

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT	PROJECT NO(S): DR-24-02	PRE-APPLICATION NO. PA-23-19
NON-REFUNDABLE FEE(S) \$2,800	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) Related File # _____ | <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 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.

Site Location/Address:	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

Brief Description of Proposal:

Applicant Name*:	Phone:
Address:	Email:
City State Zip:	

Owner Name (required):	Phone:
Address:	Email:
City State Zip:	

Consultant Name:	Phone:
Address:	Email:
City State Zip:	

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](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <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.

Linda W. Ballou

Applicant's signature

March , 2024
Date

Thomas L. Gray, Trustee
Linda W. Ballou, Trustee

Owner's signature (required)

March , 2024
Date

DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files **MUST** be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets BEFORE uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- Development Review Application. Original signatures from all owners must be on the application form. **Do NOT use DocuSign.**
- A **project narrative** outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at jason.arn@tvfr.com with any questions about TVF&R requirements.
- Vicinity Map showing the site within the City.
- Site Plan drawn to scale showing the:
 - Taxlot and address of the project,
 - Area of the site (acres or square feet),
 - Zoning and Neighborhood Association,
 - Location and dimensions of existing and proposed buildings, structures,
 - Location of existing and proposed on-site driveways and off-street parking,
 - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
 - Location and width of existing and proposed easement for access, drainage, etc., and
 - Location of existing and proposed trees and other proposed landscaping.
 - Location of existing public and private utilities, easements, and 100-year floodplain,
 - Sensitive areas, including the location of on-site wetlands and riparian areas,
 - Location of existing off-site driveways across the street,
 - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
 - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- If applicable, a Utility Plan and Landscape plan, drawn to scale.
- If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.

From: **Linda Ballou and Thomas Irely, owners**
2151 Marylhurst Drive
West Linn, OR 97068

March 8, 2024

To: **Mr. Chris Myers**, Associate Planner
City of West Linn Planning Department
22500 Salamo Road
West Linn, Oregon 97068

RE: Design Review for 18740 Willamette Drive
Project Description
City of West Linn Project File: **PA-23-19**

Dear Mr. Myers:

Please find the following description of the scope of the above referenced project located at 18740 Willamette Drive submitted for Design Review:

Scope of the Project:

1. Replace the existing front courtyard structure with no increase in square footage of the existing courtyard.
2. This is requesting modifications of materials and design.
3. The exterior footprint and interior square footage of the structure remain unchanged.
4. The landscape area around the structure remains essentially unchanged.

The objectives of the proposed replacement structure are to increase the structure's safety and durability, its external and internal aesthetic appeal, and comfort of the interior space.

The existing courtyard structure is used for outdoor seating of restaurant customers. Use of the proposed replacement structure remains unchanged.

Please refer to the Community Development Code chapter narrative and responses to approval criteria, as well as the Architectural and Site Plan drawings for further description and clarification of the intent of our proposal.

18740 WILLAMETTE DRIVE
WEST LINN, OREGON
DESIGN REVIEW CLASS I NARRATIVE

CHAPTER 19

19.030 PERMITTED USES

The subject property is located in the General Commercial Zone.
The following uses are permitted outright in this zone:

10. Permitted use, eating and drinking establishments.

Response: This business qualifies as a permitted use #10. Eating and drinking establishments.

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

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone.

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet. ***Response: The lot width at the front lot line is 100 feet.***

2. The average minimum lot width shall be 50 feet.
Response: The lot width at the front lot line is 100 feet.

3. The average minimum lot depth shall not be less than 90 feet.
Response: The lot depth is 140 feet and greater.

4. Where the use abuts a residential district, except as provided in CDC 58.090(C)(1), the setback distance of the residential zone shall apply.

Response: The east property line abuts a residential zone but the replacement structure has no impact on the abutting residential property.

6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.

Response: The replacement structure will be well within the allowed 35-foot height.

7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

Response: The proposed replacement structure's setback of 16 feet is well within the 20-foot maximum distance allowed.

B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC. (Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1614 § 5, 2013; Ord. 1622 § 24, 2014)

Response: This does not apply.

Chapter 55 DESIGN REVIEW

55.020 CLASSES OF DESIGN REVIEW – SECTION a1 – Class I Design Review:

1. Modification of an office, commercial, industrial, public or multifamily structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).

Response: This project has a primary goal of enhancing the aesthetics of the front of the commercial building that faces Highway 43 aka Willamette Drive. The property owners strive to improve the attractiveness and aesthetic appeal of this property and building(s). The existing courtyard structure has increasingly become unattractive and dilapidated. If not replaced, it will need to be demolished. There is no increase in the interior usable space with the proposed replacement.

55.025 EXEMPTIONS

The following activities are exempt from the provisions of this chapter, except as indicated otherwise in the base zone or this chapter:

C. Architectural replacements in kind, or replacement of building materials that are equal or superior to existing materials (in terms of performance or quality) but that do not alter the architectural style of the structure. Retrofitted awnings, changes in color schemes, wall art, and freestanding statuary or art under five feet tall are exempt from design review, but shall be subject to Planning Director review under the provisions of CDC 99.060(A)(2), prescribed conditions, and the approval criteria of CDC 55.100(B)(6)(a) and (b). (Ord. 1408, 1998; Ord. 1604 § 51, 2011; Ord. 1675 § 43, 2018; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)

Response: The design plans for the replacement structure are specifically intended to improve structural strength, safety, visual appeal, quality, comfort, and endurance. Building materials for the proposed replacement structure will be superior in performance and quality over materials of the existing structure. The existing roof is brittle and corroded, and will be replaced with a durable roof. The architectural style of the replacement structure will be replaced with a more aesthetically appealing standing seam metal cover, a 2:12 pitch, a garden stone wall, and windows. This will enhance the aesthetic quality and performance of the overall structure.

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.

Response: The relationship of the natural and physical environment remains unchanged. The landscaping will remain.

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.

Chapter 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

Response: The existing accessory structure on the property remains unaffected.

3. CDC 55.100 B(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.

Response: On site buildings and off site buildings on adjoining properties have not changed location. All distances and setbacks remain unchanged.

4. CDC 55.100 B(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.

Response: The proposed replacement structure is compatible with the main building on the site. The proposed structure's design increases respect and incorporation of the prominent style, building lines, roof form, rhythm of windows, building scale and massing of surrounding buildings. Proposed material and colors are more complementary to surrounding buildings. The proposed replacement meets the contextual requirement.

