STAFF REPORT
FOR THE PLANNING COMMISSION

FILE NUMBER: CUP-25-01

HEARING DATE: November 19, 2025

REQUEST: The applicant seeks approval of a Conditional Use Permit and Class II Design Review for a food cart pod with new dining structure and outdoor seating, and a taproom in an existing building at 1553 11th Street.

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 34, 44, 46, 48, 55, 59, 60, 96, and 99.

STAFF REPORT PREPARED BY: Darren Wyss, Principal Planner

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GENERAL INFORMATION

PROPERTY OWNER/ APPLICANT	David Lawrence 1553 11th Street West Linn, OR. 97068
CONSULTANT:	Jessica Iselin Iselin Architects, PC 1307 7th Street Oregon City, Oregon 97045
SITE LOCATION:	1553 11th Stret
LEGAL DESCRIPTION:	Clackamas County Assessor's Map: 3S 1E 02BA Tax Lot 04900
SITE SIZE:	0.51 Acres or 22,233 Square Feet
ZONING:	Willamette Neighborhood Mixed Use Transitional Zone
COMP PLAN DESIGNATION:	Mixed Use
120-DAY PERIOD:	This application became complete on October 27, 2025. The 120-day maximum application-processing period ends on February 24, 2025.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations October 29, 2025. Notice was published in the West Linn Tidings on November 5, 2025. The property was posted with a notice sign on November 6, 2025. The notice and application were posted on the City's website October 28, 2025. Therefore, public notice requirements of CDC Chapter 99 have been met.

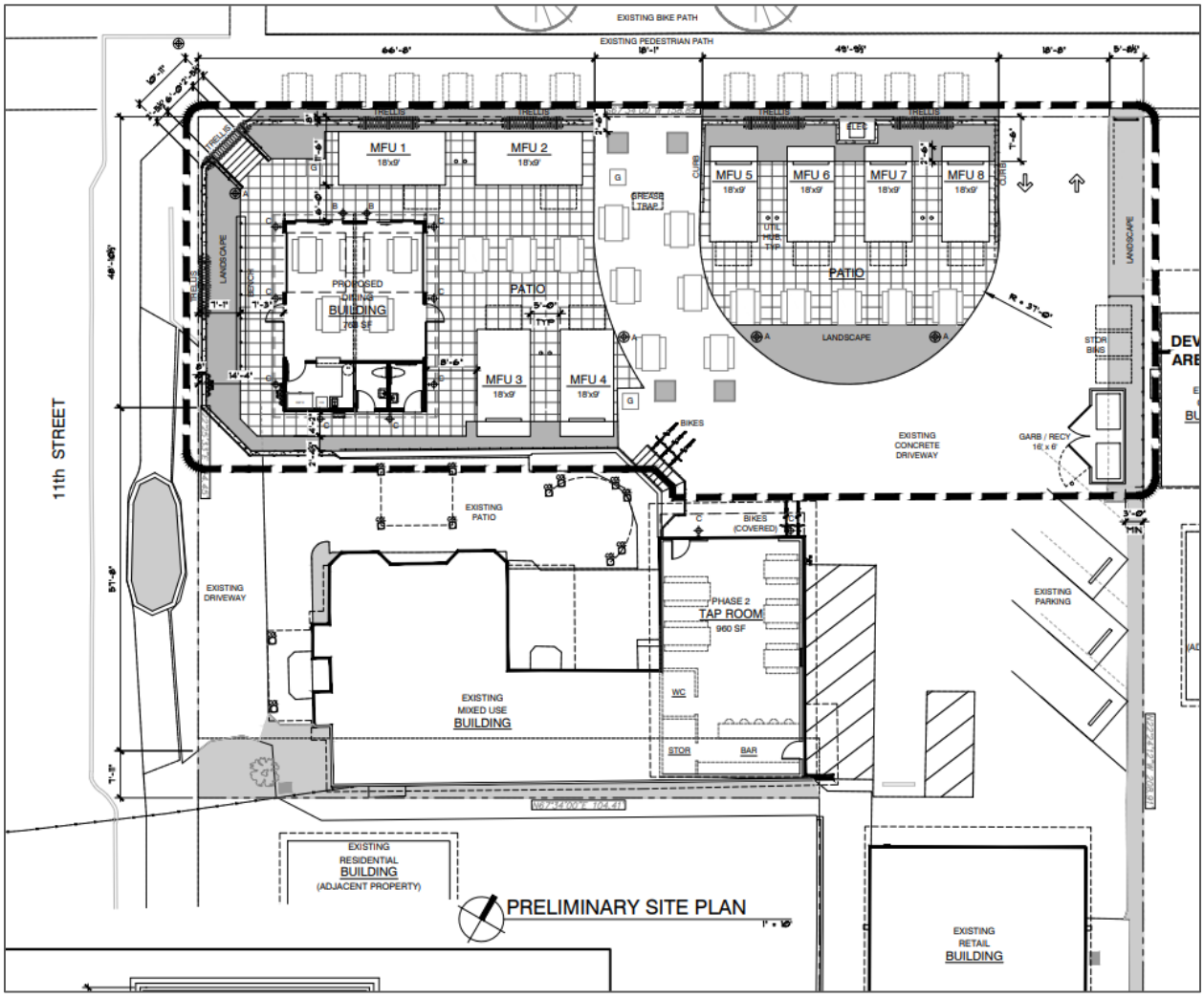
EXECUTIVE SUMMARY

Site Conditions: The property, 1553 11th Street, is approximately 0.51 acres (22,233 sq. ft.). The property is a corner lot and has two existing buildings with retail/office/residential use. The existing business facing 11th Street has a driveway/parking, while the remaining businesses and residence take access from Willamette Falls Drive. The existing retail business will retain three parking spaces, but no additional off-street parking is proposed. The proposal will also close the western access from Willamette Falls Drive. Adequate public utilities are available to serve the property.

The applicant proposes a food cart pod with eight mobile food units, a new dining structure (Phase 1), and interior renovation of an existing office space into a tap room (Phase 2). Mobile food units are considered Eating and Drinking Establishments use under the West Linn Community Development Code. Eating and Drinking Establishments require a Conditional Use Permit in the Willamette Neighborhood Mixed Use Transitional Zone, and the new/renovated structures require Class II Design Review.

The dining structure will be single-story and 768 sq. ft. There will be seating for approximately 36 people within the building, as well as an area for storage/sale of beverages. Two restrooms will be accessed from the rear of the structure. Approximately 920 sq. ft. of the existing mixed-

use building will be converted into a tap room with a small bar, seating for an additional 30 people and an additional bathroom. New garbage/recycling enclosure, bike racks, retaining walls, landscaping, and pedestrian amenities are also proposed.



<u>Surrounding Land Use and Zoning:</u> The site is zoned Willamette Neighborhood Mixed Use Transitional Zone and located in the Willamette Neighborhood. Adjacent land uses and zoning include:

Direction From Site	Zoning	Land Use
North	GC	General Commercial
South	R-10	Single-Family Detached
East	MU	Willamette Neighborhood Mixed Use
West	GC	General Commercial

Applicable Community Development Code Approval Criteria:

- Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses
- Chapter 44: Fences
- Chapter 46: Off Street Parking, Loading and Reservoir Areas
- Chapter 48: Access, Egress, and Circulation
- Chapter 55: Design Review
- Chapter 59: Willamette Neighborhood Mixed Use Transitional Zone
- Chapter 60: Conditional Uses
- Chapter 96: Street Improvement Construction
- Chapter 99: Procedures for Decision Making: Quasi-Judicial.

Public comment:

No public comment received at the time the staff report was published.

RECOMMENDATION

Staff recommends approval of application **CUP-25-01** 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. **Site Plans. With the exception of modifications required by these conditions, the project shall substantially conform to all Tentative Plan Sheets.**

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, permitted, constructed, and completed prior to final plat approval. Public Works may coordinate with the applicant to complete additional, voluntary, off-site improvements.**

3. **Service Drive Barrier. To maximize safety of pedestrians associated with the food cart pod and tap room, the applicant shall continue the curb with cable/rail fence to the tap room in order to separate the drive aisle from the food cart pod area and tap room. The curb with cable/rail fence shall be placed no closer than the minimum required width of the service drive.**

4. **<u>Service Drive Width</u>. The applicant shall widen the existing onsite service drive to 24 feet.**

5. **<u>Closed Driveway Approach</u>. The applicant will close the west access drive from Willamette Fall Drive by removing the existing driveway approach and installing a curb and pavers to match the existing improvements on Willamette Falls Drive.**

6. **<u>Refuse/Recycling Enclosure</u>. The applicant shall install a continuous, curbed landscape area at least three feet in width on the sides and rear of the enclosure. Landscaping shall include a continuous hedge maintained at a height of 36 inches.**

ADDENDUM
PLANNING COMMISSION STAFF REPORT
Meeting Date: November 19, 2025

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH APPLICABLE CODE CRITERIA

CHAPTER 34, ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES
34.020 ACCESSORY USES
34.030 ACCESSORY DWELLING UNITS (ADUs)

Staff Finding 1: The proposal does not include an accessory dwelling unit. The proposal includes a new dining structure that contains two restrooms that will support the Eating and Drinking Establishment use (food cart pod). The restrooms are required by the Building Code to support the use. Therefore, the dining structure/restrooms cannot be considered an accessory use/structure and receive an exemption from Design Review (CDC Chapter 55.025(B). The criteria are not applicable.

CHAPTER 44, FENCES
44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS
A. A sight- or non-sight-obscuring fence may be located on the property line or in a yard setback area subject to the following:
1. The fence is located within:
a. A required front yard area, and it does not exceed three feet, except pillars and driveway entry features subject to the requirements of Chapter 42 CDC, Clear Vision Areas, and approval by the Planning Director;
b. A required side yard which abuts a street and it is within that portion of the side yard which is also part of the front yard setback area and it does not exceed three feet;
c. A required side yard which abuts a street and it is within that portion of the side yard which is not also a portion of the front yard setback area and it does not exceed six feet provided the provisions of Chapter 42 CDC are met;
d. A required rear yard which abuts a street and it does not exceed six feet; or
e. A required side yard area which does not abut a street or a rear yard and it does not exceed six feet.

Staff Finding 2: The proposal includes a non-sight obscuring fence (cable rail fence) along the Willamette Falls Drive and 11th Street property lines. The fencing will be installed upon a curb, site wall, or retaining wall. Commercial building code requires a 3-foot 6-inch safety fence where the elevation differential is 30 inches. The applicant proposes maintaining the 3-foot 6-inch height at all locations for consistency, which exceeds the 3-foot maximum height. The Planning Commission under its authority to grant Conditional Use fence adjustments in CDC 60.070.C(12) finds the non-sight obscuring fence 6-inch exceedance of maximum height

to meet building code requirements to be reasonable and in benefit to the City for safety purposes. The criteria are met.

B. Fence or wall on a retaining wall. When a fence is built on a retaining wall or an artificial berm, the following standards shall apply:
1. When the retaining wall or artificial berm is 30 inches or less in height from finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half feet.
3. Fences or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of eight and one-half feet; provided, that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.

Staff Finding 3: The proposal includes a non-sight obscuring fence (cable rail fence) along the Willamette Falls Drive and 11th Street property lines. The fencing will be installed upon a curb, site wall, or retaining wall. Commercial building code requires a 3-foot 6-inch safety fence where the elevation differential is 30 inches. The applicant proposes maintaining the 3-foot 6-inch height at all locations for consistency. At no point will the safety fence and wall exceed 8-feet 6-inches. The criteria are met.

44.030 SCREENING OF OUTDOOR STORAGE
A. All service, repair, and storage activities carried on in connection with any commercial, business or industrial activity and not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight-obscuring fence.
B. The sight-obscuring fence shall be in accordance with provisions of Chapter 42 CDC, Clear Vision Areas, and shall be subject to the provisions of Chapter 55 CDC, Design Review.

Staff Finding 4: The proposal includes a new garbage and recycling enclosure, fully screened by a 6-foot sided wood wall and double gate. Small storage bins will be available for food cart vender use and will be fully screened by a 6-foot solid cedar fence and landscaping. The criteria are met.

CHAPTER 46, OFF-STREET PARKING, LOADING AND RESERVOIR AREAS
46.020 APPLICABILITY AND GENERAL PROVISIONS
(…)
D. Parking spaces and loading areas shall be improved to the standards contained in this chapter and shall be available for use at the time of the final building inspection except as provided in CDC 46.150.

Staff Finding 5: The proposal does not require parking, but the property has four existing parking spaces to serve the retail building in the rear corner. Three spaces (9 ft. x 18 ft.) and an ADA space meet the standards of this chapter. See Findings 8 to 22. The criteria are met.

46.090 OFF-STREET PARKING SPACE REQUIREMENTS
A. Maximum parking. Parking spaces shall not exceed the following amounts:

Retail/commercial, including shopping centers	*4.6 per 1,000 sq. ft. of gross leasable area*

(…)

Staff Finding 6: The proposal includes four parking spaces (three standard and one ADA) to serve the existing retail space in the rear corner of the property. The retail building is 2,234 sq. ft. The maximum parking allowed is 11 spaces (2,234/1,000 x 4.6). The criteria are met.

(…)
46.130 OFF-STREET LOADING SPACES
Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading and maneuvering space. The dimensional standard for loading spaces is a minimum of 14 feet wide by 20 feet long or proportionate to accommodate the size of delivery trucks that typically serve the proposed use as follows:

	Gross Floor Area	
Land Use	**At Which First Berth Is Required**	**At Which Second Berth Is Required**
Commercial:		
Wholesale	10,000	40,000
Retail	10,000	20,000
Service establishments	10,000	40,000
Comm. recreational (incl. bowling alley)	10,000	100,000
Restaurants	5,000	25,000
Laundry	10,000	25,000
Office building	10,000	100,000
Hotel	10,000	100,000

Staff Finding 7: The proposal does not include an off-street loading space. The proposal includes a new dining structure (768 sq. ft.) and renovation of an existing 1,000 sq. ft. space into a taproom, which is below the threshold for restaurant use to require a loading space. Combined with the existing 2,234 sq. ft. retail building, it still does not meet the threshold for a loading space. The criteria are met.

(…)
46.150 DESIGN AND IMPROVEMENT STANDARDS
The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:
A. Design standards.
1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multifamily parking stalls back onto a driveway, as opposed to a drive aisle within a parking lot, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.
2. Disabled parking and maneuvering spaces shall be consistent with current federal dimensional standards and subsection B of this section and placed nearest to accessible building entryways and ramps.

Staff Finding 8: The property has four existing parking spaces to serve the retail building in the rear corner of the property. Three spaces (9 ft. x 18 ft.) and an ADA space that meets current federal standards. The criteria are met.

3. Repealed by Ord. 1622.
4. Service drives for non-residential development shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

Staff Finding 9: The proposal includes an existing service drive to existing parking spaces associated with the retail building in rear corner of property. The applicant proposes a curb with cable/rail fence attached and located along a portion of the service drive to separate the food cart pod. To maximize safety of pedestrians associated with the food cart pod and tap room, the applicant shall continue the curb with cable/rail fence to the tap room in order to separate the drive aisle from the food cart pod area and tap room. The curb with cable/rail fence shall be placed no closer than the minimum required width of the service drive. Subject to the Condition of Approval 3, the criteria are met.

5. Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required, except where stacked parking is permitted pursuant to CDC 46.070(B)(4) or 46.090(A).
6. Except for single-family attached and detached residences, any area intended to be used for off-street parking as contained in this chapter shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. Permeable parking surface spaces may have an alternative delineation for parking spaces.

7. Except for residential parking, and parking for public parks and trailheads, at least 50 percent of all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces (…)
8. Off-street parking spaces for single-family attached and detached residences (…) All parking for multifamily residential development (…).

Staff Finding 10: The proposal includes an existing service drive to existing parking spaces associated with the retail building in rear corner of property. The parking spaces have clear access and are clearly marked with permanent paint. The applicant proposes painted traffic flow arrows on the service drive. The proposal is for 100 percent of parking spaces to be concrete. No single-family or multi-family development is proposed. The criteria are met.

9. Access drives from the street to off-street parking or loading areas for non-residential development shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the anticipated traffic. Access drives for all development shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.

Staff Finding 11: The applicant proposes closing the west service drive from Willamette Falls Drive. The proposal includes an existing service drive (east) to existing parking spaces associated with the retail building in rear corner of property. The applicant proposes a curb with cable/rail fence attached and located along a portion of the service drive to separate the food cart pod. To maximize safety of pedestrians associated with the food cart pod and tap room, the applicant shall continue the curb with cable/rail fence to the tap room in order to separate the drive aisle from the food cart pod area and tap room. The curb with cable/rail fence shall be placed no closer than the minimum required width of the service drive. Subject to the Condition of Approval 3, the criteria are met.

10. Access drives shall have a minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.
11. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall. Such parking spaces may be provided without wheel stops if the sidewalks or landscaped areas adjacent the parking stalls are two feet wider than the minimum width.
12. Off-street parking and loading areas shall be drained in accordance with City of West Linn Public Works Design Standards. Storm drainage at commercial sites may also have to be collected to treat oils and other residue.

Staff Finding 12: The proposal meets vision clearance standards. The three existing parking spaces on the east boundary of the property include wheel stops. The proposal meets the West Linn Public Works Design Standards for storm drainage. The criteria are met.

13. Artificial lighting on all off-street parking facilities shall be concealed or shielded with an Illuminating Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property and so as not to create a hazard to the public use of any road or street. Examples of shielded light fixtures are shown below.
14. Directional arrows and traffic control devices which are placed on parking lots shall be identified.
15. The maximum driveway grade for single-family housing shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage must maintain a maximum grade of 12 percent as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.
16. Visitor or guest parking must be identified by painted "GUEST" or "VISITOR."
17. Parking spaces shall have less than a five percent grade. No drainage across adjacent sidewalks or walkways is allowed.

