

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: August 29, 2023

FILE NO.: DR-23-06

REQUEST: Approval of a Class I Design Review at 1553 11<sup>th</sup> St. West Linn

PLANNER: Chris Myers, Associate Planner

Planning Manager DSW

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## GENERAL INFORMATION

**OWNER/APPLICANT:** David J. Lawrence  
1553 11<sup>th</sup> Street  
West Linn, OR 97068

**SITE LOCATION:** 1553 11<sup>th</sup> Street

**SITE SIZE:** 22,233 Square feet per Clackamas County Assessor

**LEGAL DESCRIPTION:** Assessor's Map 31E02BA Tax Lot 04900

**COMP PLAN DESIGNATION:** Mixed Use

**ZONING:** MU, Willamette Neighborhood Mixed Use Transitional Zone

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 59: Willamette Neighborhood Mixed Use Transitional Zone; Chapter 55: Design Review; Chapter 99: Procedures for Decision Making: Quasi-Judicial.

**120-DAY RULE:** The application became complete on August 3, 2023. The 120-day period ends December 1, 2023.

**PUBLIC NOTICE:** Notice was mailed to property owners within 300 feet of the subject property and to the Willamette Neighborhood Association on August 8, 2023. A sign was placed on the property on August 8, 2023. The notice was also posted on the City's website on August 8, 2023. Therefore, public notice requirements of CDC Chapter 99 have been met.

## BACKGROUND

The applicant is requesting approval to enclose an existing covered entry on the existing accessory structure's recessed doorway. The project area is entirely under an existing roofline and is related to the reconfiguration of interior space as part of a tenant improvement. The enclosure includes a roll up glass garage door, glass entry door, and glass windows that cover 68 percent of the front façade.

## PUBLIC COMMENT

No public comment was received on the application.

## DECISION

The Community Development Director (designee) approves this application (DR-23-06), 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.

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

*Chris Myers*

---

Chris Myers, Associate Planner

August 29, 2023

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 30<sup>th</sup> Day of August 2023.

Therefore, the 14-day appeal period ends at 5 p.m. on September 13<sup>th</sup>, 2023.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**DR-23-06**

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

***I. CHAPTER 59, WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE***

***59.030 PERMITTED USES***

*The following uses are permitted outright in this zone:*

*(...)*

*13. General retail services*

*(...)*

**Staff Finding 1: The proposal is to enclose the existing covered entry on the accessory structure. The proposed expansion will accommodate a new pool and spa retail business, a permitted use in the zoning district. The criteria are met.**

***II. CHAPTER 55, DESIGN REVIEW***

***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 2: The project site is substantially developed and involves the minor expansion of an existing recessed door area under the existing roof canopy. The affected area does not contain any trees or other significant vegetation (Exhibit PD-1). The standards of CDC 55.100(B)(1) through (4) do not apply. The project does involve exterior changes to the building, the standards of CDC 55.100(B)(5) and (6) apply to this application. The building is existing, and the proposed changes do not affect the type or intensity of public facilities required for the use or structure. The criteria are met.**

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.

**Staff Finding 3: The project affects the northern façade of the existing accessory structure and faces an existing parking lot, and Willamette Falls Drive. The nearest structures are 25 feet to the northeast and approximately 60 feet to the west of the subject structure. The proposal is subject to building permit review to ensure fire and life safety. The proposal is not expected to affect the adequacy of light and air circulation, or adequacy of fire protection. The criteria are met.**

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 4: The project is to enclose an existing covered entry on an accessory structure. The proposal includes a new glass entry door with adjoining vertical windows on each side and above the door, and a new roll up glass door to the east of the new entry door. Proposed siding is new Hardie siding to match the existing siding. These changes do not affect the architectural style, roof form, building scale and massing, or the rhythm of windows. The changes do not create a contrasting architectural style, affect the human scale of the building, or affect the front elevation of the structure. The proposed changes to the front façade facing Willamette Falls Drive will have 68 percent transparency. No change is being made to the microclimate or the safety and attractiveness of the pedestrian environmental as a result of the proposed changes. The criteria are met.**

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

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

[...]

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

[...]

e. Design review (Class I and Class II);

[...]