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.

Response: The structural replacement does not change any transition to adjacent buildings.

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.

Response: The structural replacement does not change any transition to adjacent buildings. There is no contrasting 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.

Response: The proposed structural replacement improves the existing human scale of the building, with a more comfortable, less confining feel - a vaulted ceiling inside, more windows, and visual breaks.

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.

Response: The structural replacement proposal increases the percent of windows and transparency, offering a greater “welcoming” appeal to the building from the outside.

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.

Response: The variation in depth remains unchanged. The variation in roofline in the proposed replacement structure has the objective of enhancing the existing roofline of the current structure. The use of decorative stone on the garden wall will offer more variation to the building elevation.

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.

Response: The proposed structure replacement is intended to improve the attention to considerations of the micro-climate for building users, particularly sensitivity to wind, sun angles, shade, etc.). Pedestrians and transit users remain unaffected by the existing structure, and this condition will remain unchanged.

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

Response: The proposed structure replacement remains consistent with the original structure, and does not affect this criteria.

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.

Response: The proposed project retains the existing 5-foot sidewalk. This criteria is met.

55.150 LANDSCAPE PLAN – ***Landscaping will remain unchanged by the proposed structure.***

SERVICE PROVIDER LETTER FROM TUALATIN VALLEY FIRE AND RESCUE

Response: Jason Arn at TVFR stated that “No fire department review is required for building modifications that don’t change the existing fire department access.” (01/04/2024 email to Linda Ballou) Fire department access remains unchanged.

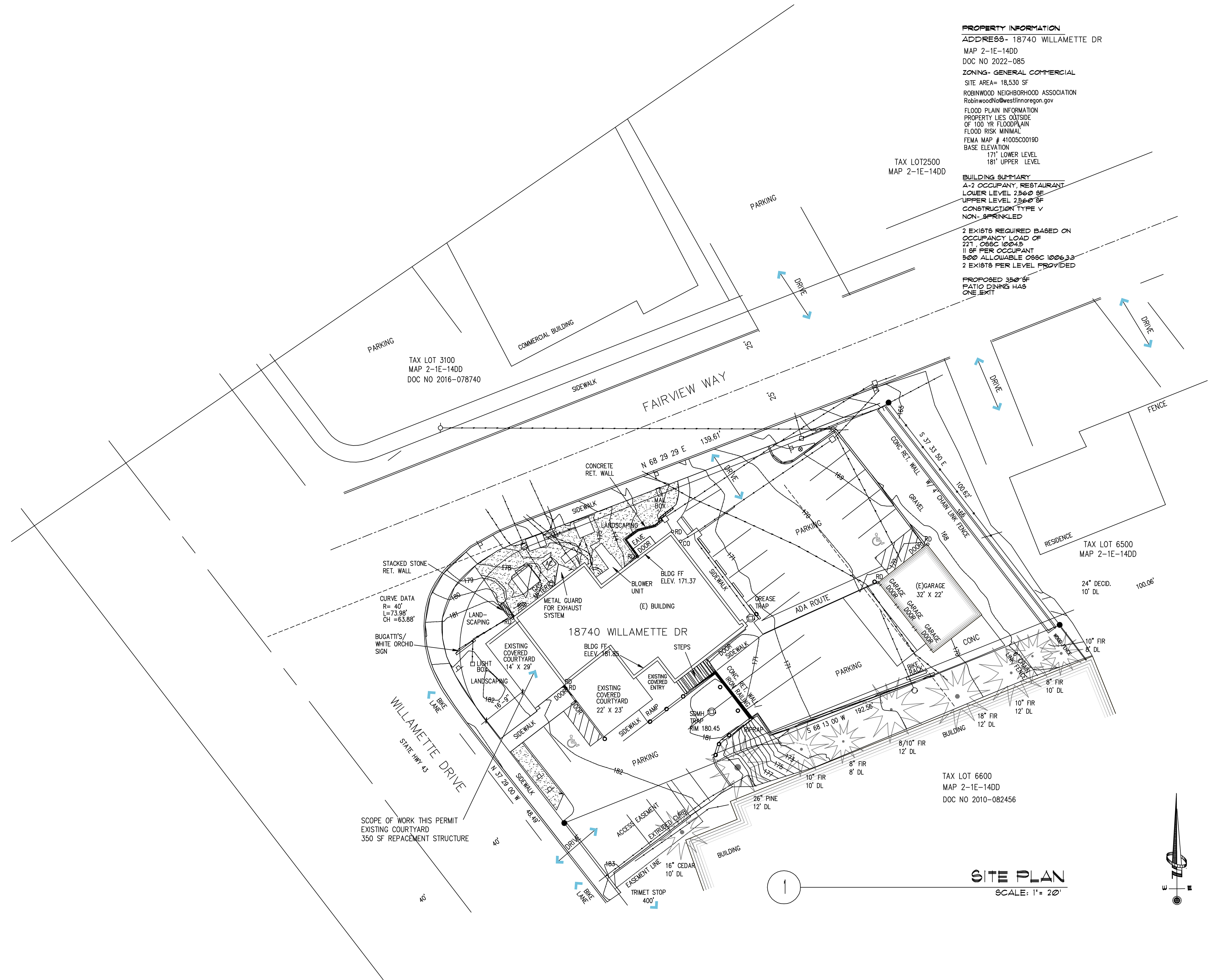
Thank you for your time and consideration. We look forward to discussing this project with you further. If you have any questions, please feel free to email me at lindaballou@comcast.net.