Staff Finding 13: The proposal does not include parking lot lighting nor visitor/guest parking. The proposal includes painted traffic flow arrows on the service drive. The maximum grade is below five percent. criteria are met.

18. Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. (…)
19. Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as (…)

Staff Finding 14: The proposal does not include any parking along the frontage of the site. The property has four existing parking spaces that comply with the groups of 12 standards. The criteria are met.

20. Pedestrian connections through parking areas.
a. Pedestrian walkways shall be provided in parking areas that are larger than one-half acre (…)
21. Parking and circulation patterns shall be easily comprehended and defined (…)
22. Parking spaces for residential development (…)
23. Permeable parking spaces (…)

Staff Finding 15: The proposal does not include parking areas larger than one-half acre. Parking and circulation patterns are easily comprehended and defined. No residential development or permeable spaces are proposed. The criteria are met.

B. Accessible parking standards for persons with disabilities. If any parking is provided for the public or visitors, or both, the needs of the people with disabilities shall be based upon the following standards or current applicable federal standards, whichever are more stringent:
1. Minimum number of accessible parking space requirements (see following table):

NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN-ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED "WHEELCHAIR USE ONLY"
1 – 25	1	1	–

Staff Finding 16: The property has four existing parking spaces to serve the retail building in the rear corner of the property. Three spaces and an ADA space that meets current federal standards. The criteria are met.

2. Location of parking spaces. Parking spaces for the individual with a disability that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance to a building. In separate parking structures or lots that do not serve a particular building, parking spaces for the persons with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
3. Accessible parking space and aisle shall meet ADA vertical and horizontal slope standards.
4. Where any differences exist between this section and current Federal standards, those Federal standards shall prevail over this code section.
5. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide.
6. Van-accessible parking spaces shall have an additional sign marked "Van Accessible" mounted below the accessible parking sign. A van-accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair Use Only." Van-accessible parking shall have an adjacent eight-foot-wide aisle. All other accessible stalls shall have a six-foot-wide aisle. Two vehicles may share the same aisle if it is between them. The vertical clearance of the van space shall be 96 inches.

Staff Finding 17: The property has an ADA parking space to serve the retail building in the rear corner of the property. The space is located at the front of the business and meets all ADA standards. No van accessible space is required. The criteria are met.

C. Landscaping in parking areas. Reference Chapter 54 CDC, Landscaping.
D. Bicycle facilities and parking.
1. Provisions shall be made for pedestrian and bicycle ways if such facilities are identified on pages 24-26 of the West Linn Transportation System Plan or in the 2013 West Linn Trails Plan.

Staff Finding 18: No pedestrian or bicycle facilities are identified on or near the subject property. No additional improvements are required. The criteria are met.

2. Bicycle parking improvements and location.
a. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclists' locks securing the frame and both wheels.
b. The nearest bicycle parking space shall be no more than 50 feet from the entrance to the building and shall be visible from the building entrance.
c. Required parking shall be signed and reserved for bicycle parking only. If a bicycle parking area is not visible from the main building entrance, a directional sign shall be posted at the building entrance indicating the location of the bicycle parking area.
d. Required bicycle parking shall be lighted to a minimum three foot-candles to allow secure use at night.

Staff Finding 19: The applicant proposes stationary racks to allow securing the frame and both wheels. All bicycle spaces are within 20 feet of the tap room entrance. The applicant proposes signage and lighting for the bicycle parking. The criteria are met.

3. Bicycle parking must be provided in the following amounts:

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%

Staff Finding 20: Staff incorporates the Applicant Findings "The approximate area of indoor and outdoor seating for the site, including the future Tap Room, is 2,400 sq. ft. Based on the requirements for a Drive-In Restaurant, this would require a total of 5 parking spaces, with 25% of those being covered. The proposed development includes a total of five bicycle parking spaces, two of which (40%) are covered." The criteria are met.

E. (See Figures 1 and 2 below.)

ANGLE OF PARKING	DIRECTION OF PARKING	AISLE WIDTH		DIMENSION 'A'		DIMENSION 'B'	
		STALL WIDTH		STALL WIDTH		STALL WIDTH	
		9.0'	8.0'	9.0'	8.0'	9.0'	8.0'
30°	DRIVE-IN	12.5'	12.5'	16.8'	13.8'	18.0'	16.0'
45°	DRIVE-IN	12.5'	12.5'	19.1'	17.0'	12.7'	11.3'
60°	DRIVE-IN	19.0'	18.0'	20.1'	17.8'	10.4'	9.2'
60°	BACK-IN	17.0'	17.0'	20.1'	17.8'	10.4'	9.2'
90°	DRIVE-IN	23.0'	23.0'	18.0'	16.0'	9.0'	8.0'
90°	BACK-IN	22.0'	22.0'	18.0'	16.0'	9.0'	8.0'

Staff Finding 21: The proposal includes three existing, angled parking spaces. The spaces are drive-in at a 50-degree angle, have a stall width of 9 feet, an aisle width of 19 feet, a "Dimension A" width of 20 feet, and a "Dimension B" width of 12 feet. The criteria are met.

F. The following requirements apply to any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel (…)
G. New construction or redevelopment for the following uses must include provision of electric service capacity (…).

Staff Finding 22: The proposal does not include new parking lots. The criteria do not apply.

CHAPTER 48, ACCESS, EGRESS AND CIRCULATION
48.025 ACCESS CONTROL
(…)
B. Access control standards.
1. Traffic impact analysis requirements. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).

CDC 85.170(B)(2). Traffic impact analysis (TIA).
a. Purpose. The purpose of this section is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.
b. Typical average daily trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

Staff Finding 23: The applicant submitted a letter prepared by Greenlight Engineering that used the 11th Edition of the ITE Manual. The criteria are met.

c. Traffic impact analysis (no dwellings). For development applications that do not propose any new dwelling units, a traffic impact analysis may be required to be submitted to the City with a land use application, when the following conditions apply:
1) The development application involves one or more of the following actions:
(A) A change in zoning or a plan amendment designation; or
(B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and

Staff Finding 24: The proposal does not include a zone or plan change, nor did ODOT express any safety concerns along a state highway. No TIA is warranted. The criteria are met.

(C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
(1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or
(2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

Staff Finding 25: The applicant submitted a letter prepared by Greenlight Engineering that used the 11th Edition of the ITE Manual. The ITE Manual does not provide average daily trips for a food cart pod, but a food cart pod with 8 carts is projected to create 49 PM Peak Hour trips. The proposed use will not increase 20,000 pound vehicle trips for 10 or more trips per day. No TIA is warranted. The criteria are met.

(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

Staff Finding 26: The proposal does not include new parking lots for the food cart pod nor new access drives. The proposal will close the west access drive from Willamette Falls Drive. No TIA is warranted. The criteria are met.

2. In order to comply with the access standards in this chapter, the City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit. Access to and from off-street parking areas shall not permit backing onto a public street.

Staff Finding 27: The proposal does not include new parking lots for the food cart pod nor new access drives. The proposal will close the west access drive from Willamette Falls Drive. The existing off-street parking does not require backing onto a public street. The criteria are met.

3. Access options (…)
4. Subdivisions fronting onto an arterial street (…)

5. Double-frontage lots (…)
6. Access Spacing (…)
7. Number of access points (…)
8. Shared driveways (…)

Staff Finding 28: The proposal does not include new parking lots for the food cart pod nor new access drives. The proposal is not a subdivision. The proposal will close the west access drive from Willamette Falls Drive. The criteria are met.

C. Street connectivity and formation of blocks required (…)

Staff Finding 29: The subject property is surrounded by existing development and precludes the creation of new street connections. The West Linn Transportation System Plan does not anticipate any new street connections in the area. The criteria are met.

(…)
48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES
Access, egress, and circulation system for all non-residential uses shall not be less than the following:
A. Service drives for non-residential uses shall be fully improved with hard surface pavement:
1. With a minimum of 24-foot width when accommodating two-way traffic; or
2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.

Staff Finding 30: The existing service drive to the retail building in the rear corner of the property is 18 ft. 8 in. wide. The service drive accommodates two-way traffic. The applicant shall widen the existing service drive to 24 feet per Condition of Approval 4. The applicant shall also install the curb/fence per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

3. Meet the requirements of CDC 48.030(E)(3) through (6).
    3. Minimum vertical clearance of 13 feet, six inches.
    4. Turnaround facilities as required by TVF&R standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by TVF&R.
    5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.
    6. A minimum centerline turning radius of 45 feet for the curve.

Staff Finding 31: The existing service drive to the retail building in the rear corner of the property has no vertical clearance issues. The grade of the service drive is less than five percent and TVF&R has signed off on the plans via the Service Provider Permit found in Exhibit PC-1. The criteria are met.

4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.
B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.
C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.
D. Gated accessways to non-residential uses are prohibited unless required for public safety or security.

Staff Finding 32: The proposal does not include pickup windows. The proposed food cart pod does not require an additional service drive and the existing drive will continue providing safe access to the existing retail buildings with the implementation of Conditions of Approval 3 and 4. No gated access way is proposed. The grade of the service drive is less than five percent and TVF&R has signed off on the plans via the Service Provider Permit found in Exhibit PC-1. Subject to the Conditions of Approval, the criteria are met.

CHAPTER 54, LANDSCAPING
54.020 APPROVAL CRITERIA
A. Tree preservation.
1. Intent and guidance
2. Inventory required
3. Repealed by Ord. 1754.
4. Developers must also comply with the municipal code chapter on tree protection and, if applicable, with CDC 55.100(B) or 55.105(B).
5. Heritage trees.

Staff Finding 33: The applicant submitted an existing conditions report (see Exhibit PC-1) that included an inventory of trees. No heritage trees are located on the site. No municipal code provisions apply and see Staff Findings 39 to 42 for compliance with CDC Chapter 55. The criteria are met.

B. Landscaping – By type, location and amount.
1. Residential uses (non-single-family)
2. Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.

Staff Finding 34: Staff incorporates the applicant findings "Due to the extent of existing development to remain on the site, calculations for landscape area are provided based on the development area, which includes the full frontage along WFD and back to the raised grade of the existing mixed use building patio. This area is roughly 9,000 sf, requiring 1,800 sf of landscaping (20%). The new development proposes: 320 sf Existing landscape area to remain; 1,000 sf New landscape area; 50 sf New large planter boxes; 450 sf Patio area (25% maximum

allowed) for a total of 1,820 sf of landscaping." No new residential use is proposed. The criteria are met.

3. Parking area landscaping – All uses (residential uses (non-single-family) and non-residential uses):
a. There shall be one shade tree (…)
k. The landscaping in parking areas shall maintain minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.

Staff Finding 35: The proposal does not include new parking areas. The criteria do not apply.

4. Other landscaping standards – All uses (residential uses (non-single-family) and non-residential uses):
a. Outdoor storage areas, service areas (loading docks, refuse deposits, and delivery areas), and above-ground utility facilities shall be buffered and screened to obscure their view from adjoining properties and to reduce noise levels to acceptable levels at the property line. The adequacy of the buffer and screening shall be determined by the criteria set forth in CDC 55.100(C)(1) or 55.105(G), as applicable.

Staff Finding 36: See Staff Finding 48. The criteria are met.

b. For non-residential development, crime prevention shall be considered and plant materials shall not be located in a manner which prohibits surveillance of public and semi-public areas (shared or common areas).
c. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.
d. For commercial, office, and other non-residential sites, the developer shall select trees that possess the following characteristics:
(…)
e. Plant materials (shrubs, ground cover, etc.) shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage, staggered flowering periods, and avoidance of nuisance plants (Scotch broom, etc.).

Staff Finding 37: Staff incorporates applicant findings "Perimeter landscaping contains a mix of coniferous and deciduous trees, shrubs and grasses, combined with trellises that will allow visibility into the site. A full irrigation system will be provided at all landscape areas, designed to suit the application. Site landscaping has been designed by a professional landscape designer, experienced with plant selection and use appropriate for the area. All plant materials have been designed and selected by a landscape designer to be best suited for the location, application and conditions and to provide a varied and balanced landscape." The criteria are met.

CHAPTER 55, DESIGN REVIEW
55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY

A. The provisions of the following chapters shall be met:
(…)

Staff Finding 38: See Staff Findings 1 to 37. The criteria are met.

B. Relationship to the natural and physical environment.
1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at their direction.
2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines (…)
a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area (…)

Staff Finding 39: The site contains no heritage trees or Type I and II lands. The criteria are met.

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas (…)

Staff Finding 40: The subject property is all Type IV lands. The proposal includes removal of three small deciduous trees (5-inch, 10-inch, and 14-inch DBH) along the 11th Street area of the property. Only one of the trees meets the definition of significant tree (greater than 12 inches DBH) and is consistent with "up to 20 percent". The site contains no heritage trees. The applicant proposes to replace the significant tree with three 4-inch DBH trees in the same area. The criteria are met.

c. Where stubouts of streets occur on abutting properties (…)
f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades (…)

Staff Finding 41: No street extensions or street grading is required. The criteria are met.

3. The topography and natural drainage shall be preserved to the greatest degree possible.
4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.
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 42: Staff incorporates applicant findings "The contours of the site will remain essentially the same. Currently the site is divided into two grade planes – that fronting 11th Street and that fronting Willamette Falls Drive. A roughly 4' high retaining wall splits the site. Minor modifications to the retaining wall near 11th Street will increase the lower level grade plane by approximately 150 sf to accommodate the new dining building. The site does not include any area identified on Goal 7 of the Comprehensive Plan as hazardous. There is a minimum of 23' between the proposed building and the adjacent mixed use existing building on site. There is in excess of 100' between the proposed building and the pool and spa building at the back of the site. This will allow adequate light and circulation and exceeds the building code minimum distance for non-fire rated buildings." 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 (…)
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 (…)
c. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity (…)
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 (…)

Staff Finding 43: Staff incorporates applicant findings "The proposed building incorporates an 11' plate and a total height of under 16'. The mixed use building has roughly a 9' plate and overall height of 16' measured from the 11th Street grade plane. The mixed use building and the pool and spa building are both approximately 26' in height measured from the WFD grade plane. All of the buildings share similar gabled roof forms, similar to buildings on adjacent properties and within the neighborhood.

The scale of the proposed building is similar in scale to the existing buildings on site as well as the residential style buildings on the adjacent properties.

The residential scale and style of the proposed building is very similar to other buildings on site and on adjacent properties.

The proposed building achieves human scale based on the overall small scale, the use of a large area of glazing and ornamental arbor at the front façade. The locations of the mobile food units near the WFD property line and the provision of trellises and landscaping at this property line will provide an enhanced streetscape." The criteria are met.

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level (…)

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.

Staff Finding 44: Staff incorporates applicant findings "The front of the Dining building has 16 lf of glazing over the total 24' length (67%). Both sides of the building contain 19 lf of glazing over the total length of 32' (59%). The 24' front of the existing building, which will become the Tap Room will have 15 lf of glazing from the entry door and transom and overhead doors (63%). The 40' northeast side of the existing building includes two solid doors and one window, for an overall length of 10 lf (25%). Based on the fact that the building is located in excess of 70' back of the front property line and this wall fronts the existing parking area, we believe the existing openings are appropriate." The criteria are met.

f. Variations in depth and roof line are encouraged for all elevations (…)
g. Consideration of the micro-climate (…)
h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments (…)
i. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged (…)

Staff Finding 45: Staff incorporates applicant findings "The maximum building length is 32' for the Dining building and 40' for the Tap Room. Vegetation and trellises at the property lines will provide shading and screening along the SW and NW sides of the site. In addition, a small building arbor will provide additional shading at the front (NW) side of the Dining building. An existing upper level covered deck will provide shading and weather protection for the primary façade of the Tap Room and an existing roof cover provides the same for the two doors at the northeast façade. A wide stair will provide access to the lower level development area of the site, where indoor and outdoor eating areas will be located. The stair will be accentuated with a trellis and with landscape areas, incorporating trees and shrubs, on both frontages. Willamette Falls Drive will provide additional pedestrian access from the existing driveway at the center of the frontage, which will contain large planters that will allow only pedestrian and bicycle access (no vehicles). Dining tables will be placed on the sidewalk within the ROW on a seasonal basis. A minimum of 4' will be maintained for pedestrian access." The criteria are met.

7. <u>Transportation</u>.
a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street (…)
c. Commercial, office, and multifamily projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access (…)
d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access (…)
e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments (…)
f. At least one entrance to the building shall be on the main street (…)

Staff Finding 46: Staff incorporates applicant findings "transparency. The new Dining building will have the main entrance facing Willamette Falls Drive, with secondary entrances facing 11th Street and the outdoor dining area. It is anticipated that, during warm weather, the building overhead doors will be open, creating an open pavilion feel for the covered dining area. The existing Tap Room building also has its primary entrance facing Willamette Falls Drive.

The new building will sit 16'-6" back from the WFD property line. This is beyond the 12' setback and will allow for the placement of mobile food units to be placed at the property line. The future Tap Room is an existing building and there will be no change to the setback.

No new parking lots or internal driveways will be created. An existing 18' wide driveway will be converted to a bicycle and pedestrian accessway. This accessway will be defined by the concrete paving and addition of large planter boxes.

Direct access to the mobile food units and dining building will be provided from the corner stairway at the intersection of WFD and 11th Street and from the bicycle/pedestrian accessway from WFD. A vehicle-free zone will allow unrestricted and safe access between the food carts and dining building.

