

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: June 20, 2024

FILE NO.: DR-24-02

REQUEST: Approval of a Class I Design Review at 18740 Willamette Dr. for the replacement of an existing front courtyard cover with no increase in structure or courtyard footprint.

PLANNER: Chris Myers, Associate Planner

Planning Manager DSW

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GENERAL INFORMATION

- OWNER/APPLICANT:** Linda Ballou & Thomas Irey, Trustees
2151 Marylhurst Dr
West Linn, OR 97068
- SITE LOCATION:** 18740 Willamette Drive
- SITE SIZE:** 0.397 acres/17,272 Square feet per Clackamas County Assessor
- LEGAL DESCRIPTION:** Assessor's Map 21E14DD Tax Lot 06400
- COMP PLAN DESIGNATION:** General Commercial (GC)
- ZONING:** General Commercial (GC)
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 19: General Commercial; Chapter 55: Design Review; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
- 120-DAY RULE:** The application became complete on April 9, 2024. The 120-day period ends August 7, 2024.
- PUBLIC NOTICE:** Notice was mailed to property owners within 300 feet of the subject property and to the Willamette Neighborhood Association on April 26, 2024. A sign was placed on the property on April 29, 2024. The notice was also posted on the City's website on April 26, 2024. Therefore, public notice requirements of CDC Chapter 99 have been met.

BACKGROUND

The applicant is requesting approval to replace one of two existing patio covers associated with an existing eating and drinking establishment. The proposed project will remove the existing 406 square foot (SF) front courtyard structure and replace it with a 320 SF replacement structure in the same location. No change of use or other site improvements are proposed.

PUBLIC COMMENT

No public comment was received on the application.

DECISION

The Community Development Director (designee) approves this application (DR-24-02), 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. **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.

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

Chris Myers

Chris Myers, Associate Planner

June 20, 2024

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 20th Day of June 2024.

Therefore, the 14-day appeal period ends at 5 p.m. on July 5, 2024.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-24-02

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

CHAPTER 19, GENERAL COMMERCIAL, GC

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

(...)

10. Eating and drinking establishments

(...)

Staff Finding 1: The proposal is to replace the existing courtyard cover for an existing restaurant, a permitted use in the General Commercial zone. The proposed replacement will not expand the courtyard or cover, nor will it change the use. The criteria are met.

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.*
- 2. The average minimum lot width shall be 50 feet.*
- 3. The average minimum lot depth shall not be less than 90 feet.*
- 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.*
- 5. The maximum lot coverage shall be 50 percent, except as provided in CDC [58.090\(C\)\(1\)\(d\)](#).*
- 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.*
- 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.*

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.

Staff Finding 2: The proposed replacement of an existing courtyard cover for an existing restaurant, a permitted use in the General Commercial zone, does not alter the minimum front lot line length, which is 100 feet, the average minimum lot width, which is 100 feet, the average lot depth which is 140 feet. The setback for the commercial structure from the adjacent residential zone is approximately 85 feet meeting the residential zone setback of 20

feet. The building height will not change with this proposal and is within the 35-foot height limit. The existing structure is between 12 and 16 feet from the front property line meeting the maximum 20-foot setback. The criteria are met.

CHAPTER 55, DESIGN REVIEW

55.020 CLASSES OF DESIGN REVIEW

A. *Class I Design Review. The following are subject to 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.).*

Staff Finding 3: The proposal is to replace the existing courtyard cover for an existing restaurant. The new cover is a change in architectural design and will enhance the aesthetics of the building while not increasing the interior usable space. The proposed replacement will not expand the courtyard or cover as the space is not fully enclosed and the proposed cover is smaller than the existing one (406 SF existing / 320 SF proposed). Therefore, this application is subject to the Class I Design Review. The criteria are met.

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 4: The project site is substantially developed, including streets and sidewalks, and the proposal will have no increased impact on the natural environment. The affected area does not contain any trees or other significant vegetation (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 building, therefore the standards of CDC 55.100(B)(5) and (6) apply to this application. The building and restaurant are 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 5: The project affects the western façade of the existing structure and faces Willamette Drive (Highway 43) to the west and Fairview Way to the north. The nearest structures are approximately 47 feet to the east and approximately 50 feet to the south of the subject structure. The proposal is replacing the existing courtyard cover with a smaller cover the same footprint. 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 6: Staff adopts applicant’s findings. The proposal is to replace an existing courtyard cover. The proposed changes will enhance the architectural style of the existing structure and will improve compatibility to surrounding building styles. The proposal will not affect 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. No change is being made to the microclimate or the safety and attractiveness of the pedestrian environment as a result of the proposed changes. The criteria are met.

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 7: A pre-application conference was held on November 2, 2023. The criteria are 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 8: Class I Design Review applications are subject to a Type B Notice. Mailed notice was provided on April 26, 2024, to all required parties including the neighborhood association and all property owners within 300 feet, and a sign was posted on the project site on April 29, 2024. 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	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"/> Appeal (AP)
<input type="checkbox"/> CDC Amendment (CDC)
<input type="checkbox"/> Code Interpretation (MISC)
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation (MISC)
<input type="checkbox"/> Expediated Land Division (ELD)
<input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP) Related File # _____
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP)
<input type="checkbox"/> Modification of Approval (MOD)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<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.