Sincerely,

Linda Ballou and Thomas Irely

Property owners of 18740 Willamette Drive, West Linn, 97068
Mailing address: 2151 Marylhurst Drive, West Linn, OR 97068

Cellphone: 503-810-0638



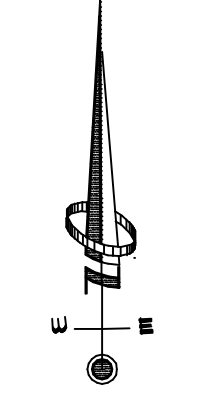
PROPERTY INFORMATION
 ADDRESS- 18740 WILLAMETTE DR
 MAP 2-1E-14DD
 DOC NO 2022-085
 ZONING- GENERAL COMMERCIAL
 SITE AREA- 18,530 SF
 ROBINWOOD NEIGHBORHOOD ASSOCIATION
 RobinwoodNo@westflinmoregon.gov
 FLOOD PLAN INFORMATION
 PROPERTY LIES OUTSIDE
 OF 100 YR FLOODPLAIN
 FLOOD RISK MINIMAL
 FEMA MAP # 41005C0019D
 BASE ELEVATION
 171' LOWER LEVEL
 181' UPPER LEVEL

BUILDING SUMMARY
 4-2 OCCUPANCY, RESTAURANT
 LOWER LEVEL 2360 SF
 UPPER LEVEL 2360 SF
 CONSTRUCTION TYPE V
 NON-SPRINKLED

2 EXITS REQUIRED BASED ON
 OCCUPANCY LOAD OF
 221 / 085C 10045
 11 SF PER OCCUPANT
 300 ALLOWABLE 085C 100633
 2 EXITS PER LEVEL PROVIDED

PROPOSED 350 SF
 PATIO DINING HAS
 ONE EXIT

SITE PLAN
 SCALE: 1" = 20'



REPLACEMENT STRUCTURE
 FOR TOM IREY
 18740 WILLAMETTE DR
 WEST LINN, OREGON 97068

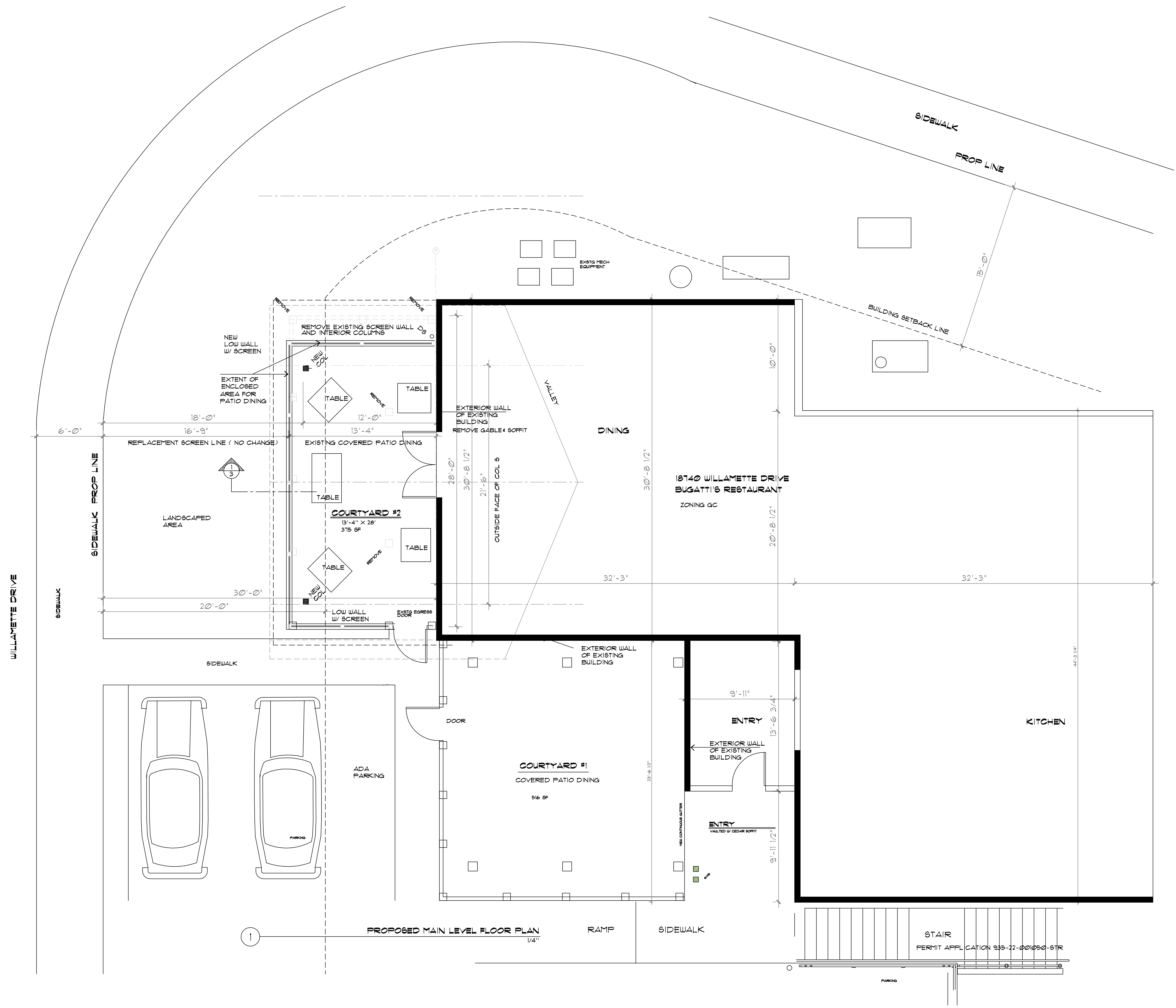
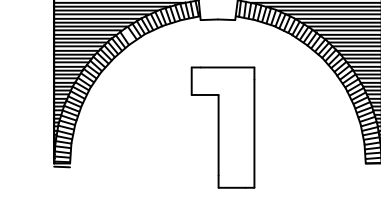
DATE: MARCH 6, 2024
 REVISED:

SITE PLAN

PROPOSED FLOOR PLAN

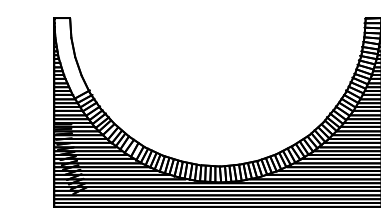
COURTYARD REPLACEMENT STRUCTURE
FOR TOM IREY
18140 WILLAMETTE DRIVE WEST LINN, OREGON 97068

DATE: DEC 6, 2023
REVISED:
REVISED:



PROPOSED MAIN LEVEL FLOOR PLAN
1/4"