The main Dining building entrance faces WFD and is accessible from the corner stair and the pedestrian accessway. The Tap Room entrance faces WFD." The criteria are met.

g. Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop (…)
h. Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street (…)

Staff Finding 47: Staff incorporates applicant findings "Transit service extends down WFD and 10th Street with multiple stops near the site that are directly accessible from the site stair and accessway to the public sidewalk on WFD. The approximate paved road width of Willamette Falls Drive is 70'. A 70' – 140' tall building in this location would not be appropriate given the context of the neighborhood and adjacent buildings. The mobile food units that will be placed adjacent to the property line typically range in height from 8' – 12' and will help to frame the streetscape. The Tap Room building is existing and will not change." The criteria are met.

C. Compatibility between adjoining uses, buffering, and screening.
1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses (…)
2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided (…)

3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

Staff Finding 48: Staff incorporates applicant findings "The adjacent property to the NE is a commercial use within the MU zone, requiring no buffer. The two abutting properties to the SE, on 11th Street, are single-family residences in the R-10 zone. No development is proposed within close proximity to these properties. The existing mixed-use building sits 2'-3' from the property line and will see no changes in use or development in the area. The commercial pool and spa building abuts another single-family residence and is separated by approximately 25' of outdoor area." No rooftop mechanical equipment is proposed. The criteria are met.

D. Privacy and noise.
1. Structures which include residential dwelling units (…)
2. Residential dwelling units
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses (…)
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code.

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

Staff Finding 49: Staff incorporates the applicant findings "The dining building and outside eating areas proposed with the new development will be located at the NW side of the side and will be buffered from the residential properties along 11th Street by existing buildings and parking. The closest outdoor activity area will be 68' away from the nearest residential property line. It is not anticipated that site activities will generate noise in excess of Municipal Code limitations. When the project is completed and regular business operations have begun, the Owners will monitor noise levels and will conduct noise studies as requested based on neighbor concerns." The criteria are met.

E. Private outdoor area (…)
F. Shared outdoor recreation areas (…)

Staff Finding 50: The proposal does not include new multifamily uses. The criteria do not apply.

G. Demarcation of public, semi-public, and private spaces (…)

Staff Finding 51: Staff incorporates the applicant findings "All proposed development will be for general public use. The extent of the site and outdoor activity area will be separated from

the public sidewalk by a combination of grade change with guardrail, stairs, trellises, curbs, planter boxes and landscape areas incorporating trees and shrubs." The criteria are met.

H. Public transit.

Staff Finding 52: TriMet bus line 154 passes in front of the subject property. TriMet, as the regional transit provider, is responsible for locating appropriate and safe bus stops. An existing stop is located just over a block away at 12th Street and Willamette Falls Drive, as well as at 10th Street and 8th Court. No additional transit amenities are required. The criteria are met.

I. Public facilities. An application may only be approved if adequate public facilities, as defined in CDC 2.030, will be available to provide service to the property prior to occupancy.
1. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Staff Finding 53: The West Linn Transportation System Plan shows the Willamette Falls Drive and 12th Street intersection with a Level of Service (LOS) F. The City intersection standard is LOS D. The applicant will pay System Development Charges (SDCs) that will contribute to future intersection improvements as mitigation. No further degradation is anticipated. The criteria are met.

2. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications (…) Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed (…)

Staff Finding 54: The subject property contains two existing access drives from Willamette Falls Drive. The applicant proposes closing the west access drive. The City will stripe the access area for new parking spaces and requires the applicant to remove the access drive approach and install a matching curb and pavers per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

3. Storm detention and treatment and geologic hazards.
4. Municipal water.
5. Sanitary sewers.
6. Solid waste and recycling storage areas.

Staff Finding 55: Staff incorporates the applicant findings "Less than 1,000 sf of new impervious area will be created by the proposed development; therefore capture, treatment, detainment and conveyance to the public system will not be required.

Building: 768 sf
Garbage Enclosure: 46 sf
<u>Stair: 56 sf</u>
Total: 870 sf

Existing gravel areas will be replaced with porous pavement in outdoor activity areas. Permeable Pavers and/or Pervious Pavement will comply with City of West Linn standard detail WL-STM001 for Porous Pavement.

Existing water service comes off of 11th Street through a 5/8" meter. This will be replaced with a new 1" meter, adequate to provide service to the Dining building, future Tap Room and all food carts.

Connections from the Dining building, Tap Room and food carts will be made on site to an existing 4" sewer line connecting to Willamette Falls Drive. A grease trap will be provided on site for all new sewer connections prior to connection to the public line.

A new enclosure will be constructed to accommodate garbage and recycling for the proposed Dining room, future Tap Room and food carts. The enclosure will be 14' x 6' to accommodate two 2-4 cubic yard containers for garbage and recycling. The enclosure will be wood framed with interior plywood finish and exterior siding to match the buildings on site. Doors will be sided over a durable metal frame."

All public improvements are subject to the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

J. Crime prevention and safety/defensible space.
K. Provisions for persons with disabilities.
L. Signs.
M. Utilities.
N. Wireless communication facilities (WCFs).

Staff Finding 56: Staff incorporates the applicant findings "The site will provide a safe and defensible space through a variety of amenities, including large window areas on the building facing both street frontages and lighting at pedestrian walkways, stairs activity areas and the garbage/recycling area. In addition, spaced trellises and cable guardrails will allow the site to be visible and open from two streets.

Both the site and buildings will be fully accessible, including accessways, entrances, seating and bathrooms.

Development signage will include a new Dining building mounted sign facing Willamette Falls Drive that will be clearly visible from the street. An additional, smaller sign will be located above the entry door at the Tap Room. Signage will be addressed under a separate, future permit application." Utilities will be located underground and no wireless facilities are proposed. The criteria are met.

O. Refuse and recycling standards.
1. All commercial, industrial and multifamily developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.
2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

Staff Finding 57: The applicant does not propose any modifications to the provisions. The new refuse/recycling enclosure provides a concrete slab base a minimum of 4 inches thick. The criteria are met.

3. Recycling and solid waste service areas.

Staff Finding 58: Staff incorporates the applicant findings "The new garbage/recycling enclosure will be located near the NE property line, directly accessed from the driveway. The enclosure will only contain garbage and recycling containers and will be maintained by the owner." The criteria are met.

4. Special wastes or recyclable materials.
a. Environmentally hazardous wastes defined in ORS 466.005 (…)
b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

Staff Finding 59: Staff incorporates the applicant findings "No hazardous waste will be stored or disposed of on site. Cooking oil and grease waste will be stored within individual carts. No cooking will occur within the Dining Building or Tap Room." The criteria are met.

5. Screening and buffering.
a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

Staff Finding 60: The applicant does not show a curbed landscape area on the sides and rear of the refuse/recycling enclosure, nor any proposed hedge. The applicant shall install a continuous, curbed landscape area at least three feet in width on the sides and rear of the enclosure. Landscaping shall include a continuous hedge maintained at a height of 36 inches per Condition of Approval 6. Subject to the Conditions of Approval, the criteria are met.

b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.

Staff Finding 61: The applicant proposes to locate the refuse/recycling enclosure along the east property line and adjacent to a commercial use. The enclosure will be concealed by walls and landscaping. The criteria are met.

c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.

Staff Finding 62: Staff incorporates the applicant findings "The enclosure will be wood framed and sided to match the buildings on site. The interior will be finished in plywood for durability. A sided gate with a heavy duty metal frame will be incorporated, providing screening on all four sides. The enclosure will not be immediately adjacent to any residential property and will be further screened by a 6' high solid cedar fence." The criteria are met.

6. Litter receptacles.

Staff Finding 63: Staff incorporates the applicant findings "In addition to garbage cans within the Dining building and Tap Room, three outdoor garbage receptacles will be provided in convenient locations distributed throughout the site." The criteria are met.

CHAPTER 59, WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE
59.060 CONDITIONAL USES
Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:
1. Certified child care center
(…)
8. Eating and drinking establishments
(…)

Staff Finding 64: The proposed indoor taproom, dining structure, and food carts meet the definition of eating and drinking establishments in CDC 02.030, which was written expansively to include a broad variety of service models: "*Establishments or places of*

business that are not drive-through restaurants and primarily engage in the sale of prepared or produced food and beverages for on-premises consumption, on-premises sale, or take out service. On-premises sales do not include sales to secondary retailers or wholesalers. Typical uses include, but are not limited to: fast food establishments, restaurants, delicatessens, brew-pubs, coffee shops, taverns, bars and lounges." **This criteria are met.**

59.070 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:

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size		4,500 sf	Unless defined as an existing lot of record
Maximum lot size		10,000 sf	
Average minimum lot or parcel size for a townhouse project		1,500 sf	
Minimum front lot line Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width		50 ft	Does not apply to townhouses or cottage clusters
Average minimum lot depth		90 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks			Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	12 ft	A porch, patio, or pedestrian amenity may be six feet from the front property line.
	Maximum	20 ft	
	Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
	Street side yard	12 ft	
	Rear yard	20 ft	Where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.

Maximum building height	35 ft or 2 stories above grade, whichever is less	
Maximum building size	6,000 sf	For all floors above grade excluding porches
Maximum floor area ratio	0.40	Maximum FAR does not apply to cottage clusters. Except that the ground floor of the building shall not exceed 5,000 square feet. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.
Minimum floor area ratio	0.30	The minimum shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

Staff Finding 65: Staff incorporates the applicant findings "The site area is 23,324 sf with a 159' frontage on WFD and a 114' frontage on 11th Street. The proposed Dining building has a front setback of 17'-6" from WFD and a side setback from 11th Street of 14'-3". The rear setback is 65' and the interior side yard is 120'-6". The new building has a height of 17'.
Building Area Summary:
Proposed Dining Building: 768 sf
Existing Mixed Use Building: 2,646 sf
Existing Retail Building: 2,234 sf
Total: 5,649 sf (FAR = .24)

Maximum allowed building area is 6,000 sf and maximum allowed floor area ratio is 0.40." The criteria are met.

B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j); or CDC 55.105(F)(1), as applicable. Further, single-family residential uses, townhouses, manufactured homes, and cottage clusters shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. Each building shall include a single-story porch on the front, and on the side where it abuts a street. The porch shall have a minimum area of 25 square feet, with a minimum depth of five feet.

Staff Finding 65: The proposal includes a new dining structure that does not incorporate a single-story porch on the front and side street facades. The applicant has designed the structure to have roll up doors to create a "pavilion feel". The main structure on the property has a large porch. The applicant has designed the dining structure to meet design standards in CDC Chapter 55 as required by conditional use permit standards set in CDC Chapter 60.070(B). Subject to the Planning Commission acceptance of this approach, the criteria are met.

2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.
3. Off-street parking shall not be located between the building and a public or private street, except alleys; parking areas shall be located behind, under, or on the side of the building.
4. Garages shall not extend any closer to the street than the street-facing facade of the building.
5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines
6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities (…)

Staff Finding 66: The applicant will close the west driveway from Willamette Falls Drive per Condition of Approval 5 and replace the curb/pavers per Condition of Approval 2. No new off-street parking, garages, illuminated outdoor advertising, or public facilities are proposed. Subject to the Conditions of Approval, the criteria are met.

59.080 ADDITIONAL USE REQUIREMENTS
In addition to all other provisions of this section, the following additional requirements may apply:
A. Permitted commercial and other non-residential uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.
B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be buffered or enclosed and may not abut a property line that adjoins a residential zone.
Staff Finding 67: Staff incorporates the applicant findings "Hours of operation for the business will be 11 am to 8 pm Monday through Thursday and 11 am to 10 pm on Fridays and Saturdays. No outside activity will be located on the back side of the buildings on the side abutting the residential zone." The criteria are met.

CHAPTER 60 CONDITIONAL USES
60.030 ADMINISTRATION AND APPROVAL PROCESS

A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).
B. All approved conditional use applications in new buildings, or buildings with a major modification, shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).
C. All approved conditional use applications within existing buildings shall not be subject to design review.

Staff Finding 68: The application is for a new Conditional Use Permit. The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for November 19, 2025. The proposal is for a new food cart pod, new dining structure, and renovation of an existing commercial space into a taproom. A Class II Design Review is included. The criteria are met.

60.070 APPROVAL STANDARDS AND CONDITIONS
A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
1. The site size and dimensions provide:
a. Adequate area for the needs of the proposed use; and
b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

Staff Finding 69: Staff incorporates the applicant findings "The site is sized to accommodate the proposed use and satisfies the dimensional requirements of the zone. A dining and drinking venue is compatible with other commercial uses on the adjacent property and along Willamette Falls Drive. The existing mixed use and commercial building on site are compatible in size and aesthetic to the adjacent residential properties on 11th Street and do not generate noise or involve outdoor activities that would be detrimental to the residential uses. The outdoor activities proposed with the new development will be limited to the commercial frontage of WFD and a small portion of 11th Street near other commercial uses." The criteria are met.

2. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.*

Staff Finding 69: Staff incorporates the applicant findings "The open area of the site along WFD will provide a good location for the food carts, Dining building and future Tap Room, providing good access and visibility from WFD. The existing mixed use and commercial

building will provide a sound and activity buffer to adjacent residential properties." The criteria are met.

3. The granting of the proposal will provide for a facility that provides an overall benefit to the City.

Staff Finding 70: Staff incorporates applicant findings "The development will provide an active and inviting pedestrian based environment at the north entrance to the Willamette Neighborhood. The site is currently underutilized with parking, driveways and a large, open gravel area. The provision of the small Dining building will allow the business to be a year-round venue, with the future Tap Room expanding the eating and drinking options throughout the year." The criteria are met.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy.

Staff Finding 71: Staff incorporates applicant findings "Based on the pre-application meeting and subsequent conversations with City of West Linn Engineering, public utilities are available and may be utilized with standard site upgrades. Street frontages will not require additional improvements or dedications." The criteria are met.

5. The applicable requirements of the zone are met, except as modified by this chapter.

Staff Finding 72: Staff incorporates applicant findings "The requirements of the zone are met as documented in Chapter 59." The criteria are met.

6. The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.

Staff Finding 73: Staff incorporates applicant findings "Applicable requirements of Chapters 52 – 55 are addressed on those chapters." The criteria are met.

7. The use will comply with the applicable policies of the Comprehensive Plan.

Staff Finding 74: Staff incorporates applicant findings "The development would support and enhance multiple objectives of the Comprehensive Plan, including the provision of recreational activities, economic development and urbanization." The criteria are met.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.

Staff Finding 75: The proposed development will be a new Conditional Use. The criteria do not apply.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:
1. Limiting the hours, days, place, and manner of operation.

4. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.

5. Requiring additional setback areas, lot area, or lot depth, or width.

6. Limiting the building height, size or lot coverage, or location on the site.

7. Designating the size, number, location and design of vehicle access points.

8. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.

9. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.

10. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.

11. Limiting the number, size, location, height, and lighting of signs.

12. Limiting or setting standards for the location and intensity of outdoor lighting.

13. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.

14. Requiring and designating the size, height, location, and materials for fences.

13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Staff Finding 76: Staff incorporates applicant findings "The owner will work with the city with any potential conditions that may be deemed necessary or beneficial." The criteria are met.

D. Aggregate extraction uses shall also be subject to the provisions of ORS 541.605.
E. The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:

1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and
2. Utilize existing structures rather than new structures.

Staff Finding 77: The application does not propose or involve an aggregate extraction use, nor does the property contain a designated historic resource. These criteria do not apply.

CHAPTER 92: STREET IMPROVEMENT CONSTRUCTION
96.010 CONSTRUCTION REQUIRED
A. Street improvements for residential construction are required when:
(…)
B. Street improvements for commercial construction are required when:
1. Construction of a new commercial structure; or
2. Remodel of an existing commercial structure with an increase in floor area; or
3. Construction that increases the dwelling unit density on site; or
4. Construction which requires a change in type, number, or location of accessways; or
5. Replacement of an existing structure with an increase in floor area.

Staff Finding 78: The applicant proposes a new dining structure to service the food cart pod and to also close the west access drive from Willamette Falls Drive. The subject property borders both Willamette Falls Drive and 11th Street, both of which are fully improved and require no additional improvements. The applicant is required to update the street improvements for the closed access drive per Condition of Approval 5. Subject to the Conditions of Approval, 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:
(…)
d. Conditional uses;
(…)

Staff Finding 79: The applicant attended a pre-application conference with City staff on August January 16, 2025 (PA-25-02). The criteria are met.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
Prior to submittal of an application for any subdivision, conditional use permit, (…)

Staff Finding 80: Staff incorporates applicant findings "The project was presented to the Willamette Neighborhood Association on June 11, 2025. Copies of letters, letter certification,

sign posting affidavit and meeting minutes are included with this application. A link to the audio recording of the Neighborhood Meeting is below:
https://drive.google.com/file/d/1rimGtWlkuI9ouhsQm_4VwTn8nIFHH3OD/view?usp=sharing

The City has a digital copy of the recording for the record. The criteria are met.

99.060 APPROVAL AUTHORITY
B. Planning Commission authority. The Planning Commission shall have the authority to:
(…)
2. Approve, deny, or approve with conditions the following applications:
(…)
b. A conditional use (Chapter 60 CDC).
(…)
h. Design review, Class II
(…)

Staff Finding 81: The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for November 19, 2025. The criteria are met.

99.080 NOTICE
Notice shall be given in the following ways:
A. Class A Notice. (…)

Staff Finding 82: The applicant proposal has been properly noticed by the City (See Exhibit PC-3). The criteria are met.

EXHIBIT PC-1: APPLICANT SUBMITTAL

City of West Linn
Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656-3535 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT Wyss	PROJECT NO(S). CUP-25-01/DR-25-01		PRE-APPLICATION NO. PA-25-02
NON-REFUNDABLE FEE(S) $500 + $500	REFUNDABLE DEPOSIT(S) $4,500 + $4,500	TOTAL $10,000	

Type of Review (Please check all that apply):

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

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

Site Location/Address:
1553 11th Street
West Linn, OR 97068

Assessor's Map No.: 31E02BA04900
Tax Lot(s): 04900
Total Land Area: 23,324 sf

Brief Description of Proposal:
Re-development of site to add 8 food carts, a small dining/utility building, outdoor seating and associated site work in Phase 1. Phase 2 to include interior remodel of existing office area to serve as a small tap room with indoor seating.

