

**WEST LINN PLANNING COMMISSION**

**FINAL DECISION AND ORDER**

**DR-24-01**

**IN THE MATTER OF AN ADDITION OF A COMMERCIAL OFFICE SPACE AND THREE DWELLING UNITS AT 1593 WILLAMETTE FALLS DRIVE.**

**I. Overview**

At its meeting on May 1, 2024 the Planning Commission (Commission) opened the public hearing to consider the request by Historic Willamette Investments LLC, for a Class II Design Review (DR) to construct an addition to an existing residential structure consisting of a commercial space and garage on the first level and three dwelling units on the second level at 1593 Willamette Falls Drive. The proposed structure is 3,237 square feet. The commercial space totals 1383 square feet, the garage is 517 square feet, and the dwelling units on the second level are proposed to be 1854 square feet in size. The new structure will connect to the existing single-family home via a covered breezeway. The proposed project is in the Willamette Neighborhood Mixed Use Transitional Zone.

The approval criteria for this proposal are Community Development code (CDC) Chapters 59, 41, 46, 48, 55, and 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

The May 1, 2024 hearing commenced with a staff report presented by Chris Myers, Associate Planner. Jessica Iselin, project architect, presented on the applicant's behalf. Kathi Halicki, President of the Willamette Neighborhood Association (WNA) presented on behalf of the WNA and expressed general support for the project but concerns for traffic and parking. Written testimony in opposition of the proposal was submitted by Shannen Knight and Sharla Cassidy. Oral testimony in opposition to the proposal was submitted by Terry Anderson and Sharla Cassidy.

Some of the community concerns raised at the public hearing included:

1. There is not enough parking in the area and this project will only add to the problem.
2. Traffic in the area is too crowded and makes it difficult for local traffic to move about the neighborhood.
3. Traffic "circling" is a problem as cars drive around and through the neighborhood looking for parking spaces.
4. Developments of this type only add to the already difficult traffic situation.
5. The mass and scale of the proposed addition is not appropriate for the neighborhood and will be an invasion of privacy as tenants will be able to look down into adjacent properties.
6. Formalizing parking spaces on 15<sup>th</sup> street via street improvements will reduce the number of spots.
7. Compatibility and scale have not been taken into consideration.

Jessica Iselin provided applicant rebuttal. Chris Myers, Darren Wyss, and Bill Monahan answered questions from the commission.

No further questions were asked of staff or applicant. The public hearing was closed. Deliberations were opened and Commissioners discussed parking, mass and scale of the proposed addition, and the need for smaller housing options. Vice Chair Metlen moved to approve the application as presented and Chair Carr seconded. The application was approved with a 3-2 vote. Commissioners Watton and Walvatne voted in opposition of the application. Commissioner Jones, Vice Chair Metlen, and Chair Carr voted in favor.

## **II. The Record**

The record was finalized at the May 1, 2024 public hearing.

### **Findings of Fact**

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

## **III. Findings**

The Commission adopts the Staff Report for DR-24-01, with attachments, as its findings, which are incorporated by this reference with five conditions of approval. With the incorporated findings and the supplemental findings below, the Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

### **Supplemental Findings:**

#### **1. CDC 46.080 Computation of Required Parking Spaces**

The Planning Commission found the applicant meets the computation for required number of parking spaces. Based on OAR 660-12-0430 (effective January 1, 2023) the City may not require parking spaces for residential units smaller than 750 square feet. The application under consideration requires six parking spaces. The approved proposal will have four parking spaces for the commercial use, one space for the existing residential structure, and one space for the residential unit larger than 750 square feet for a total of six spaces. Two of the proposed residential units are not required to provide parking as they are under 750 square feet in size.

The applicant may consider one space in the garage and the provided ADA space as on-site parking spaces. The remaining four spaces may utilize on-street parking to count as required parking as approved by the City Engineer via CDC 48.080(E).

2. CDC 55.100.B.6. Architecture

After discussion regarding the City's ability to apply these criteria to a mixed-use proposal that includes three dwelling units due to the lack of clear and objective criteria, the Commission found that the mass and scale of the proposed project does meet the code requirements and is compatible with the existing structure on site and on adjoining sites. The architectural style of the proposal respects the building lines, roof forms, rhythm of the windows, building scale, and massing of surrounding buildings.

Conditions of Approval:

1. Approved Plans. All alterations and improvements shall substantially conform to all submitted tentative plan sheets and supporting materials contained in Exhibit PC-01.
2. Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. Street Improvements. Prior to final building certificate of occupancy, the applicant shall mitigate any impacts to existing right-of-way improvements along Willamette Falls Drive, 15th Street, and Knapps Alley. The mitigation will include replacement of impacted pavement, curbs, planter strips, street trees, streetlights, sidewalks, pedestrian crossings, and street storm drainage.
4. Knapps Alley. The applicant shall improve, including repaving, the portion of Knapps Alley adjacent to the site to alleyway standards. This must be completed prior to the issuance of the final building certificate of occupancy.
5. Easement Encroachment. Prior to issuance of building permits, the applicant shall submit a revised site plan that demonstrates no structural elements of the proposed project encroach on any required easements, including any vertical restrictions set forth in CDC 38.060.

IV. Order

The Commission concludes that DR-24-01 is approved based on the Record, Findings of Fact and Findings above.

  
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John Carr, CHAIR  
WEST LINN PLANNING COMMISSION

5-6-24  
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DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 6<sup>th</sup> day of May, 2024.

Therefore, this decision becomes effective at 5 p.m., May 20, 2024.