STAIR
PERMIT APPLICATION 235-22-001050-01R



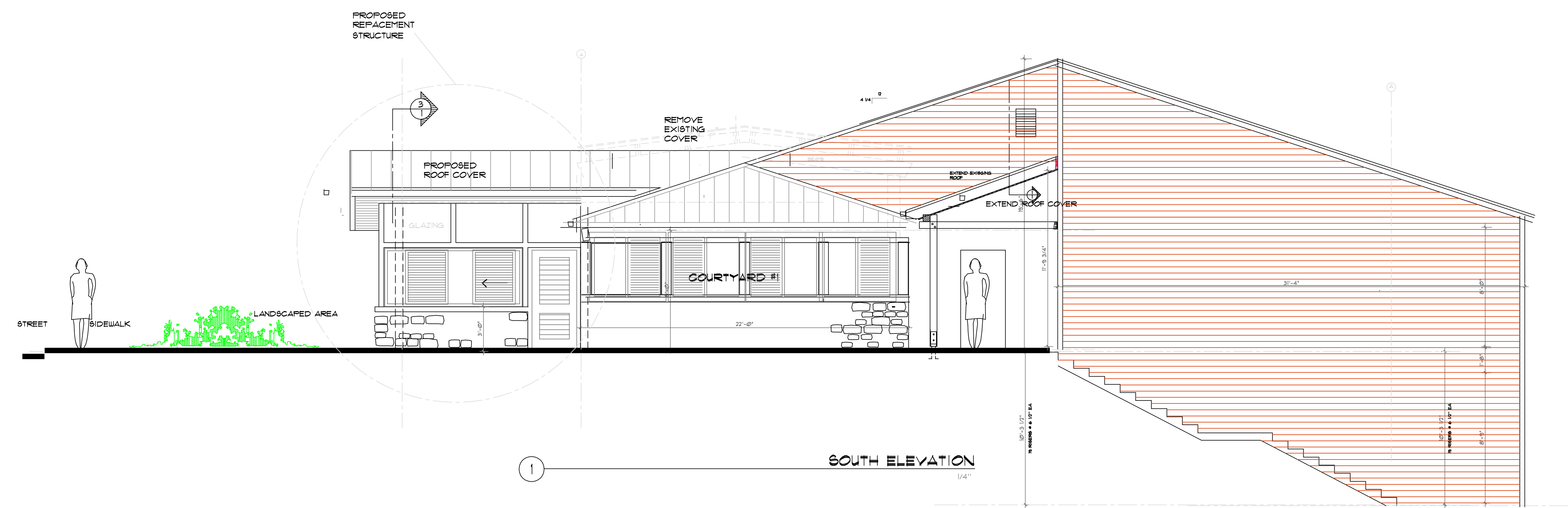
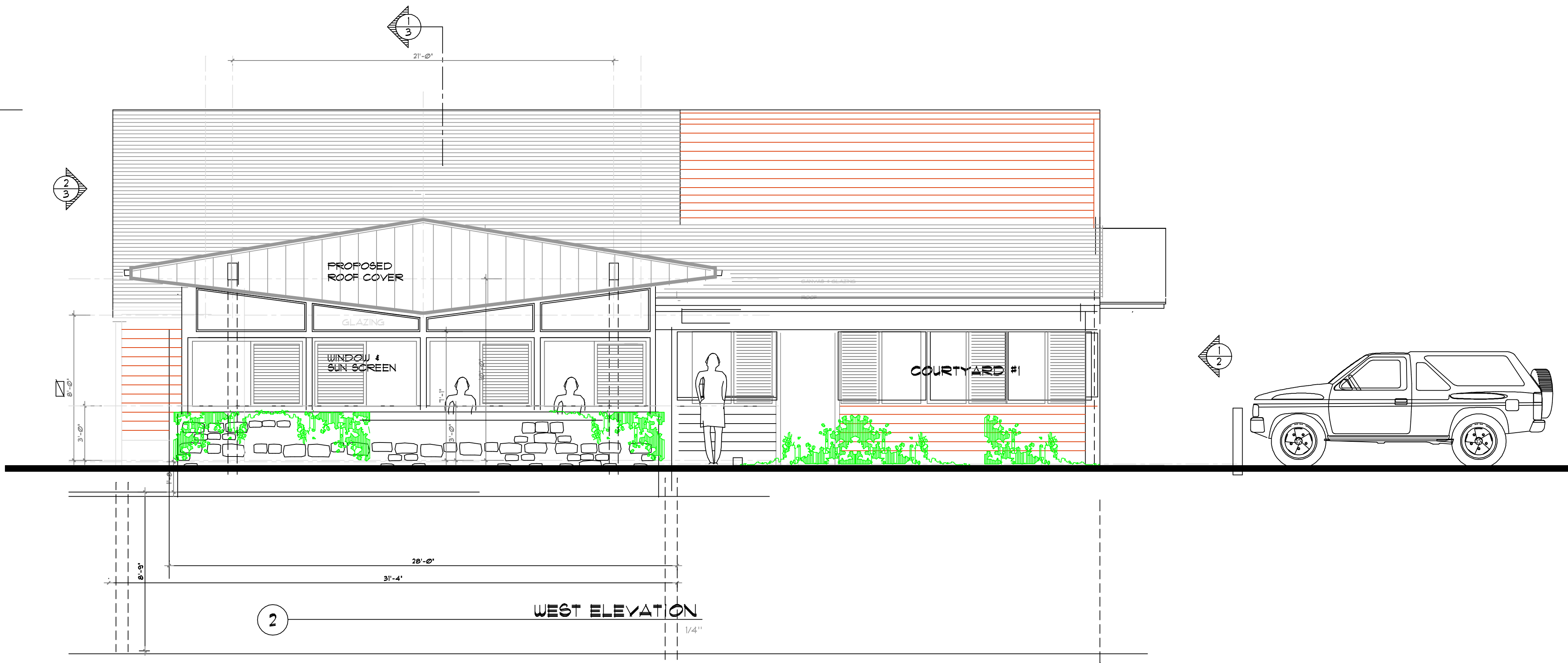