**Staff Finding 5: A pre-application conference was held on July 6, 2023. The criteria met.**

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.*

*[...]*

**Staff Finding 6: Class I Design Review applications are subject to a Type B Notice. Mailed notice was provided on August 8, 2023, 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 August 8, 2023. A copy of the affidavit of notice is contained in Exhibit PD-3. The criteria are met.**

**PD-1 APPLICANT SUBMITTAL**



## DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	Chris Myers	PROJECT NO(S)	DR-23-06
NON-REFUNDABLE FEE(S)		PRE-APPLICATION NO.	
\$2,800		PA-23-10	
REFUNDABLE DEPOSIT(S)		TOTAL	
		\$2,800	

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX)               | <input type="checkbox"/> Final Plat (FP)                        | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal (AP)                    | <input type="checkbox"/> Flood Management Area (FMA)            | <input type="checkbox"/> Temporary Uses (MISC)                           |
| <input type="checkbox"/> CDC Amendment (CDC)            | <input type="checkbox"/> Historic Review (HDR)                  | <input type="checkbox"/> Time Extension (EXT)                            |
| <input type="checkbox"/> Code Interpretation (MISC)     | <input type="checkbox"/> Lot Line Adjustment (LLA)              | <input type="checkbox"/> Right of Way Vacation (VAC)                     |
| <input type="checkbox"/> Conditional Use (CUP)          | <input type="checkbox"/> Minor Partition (MIP)                  | <input type="checkbox"/> Variance (VAR)                                  |
| <input checked="" type="checkbox"/> Design Review (DR)  | <input type="checkbox"/> Modification of Approval (MOD)         | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC)  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD)         | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Extension of Approval (EXT)    | <input type="checkbox"/> Street Vacation                        | <input type="checkbox"/> Zone Change (ZC)                                |

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

<b>Site Location/Address:</b> 1553 11th St. West Linn, OR 97068	Assessor's Map No.: ?
	Tax Lot(s): 31E02BA04900
	Total Land Area: 22,233

**Brief Description of Proposal:**

Enclose existing covered entry on the existing accessory structure creating more retail space for new tenant, The Pool & Spa House,

<b>Applicant Name*:</b> David J. Lawrence Address: 1553 11th St. City State Zip: West Linn, OR 97068	Phone: 503-229-4111 Email: david@djsdecking.com
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<b>Owner Name (required):</b> Same as applicant Address: City State Zip:	Phone: Email:
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<b>Consultant Name:</b> NA Address: City State Zip:	Phone: Email:
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. **\*The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the [Submit a Land Use Application web page: https://westlinnoregon.gov/planning/submit-land-use-application](https://westlinnoregon.gov/planning/submit-land-use-application)

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

David J. Lawrence	07/12/2023	David J. Lawrence	07/12/2023
Applicant's signature	Date	Owner's signature (required)	Date

From the Desk of David (DJ) Lawrence, Property Owner,

Re: Narrative for Proposed Project @ 1553 11<sup>th</sup> St. West Linn,

1. DJ's Decking: Will be moving all construction activities to a larger headquarters, (Wankers corner area), moving out of the Main Building (36'x48') accessed from the 2 driveways on Willamette Falls Drive and I will still continue my Residence in the ADU/Garage building (24'x36') with the same Will Falls Dr. access.
2. Main Rear Building: Only the front of the Main rear building will be remodeled with a more storefront look, see concept plan. This upgrade will enhance the beauty of the main street and after the roundabout at 10<sup>th</sup> street is completed a landscape plan will be forthcoming.
3. New Tenant of the Main Rear Building: The Pool & Spa House provides homeowners and businesses with supplies, equipment and tools used to maintain existing swimming pools and hot tubs. The business caters to the needs of both residential (backyard) pool and spa owners (BTC) and commercial or institutional facilities (BTB). Retail operations consist of water testing facilities, pool and spa supplies and equipment.
4. Parking: The Site Plan shows all of the onsite parking available to the clients of both DJ's Decking and The Pool & Spa House clients. Access is the two driveways on Will-Falls Dr. There is much more onsite parking available than will be needed as both businesses have very few walk in customers so **little to no** on street parking will be needed or used by the 2 businesses.
5. Signs: There are 2 existing signs, 1 will be used for DJ's Decking Inc. and 1 will be moved and used for The Pool & Spa House once the major street/roundabout work is completed.
6. A Sight for Sport Eyes: Will still have an office at the main house, accessed from 11<sup>th</sup> street and has plenty of onsite parking for their business activities, so again little to no on street parking.

I am excited to see this new transition and upgrades to the property. Any questions or comments feel free to call or email me.

Sincerely,

David J. Lawrence, President, DJ's Custom Decking Inc.