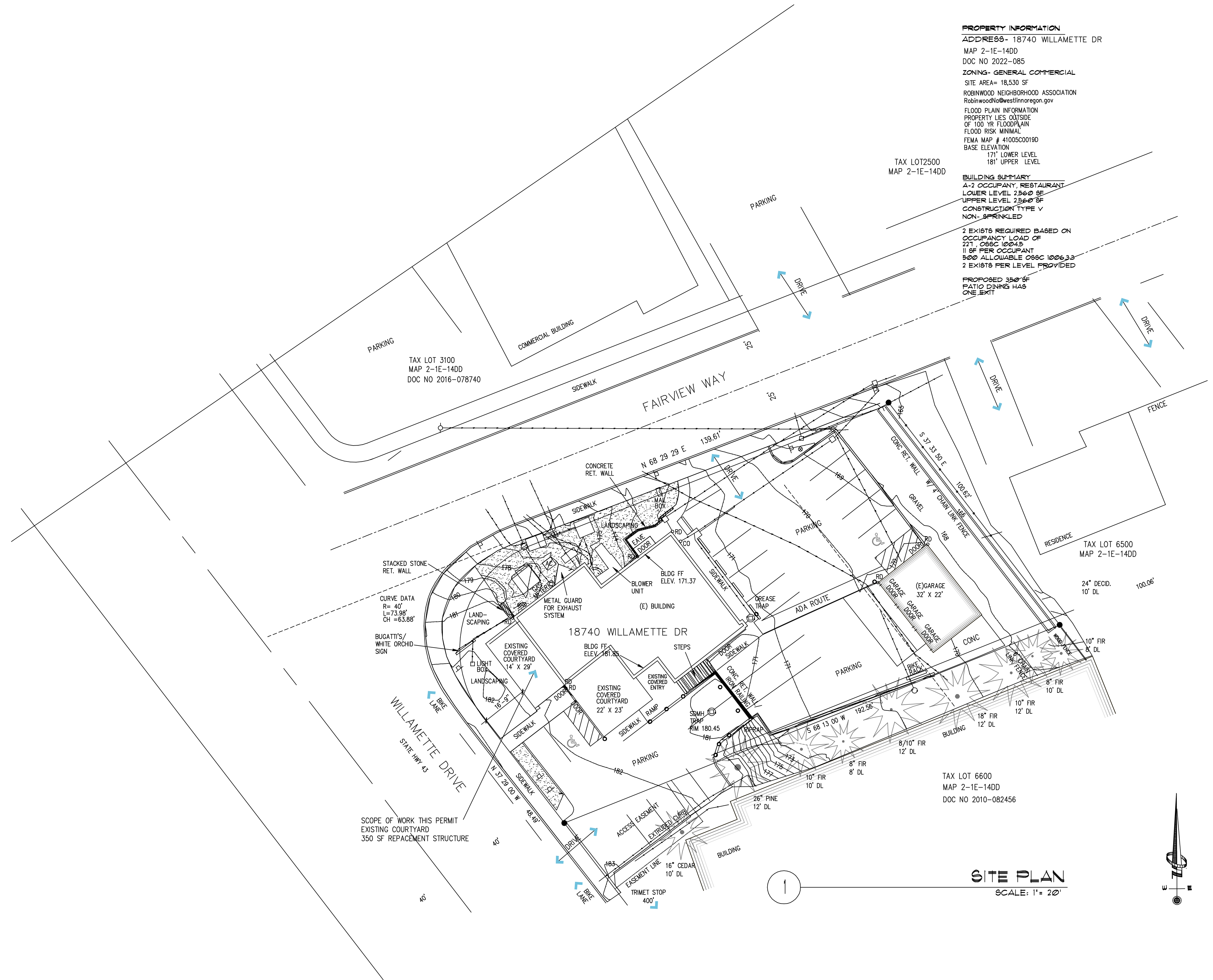
Thank you for your time and consideration. We look forward to discussing this project with you further. If you have any questions, please feel free to email me at lindaballou@comcast.net.

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



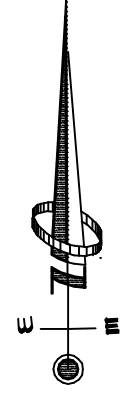
PROPERTY INFORMATION
 ADDRESS- 18740 WILLAMETTE DR
 MAP 2-1E-14DD
 DOC NO 2022-085
 ZONING- GENERAL COMMERCIAL
 SITE AREA- 18,530 SF
 ROBINWOOD NEIGHBORHOOD ASSOCIATION
 RobinwoodNo@westflinmoregon.gov
 FLOOD PLAN INFORMATION
 PROPERTY LIES OUTSIDE
 OF 100 YR FLOODPLAIN
 FLOOD RISK MINIMAL
 FEMA MAP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