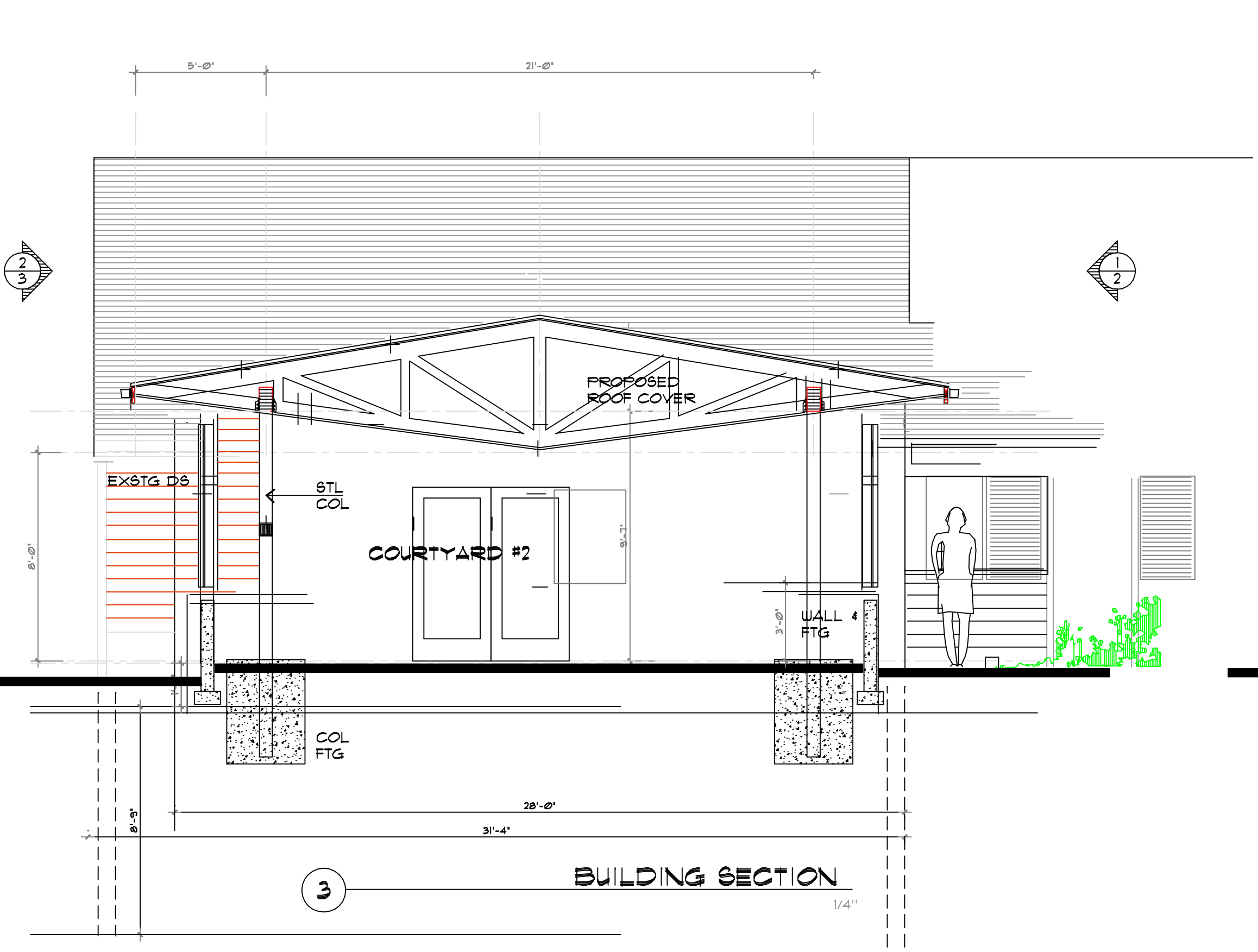
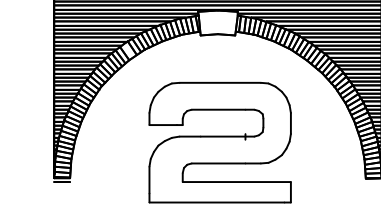
RICHARD CARLSON
ARCHITECT
250 FURNACE ST
LAKE OSWEGO, OR
503-801-6929

