bay with upper story cantilever.

MAIN ENTRANCE: Flat roof supported by Doric columns and bevel sided square posts.

NOTES: Lattice glass on north elev. End wall chimney with decorative cast stone incorporated into corbelled motif.

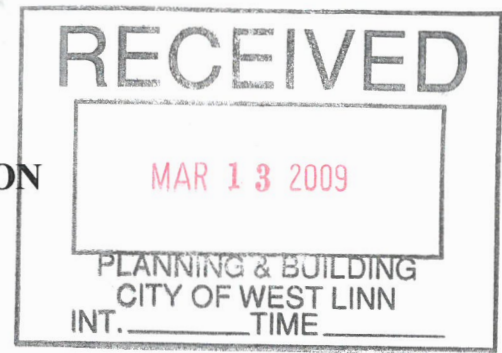


BIBLIOGRAPHY:
46

DATE: 1/84
RECORDER: HAYDEN/ALTIER
434

PD-4 DR-09-01/MISC-09-01 FINAL DECISIONS

**WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
DR-09-01/MISC-09-01**



**IN THE MATTER OF THE CONVERSION OF A HISTORIC LANDMARK
HOUSE FROM SINGLE FAMILY TO COMMERCIAL OFFICE AT 4835
WILLAMETTE FALLS DRIVE, REQUIRING CLASS I DESIGN REVIEW
AND A PERMIT TO ENLARGE/ALTER A NON-CONFORMING
STRUCTURE**

At their meeting of March 4, 2009, the West Linn Planning Commission held a public hearing to consider the request by 2Hemispheres Inc. to convert a historic landmark single-family house to commercial office at 4835 Willamette Falls Drive. This required a Class I Design Review permit because of the ramps and parking area to be added, and a permit to enlarge and/or alter a non-conforming structure because of the non-conforming access to the site. The approval criteria for Design Review are found in Chapter 55 of the Community Development Code (CDC). The approval criteria for enlarging/altering a non-conforming structure are found in Chapter 66 of the CDC. Because no exterior changes were proposed to the historic structure itself, a Planning Commission hearing is required for these permits rather than a Clackamas County Historic Review Board hearing, per CDC 26.040(A). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Presenting for the applicant were Garth Engle and Mollie Plocher of 2Hemispheres Inc. Speaking in favor of the application were Alice Richmond and Laurie Mohling. There were no neutral speakers or speakers in opposition.

A motion was made, seconded, and passed to approve the application with staff's findings and conditions of approval, with one additional finding and one additional condition of approval.

The additional finding is as follows:

1. Six parking spaces are proposed. Therefore it is necessary to ensure that the amount of square footage of the structure used for commercial purposes matches an amount that requires 6 spaces, no more, per the CDC. CDC 46.090(C)(5) requires one space per 350 square feet of gross area for office uses, and CDC 55.100(H)(5) allows a 10% reduction in required parking if the property is adjacent to transit (which the property is). Per these sections, 6 spaces are required if the commercial area in the house is limited to the 2,300 square feet of the house that consists of above-ground finished space.

The final conditions of approval are presented as follows:

1. At least 2 bicycle parking spaces shall be provided in the building permit plans.
2. No changes that result in a total number of trips in excess of 15 per day (one trip defined as one arrival plus one departure) shall be permitted under this approval unless the access drive is improved to meet all CDC requirements.
3. To stay within CDC parking space requirements, no more than 2,300 square feet of the structure may be used for General Commercial purposes under this approval.

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, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) 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 would require a fee of \$2500 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



MICHAEL BABBITT, CHAIR
WEST LINN PLANNING COMMISSION

2-10-09

DATE

Mailed this 17th day of March, 2009.

Therefore, this decision becomes final at 5 p.m., March 31, 2009.

PD-5 PUBLIC COMMENTS

Floyd, John

From: nancy mcmath <[REDACTED]>
Sent: Wednesday, November 30, 2022 3:28 PM
To: Floyd, John; Clark, James; abloomfield@westlinn.gov
Subject: Written Testimony: 4835 Willamette Falls Drive - Historic Design Review Application

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

These are my concerns as the neighboring property owner at 4845 Willamette Falls Dr, regarding an increase in parking lot size at 4835.

1) Increased water runoff from an additional large concrete surface - 4845 already experiences basement flooding during heavy rains with water entry on the side of the property facing 4835. The 4845 property is quite a bit lower than 4835.

2) This commercial property was designated to be a business and now the request is to house four separate businesses each with its own employees and client management and need for more parking spots. The owner now refers to himself as the "property manager " and states that he expects future work to be largely virtual and that he never expects more than five people in the house at once. That is speculation and will not be in his control. The world can change quickly. Each business will generate its own traffic - deliveries (UPS, FedEx, Amazon, food, gardeners, cleaning services etc). If there is, as the owner notes, a lawyer and a paralegal in each of the proposed four separate offices and a receptionist then all nine proposed parking spaces will be in use without a client, visitor or handicapped parking spot. An office has become an office building. Accessibility for disability must be provided in addition to the city requiring two bicycle parking spots.

3) Unfortunately this proposed office building is surrounded by residential homes, each dependent on a narrow alley for trips in and out. The adjacent roadway does not have a sidewalk or a shoulder nor is there a crosswalk to provide access to the other side of the wide street - consequently pedestrians also frequently take this alley path.

4) How will a turn around be provided for maneuverability with nine parking spots (cars and delivery trucks)
"All interior driving and access aisles must be marked and signed to show the direction of required traffic flow in order to maintain the safety of vehicles and pedestrians ".