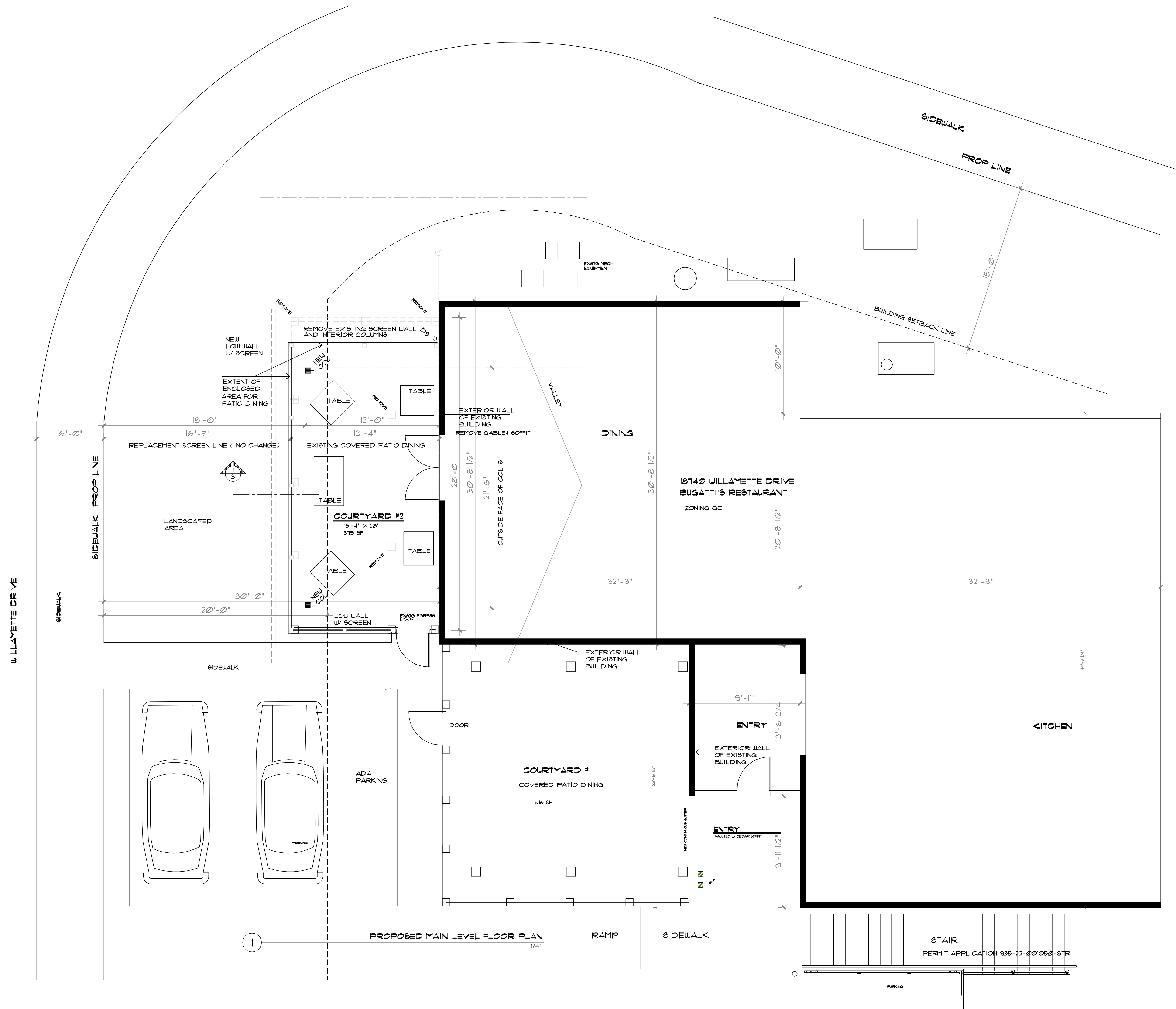
BUILDING SUMMARY
 4-2 OCCUPANCY, RESTAURANT
 LOWER LEVEL 2360 SF
 UPPER LEVEL 2360 SF
 CONSTRUCTION TYPE V
 NON-SPRINKLED

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

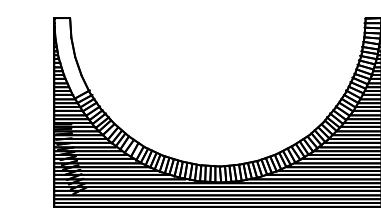
SITE PLAN
 SCALE: 1" = 20'





PROPOSED MAIN LEVEL FLOOR PLAN
1/4"