Office: 503-657-6699, Email: david@djsdecking.com

07-12-23

From: David J. Lawrence,

To: the City of West Linn,

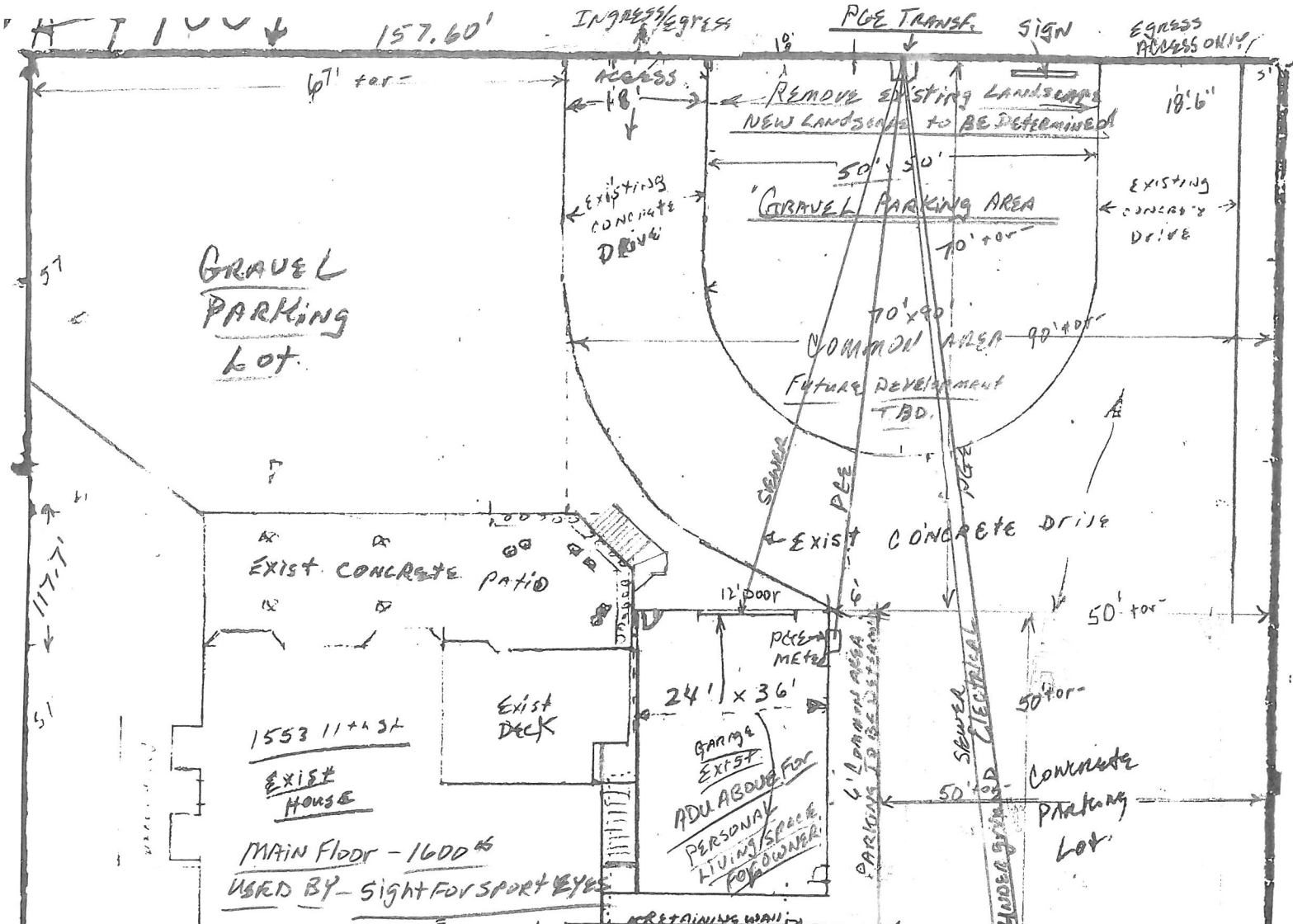
Re: Responses to applicable criteria in the CDC chapters,

CDC Chapter 59.070.B

1. Existing building is an accessory structure and the primary structure meets the requirement.
2. No changes are proposed.
3. No changes are proposed.
4. No changes are proposed.
5. No changes are proposed.