Applicant Name*: David Lawrence
Address: 1553 11th Street
City State Zip: West Linn, OR 97068
Phone: 503-229-4111
Email: djsdeckinginc@yahoo.com

Owner Name (required): David Lawrence
Address: 1553 11th Street
City State Zip: West Linn, OR 97068
Phone: 503-229-4111
Email: djsdeckinginc@yahoo.com

Consultant Name: Jessica Iselin, Iselin Architects, PC
Address: 1307 7th Street
City State Zip: Oregon City, OR 9705
Phone: 503-656-1942
Email: jessica@iselinarch.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 application costs**.
2. All information provided with the application is considered a public record and subject to disclosure.
3. The owner/applicant or their representative should attend all public hearings related to the application.
4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
5. Submit this form, application narrative, and all supporting documents as a single PDF through the 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. The applicant and owner affirm that the information provided in this application is true and correct. 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: 07-01-2025
Owner's signature ***(required)*** — Date: 07-01-2025

ISELIN ARCHITECTS, P.C.
1307 Seventh Street Oregon City, OR 97045 503-656-1942 www.iselinarchitects.com

Date: September 17, 2025

To: City of West Linn
Chris Myers, Assistant Planner

Re: Conditional Use Permit and Class II Design Review Application for 1553 11th Street (CUP-25-01/DR-25-01)

Chris,

Please note our responses to your comments below. The DR-CU application has been revised as noted and re-submitted.

1) CDC Chapter 48 Access, Egress, and Circulation (48.025(B)(1) – 85.170(B)(2) Access Control): The City Engineer has determined that a Traffic Impact Analysis (TIA) is required as part of this application. Address the code provisions in Chapter 85.170(B)(2).

A Traffic Impact Analysis has been prepared and included in the DR-CU application document.

2) CDC Chapter 52 Signs: The application includes a proposal for a new sign to be placed on the façade of the proposed dining building. Address the code provisions of Chapter 52 such as sign dimensions, illumination, engineering, and all other On-Wall Design Standards.

Building signage will be addressed under separate permit. Drawings and narrative have been revised to clarify this.

3) CDC Chapter 55 Design Review (55.100(D)(4) Privacy and Noise): The application must clearly express how the proposed use will not exceed the noise standards contained in West Linn Municipal Code Section 5.487. City Staff recommend the applicant supply a professional noise study as part of the application.

As noted in the narrative for section 55.100.D, Privacy and Noise, once the project is completed and regular business operations have commenced, the owners will monitor noise and conduct and submit noise studies as requested in response to any neighbor concerns.

4) CDC Chapter 99 Procedures for Decision Making Quasi-Judicial (99.125 Phased Development): The application notes that there will be a second phase to this proposed project. Therefore, all elements of Phase 2 must be included in this application, or the applicant can apply for a modification of a Conditional Use Permit (CUP) when preparing for Phase 2. However, a modification to a CUP will require paying the CUP application fees, a pre-application conference, and another public hearing which will take another 6-9 months.

Additional information has been included for the Phase 2 Tap Room in all applicable Code sections. An additional drawings has been provided showing plans and elevations of the Tap Room and Utility plans have been modified showing connections to the Tap Room building. It is the owner's objective to obtain full DR-CU approval for Phase 2 as part of this application.

5) Chapter 99 Procedures for Decision Making Quasi-Judicial (99.038(E)(5) Neighborhood Contact Required): The applicant must provide an audio recording of the Neighborhood Association Meeting.

A link to the video and audio recording of the Neighborhood Meeting is provided below:

https://drive.google.com/file/d/1hRc3nu3OHXGCNYodpicTJ_ddGQ1DeHWu/view?usp=sharing

6) Chapter 4 West Linn Municipal Code (Surface Water Management): The application must include a stormwater management plan. The threshold for a stormwater management plan is the addition of 1000 square feet of impervious surface. The combination of the proposed 768 square foot structure and the paver/concrete work that will be added on-site will likely total more than 1000 square feet. Food carts must be on a hard surface such as concrete, asphalt, or pavers therefore the gravel areas must be improved to a hard surface. (https://westlinnoregon.gov/planning/food-carts).

As noted in the narrative for section 55.100.I.3, Storm Detention and Treatment and Geologic Hazards, the amount of new or redeveloped impervious area will be less than 1,000 sf. The concrete driveway is existing and will not be modified and the Patio areas will be Porous Pavement as allowed by WL-STM001. The requirement for compliance with this city standard detail has been added to the narrative.

Respectfully submitted,

Jessica Iselin

Application for

11th Street Food Park

Mobile Food Units, Dining/Utility Building & Future Tap Room

Approvals Requested:

- Conditional Use
- Class II Design Review

September 17, 2025

(Revised to include Phase 2 information)

City of West Linn
Planning Department
22500 Salamo Road
West Linn, OR 97068

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   - Chapter 48: Access, Egress and Circulation
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B. Supplemental Information

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P1.2	Phase 2 – Tap Room Waste & Water Plan
P2	Water Plan
P3	Natural Gas Plan
L1.0	Landscape Plan

Project Information:

Project Team

Owner:	David Lawrence 1553 11th Street West Linn, OR 97068 503-229-4111 Djsdeckinginc@yahoo.com
Architect:	Iselin Architects, PC 1307 7th Street Oregon City, OR 97045 503-656-1942 Jessica Iselin, Project Architect, jessica@iselinarch.com
Civil / Structural:	Duane Thompson, P.E. Duanet610@gmail.com

Project Location:

Site Address:	1552 11th Street West Linn, OR 97068 T3S R1E, 028A, Tax Lot 04900
Site Area:	23,324 sf
Zone:	Willamette Neighborhood Mixed Use Transitional

Project Description:

The initial phase will include re-development of an existing site to add eight mobile food units, a small dining/utility building, outdoor dining areas and associated site work. Phase 2 will include the interior remodel of existing office space to accommodate a small tap room and is anticipated to be undertaken within a year of completion of Phase 1. The only exterior revision to be proposed as part of the tap room remodel would be the replacement of an existing overhead door with a new, fully glazed overhead door and the replacement of an existing door with a glazed entrance door, moved approximately 12” as required to provide ADA required clearance.

The existing site contains two buildings, a retail building currently housing a Pool and Spa store and a mixed use building containing commercial office/retail space and an upper level apartment. The pool and spa outlet is accessed from Willamette Falls Drive. The lower level office and the upper level apartment in the mixed use building is accessed off of Willamette

Falls Drive and the upper level office/retail space is accessed from 11th Street. Approximately 4' of retained grade occurs within the site and allows grade level access from both frontages.

The proposed re-development will occur primarily on the NW section of the property, where the dining/utility building will be located, along with four food carts. Four additional carts will be located closer to 10th Street. The driveway on WFD closest to 10th Street will be retained and will provide access to the pool and Spa building. The driveway approximately centered on the WFD frontage will be retained, but is proposed to be blocked from routine access by large planters. This driveway will only be utilized as may be required for the placement of the food carts. Two driveway accesses exist along 11th Street and provide access and parking for the office/retail space. The driveway closest to WFD will be modified to accommodate the new building, but could still allow one way access out of the site.

The new building will be 768 sf, single-story and will provide a small enclosed dining area with seating for roughly 36 people, storage and sales of beverages and two single-user bathrooms. Approximately 920 sf of the existing mixed use building, on the lower level is proposed to be developed as a Phase 2 tap room with a small bar, seating for an additional 30 people and an additional bathroom.

Additional site improvements will include a new garbage/recycling enclosure, bike racks, exterior stairs at the intersection of WFD and 11th Street, site retaining walls, perimeter landscaping, pergolas at the new stair and along WFD and a guardrail along WFD to the extent required due to the change in grade.

Signage is shown for general concept only. Signage will be addressed under a separate permit.

Building Area Summary:

Proposed Dining Building:	768 sf
Existing Mixed Use Building:	2,646 sf (upper floor)
Existing Mixed Use Building:	1,000 sf (lower floor)
Existing Retail Building:	2,234 sf
Total:	6,648 sf

Chapter 34
ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

Sections:

34.020 ACCESSORY USES
34.030 ACCESSORY DWELLING UNITS (ADUs)
34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING EQUIPMENT
34.050 BOAT HOUSES AND DOCKS
34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).

A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under ORS Chapter 571, Nurseries.

B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013; Ord. 1742 § 1 (Exh. A), 2023)

No accessory uses are proposed. The food carts, dining building and tap room will be reviewed as a Conditional Use.

34.030 ACCESSORY DWELLING UNITS (ADUs)

A. One accessory dwelling unit (ADU), either attached or detached, may be allowed in conjunction with an existing primary single-family detached dwelling (excluding duplexes, triplexes and quadplexes) by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

1. *Public services can serve both dwelling units.*
2. *The maximum size of an ADU shall be:*
   a. *One thousand square feet when attached to the primary dwelling.*
   b. *One thousand square feet or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure.*
3. *The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.*
4. *The maximum height of a detached ADU shall be the greater of:*
   a. *The height of the primary structure; or*
   b. *Twenty-six feet. (Ord. 1463, 2000; Ord. 1742 § 1 (Exh. A), 2023)*

No Accessory Dwelling Units are proposed.

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING EQUIPMENT

Noise-producing equipment (for example: heat pumps, swimming pool motors or filter pumps) may be placed within the side, front or rear yard setback, but no closer than three feet to the property line. (Ord. 1675 § 34, 2018; Ord. 1742 § 1 (Exh. A), 2023)

No noise producing equipment will be utilized, other than a small mini-split heat pump that will be located at the rear of the dining building, approximately 23' from the nearest property line.

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks. (Ord. 1742 § 1 (Exh. A), 2023)

No boat houses or docks are proposed.

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.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

1. *The structure is erected more than 60 feet from the front lot line;*
2. *The structure does not exceed one story or 15 feet in height;*
3. *The structure does not exceed an area of 500 square feet; and*
4. *The structure does not violate any existing utility easements.*

C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011; Ord. 1742 § 1 (Exh. A), 2023)

No accessory structures are proposed.

Chapter 44
FENCES

Sections:

44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS
44.030 SCREENING OF OUTDOOR STORAGE
44.040 LANDSCAPING
44.050 STANDARDS FOR CONSTRUCTION

44.020 SIGHT-OBSCURING FENCE; SETBACK AND HEIGHT LIMITATIONS

A. A sight- or non-sight-obscuring fence may be located on the property line or in a yard setback area subject to the following:

1. *The fence is located within:*
   - *a. A required front yard area, and it does not exceed three feet, except pillars and driveway entry features subject to the requirements of Chapter 42 CDC, Clear Vision Areas, and approval by the Planning Director;*
   - *b. A required side yard which abuts a street and it is within that portion of the side yard which is also part of the front yard setback area and it does not exceed three feet;*

c. A required side yard which abuts a street and it is within that portion of the side yard which is not also a portion of the front yard setback area and it does not exceed six feet provided the provisions of Chapter 42 CDC are met;

d. A required rear yard which abuts a street and it does not exceed six feet; or

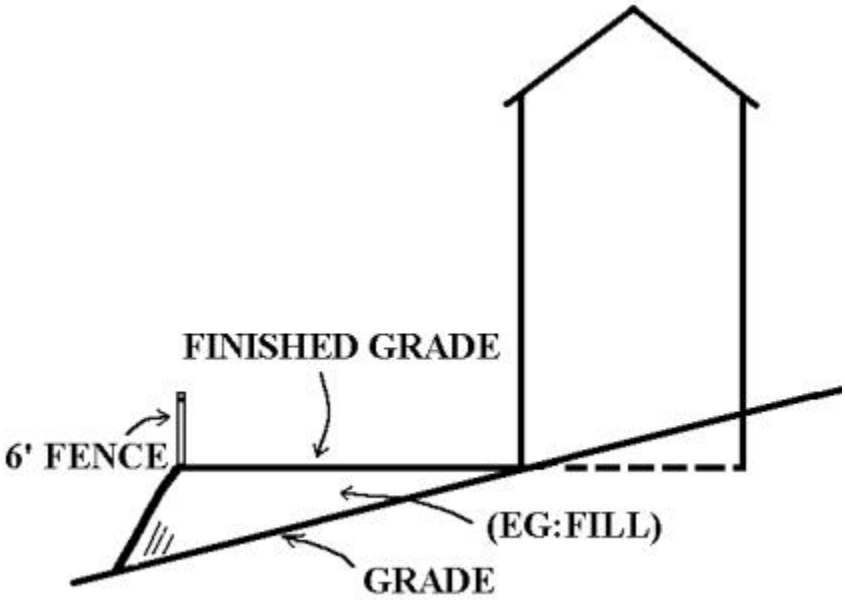
e. A required side yard area which does not abut a street or a rear yard and it does not exceed six feet.

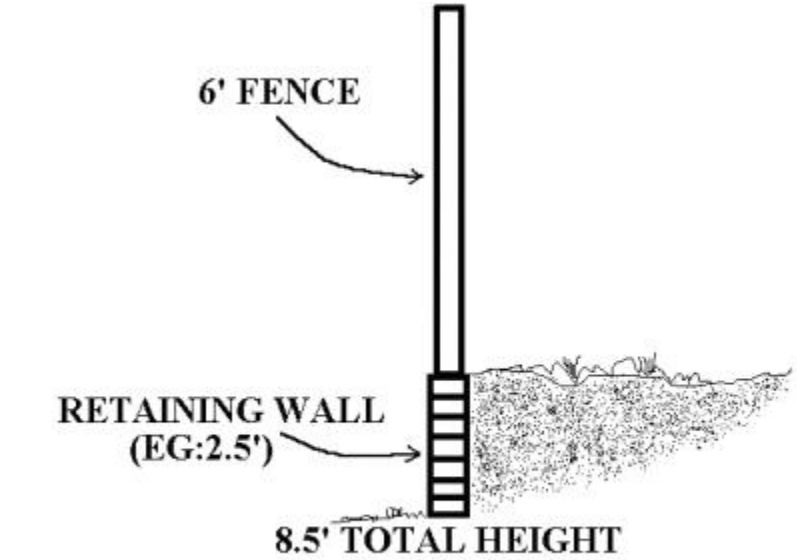
B. Fence or wall on a retaining wall. When a fence is built on a retaining wall or an artificial berm, the following standards shall apply:

1. When the retaining wall or artificial berm is 30 inches or less in height from finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.

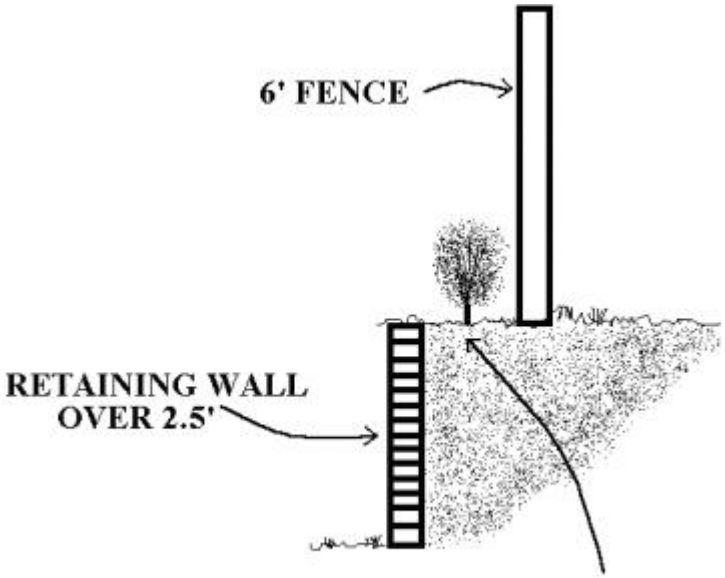
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half feet.

3. Fences or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of eight and one-half feet; provided, that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.





WALL/FENCE COMBINATION CAN'T EXCEED 8.5'
UNLESS THERE IS 2' SETBACK OF FENCE



WALL FENCE COMBINATION OVER 8.5' REQUIRES 2' SETBACK
OF FENCE. MAXIMUM FENCE HEIGHT IS ALWAYS 6'

(Ord. 1192, 1987; Ord. 1291, 1990, Ord. 1401, 1997; Ord. 1635 § 23, 2014)

A non-sight obscuring, cable rail fence is proposed along the Willamette Falls Drive and 11th Street frontage property lines. The fencing will be installed on a concrete curb, site wall or retaining wall, typically. The fence height is proposed at 3'-6", as required by code where the elevation differential is greater than 30". The 3'-6" height is proposed to be utilized at all fence locations for consistency with new and existing railings on site.

The maximum height of the retaining wall will not exceed 4' along 11th Street, keeping the maximum total height of fence and retaining wall below 8' in total height.

The fencing will incorporate a total of six trellises, approximately 8' in height, to be constructed of metal posts and beams to match the fencing. All fence/trellis locations abut landscape areas and the trellises will support climbing plant material.

An existing 6' high, solid cedar fence along the NE property line will be extended approximately 30' toward WFD to provide a screen to the garbage enclosure and potential small storage bins. Refer to 44.030.

44.030 SCREENING OF OUTDOOR STORAGE

A. All service, repair, and storage activities carried on in connection with any commercial, business or industrial activity and not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight-obscuring fence.

B. The sight-obscuring fence shall be in accordance with provisions of Chapter 42 CDC, Clear Vision Areas, and shall be subject to the provisions of Chapter 55 CDC, Design Review.