STAIR
PERMIT APPLICATION 235-22-001050-01R



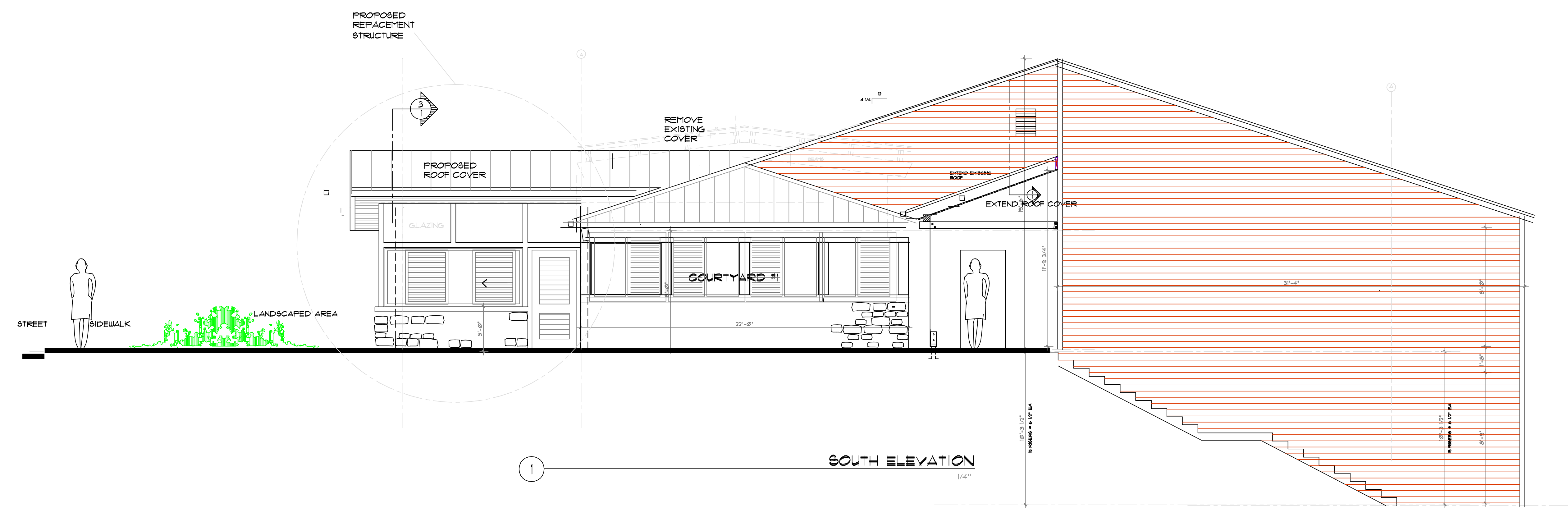
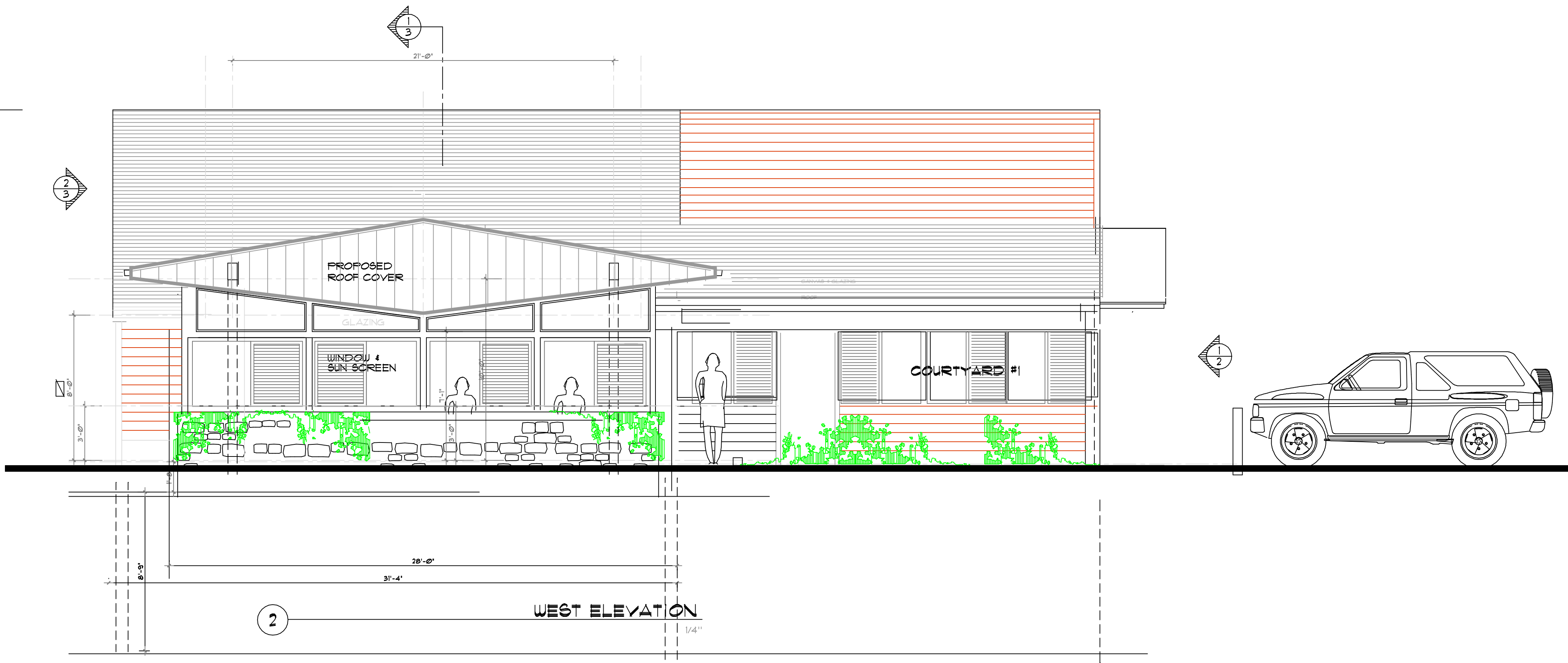
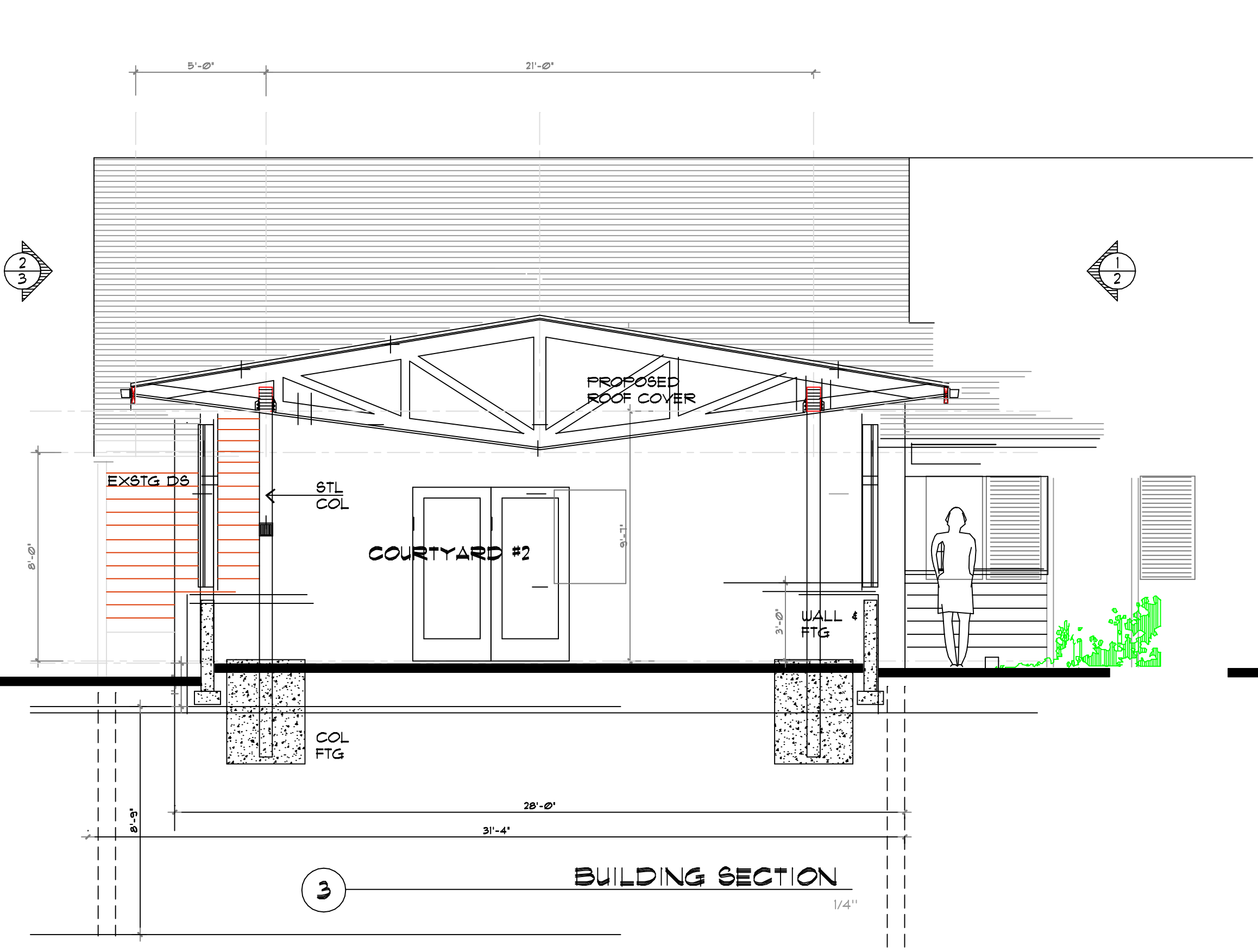
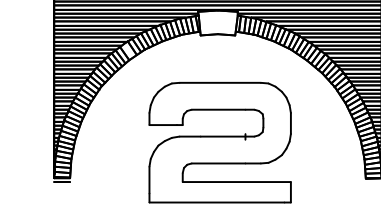
RICHARD CARLSON
ARCHITECT
250 FURNACE ST
LAKE OSWEGO, OR
503-801-6929