CDC Chapter 55.100.B

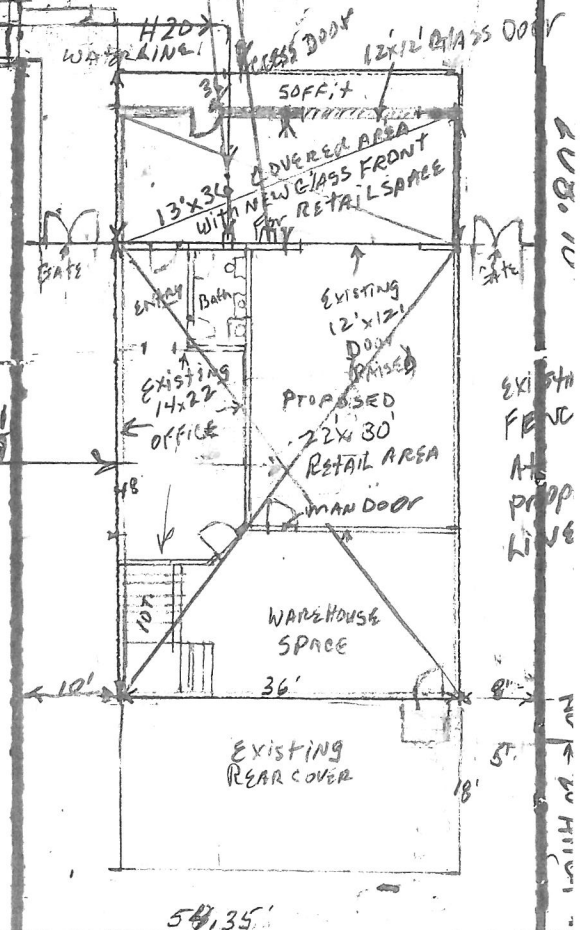
1. No trees are proposed to be moved.
2. No trees are proposed to be moved.
3. No changes are proposed.
4. No changes are proposed.
5. No changes are proposed.
6. The proposed front facade has 68% transparency and meets the 60% requirement.