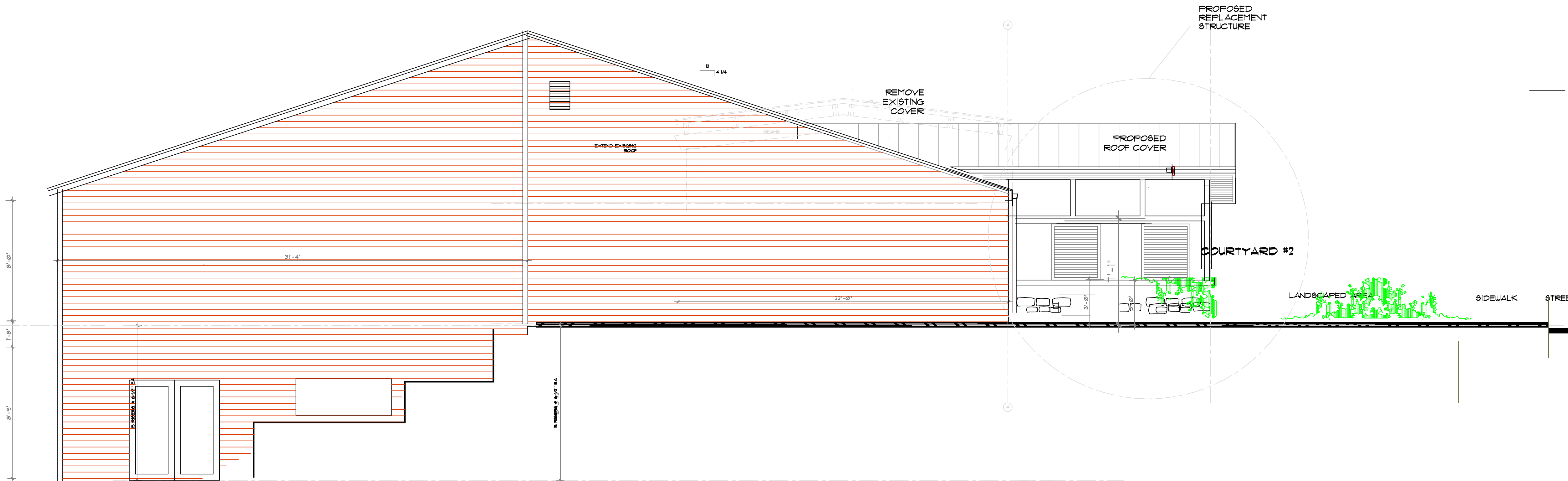
REPLACEMENT

PROPOSED
ELEVATIONS

COURTYARD REPLACEMENT STRUCTURE
FOR TOM IREY
18140 WILLAMETTE DRIVE WEST LINN, OREGON 97068

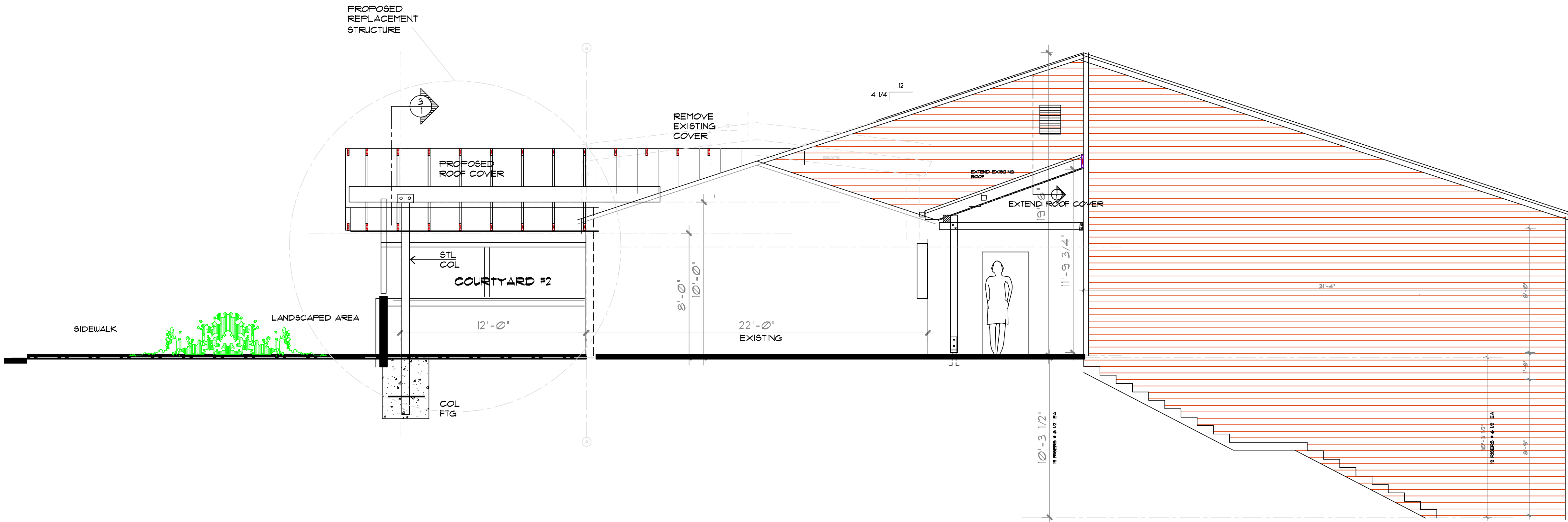
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