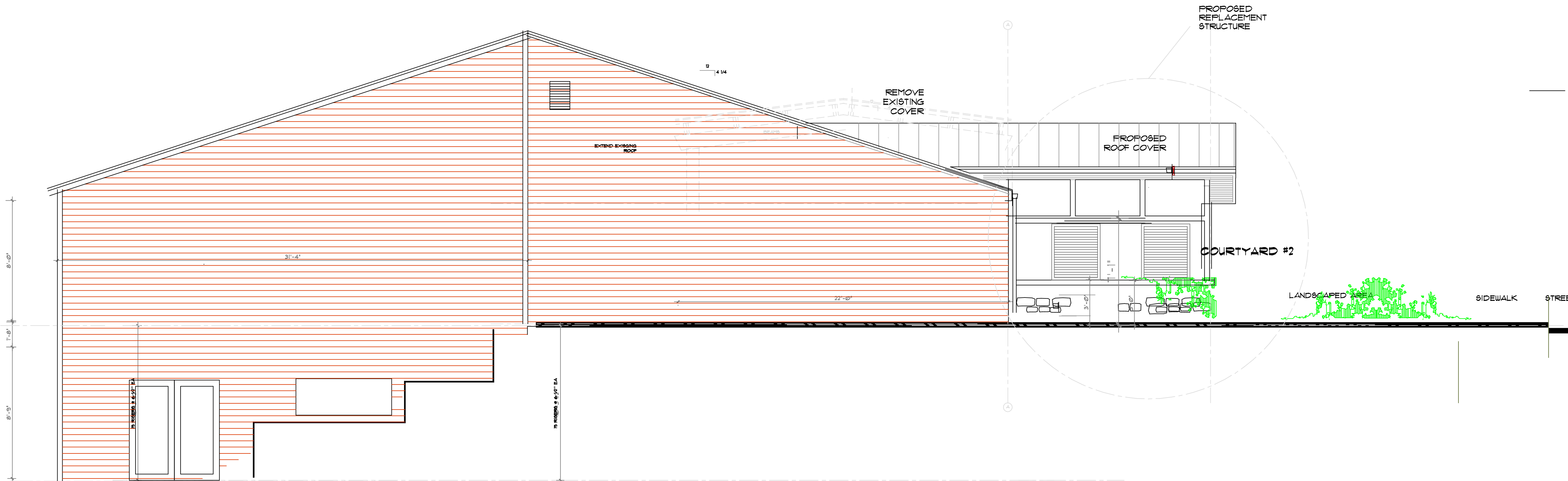
REPLACEMENT

PROPOSED
ELEVATIONS

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

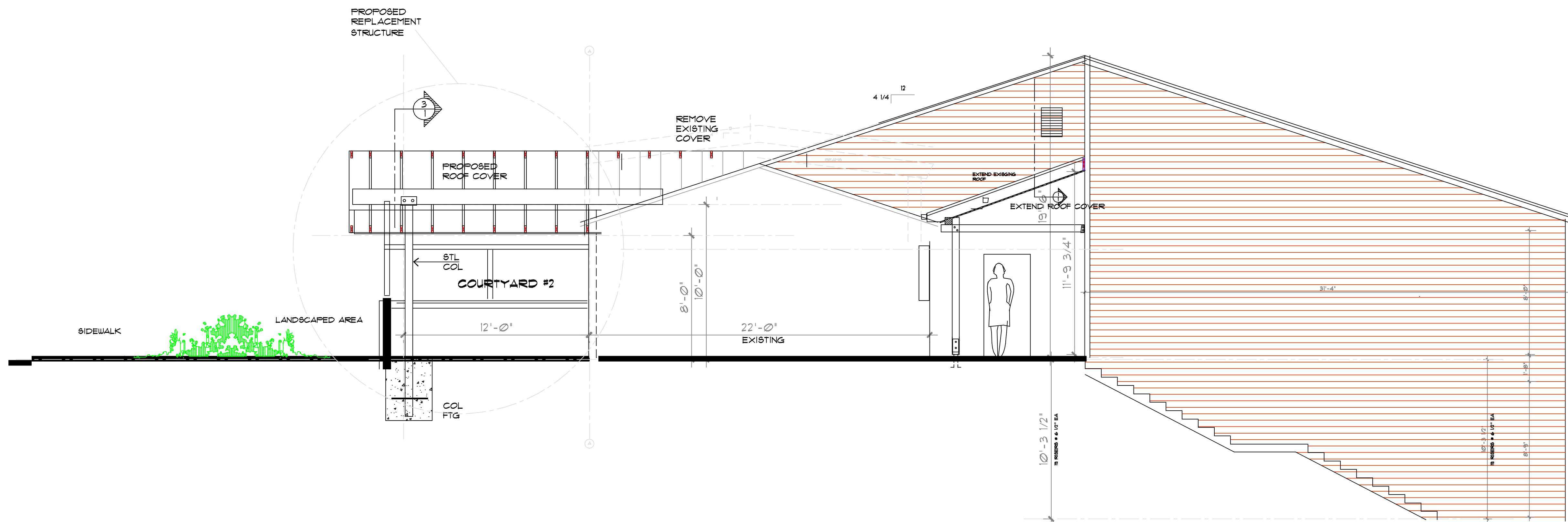
DATE: DEC 6, 2023
REVISED:
REVISED:





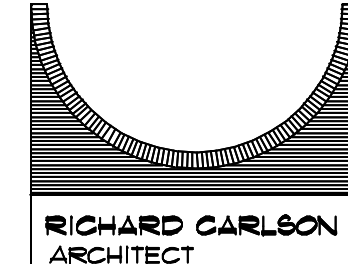
2

NORTH ELEVATION
1/4"



1

SOUTH ELEVATION
1/4"



RICHARD CARLSON
ARCHITECT
250 FURNACE ST
LAKE OSWEGO, OR
503-807-6923

REPLACEMENT

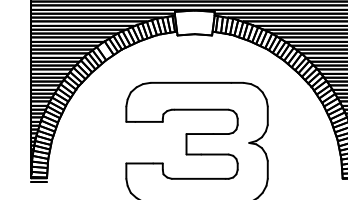
PROPOSED
ELEVATIONS

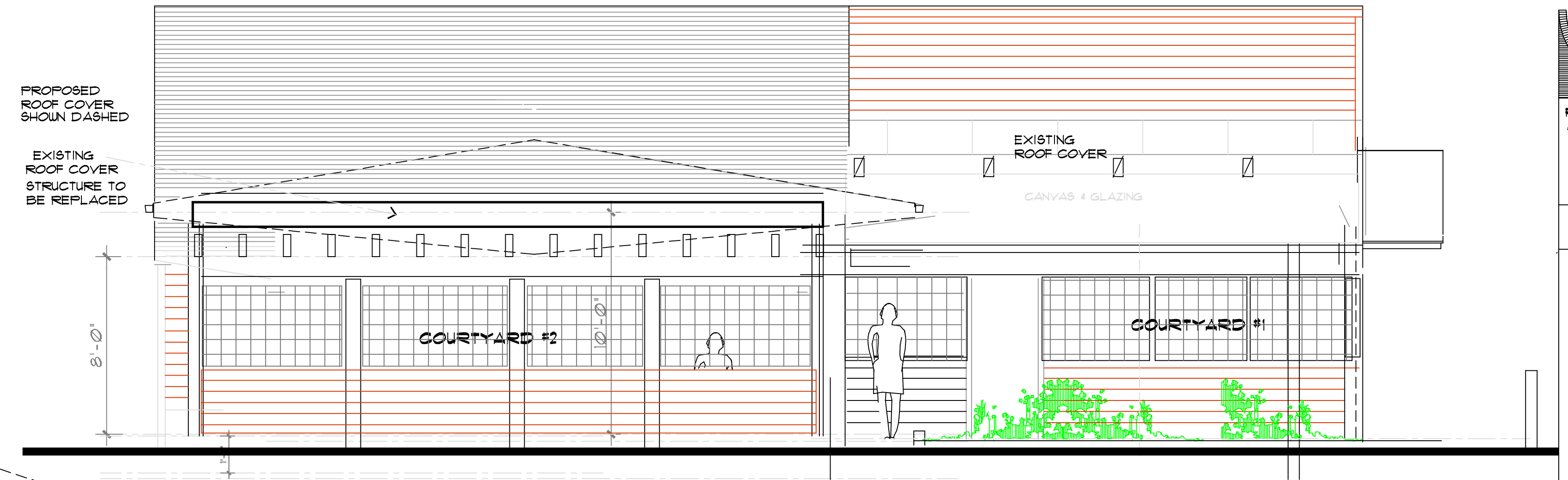
COURTYARD REPLACEMENT STRUCTURE
FOR TOM IREY
18140 WILLAMETTE DRIVE WEST LINN, OREGON 97068