Exterior storage will include a garbage and recycling enclosure, fully screened by a 6' high sided wood wall and solid, sided double gate. Small storage bins will be available for food cart vendor use and will be located adjacent to the garbage enclosure. The storage bins will be fully screened by a 6' high solid cedar fence to the NE and landscaping to the NW.

44.040 LANDSCAPING

Landscaping which is located on the fence line and which impairs sight vision shall not be located within the clear vision area as provided in Chapter 42 CDC.

The site is exempt from requirements for clear vision area per 42.030.

44.050 STANDARDS FOR CONSTRUCTION

A. The structural side of the fence should face the owner's property; and

B. The sides of the fence abutting adjoining properties and the street shall be maintained. (Ord. 1291, 1990)

The primary proposed fencing will be cable-rail to match the existing fencing on the site. The structural supports for the fencing will be side mounted on both sides of a concrete curb or wall and shall have a clean, architectural appearance. The solid cedar fence will match the finished appearance of the existing on both sides. All fencing and trellises shall be maintained by the owner.

Chapter 46
OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

Sections:

46.010 PURPOSE
46.020 APPLICABILITY AND GENERAL PROVISIONS
46.030 SUBMITTAL REQUIREMENTS
46.040 APPROVAL STANDARDS
46.050 JOINT USE OF A PARKING AREA
46.060 STORAGE IN PARKING AND LOADING AREAS PROHIBITED
46.070 MAXIMUM DISTANCE ALLOWED BETWEEN PARKING AREA AND USE
46.080 REPEALED
46.090 OFF-STREET PARKING SPACE REQUIREMENTS
46.100 REPEALED
46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES
46.120 DRIVEWAYS REQUIRED ON SITE

46.130 OFF-STREET LOADING SPACES
46.140 REPEALED
46.150 DESIGN AND IMPROVEMENT STANDARDS

Based on Climate Friendly and Equitable Communities rules, no on-site vehicle parking is required.

46.130 OFF-STREET LOADING SPACES

Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading and maneuvering space. The dimensional standard for loading spaces is a minimum of 14 feet wide by 20 feet long or proportionate to accommodate the size of delivery trucks that typically serve the proposed use as follows:

	Gross Floor Area	
Land Use	***At Which First Berth Is Required***	***At Which Second Berth Is Required***
Industrial:		
Manufacturing	*5,000 sq. ft.*	*40,000 sq. ft.*
Warehouse	*5,000*	*40,000*
Storage	*10,000*	*100,000*
Commercial:		
Wholesale	*10,000*	*40,000*
Retail	*10,000*	*20,000*
Service establishments	*10,000*	*40,000*
Comm. recreational (incl. bowling alley)	*10,000*	*100,000*
Restaurants	*5,000*	*25,000*
Laundry	*10,000*	*25,000*
Office building	*10,000*	*100,000*
Hotel	*10,000*	*100,000*
Institutional:		
Schools	*10,000*	*100,000*
Hospitals	*10,000*	*100,000*
Other care facilities	*10,000*	*100,000*

Land Use	Gross Floor Area At Which First Berth Is Required	Gross Floor Area At Which Second Berth Is Required
Public buildings:		
Terminals	*5,000*	*40,000*
Auditoriums	*10,000*	*100,000*
Arenas	*10,000*	*100,000*
Funeral homes	*10,000*	*100,000*

Based on the limited building area of 768 sf for the Dining building and 920 sf for the future Tap Room, no loading is required on-site.

46.150 DESIGN AND IMPROVEMENT STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

D. Bicycle facilities and parking.

1. Provisions shall be made for pedestrian and bicycle ways if such facilities are identified on pages 24-26 of the West Linn Transportation System Plan or in the 2013 West Linn Trails Plan.

2. Bicycle parking improvements and location.

a. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclists' locks securing the frame and both wheels.

b. The nearest bicycle parking space shall be no more than 50 feet from the entrance to the building and shall be visible from the building entrance.

c. Required parking shall be signed and reserved for bicycle parking only. If a bicycle parking area is not visible from the main building entrance, a directional sign shall be posted at the building entrance indicating the location of the bicycle parking area.

d. Required bicycle parking shall be lighted to a minimum three foot-candles to allow secure use at night.

3. Bicycle parking must be provided in the following amounts:

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Residential		
Multifamily Residential	*1 space per unit*	*50%*
Institutional		
Schools – Elementary	*2 spaces per classroom*	*50%*
Schools – Jr. High or Middle Schools	*4 spaces per classroom*	*50%*
Schools – Sr. High	*2 spaces per classroom*	*50%*

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
College	1 space per 4 students	50%
Transit Centers/Park & Ride Lots	5% of auto spaces, or 100% of demand, depending on location/accessibility to bicyclists	100%
Religious Institutions	1 space per 40-seat capacity	25%
Hospitals	1 space per 5 beds	50%
Doctor, Dentist Offices	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Libraries, Museums, Government Offices, etc.	2, or 1.5 spaces per 1,000 gross sq. ft., whichever is greater	25%
Commercial		
Retail Sales	0.33 spaces per 1,000 gross sq. ft.	50%
Auto-oriented Services (including 7-11s)	2, or 0.33 spaces per 1,000 gross sq. ft., whichever is greater	10%
Groceries/Supermarkets	0.33 spaces per 1,000 gross sq. ft./bldg.	10%
Office	2, or 0.5 spaces per 1,000 gross sq. ft., whichever is greater	10%
Quality Restaurant	1 space per 1,000 gross sq. ft.	25%
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%
Shopping Center (by size)	0.33 spaces per 1,000 gross sq. ft./bldg.	50%
Financial Institutions	2, or 0.33 spaces per 1,000 gross sq. ft.	25%
Theaters, Auditoriums, etc.	1 space per 30 seats	25%
Industrial		
Industrial Park	2, or 0.5 spaces per 1,000 gross sq. ft.	50%
Warehouse	2, or 0.1 spaces per 1,000 gross sq. ft.	50%
Manufacturing, etc.	2, or 0.15 spaces per 1,000 gross sq. ft.	50%

The approximate area of indoor and outdoor seating for the site, including the future Tap Room, is 2,400 gsf. Based on the requirements for a Drive-In Restaurant, this would require a total of 5 parking spaces, with 25% of those being covered. The proposed development includes a total of five bicycle parking spaces, two of which (40%) are covered.

Chapter 48
ACCESS, EGRESS AND CIRCULATION

Sections:

48.010 PURPOSE
48.020 APPLICABILITY AND GENERAL PROVISIONS
48.025 ACCESS CONTROL
48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES
48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES
48.050 ONE-WAY VEHICULAR ACCESS POINTS
48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS
48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS
48.080 BICYCLE AND PEDESTRIAN CIRCULATION

48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008; Ord. 1745 § 1 (Exh. A), 2023)

48.020 APPLICABILITY AND GENERAL PROVISIONS

A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.
E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.
F. Property owners with access to their property via platted stems of flag lots may request alternate access as part of a discretionary review if other driveways and easements are available and approved by the City Engineer. (Ord. 1584, 2008; Ord. 1636 § 32, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The site will maintain vehicular access driveways from Willamette Falls Drive and 11th Street.

48.025 ACCESS CONTROL

A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level

of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

B. Access control standards.

1. Traffic impact analysis requirements. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).

A Traffic Impact Analysis is provided as part of this application.

2. In order to comply with the access standards in this chapter, the City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit. Access to and from off-street parking areas shall not permit backing onto a public street.

As requested by the city, one of the two vehicular driveways from Willamette Falls Drive (that closest to 11th Street) will be blocked by semi-permanent barriers to prevent vehicular access.

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.

a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.

b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to ensure access to the closest public street for all users of the private street/drive.

Existing access is provided from both WFD and 11th Street. No alternative access methods are required.

4. Subdivisions fronting onto an arterial street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots.

No subdivisions are proposed.

5. Double-frontage lots. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

The lot contains double frontage and has existing access from both frontages.

6. Access spacing.

a. The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.

b. Private drives and other access ways are subject to the requirements of CDC 48.060.

The access ways are existing and will not be relocated.

7. Number of access points. For single-family (detached and attached) housing types, one street access point is permitted per lot or parcel when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in CDC 48.060. The number of street access points for multiple family development is subject to the access spacing standards in CDC 48.060. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

The existing site access ways will remain. One of the two access driveways off of WFD will be blocked with planter barriers as required by the city.

8. Shared driveways. For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

a. When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. Exception. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

No shared driveways exist and future shared access is not feasible based on the existing site and building configurations on adjacent properties.

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and site developments shall produce complete

blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block length and perimeter. The maximum block length shall not exceed 800 feet along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.

3. Exception. Exceptions to the above standards may be granted as part of a discretionary review when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and bicycle trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges. (Ord. 1635 § 25, 2014; Ord. 1636 § 33, 2014; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1675 § 40, 2018; Ord. 1745 § 1 (Exh. A), 2023)

The site is existing and no new land divisions or creations of blocks is proposed.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted by an adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question. In the event that alternate access is not available, the applicant may request access onto an arterial street as part of a discretionary review, and approval may be granted by the Planning Director and City Engineer after review of the following criteria:

1. Topography.

2. Traffic volume to be generated by development (i.e., trips per day).

3. Traffic volume presently carried by the street to be accessed.

4. Projected traffic volumes.

5. Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.

6. The ability to consolidate access through the use of a joint driveway.

7. Additional review and access permits may be required by State or County agencies.

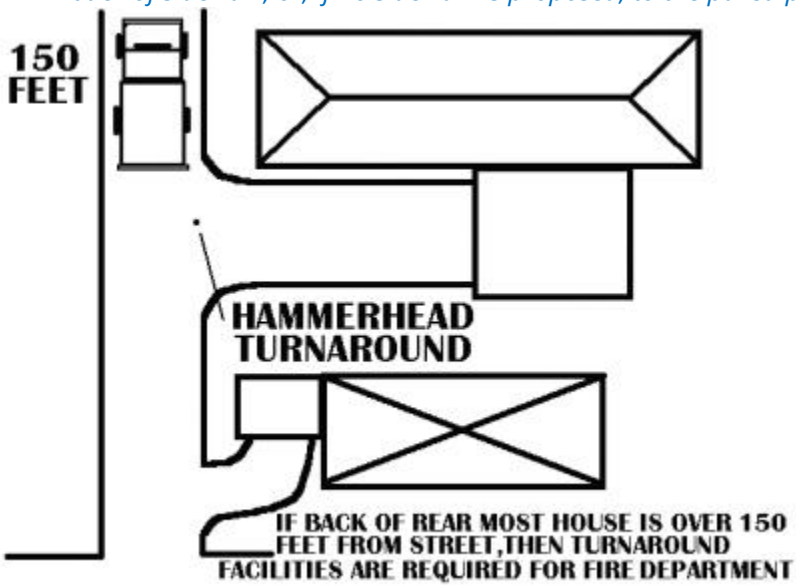
B. Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:

1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged but not required.

2. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.

3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. However, in no case shall the last 18 feet in front of the garage exceed 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.

4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.



C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.

1. A turnaround shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.

2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.

3. A minimum centerline turning radius of 45 feet is required unless waived by TVF&R.

4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.

D. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.

E. Access and/or service drives for multifamily dwellings shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or

2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.

3. Minimum vertical clearance of 13 feet, six inches.

4. Turnaround facilities as required by TVF&R standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by TVF&R.

5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.

6. A minimum centerline turning radius of 45 feet for the curve.

F. Where on-site maneuvering and/or access drives are necessary to accommodate parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.

G. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.

H. Gated accessways to residential development other than a single-family home are prohibited. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1513, 2005; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1636 § 34, 2014; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1754 § 1 (Exh. A), 2024)

The proposed development is not residential.

48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

A. Service drives for non-residential uses shall be fully improved with hard surface pavement:

1. With a minimum of 24-foot width when accommodating two-way traffic; or

2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.

3. Meet the requirements of CDC 48.030(E)(3) through (6).

4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.

B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.

D. Gated accessways to non-residential uses are prohibited unless required for public safety or security. (Ord. 1408, 1998, Ord. 1463, 2000; Ord. 1745 § 1 (Exh. A), 2023)

The existing driveways from WFD are 18' in width. The driveway closest to 10th Street will be preserved for ingress/egress for the pool and spa business. The second driveway will be blocked by planter barriers.

48.050 ONE-WAY VEHICULAR ACCESS POINTS

Where a proposed parking facility plan indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility, and the entrance drive shall be situated closest to oncoming traffic, and the exit drive shall be situated farthest from oncoming traffic. (Ord. 1745 § 1 (Exh. A), 2023)

No one way driveways exist or are proposed.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.

C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:

1. On an arterial when intersected by another arterial, 150 feet.

2. On an arterial when intersected by a collector, 100 feet.

3. On an arterial when intersected by a local street, 100 feet.

4. On a collector when intersecting an arterial street, 100 feet.

5. On a collector when intersected by another collector or local street, 35 feet.

6. On a local street when intersecting any other street, 35 feet.

D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

1. On an arterial street, 150 feet.

2. On a collector street, 75 feet.

3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.

F. For non-residential development, curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.

G. Clear vision areas shall be maintained, pursuant to Chapter 42 CDC, and required line of sight shall be provided at each driveway or accessway, pursuant to the West Linn Public Works Design Standards. (Ord. 1270, 1990; Ord. 1584, 2008; Ord. 1636 § 35, 2014; Ord. 1745 § 1 (Exh. A), 2023)

Existing curb cuts on WFD are 18'-6" wide and 50' apart. Existing curb cuts on 11th Street are 32' and 34' wide and 12' apart. No new curb cuts are proposed.

48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS

A. For non-residential applications, or residential applications subject to discretionary review, in order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or their designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:

1. Provide inadequate access for emergency vehicles; or

2. Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.

B. A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240(B). (Ord. 1745 § 1 (Exh. A), 2023)

As discussed at the pre-application meeting, one of the driveway curb cuts along WFD will be blocked as part of the proposed development.

48.080 BICYCLE AND PEDESTRIAN CIRCULATION

A. Within all multifamily developments, each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of concrete, asphalt, brick or masonry pavers, or other hard surface. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)

B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(C).

C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review. (Ord. 1745 § 1 (Exh. A), 2023)

Bicycle access will be provided through the existing driveway on WFD that will be blocked to vehicular traffic, but remain open for bikes and pedestrians.

Chapter 53
SIDEWALK USE

Sections:

53.010 PURPOSE

53.020 PERMIT REQUIRED

53.030 STANDARDS

53.040 TIME LIMIT AND REVOCATION

53.010 PURPOSE

The purpose of this chapter is to provide for the display of merchandise or the service of food or beverages on sidewalks in the commercial zones. The standards contained in this chapter are intended to ensure that the use of sidewalks will not have a disruptive effect on pedestrians, vehicular traffic, or businesses. The provisions of this chapter apply to sidewalks in the public right-of-way.

53.020 PERMIT REQUIRED

A. All sidewalk uses shall require a permit.
B. Sidewalk use application shall be initiated by the business owner or authorized agent.
C. The applicant shall pay the requisite fee.
D. The sidewalk use permit is a decision made by the Planning Director under provisions of CDC 99.060(A), except that no notice shall be required.
E. The Planning Director shall approve, approve with conditions, or deny the application for a sidewalk use permit by standards set forth in CDC 53.030.
F. The Director's decision may be appealed by the applicant to the City Council as provided in CDC 99.240(A). (Ord. 1474, 2001)

The desire for limited use of the public sidewalk for seasonal dining is likely. A permit will be applied for and obtained prior to the instigation of this use.

53.030 STANDARDS

Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:
A. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks.
B. Displays, tables, and customer service shall not extend beyond the frontage associated with the products or service, with the exception that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.
C. Permission from the Oregon Department of Transportation for use of sidewalks in state right-of-way. See CDC 52.310 regarding temporary signs and Chapter 42 CDC regarding clear vision triangle requirements. (Ord. 1613 § 10, 2013)

The 12'-6" wide pedestrian sidewalk along WFD is wide enough to accommodate a typical 6' wide picnic table and the required 4' clear accessway. Potential sidewalk use would be limited to the frontage width along WFD.

53.040 TIME LIMIT AND REVOCATION

A. The Director may revoke a sidewalk use permit if any standards of CDC 53.030 or conditions of approval are violated. A sidewalk use permit shall be void one year following issuance of the permit. (Ord. 1172, 1985)

Requirements for a sidewalk permit, including length of permit validity would be accepted at the time permit may be applied for.

Chapter 540020
LANDSCAPING

Sections:

54.010 PURPOSE
54.020 APPROVAL CRITERIA
54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

54.040 INSTALLATION
54.050 PROTECTION OF STREET TREES
54.060 MAINTENANCE
54.070 SPECIFICATION SUMMARY

54.010 PURPOSE

The purpose of this chapter is to provide for the design, selection, installation, and maintenance of landscaping. The landscaping is intended to provide an attractive natural balance to built areas, to reduce runoff, to provide shade, to screen or buffer uses, and to frame or complement views. The chapter also encourages the selection of plant materials that will provide long-term growth, a balance of year-round coverage and greenery, and a variety of species for a more healthy, disease-resistant plant inventory. (Ord. 1745 § 1 (Exh. A), 2023)

54.020 APPROVAL CRITERIA

A. Tree preservation.

1. Intent and guidance. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot-tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three two-inch caliper street trees, they provide immediate microclimate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

2. Inventory required. Every development proposal shall submit an inventory of existing site conditions, which includes significant trees and heritage trees.

3. Repealed by Ord. 1754.

4. Developers must also comply with the municipal code chapter on tree protection and, if applicable, with CDC 55.100(B) or 55.105(B).