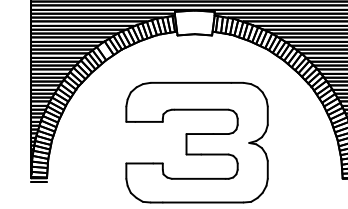
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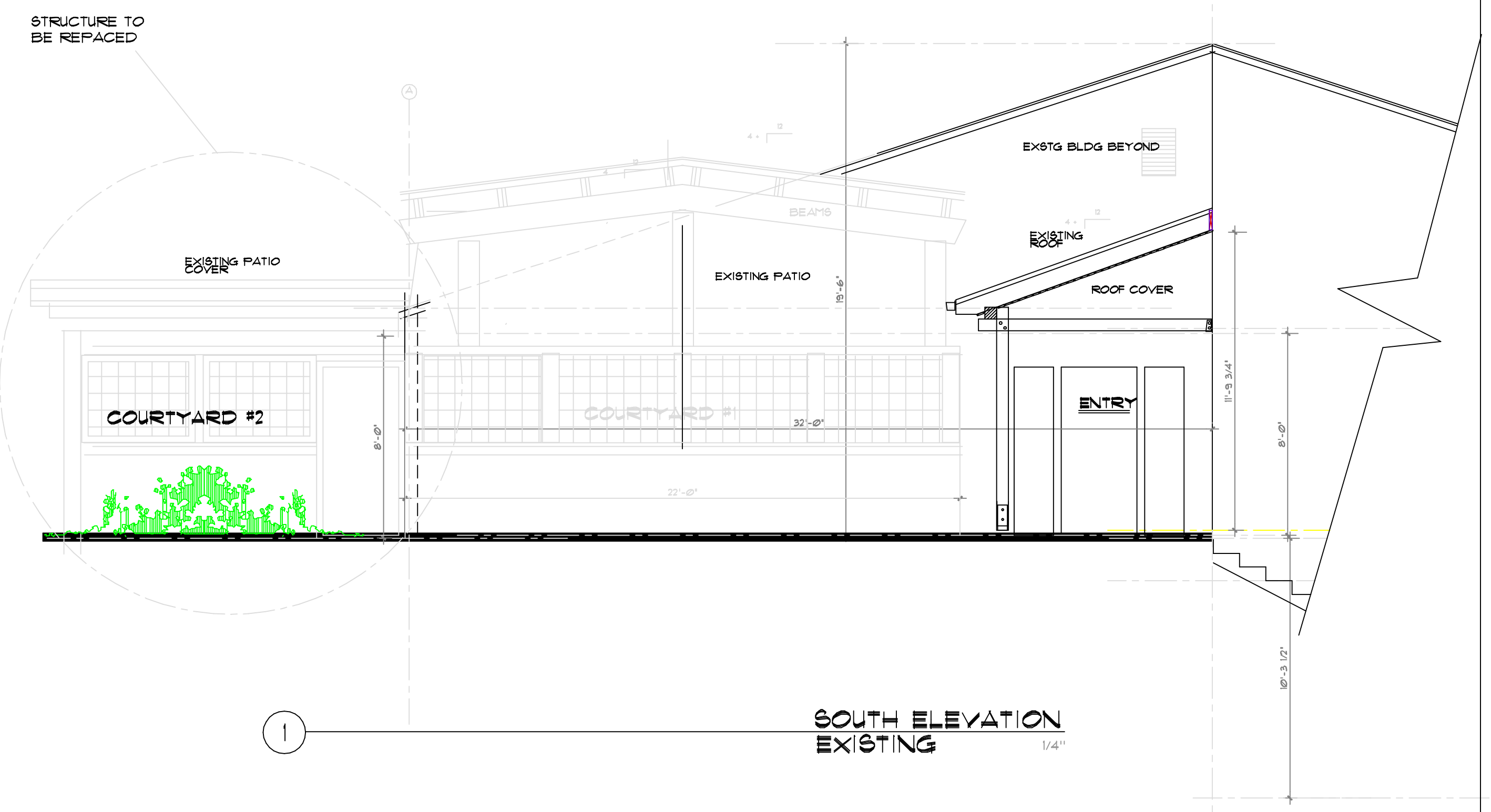
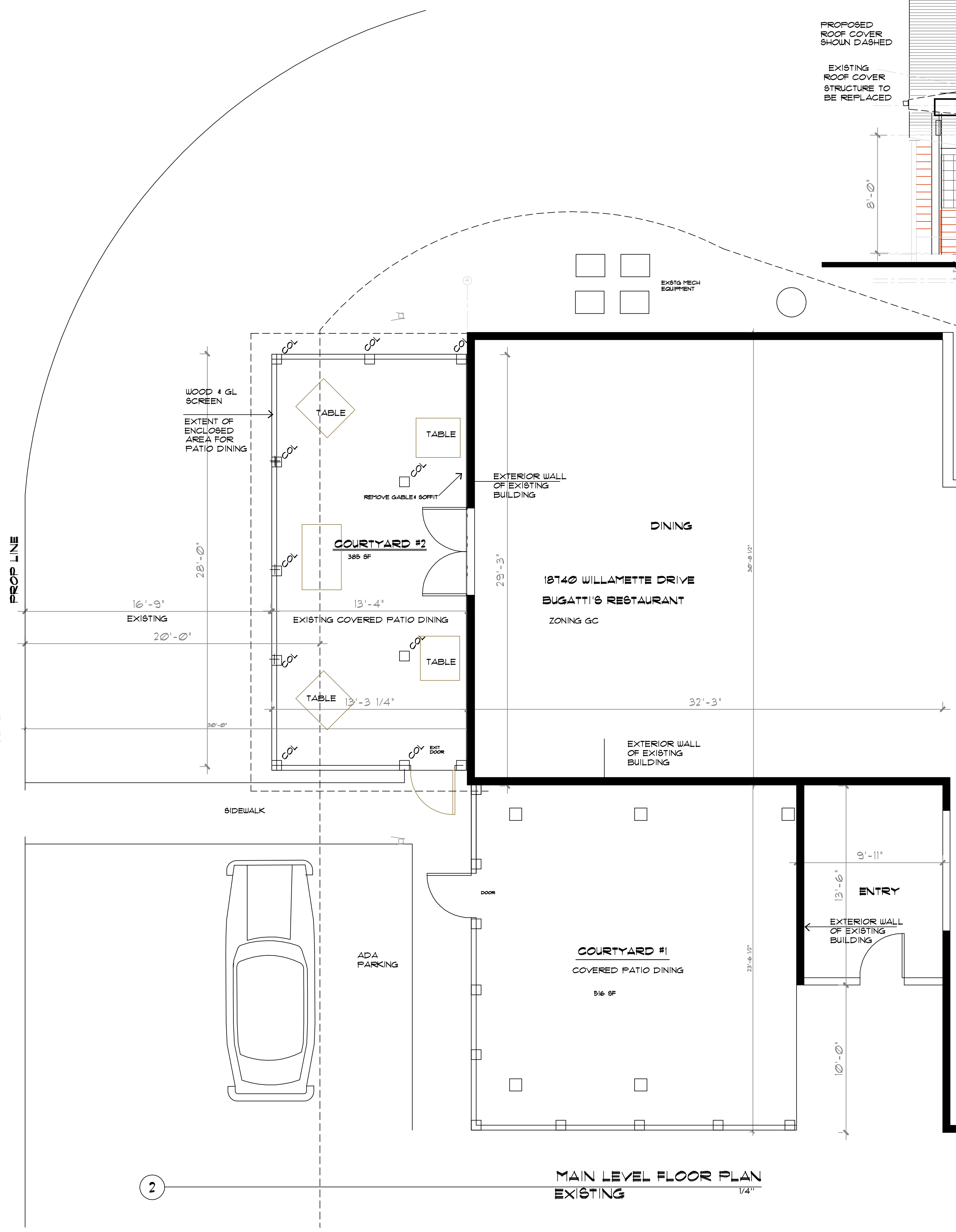
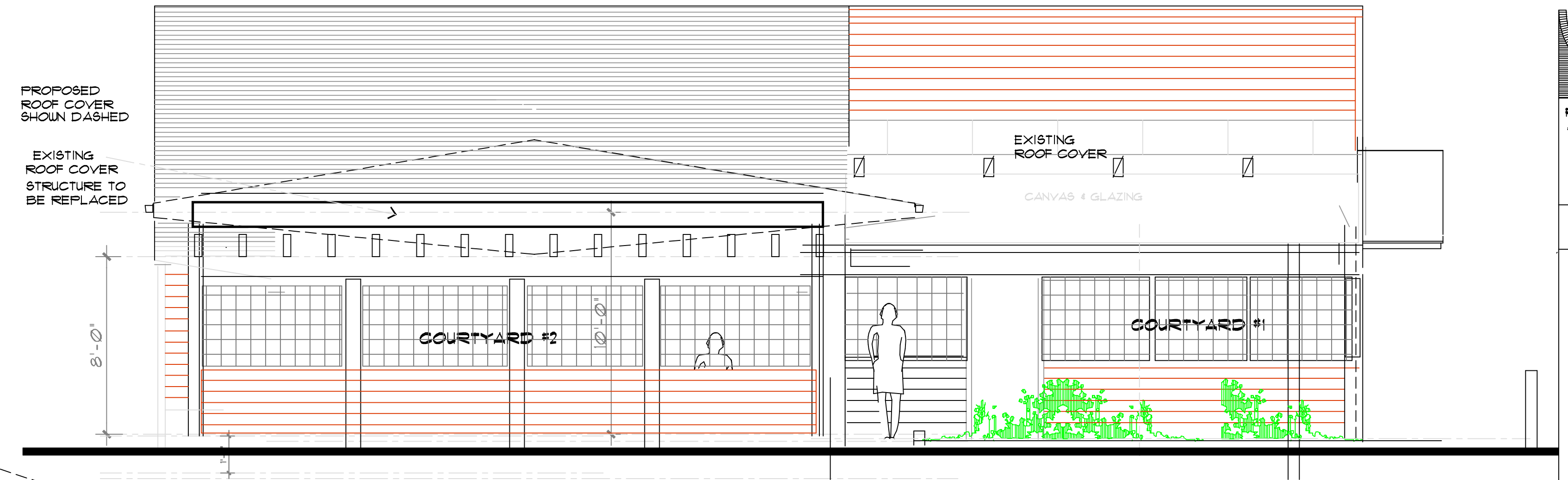
NORTH ELEVATION
1/4"