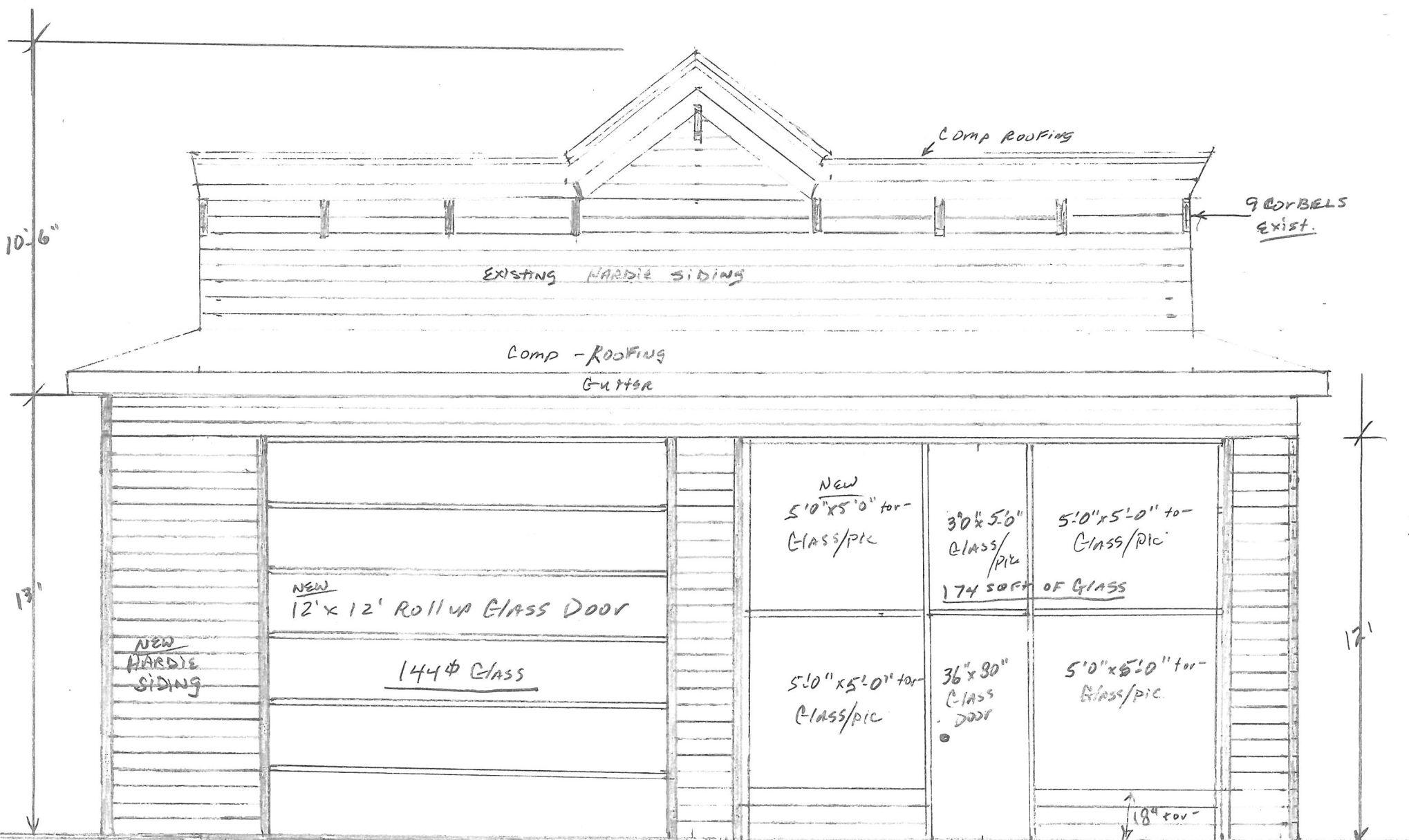
**1547**

EXISTING 36'x48' MAIN BUILDING  
 - Built in 1993 - CURRENTLY DJ'S Decking

SITE PLAN - SCALE 1" = 20'



*DA g. m. m.*



Concept Plan: NEW FRONT OF MAIN BUILDING - SCALE: 1/4" = 1'

FRONT OF Bldg is 468' - Glass is 318' = 68% OF FRONT OF Bldg is Glass





**PD-2 COMPLETENESS LETTER**



# West Linn

August 4, 2023

David J. Lawrence  
1553 11<sup>th</sup> Street  
West Linn, OR 97068

SUBJECT: Class I Design Review at 1553 11<sup>th</sup> Street (DR-23-06) to enclose the existing covered entry on an accessory structure.

Dear Mr. Lawrence,

Your application submitted on August 3, 2023 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends December 1, 2023.

Please be aware that 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 Director 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 Director.

Please contact me at 503-742-6062, or by email at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Chris Myers*

Chris Myers  
Associate Planner



**PD-3 AFFIDAVIT AND NOTICE PACKET**



**AFFIDAVIT OF NOTICE  
PLANNING MANAGER DECISION**

We, the undersigned, 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.: **DR-23-06**

Applicant's Name: **David J. Lawrence**

Development Address: 1553 11<sup>th</sup> Street

**Planning Manager Decision no earlier than after August 4, 2023**

**APPLICATION**

The application was posted on the website at least 14 days before the decision.

7/17/23	<i>Lynn Schroder</i>
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**MAILED NOTICE**

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

David J. Lawrence, property owner	8/8/23	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	8/8/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	8/8/23	<i>Lynn Schroder</i>
West Linn Wilsonville School District	8/8/23	<i>Lynn Schroder</i>
Clackamas County	8/8/23	<i>Lynn Schroder</i>
ODOT	8/8/23	<i>Lynn Schroder</i>

**WEBSITE**

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

8/8/23	<i>Lynn Schroder</i>
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**SIGN**

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

08/8/23	<i>Chris Myers</i>
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**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 CDC.

8/30/23	<i>Lynn Schroder</i>
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**CITY OF WEST LINN  
NOTICE OF UPCOMING PLANNING MANAGER DECISION  
FILE NO. DR-23-06**

The West Linn Planning Manager is considering a Class I Design Review to allow expansion of an existing commercial structure at 1553 11<sup>th</sup> Street.

You have been notified of this proposal because County records indicate that you own property within 300 feet of the property (Clackamas County Assessor's Map 31E02BA 04900), or as otherwise required by CDC Chapter 99.080.

The Planning Manager will decide the application based on criteria in Chapters 55, 59, 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/1553-11th-ave-class-1-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 August 22, 2023 to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mail them to City Hall at the address below. 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 application 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 Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-503-742-6062.

Scan this QR Code to go to Project Web Page:



**DR-23-06 – Properties within 300 feet of 1553 11<sup>th</sup> Street**





**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # DR-23-06  
MAIL: 08/08/23 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.