5. Heritage trees. Heritage trees are trees which, because of their age, type, notability, or historical association, are of special importance. Heritage trees are trees designated by the City Council following review of a nomination. A heritage tree may not be removed without a public hearing at least 30 days prior to the proposed date of removal. Development proposals involving land with heritage tree(s) shall be required to protect and save the tree(s). Further discussion of heritage trees is found in the municipal code.

The existing site contains no significant or heritage trees. Due to the extent of the development, three deciduous trees along 11th Street will be removed and replaced with new trees and a variety of shrubs.

B. Landscaping – By type, location and amount.

1. Residential uses (non-single-family). A minimum of 25 percent of the gross site area including parking, loading and service areas shall be landscaped, and may include the open space and recreation area requirements under CDC 55.100 or 55.105, as applicable. Parking lot landscaping may be counted in the percentage.

2. Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.

Due to the extent of existing development to remain on the site, calculations for landscape area are provided based on the development area, which includes the full frontage along WFD and back to the raised grade of the existing mixed use building

patio. This area is roughly 9,000 sf, requiring 1,800 sf of landscaping (20%). The new development proposes:

320 sf	Existing landscape area to remain
1,000 sf	New landscape area
50 sf	New large planter boxes
450 sf	Patio area (25% maximum allowed)
1,820 sf	Total

3. Parking area landscaping – All uses (residential uses (non-single-family) and non-residential uses):

a. There shall be one shade tree planted for every eight parking spaces, except as required under subsection (B)(3)(d) of this section. Shade trees are defined as medium to large trees with a canopy, at maturity, at least 40 feet in diameter. These trees shall be evenly distributed throughout the parking lot to provide shade.

b. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. The perimeter landscaping, as provided in subsection (B)(3)(h) of this section, shall not be included in the 10 percent figure.

c. Parking lots with 10 to 20 spaces shall have a minimum five percent of the interior of the parking lot devoted to landscaping. The perimeter landscaping, as provided in subsection (B)(3)(h) of this section, shall not be included in the five percent.

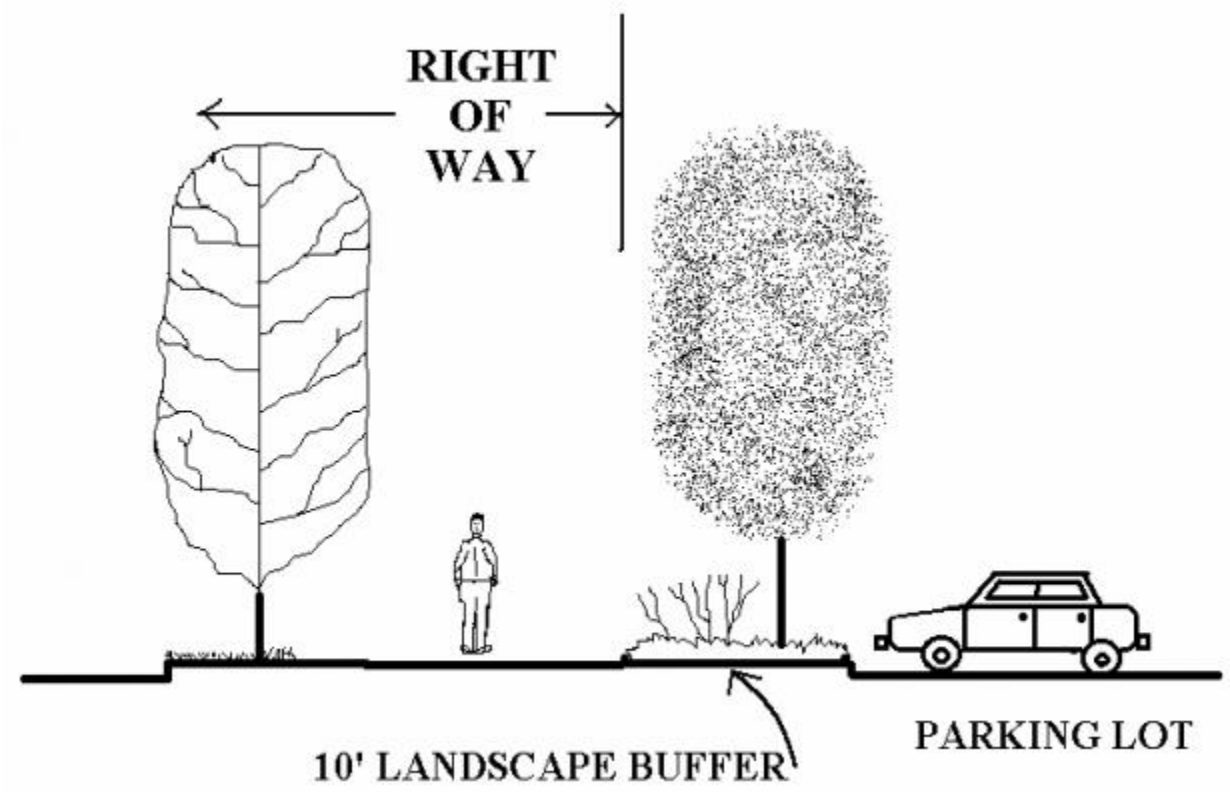
d. Parking lots with fewer than 10 spaces shall have perimeter landscaping, if required under subsection (B)(3)(h) of this section, and at least two shade trees.

e. Non-residential parking areas paved with a permeable parking surface may reduce the required minimum interior landscaping by one-third for the area with the permeable parking surface only.

f. The landscaped areas shall not have a width of less than five feet and shall be uniformly distributed throughout the parking or loading area.

g. The soils, site, proposed soil amendments, and proposed irrigation system shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

h. A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking, loading, or service area or driveway is contiguous to an adjoining lot or parcel, there shall be an intervening five-foot-wide landscape strip. The landscaped area shall contain:



1) Trees spaced as appropriate to the species, not to exceed 30 feet apart on center, on the average;

2) Shrubs, not to reach a height greater than three feet, six inches, spaced no more than five feet apart on the average; and

3) Vegetative ground cover such as grass, wildflowers, or other landscape material to cover 100 percent of the exposed ground within two growing seasons. No bark mulch shall be allowed except under the canopy of low level shrubs.

i. If over 50 percent of the lineal frontage of the main street or arterial adjacent to the development site comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet in width and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. This extra requirement only applies to one street frontage.

j. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

k. The landscaping in parking areas shall maintain minimum vision clearance as provided in Chapter 42 CDC, Clear Vision Areas.

No parking area is proposed. The existing parking will remain with no revisions.

4. Other landscaping standards – All uses (residential uses (non-single-family) and non-residential uses):

a. Outdoor storage areas, service areas (loading docks, refuse deposits, and delivery areas), and above-ground utility facilities shall be buffered and screened to obscure their view from adjoining properties and to reduce noise levels to acceptable levels at the property line. The adequacy of the buffer and screening shall be determined by the criteria set forth in CDC 55.100(C)(1) or 55.105(G), as applicable.

The garbage enclosure will be fully screened with a 6' high solid, sided wall with a solid gate. Small vendor storage bins adjacent to the garbage enclosure will be screened by a solid 6' high cedar fence at the NE property line and landscape shrubs.

b. For non-residential development, crime prevention shall be considered and plant materials shall not be located in a manner which prohibits surveillance of public and semi-public areas (shared or common areas).

Perimeter landscaping contains a mix of coniferous and deciduous trees, shrubs and grasses, combined with trellises that will allow visibility into the site.

c. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.

A full irrigation system will be provided at all landscape areas, designed to suit the application.

d. For commercial, office, and other non-residential sites, the developer shall select trees that possess the following characteristics:

1) Provide generous "spreading" canopy for shade.
2) Roots do not break up adjacent paving.
3) Tree canopy spread starts at least six feet up from grade in, or adjacent to, parking lots, roads, or sidewalks unless the tree is columnar in nature.
4) No sticky leaves or sap-dripping trees (no honey-dew excretion).
5) No seed pods or fruit-bearing trees (flowering trees are acceptable).
6) Disease-resistant.
7) Compatible with planter size.
8) Drought-tolerant unless irrigation is provided.
9) Attractive foliage or form all seasons.

Site landscaping has been designed by a professional landscape designer, experienced with plant selection and use appropriate for the area.

e. Plant materials (shrubs, ground cover, etc.) shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage, staggered flowering periods, and avoidance of nuisance plants (Scotch broom, etc.).

All plant materials have been designed and selected by a landscape designer to be best suited for the location, application and conditions and to provide a varied and balanced landscape.

C. Landscaping (trees) in new subdivision.

1. Street trees shall be planted by the City within the planting strips (minimum six-foot width) of any new subdivision in conformity with the street tree plan for the area, and in accordance with the planting specifications of the Parks and Recreation Department. All trees shall be planted during the first planting season after occupancy. In selecting types of trees, the City Arborist may determine the appropriateness of the trees to local conditions and whether that tree has been overplanted, and whether alternate species should be selected. Street trees shall also conform to standards in Chapter 8 of the Municipal Code on tree protection.

2. The cost of street trees shall be paid by the developer of the subdivision.

3. The fee per street tree, as established by the City, shall be based upon the following:

a. The cost of the tree;
b. Labor and equipment for original placement;
c. Regular maintenance necessary for tree establishment during the initial two-year period following the City schedule of maintenance; and
d. A two-year replacement warranty based on the City's established failure rate.

No new subdivisions are proposed.

D. Landscaping requirements in water resource areas (WRAs). Pursuant to CDC 32.110(E)(3) the requirements of this chapter relating to total site landscaping, landscaping buffers, landscaping around parking lots, and landscaping the parking lot interior may be waived or reduced in a WRA application without a variance being required. (Ord. 1408, 1998; Ord. 1463, 2000; Ord. 1623 § 5, 2014; Ord. 1636 § 36, 2014; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1754 § 1 (Exh. A), 2024)

The site is not within a WRA.

54.030 PLANTING STRIPS FOR MODIFIED AND NEW STREETS

All proposed changes in width in a public street right-of-way or any proposed street improvement shall include allowances for planting strips, unless an applicant demonstrates that this is not feasible and requests an exception as part of a discretionary review. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. This chapter requires any multifamily, commercial, or public facility which causes change in public right-of-way or street improvement to comply with the street tree planting plan and standards. (Ord. 1745 § 1 (Exh. A), 2023)

No modified or new streets are proposed.

54.040 INSTALLATION

A. All landscaping shall be installed according to accepted planting procedures.
B. The soil and plant materials shall be of good quality.
C. Landscaping shall be installed in accordance with the provisions of this code.
D. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond. (Ord. 1745 § 1 (Exh. A), 2023)

Landscape installation shall be performed by a certified landscape contractor, with planting requirements to be provided as part of the permit/construction documents.

54.050 PROTECTION OF STREET TREES

Street trees may not be topped or trimmed unless approval is granted by the Parks Supervisor or, in emergency cases, when a tree imminently threatens power lines. (Ord. 1745 § 1 (Exh. A), 2023)

Existing street trees are located on Willamette Falls Drive, but are located approximately 20' beyond the property line and will not be impacted by the extent of work.

54.060 MAINTENANCE

A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.
B. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
1. It will not interfere with the maintenance or repair of any public utility;
2. It will not restrict pedestrian or vehicular access; and

3. It will not constitute a traffic hazard because of reduced visibility. (Ord. 1745 § 1 (Exh. A), 2023)

The site and landscaping will be maintained by the property owner. Plantings will be regularly pruned to avoid interference with any utilities or accessways.

54.070 SPECIFICATION SUMMARY

Area/Location	***Landscaping Req'd.***
1. Between parking lot and right-of-way. CDC 54.020(B)(3)(h).	*10 ft.*
2. Between parking lot and other lot. CDC 54.020(B)(3)(f).	*5 ft.*
3. Between parking lot and right-of-way if parking lot comprises more than 50 percent of main right-of-way frontage. CDC 54.020(B)(3)(i).	*15 ft.*
4. Percentage of residential/multifamily site to be landscaped. CDC 54.020(B)(1).	*25%*
5. Percentage of non-residential (commercial/industrial/office) site to be landscaped. CDC 54.020(B)(2).	*20%*
6. Percentage of 10 – 20 car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	*5%*
7. Percentage of 1 – 9 car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	*0%*
8. Percentage of 20+ car parking lot to be landscaped (excluding perimeter). CDC 54.020(B)(3)(a).	*10%*

20% of the development area is landscaped.

DIVISION 4. DESIGN REVIEW

Chapter 55
DESIGN REVIEW

Sections:

55.010 PURPOSE AND INTENT – GENERAL
55.020 CLASSES OF DESIGN REVIEW
55.025 EXEMPTIONS
55.030 ADMINISTRATION AND APPROVAL PROCESS
55.040 EXPIRATION OR EXTENSION OF APPROVAL
55.050 DESIGN REVIEW AMENDMENT TRIGGER
55.060 STAGED OR PHASED DEVELOPMENT
55.070 SUBMITTAL REQUIREMENTS
55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – GENERAL/DISCRETIONARY
55.095 APPROVAL STANDARDS – CLASS I DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE
55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY

55.105 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – RESIDENTIAL/CLEAR AND OBJECTIVE
55.110 SITE ANALYSIS
55.120 SITE PLAN
55.125 TRANSPORTATION ANALYSIS
55.130 GRADING AND DRAINAGE PLANS
55.140 ARCHITECTURAL DRAWINGS
55.150 LANDSCAPE PLAN
55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS
55.180 MAINTENANCE
55.190 REPEALED
55.195 ANNEXATION AND STREET LIGHTS

55.010 PURPOSE AND INTENT – GENERAL

The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. Attention will be paid to the proposal's scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, and that areas of public use are made aesthetically attractive and safe. Also of concern are the needs of persons with disabilities.

Developers of multifamily, industrial, commercial, office, and public building projects are required to take steps to reduce reliance on the automobile by, in part, encouraging other modes of transportation such as transit, bicycles, and foot traffic, and through building orientation or location. (Ord. 1650 § 1 (Exh. A), 2016; Ord. 1745 § 1 (Exh. A), 2023)

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.).

2. Significant road realignment (when not part of a subdivision or partition plat process). "Significant" shall be defined by the length of the realignment and/or extent of redesign, and/or the natural features or human-made structures that will be impacted or removed.

3. Addition or reduction of less than five percent of total square footage of a commercial, office, public, multifamily, or industrial building.

4. Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptings, etc.).

5. Minor modifications and/or upgrades of pump stations, reservoirs, and storm detention facilities.

6. Americans with Disability Act compliance that significantly alters the exterior of the building (ramps are exempt).

7. Freestanding art and statuary over five feet tall.

8. Other land uses and activities may be added if the Planning Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.

a. Sidewalks on private property.

b. Loading docks.

c. Addition or reduction of parking stalls.

d. Revised parking alignment.

e. Revised circulation.

f. Revised points of ingress/egress to a site.

g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.

10. New development of a single-family detached dwelling (including a duplex, triplex, or quadplex), single-family attached dwelling (including a duplex, triplex, quadplex, or townhouse), or cottage cluster in the Willamette Neighborhood Mixed-Use Transitional Zone.

B. Class II Design Review. Class II design review applies to all uses/activities except those uses/activities listed under Class I design review, and the exemptions of CDC 55.025. Class II design review applies to the proposed improvements listed in this section when the proposed improvement (e.g., new sidewalk) is part of a major commercial, office, industrial, public, or multifamily construction project (e.g., a new shopping center). (Ord. 1547, 2007; Ord. 1604 § 50, 2011; Ord. 1622 § 20, 2014; Ord. 1745 § 1 (Exh. A), 2023)

Application is for a Class II Design Review.

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:

A. Construction of new dwelling units, except for multiple-family residential units, dwelling units that are part of a mixed-use building, manufactured home parks, and dwellings located within the Willamette Neighborhood Mixed Use Transitional Zone;

B. Accessory structures;

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)

No exemptions are requested.

55.030 ADMINISTRATION AND APPROVAL PROCESS

A. A pre-application conference is required before submitting a development plan application for design review as provided by CDC 99.030(B).

B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.

C. Action on the development plan application shall be as provided by Chapter 99 CDC, Procedures for Decision-Making: Quasi-Judicial, and the following:

1. The Planning Director for Class I design review applications, or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in CDC 99.110 and this chapter.

2. A decision by the Planning Director may be reviewed by the City Council.

D. Substantial modifications made to the approved development plan will require reapplication (e.g., more or fewer lots, different architectural design, etc.). (Ord. 1474, 2001; Ord. 1597 § 14, 2010; Ord. 1745 § 1 (Exh. A), 2023)

A pre-application conference was held on 1/16/25, PA-25-02. Refer to Chapter 99 for satisfaction of application requirements.

55.040 EXPIRATION OR EXTENSION OF APPROVAL

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted under CDC 99.325. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1745 § 1 (Exh. A), 2023)

Construction is anticipated to proceed upon receipt of all required land use approvals and building permits from the city. This is anticipated to be spring of 2026.

55.050 DESIGN REVIEW AMENDMENT TRIGGER

Amendments to design review shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multifamily units) from the tentatively approved design review plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes, or adjusting more than 20 percent of the building footprint or site plan, or significant changes to the architecture that modify the style, mass, or result in elimination of significant design features. Changes in color or materials would not require an amendment unless the colors were non-earth tones and the materials were of poorer quality (for example, going from tile roof to composition roofing) than originally approved. Changes to the project/site plan to meet conditions of approval or legislative changes shall not trigger an amendment. (Ord. 1408, 1998; Ord. 1745 § 1 (Exh. A), 2023)

Triggers for Design Review Amendments are understood.

55.060 STAGED OR PHASED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125. (Ord. 1745 § 1 (Exh. A), 2023)

A second phase of the project will include remodel of existing office space for a small taproom and is included for Conditional Use approval.

55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.