1

SOUTH ELEVATION
1/4"





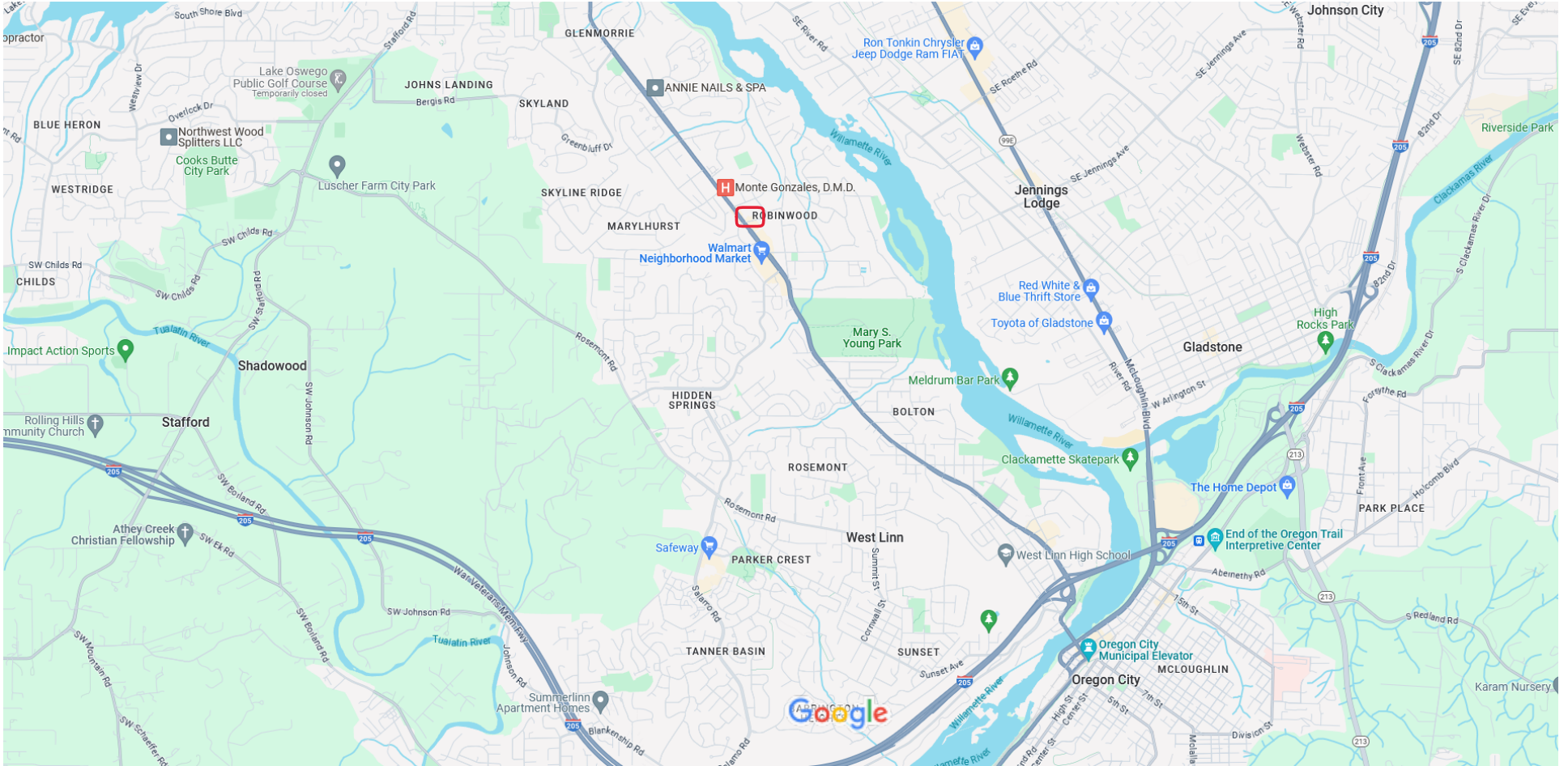
SIDEWALK

PROJ. LINE

2

3

1



Map data ©2024 Google 2000 ft

lindaballou@comcast.net

From: Arn, Jason S. <Jason.Arn@tvfr.com>
Sent: Thursday, January 4, 2024 8:23 AM
To: lindaballou@comcast.net
Subject: RE: Question: Service Provider Letter for City of West Linn Planning Application

Hi Linda,

No fire department review is required for building modifications that don't change the existing fire department access.

Thanks for checking,

Jason Arn | Deputy Fire Marshal CFI

Tualatin Valley Fire & Rescue

Direct: 503-259-1510

www.tvfr.com

From: lindaballou@comcast.net <lindaballou@comcast.net>
Sent: Wednesday, January 3, 2024 9:53 AM
To: Arn, Jason S. <Jason.Arn@tvfr.com>
Subject: Question: Service Provider Letter for City of West Linn Planning Application

The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe

Hello Jason Arn.

My husband Thomas Irely and I, Linda Ballou, are owners of the commercial property at 18740 Willamette Drive in West Linn.

It is rented to Bugatti's Ristorante and White Orchid Thai Restaurant.

We are applying for a Land Use Application so that we can replace the existing Front Courtyard Structure of Bugatti's.

We are NOT CHANGING any of the existing footprint, nor any of the existing doors of that space (a double door that goes into the main dining room and a single standard door that exits out to a walkway of the parking lot area).

City of West Linn "Development Review Checklist" includes the need for "A Service Provider Letter from Tualatin Valley Fire and Rescue."

Question: Do we need such a letter from you?

If so, please tell me what you require before you can prepare such a letter, and any timeline for its completion.

Thank you. Respectfully,
Linda Ballou
lindaballou@comcast.net