DATE: DEC 6, 2023

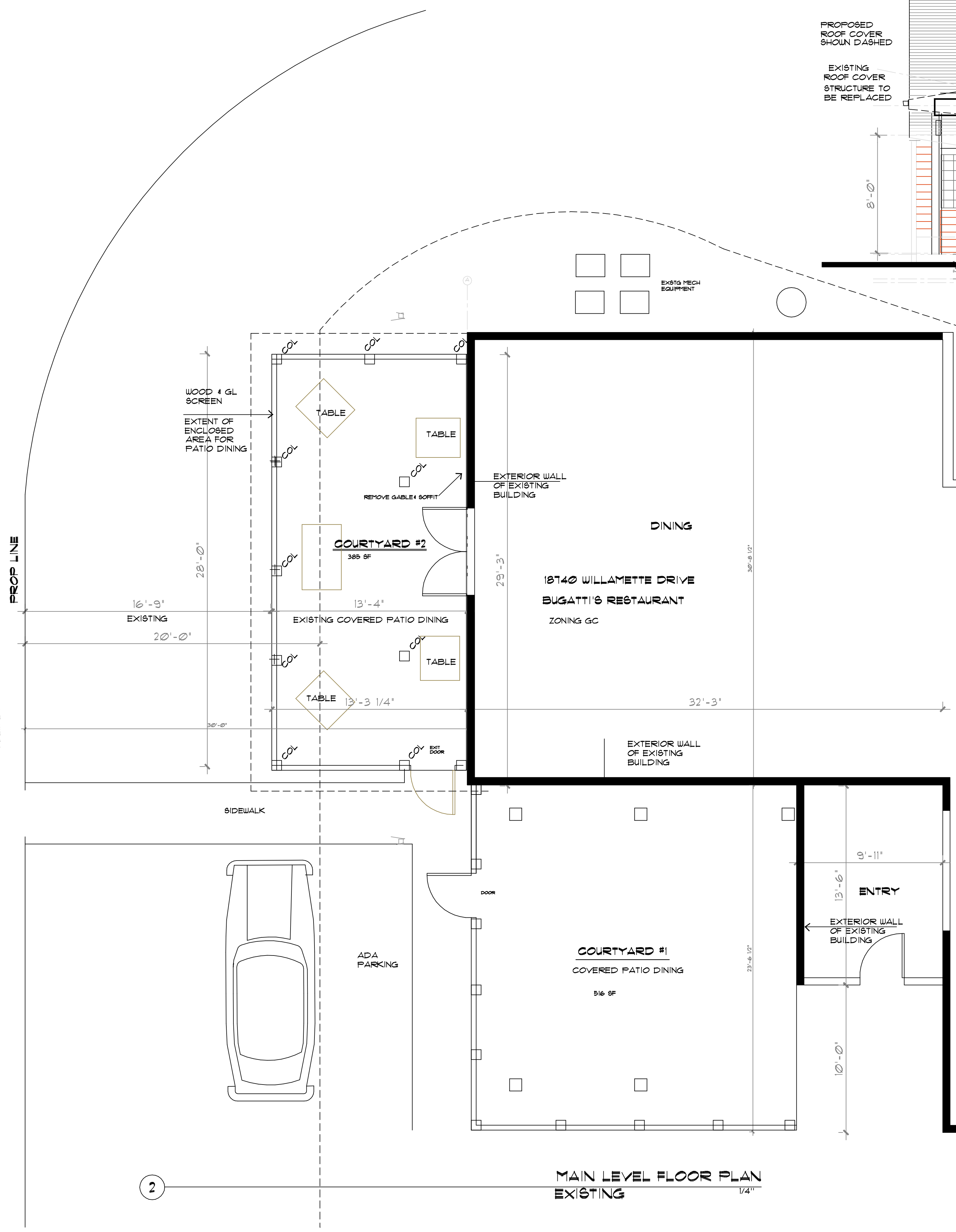
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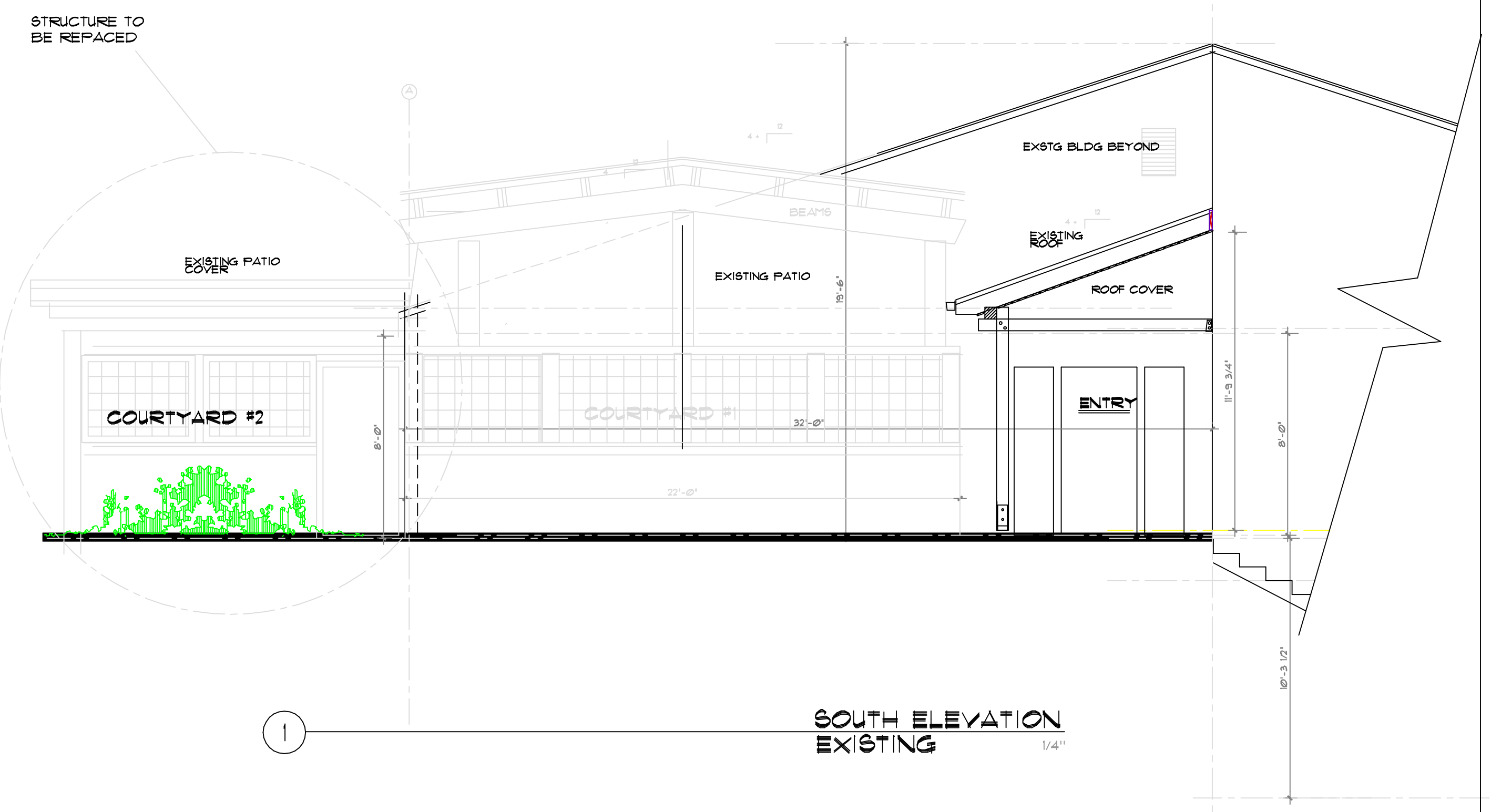