5) Aesthetically this proposed parking area and it's up to six foot retaining wall will be at the high point of the properties, looming like a giant landing pad. The permit request noted landscaping to be done on either side of the retaining wall - unless it is required to be mature large landscaping there will not be any degree of buffering.

Thank You, Nancy

Mcmath

To the City of West Linn

Written public testimony regarding changes to the property 4835 Willamette Falls Dr. West Linn Or. 97068

Hello,

I am a resident at 4845 Willamette Falls Dr. and the daughter of the owner of the home; next door to the house 4835, where there will be a proposed modification to the landscape in order to create three additional parking spaces. .

My concerns as a resident are the following:

How will additional concrete affect water run-off into our yard and ultimately parts of our basement? I am also looking for clarification of how much pavement (including where the garage has been torn down) there will be. Currently our yard and basement receive water after it rains because of the position of our house below higher property grounds. Our house is positioned lower than the house with the proposed project. How would this water run-off be properly controlled so that it is not adding to erosion of our stone wall? What kind of drainage system will be required?

Another concern is if the proposed parking area will be visible to us from our backyard. After the garage was torn-down we lost a considerable amount of privacy. The owner said he would put up a fence and shrubs for us to lessen the impact. He has not addressed these issues so far. We are concerned that with the position of the parking area; we will see multiple cars and more concrete above us. Even now in the yard's current state - without the garage, our view from inside of our yard has changed. Now we see more of his parking area, less trees and foliage as well as

more direct vision of the old highway above us; creating more traffic noises and pollution during rush hour. With even more parking lot being added, it will change our own perspective from our property, which has maintained the same landscape over decades.

We are also concerned that the owner will not plant shrubbery required. We would like to know what kind of shrubbery he is required to plant (height and width) and what is his required timeline for providing this should he be permitted to create more parking.

We are concerned that the 15 trips are actually 30 trips (in and out) and how this will be monitored. The heavy impact of UPS, AMAZON, weekly landscapers, a cleaning business, the new tenants in addition to mail trucks, garbage trucks, will damage the unimproved alley way. Even now with no tenants in his house – there is increased traffic with who he hires to keep up his property and business. If he is subletting to more tenants (lawyers – who will have paralegals and an unknown number of clients – more UPS and FEDEX deliveries)? If all of these cars come and go and there is no monitoring system, the wear-and-tear on the alley way will worsen. Example; a number of years ago water pipes that run under the alley way were broken. Could all of the heavy constant impact have damaged pipes over time? How will all of the increase of vehicles be monitored so that they only enter and exit on the south side of the alley where residents have paved their portion of the alley way?

In his letter to the City he stated most work is done virtually; so why more parking spots? He states that no one with physical challenges will use his house and therefore the handicap access spot is not useful. There is a handicap parking spot as well as a ramp. He states it's because no one with physical challenges would be able to go upstairs to the second floor. What about clients etc. who have physical challenges? What about the use of the first floor where

the ramp enters and there is a bathroom? In addition to using “working virtually” as a reason he won’t fill his nine parking spots, how does he know when and if virtual will switch back to more in-person visits and how to monitor this access of traffic?

These properties and houses are historic. Adding more parking spots (concrete) as well as more traffic will impact us.

We are concerned about additional water run-off as well as additional traffic and altering a historic landscape that will all affect us negatively. We hope that the city of West Linn is considering who and what they are protecting as they decide whether or not to approve this project.

Thank you, Rachel O’Doud-Vega

PD-6 AFFIDAVIT AND NOTICE PACKET

**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. DR-22-07**

The West Linn Planning Manager is considering Class I Historic Design Review and Class I Design Review at 4835 Willamette Falls Drive. The applicant is requesting approval to expand an existing parking six parking spaces to nine, including construction of a murata block retaining wall and new landscaping.

The Planning Manager will decide the application based on criteria in Chapters 19, 25, 46, 54, 55, and 99 of the Community Development Code (CDC). The CDC approval criteria 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/4835-willamette-falls-drive-class-1-historic-design-review>. 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.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on November 30, 2022 to jfloyd@westlinnoregon.gov or mailed to John Floyd at West Linn Planning Department, City Hall, 22500 Salamo Road, West Linn, Oregon 97068. All comments must be received by the deadline.**

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 (CDC Section 99.090).

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](#).

For additional information, please contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6058, or jfloyd@westlinnoregon.gov for additional information.

DR-22-07 Notified Properties within 300 feet of 4835 Willamette Falls Drive





PROJECT # DR-22-07
MAIL: November 16, 2022 TIDINGS: N/A

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.



**AFFIDAVIT OF NOTICE
HISTORIC REVIEW BOARD DECISION**

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

PROJECT

File No.: **DR-22-07**

Address: 4835 Willamette Falls Drive

Applicant's Name: **Dylan Hydes**

Scheduled Decision Date: **Planning Manager Decision no earlier than 11/30/22**

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 14 days before the decision date, per Section 99.080 of the Community Development Code to:

Dylan Hydes, applicant	11/16/22	<i>Lynn Schroder</i>
Juergen Panoscha, applicant representative	11/16/22	<i>Lynn Schroder</i>
Jason Arn, TVF&R	11/16/22	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	11/16/22	<i>Lynn Schroder</i>
Bolton Neighborhood Association	11/16/22	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website 14 days before the decision date.

11/15/22	<i>Lynn Schroder</i>
----------	----------------------

SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

11/17/22	<i>John Floyd</i>
----------	-------------------

FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the Community Development Code.

--	--