

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	J. Floyd	PROJECT NO(S).	AP-23-01/DR-23-01
		PRE-APPLICATION NO.	
		n/a	
NON-REFUNDABLE FEE(S)	\$400	REFUNDABLE DEPOSIT(S)	n/a
		TOTAL	\$400

Type of Review (Please check all that apply):

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation (ANX)
<input checked="" 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: 1919/1949 Willamette Falls Dr West Linn OR 97068	Assessor's Map No.: <hr/> Tax Lot(s): <hr/> Total Land Area:
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Brief Description of Proposal:
 appeal of Planning Commission decision approving DR-23-01

Applicant Name*: Ian Brown; Audra Brown Address: 1968 5th Ave City State Zip: West Linn OR 97068	Phone: (503) 780-1982 Email: brownwestlinn@gmail.com itb@ianbrown.org
Owner Name (required): Ian Brown; Audra Brown Address: 1968 6th Ave City State Zip: West Linn OR 97068	Phone: (503) 780-1982 Email: brownwestlinn@gmail.com itb@ianbrown.org
Consultant Name: Carrie Richter Address: 1000 SW Broadway, Suite 1900 City State Zip: Portland OR 97205	Phone: (503) 972-9903 Email: crichter@batemanseidel.com

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 related to the propose land use.
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.

Applicant's signature

Date

3/11/24

Owner's signature (required)

Date

3/11/24

NOTICE OF APPEAL

Appeal of Class II Design Review at 1919 and 1949 Willamette Falls Drive

Appellants: Ian and Audra Brown
1968 6th Ave
West Linn OR 97068

Appellants' Representative: Carrie Richter
Bateman Seidel
1000 SW Broadway #1910
Portland, Oregon 97205

West Linn File No: DR-23-01

Standing: Appellants Ian and Audra Brown testified orally and in writing before the Historic Review Board and the Planning Commission regarding this decision. They were provided notice of the Planning Commission's decision and have standing under CDC 99.140 to seek review by the City Council.

Grounds for Appeal: Acknowledging that Appellants do not have to identify all appeal issues in a de novo review, this appeal is likely to focus on the following:

- 1) The elevator lobby and the enclosed rooftop stairwell comprise a 3rd story in violation of CDC 58.080(C)(3). These areas will be used for "human occupancy" and as such, are not "projections" subject to the CDC 41.030 exception to the height limit. These elements need to be removed from the proposal.
- 2) The condition imposed by the Planning Commission to address noise buffering requirements in CDC 55.100(C) and (D) lacks clarity and is insufficient. The adopted condition triggering completion of a noise study at 50% occupancy of the building and not requiring any occupancy of the rooftop patio at the time of the study will not ensure that noise from the patio is buffered. Further, imposing a condition prohibiting use of the rooftop patio by commercial customers for the consumption of food or beverages is feasible and could be enforced.

Appellants believe that these concerns can be resolved through revision of the conditions of approval.