C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

a. A site analysis (CDC 55.110) only if the site is undeveloped;

b. A site plan (CDC 55.120);

c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if exterior architectural construction, remodeling, or changes are proposed;

d. Tualatin Valley Fire and Rescue service provider permit; and

e. Pursuant to CDC 55.085, additional submittal material may be required.

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

2. The development plan for a Class II design review shall contain the following elements:

a. A site analysis (CDC 55.110);

b. A site plan (CDC 55.120);

c. A grading plan (CDC 55.130);

d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);

e. A landscape plan (CDC 55.150);

f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;

g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;

h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and

i. Documents as required per the Tree Technical Manual.

j. Tualatin Valley Fire and Rescue service provider permit.

3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.

4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.

E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.

F. The applicant shall pay the required deposit and fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 11, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 14, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The Design Review is submitted by the property owner. Required pre-application and neighborhood meetings have been completed and documentation is submitted as part of this application. All required drawings, documents and materials information is provided. Refer to Table of Contents.

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

A. For applications subject to discretionary review, the Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

B. For applications subject to discretionary review, the Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C). (Ord. 1745 § 1 (Exh. A), 2023)

Additional information will be provided as requested by the city.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW – GENERAL/DISCRETIONARY

Except for applications subject to CDC 55.105, the approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application:

A. The provisions of the following chapters shall be met:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

3. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.

4. Chapter 42 CDC, Clear Vision Areas.

5. Chapter 44 CDC, Fences.

6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

7. Chapter 48 CDC, Access, Egress and Circulation.

8. Chapter 52 CDC, Signs.

9. Chapter 54 CDC, Landscaping.

Narrative responses to criteria in applicable Chapters, as noted in the pre-application meeting, are included in the application.

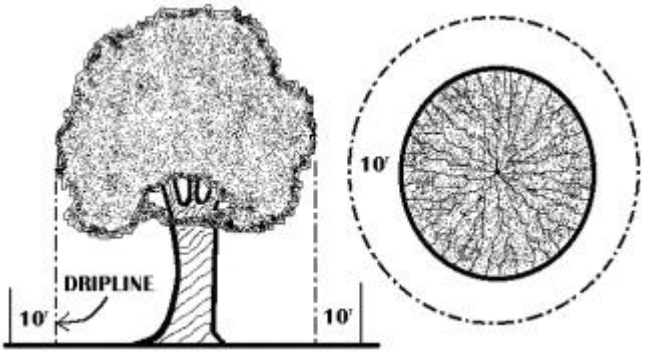
B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at their direction.

No heritage trees exist on the site.

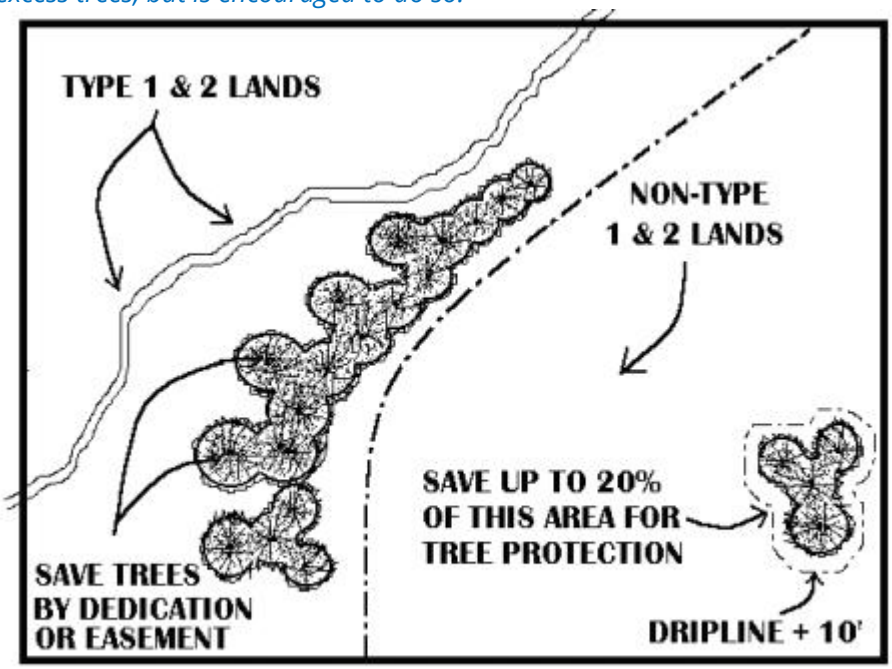
2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. The protected area includes the protected tree, its dripline, and an additional 10 feet beyond the dripline, as depicted in the figure below. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline plus 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.



PROTECTED AREA = DRIPLINE + 10 FEET

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.



METHOD OF PERCENTAGE CALCULATION

E.G., DRIPLINE + 10 FT. AREA = 2,500 SQ. FT. OR 18% OF TOTAL NON-TYPE I AND II LAND DENSITY CALCULATIONS FOR THIS PARCEL WILL BE BASED ON REMAINING NET SQ. FOOTAGE OF SITE (EXCLUDING THE 2,500 SQ. FT.)

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.

No heritage or significant trees exist on site.

3. The topography and natural drainage shall be preserved to the greatest degree possible.

The contours of the site will remain essentially the same. Currently the site is divided into two grade planes – that fronting 11th Street and that fronting Willamette Falls Drive. A roughly 4' high retaining wall splits the site. Minor modifications to the retaining wall near 1th Street will increase the lower level grade plane by approximately 150 sf to accommodate the new dining building.

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

The site does not include any area identified on Goal 7 of the Comprehensive Plan as hazardous.

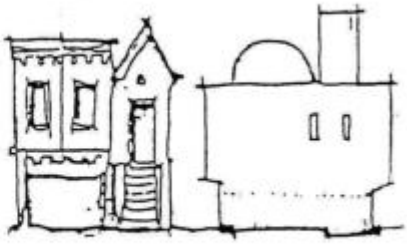
5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

There is a minimum of 23' between the proposed building and the adjacent mixed use existing building on site. There is in excess of 100' between the proposed building and the pool and spa building at the back of the site. This will allow adequate light and circulation and exceeds the building code minimum distance for non-fire rated buildings.

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.

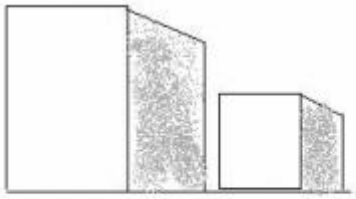
contextual design



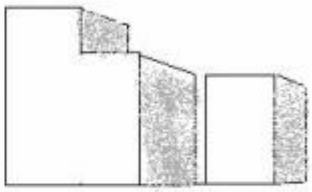
contrasting design

The proposed building incorporates an 11' plate and a total height of under 16'. The mixed use building has roughly a 9' plate and overall height of 16' measured from the 11th Street grade plane. The mixed use building and the pool and spa building are both approximately 26' in height measured from the WFD grade plane. All of the buildings share similar gabled roof forms, similar to buildings on adjacent properties and within the neighborhood.

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.



mass/bulk overwhelms smaller building



mass/bulk effectively transitions

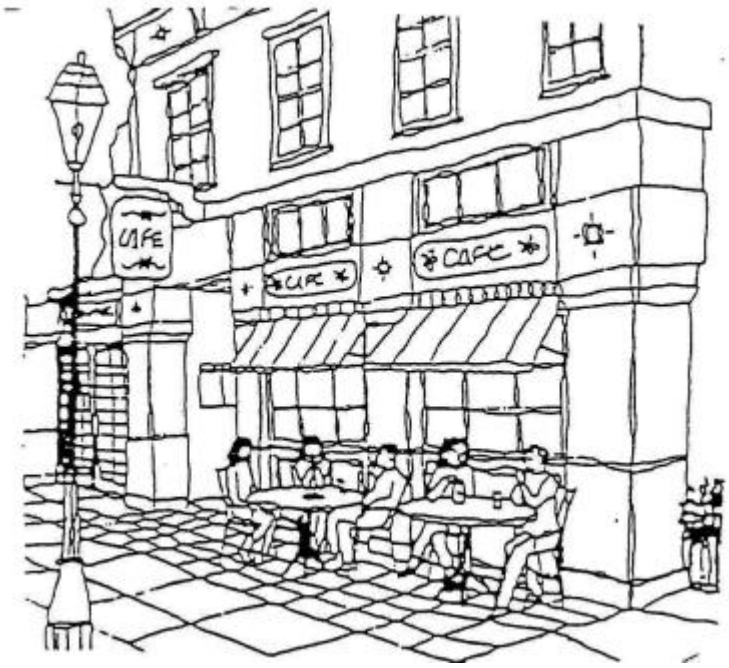
The scale of the proposed building is similar in scale to the existing buildings on site as well as the residential style buildings on the adjacent properties.

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.

The residential scale and style of the proposed building is very similar to other buildings on site and on adjacent properties.

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.

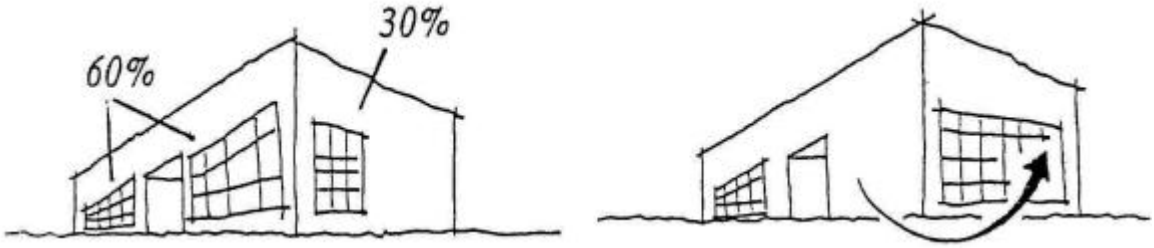


human scale is captured in this example

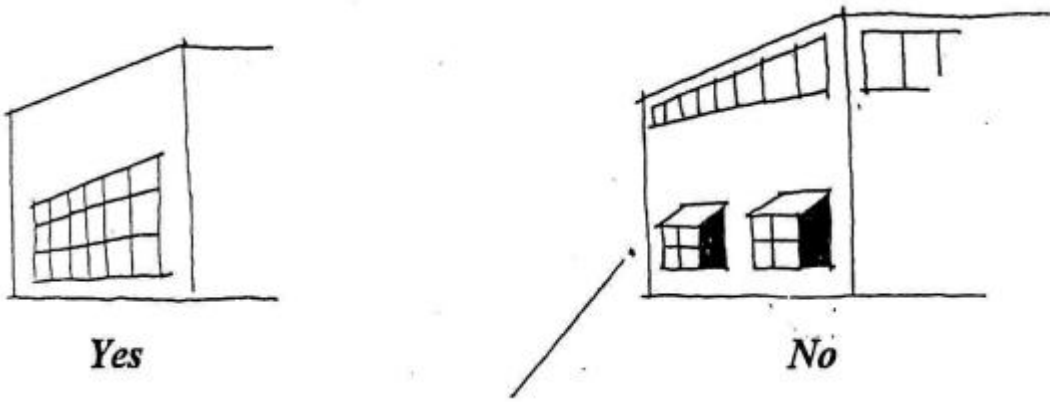
The proposed building achieves human scale based on the overall small scale, the use of a large area of glazing and ornamental arbor at the front façade. The locations of the mobile food units near the WFD property line and the provision of trellises and landscaping at this property line will provide an enhanced streetscape.

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.



60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.



(Windows not at eye level and/or not flush with building.)

The front of the Dining building has 16 lf of glazing over the total 24' length (67%). Both sides of the building contain 19 lf of glazing over the total length of 32' (59%).

The 24' front of the existing building, which will become the Tap Room will have 15 lf of glazing from the entry door and transom and overhead doors (63%). The 40' northeast side of the existing building includes two solid doors and one window, for an overall length of 10 lf (25%). Based on the fact that the building is located in excess of 70' back of the front property line and this wall fronts the existing parking area, we believe the existing openings are appropriate.

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.

The maximum building length is 32' for the Dining building and 40' for the Tap Room.

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.
Vegetation and trellises at the property lines will provide shading and screening along the SW and NW sides of the site. In addition, a small building arbor will provide additional shading at the front (NW) side of the Dining building.

An existing upper level covered deck will provide shading and weather protection for the primary façade of the Tap Room and an existing roof cover provides the same for the two doors at the northeast façade.

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

trees, awnings, and building orientation enhance micro-climate

A wide stair will provide access to the lower level development area of the site, where indoor and outdoor eating areas will be located. The stair will be accentuated with a trellis and with landscape areas, incorporating trees and shrubs, on both frontages. Willamette Falls Drive will provide additional pedestrian access from the existing driveway at the center of the frontage, which will contain large planters that will allow only pedestrian and bicycle access (no vehicles).

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.
Dining tables will be placed on the sidewalk within the ROW on a seasonal basis. A minimum of 4' will be maintained for pedestrian access.

7. Transportation. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

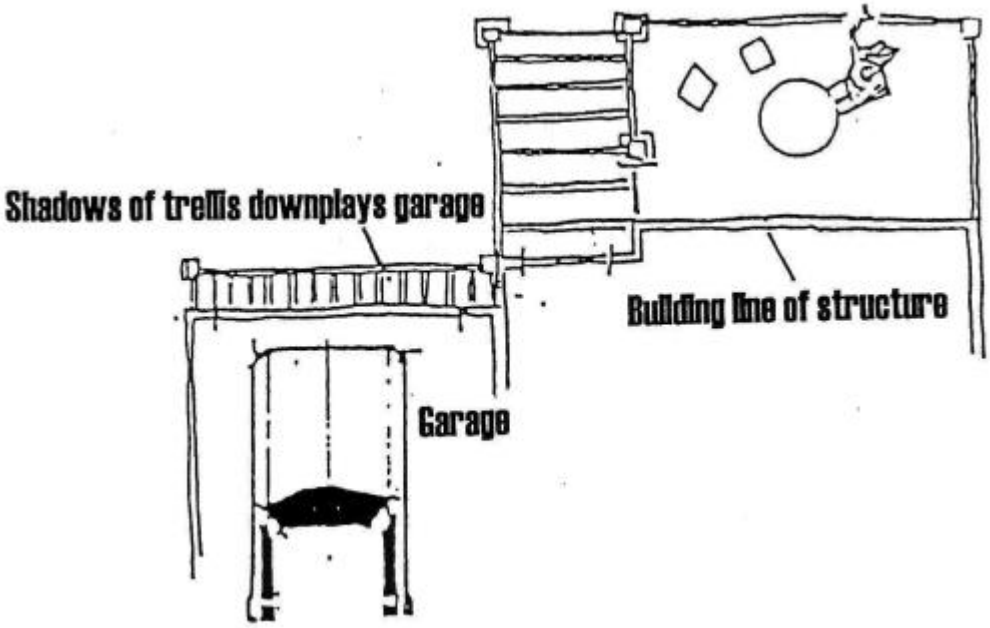
a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an

arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.
For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency.

The new Dining building will have the main entrance facing Willamette Falls Drive, with secondary entrances facing 11th Street and the outdoor dining area. It is anticipated that, during warm weather, the building overhead doors will be open, creating an open pavilion feel for the covered dining area.

The existing Tap Room building also has its primary entrance facing Willamette Falls Drive.

b. Multifamily projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multifamily project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.



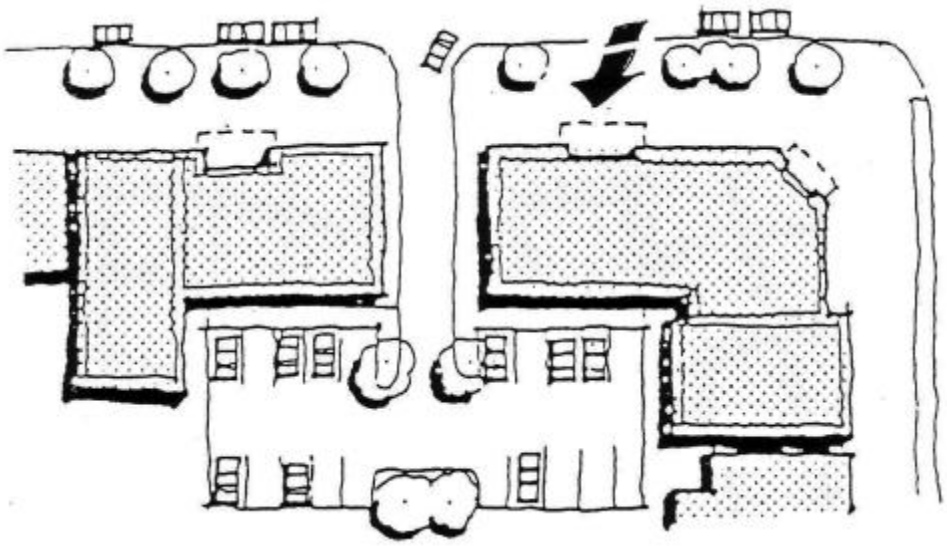
The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and

softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.

The proposed development is not multi-family.

c. Commercial, office, and multifamily projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.