WEST ELEVATION
EXISTING 1/4"



MAIN LEVEL FLOOR PLAN
EXISTING 1/4"



SOUTH ELEVATION
EXISTING 1/4"

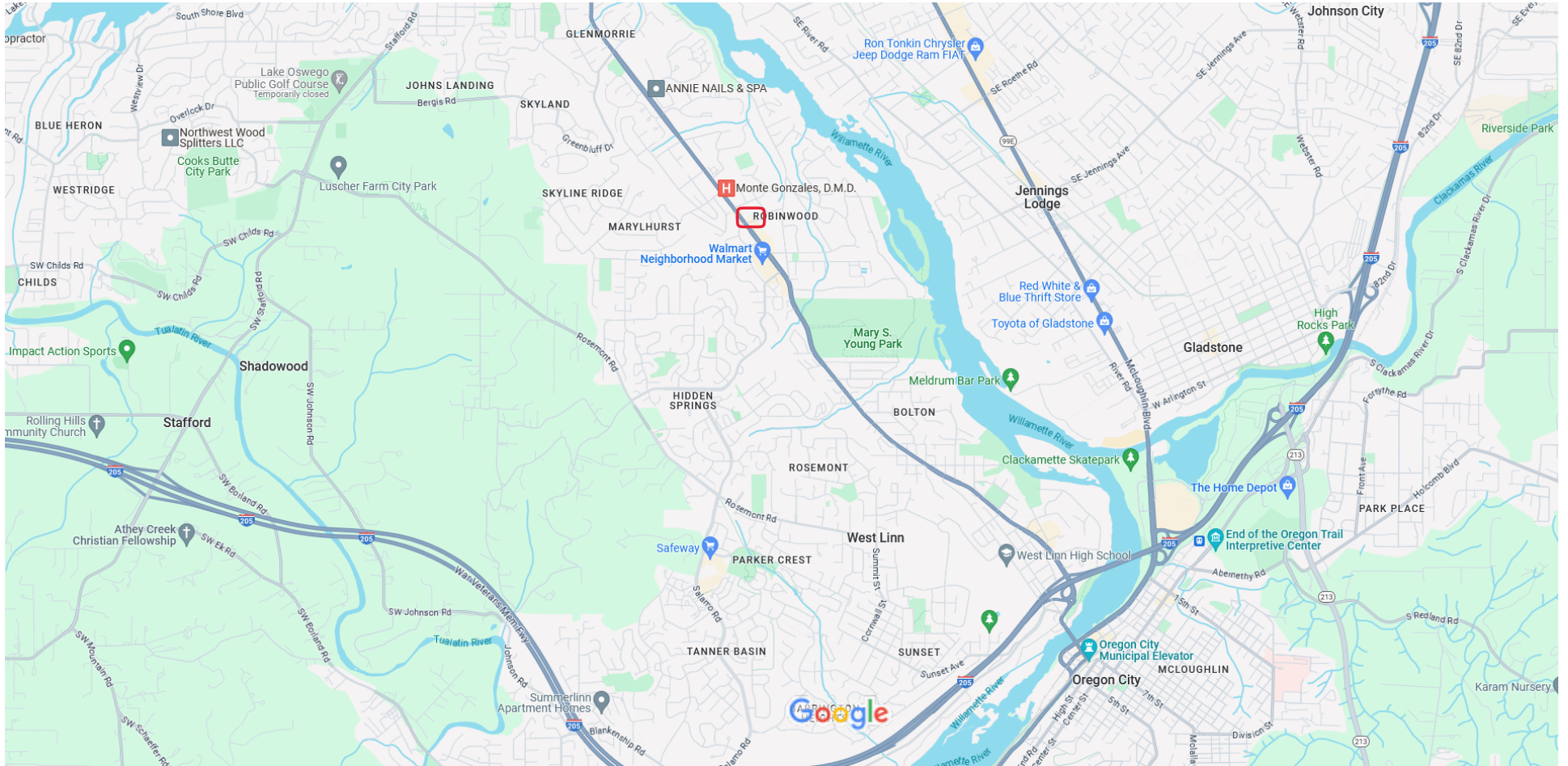
PROJ. LINE

SIDEWALK

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

PD-2 COMPLETENESS LETTER



CITY OF
West Linn

April 9, 2024

Linda Ballou
2151 Marylhurst Dr.
West Linn, OR 97068

SUBJECT: Class I Design Review at 18740 Willamette Drive (DR-24-02) to replace the existing courtyard cover.

Dear Ms. Ballou,

Your application submitted on March 11, 2024 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends August 7, 2024.

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 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-24-02** Applicant's Name: **Lina Ballou**
 Development Address: 18740 Willamette Dr.
Planning Manager Decision no earlier than 5/9/24

APPLICATION

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

4/26/24	<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:

Richard Carlson, Architect	4/26/24	<i>Lynn Schroder</i>
Linda Ballou & Thomas Irely, Trustees, property owner	4/26/24	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	4/26/24	<i>Lynn Schroder</i>
Robinwood Neighborhood Association	4/26/24	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 14 days before the decision date to:

Richard Carlson, Architect	4/26/24	<i>Lynn Schroder</i>
Linda Ballou & Thomas Irely, Trustees, property owner	4/26/24	<i>Lynn Schroder</i>
Robinwood Neighborhood Association	4/26/24	<i>Lynn Schroder</i>

WEBSITE

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

4/26/24	<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.

4/29/24	<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.

6/20/24	<i>Lynn Schroder</i>
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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. DR-24-02**

The West Linn Planning Manager is considering a Class I Design Review at 18740 Willamette Dr. for the replacement of the existing front courtyard cover with no increase in structure or courtyard footprint.

The Planning Manager will decide the application based on criteria in Chapters 19, 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/projects>. 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 May 10, 2024 to 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, 503-742-6057.

Scan this QR Code to go to Project Web Page:





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # DR-24-02
MAIL: 4/26/24 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.