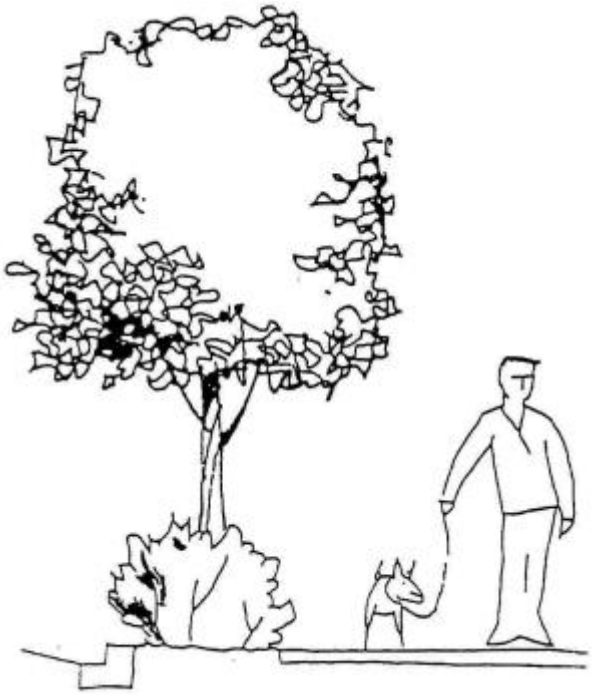
entrance from right-of-way



The new building will sit 16'-6" back from the WFD property line. This is beyond the 12' setback and will allow for the placement of mobile food units to be placed at the property line.

The future Tap Room is an existing building and there will be no change to the setback.

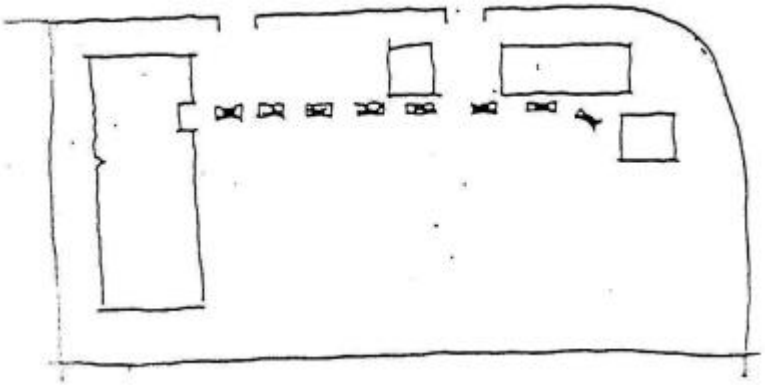
d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.



No new parking lots or internal driveways will be created. An existing 18' wide driveway will be converted to a bicycle and pedestrian accessway. This accessway will be defined by the concrete paving and addition of large planter boxes.

landscaping

e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.



Direct access to the mobile food units and dining building will be provided from the corner stairway at the intersection of WFD and 11th Street and from the bicycle/pedestrian accessway from WFD. A vehicle-free zone will allow unrestricted and safe access between the food carts and dining building.

direct pedestrian route required (- -)

f. At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.

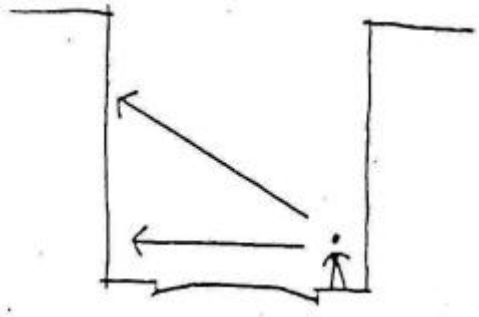
The main Dining building entrance faces WFD and is accessible from the corner stair and the pedestrian accessway.

The Tap Room entrance faces WFD.

g. Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.

Transit service extends down WFD and 10th Street with multiple stops near the site that are directly accessible from the site stair and accessway to the public sidewalk on WFD.

h. Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street. (The "height-to-width ratio" is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.



1:1 height to width ratio is ideal
(example only)

The approximate paved road width of Willamette Falls Drive is 70'. A 70' – 140' tall building in this location would not be appropriate given the context of the neighborhood and adjacent buildings. The mobile food units that will be placed adjacent to the property line typically range in height from 8' – 12' and will help to frame the streetscape.

The Tap Room building is existing and will not change.

i. These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.

The proposed development does not include any of the referenced facility types.

j. Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: "No Parking," and include design features to foster trail recognition.

No trailheads exist on site.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.

b. The size of the buffer required to achieve the purpose in terms of width and height.

c. The direction(s) from which buffering is needed.

d. The required density of the buffering.

e. Whether the viewer is stationary or mobile.

2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

a. What needs to be screened?

b. The direction from which it is needed.

c. How dense the screen needs to be.

d. Whether the viewer is stationary or mobile.

e. Whether the screening needs to be year-round.

3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

The adjacent property to the NE is a commercial use within the MU zone, requiring no buffer. The two abutting properties to the SE, on 11th Street, are single-family residences in the R-10 zone. No development is proposed within close proximity to these properties. The existing mixed-use building sits 2'-3' from the property line and will see no changes in use or development in the area. The commercial pool and spa building abuts another single-family residence and is separated by approximately 25' of outdoor area.

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.

2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.

3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.

4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit

appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

The dining building and outside eating areas proposed with the new development will be located at the NW side of the side and will be buffered from the residential properties along 11th Street by existing buildings and parking. The closest outdoor activity area will be 68' away from the nearest residential property line.

It is not anticipated that site activities will generate noise in excess of Municipal Code limitations. When the project is completed and regular business operations have begun, the Owners will monitor noise levels and will conduct noise studies as requested based on neighbor concerns.

E. Private outdoor area. This section only applies to multifamily projects.

1. In addition to the requirements of residential living, unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet in area;

2. The outdoor space shall be oriented towards the sun where possible; and

3. The area shall be screened or designed to provide privacy for the users of the space.

4. Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.

No multi-family housing is proposed.

F. Shared outdoor recreation areas. This section only applies to multifamily projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

a. Studio up to and including two-bedroom units: 200 square feet per unit.

b. Three or more bedroom units: 300 square feet per unit.

2. The required recreation space may be provided as follows:

a. It may be all outdoor space; or

b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and

c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.

d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the

overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.

3. The shared space shall be readily observable to facilitate crime prevention and safety.

No residential development is proposed.

G. Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas may be defined by:

1. A deck, patio, fence, low wall, hedge, or draping vine;
2. A trellis or arbor;
3. A change in level;
4. A change in the texture of the path material;
5. Sign; or
6. Landscaping.

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

All proposed development will be for general public use. The extent of the site and outdoor activity area will be separated from the public sidewalk by a combination of grade change with guardrail, stairs, trellises, curbs, planter boxes and landscape areas incorporating trees and shrubs.

H. Public transit.

1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:

a. The location of other transit facilities in the area.
b. The size and type of the proposed development.
c. The rough proportionality between the impacts from the development and the required facility.

2. The required facilities shall be limited to such facilities as the following:

a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
b. A turnout area for loading and unloading designed per regional transit agency standards.
c. Hard-surface paths connecting the development to the waiting and boarding areas.
d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multifamily project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.

4. All commercial business centers (over three acres) and multifamily projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multifamily project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.

The proposed site development is not large enough to require a designated transit facility. Connections from the site to the public sidewalk will allow easy access to existing transit stops located within 1-2 blocks of the site.

I. Public facilities. An application may only be approved if adequate public facilities, as defined in CDC 2.030, will be available to provide service to the property prior to occupancy.

1. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Willamette Falls Drive provides an adequate service level for the proposed development.

2. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multifamily, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the appropriate "constrained" cross-section width indicated in the TSP or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(I). Based upon the City Manager's or Manager's designee's determination, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs

shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

Transportation Engineering has determined that no additional dedication or frontage improvements will be required.

3. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 55.130 and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Per the submittals required by CDC 55.130(E), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

Less than 1,000 sf of new impervious area will be created by the proposed development; therefore capture, treatment, detainment and conveyance to the public system will not be required.

Building:	768 sf
Garbage Enclosure:	46 sf
Stair:	56 sf
Total:	870 sf

Existing gravel areas will be replaced with porous pavement in outdoor activity areas. Permeable Pavers and/or Pervious Pavement will comply with City of West Linn standard detail WL-STM001 for Porous Pavement.

4. Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer's satisfaction the availability of sufficient volume, capacity, and pressure to serve the proposed development's domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

Existing water service comes off of 11th Street through a 5/8" meter. This will be replaced with a new 1" meter, adequate to provide service to the Dining building, future Tap Room and all food carts.

5. Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.

Connections from the Dining building, Tap Room and food carts will be made on site to an existing 4" sewer line connecting to Willamette Falls Drive. A grease trap will be provided on site for all new sewer connections prior to connection to the public line.

6. Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.

A new enclosure will be constructed to accommodate garbage and recycling for the proposed Dining room, future Tap Room and food carts. The enclosure will be 14' x 6' to accommodate two 2-4 cubic yard containers for garbage and recycling. The enclosure will be wood framed with interior plywood finish and exterior siding to match the buildings on site. Doors will be sided over a durable metal frame.

J. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.

2. Interior laundry and service areas shall be located in a way that they can be observed by others.

3. Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.

4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.

5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.

8. Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.

The site will provide a safe and defensible space through a variety of amenities, including large window areas on the building facing both street frontages and lighting at pedestrian walkways, stairs activity areas and the garbage/recycling area. In addition, spaced trellises and cable guardrails will allow the site to be visible and open from two streets.

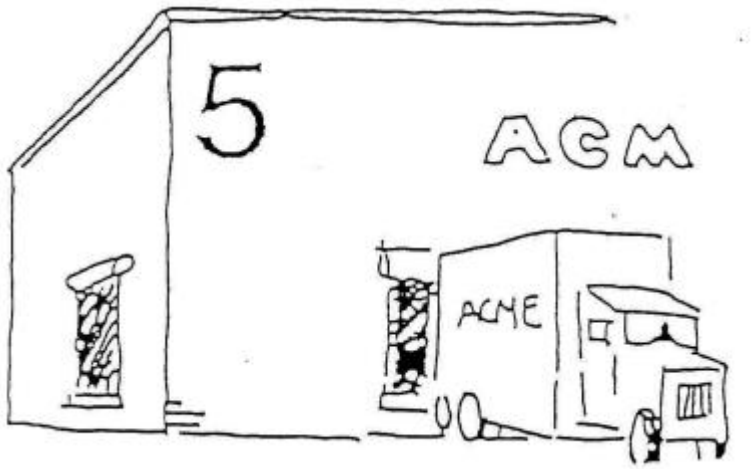
K. Provisions for persons with disabilities.

1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

Both the site and buildings will be fully accessible, including accessways, entrances, seating and bathrooms.

L. Signs.

1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.



buildings shall be numbered for emergency identification

2. The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.

3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.

4. The signs shall not obscure vehicle driver's sight distance.

5. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).

6. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.

Development signage will include a new Dining building mounted sign facing Willamette Falls Drive that will be clearly visible from the street. An additional, smaller sign will be located above the entry door at the Tap Room. Signage will be addressed under a separate, future permit application.

Existing signage for the pool and spa business and DJ's Decking along WFD will remain.

M. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.

New utilities will be provided underground as identified on the Utility Plans.

N. Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 57 CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 57 CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.

No wireless communication facilities are proposed.

O. Refuse and recycling standards.

1. All commercial, industrial and multifamily developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

The new garbage/recycling enclosure provides a concrete slab base a minimum of 4" thick.

3. Recycling and solid waste service areas.

a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.

b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.

c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.

d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.

f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.

g. Recyclable material service areas shall be maintained in a clean and safe condition.

The new garbage/recycling enclosure will be located near the NE property line, directly accessed from the driveway. The enclosure will only contain garbage and recycling containers and will be maintained by the owner.

4. Special wastes or recyclable materials.

a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.

b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

No hazardous waste will be stored or disposed of on site. Cooking oil and grease waste will be stored within individual carts. No cooking will occur withing the Dining Building or Tap Room.

5. Screening and buffering.

a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.

c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.

The enclosure will be wood framed and sided to match the buildings on site. The interior will be finished in plywood for durability. A sided gate with a heavy duty metal frame will be incorporated, providing screening on all four sides. The enclosure will not be immediately adjacent to any residential property and will be further screened by a 6' high solid cedar fence.

6. Litter receptacles.

a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.

b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or their designee.

c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces. (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014; Ord. 1647 § 6, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 8, 2017; Ord. 1675 § 45, 2018; Ord. 1745 § 1 (Exh. A), 2023)

In addition to garbage cans within the Dining building and Tap Room, three outdoor garbage receptacles will be provided in convenient locations distributed throughout the site.

55.110 SITE ANALYSIS

The site analysis shall include:

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The property boundaries, dimensions, and gross area.

2. Contour lines at the following minimum intervals:

a. Two-foot intervals for slopes from zero to 25 percent; and

b. Five- or 10-foot intervals for slopes in excess of 25 percent.

3. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards, including a slope analysis which identifies portions of the site according to the land types (I, II, III and IV) defined in Chapter 02 CDC.

4. The location and width of adjoining streets.

5. The drainage patterns and drainage courses on the site and on adjacent lands.

6. Potential natural hazard areas including:

a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;

b. Water resource areas as defined by Chapter 32 CDC;

c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and

d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.

7. Resource areas including:

a. Wetlands;

b. Riparian corridors;

c. Streams, including intermittent and ephemeral streams;

d. Habitat conservation areas; and

e. Large rock outcroppings.

8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.

9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.

10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014; Ord. 1662 § 9, 2017; Ord. 1745 § 1 (Exh. A), 2023)

An Existing Conditions Map, including all required information, is included with this application.

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.

B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.

C. Streams and stream corridors.

D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.

E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.

F. The location, dimensions and setback distances of all:

1. Existing and proposed structures, improvements, and utility facilities on site; and

2. Existing structures and driveways on adjoining properties.

G. The location and dimensions of:

1. The entrances and exits to the site;

2. The parking and circulation areas;

3. Areas for waste disposal, recycling, loading, and delivery;

4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;

5. On-site outdoor recreation spaces and common areas;

6. All utilities, including stormwater detention and treatment; and

7. Sign locations.

H. The location of areas to be landscaped. (Ord. 1442, 1999; Ord. 1613 § 14, 2013; Ord. 1622 § 28, 2014; Ord. 1636 § 39, 2014; Ord. 1745 § 1 (Exh. A), 2023)

A Site Plan, including all required information, is included with this application.

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a traffic impact analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008; Ord. 1745 § 1 (Exh. A), 2023)

A Traffic Impact Analysis has been prepared and is included in the application.

55.130 GRADING AND DRAINAGE PLANS

The following requirements apply to Type I, II and III lands (refer to definitions in Chapter 02 CDC). A registered civil engineer must prepare a grading plan and a storm detention and treatment plan pursuant to CDC 92.010(E), at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

A. The location and extent to which grading will take place indicating general contour lines consistent with CDC 55.110(B)(2), slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

B. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.

C. There is sufficient factual data to support the conclusions of the plan.

D. Per CDC 99.035, the Planning Director may require the information in subsections A, B and C of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.

E. For Type I, II and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:

1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;

2. Assessment of engineering geological conditions and factors;

3. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and

4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.

F. Identification information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014; Ord. 1662 § 10, 2017; Ord. 1745 § 1 (Exh. A), 2023)

A preliminary Grading Plan is included in this application. Because the new impervious area is less than 1,000 sf, no stormwater treatment or detention is required, so no Stormwater Drainage Plan is provided.

55.140 ARCHITECTURAL DRAWINGS

Architectural drawings shall be submitted showing:

A. Building elevations and sections tied to curb elevation;

B. Building materials: color and type; and

C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013; Ord. 1745 § 1 (Exh. A), 2023)

Architectural drawings are included with this application.

55.150 LANDSCAPE PLAN

A. The landscape plan shall be prepared and shall show the following:

1. *Preliminary underground irrigation system, if proposed;*
2. *The location and height of fences and other buffering of screening materials, if proposed;*
3. *The location of terraces, decks, patios, shelters, and play areas, if proposed;*
4. *The location, size, and species of the existing and proposed plant materials, if proposed; and*
5. *Building and pavement outlines.*

B. The landscape plan shall be accompanied by:

1. *The erosion controls that will be used, if necessary;*
2. *Planting list; and*
3. *Supplemental information as required by the Planning Director or City Arborist. (Ord. 1408, 1998; Ord. 1613 § 17, 2013; Ord. 1745 § 1 (Exh. A), 2023)*

A landscape plan has been completed by a landscape designer and is included with this application.

55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS

A. Applicability. The following exceptions are not available to applicants using the residential/clear and objective Class I or II design review criteria in CDC 55.095 or 55.105. They are only available to applicants for residential development if electing to use the discretionary criteria contained in CDC 55.090 or 55.100.

B. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:

1. *A minor exception that is not greater than 20 percent of the required setback dimension.*
2. *A more efficient use of the site.*
3. *The preservation of natural features that have been incorporated into the overall design of the project.*
4. *No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.*
5. *Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

C. The Planning Director may grant an exception to the off-street parking dimensional requirements in the applicable zone so long as the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home).

D. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met:

1. *The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;*
2. *The exception is necessary for adequate identification of the use on the property; and*
3. *The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.*

E. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:

1. A minor exception that is not greater than 10 percent of the required landscaped area.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse effect to adjoining property. (Ord. 1745 § 1 (Exh. A), 2023; Ord. 1754 § 1 (Exh. A), 2024)

An exception to the landscaping percentage calculation is requested to allow the development area to be utilized to determine the landscape coverage requirement rather than the overall site.

As identified in Chapter 54 – Landscaping, the extent of landscaping in the development area is being significantly increased and achieves the 20% requirement. Due to the extent of existing development on the site, it would not be possible to achieve the landscape coverage requirements for the entire site without significant modifications to existing structures and sitework. Limiting the new landscape areas to the new development area and retaining existing structures, site walls, stairs, arbors and flatwork is efficient and resourceful use of the site. There will be no adverse impacts on the adjoining properties as the site conditions beyond the development area will not change.

55.180 MAINTENANCE

All on-site improvements shall be the ongoing responsibility of the property owner or occupant. (Ord. 1745 § 1 (Exh. A), 2023)

Ongoing maintenance will be performed by the property owner, who will be involved with the management of the site and business.

55.190 SHARED OPEN SPACE

REPEALED BY ORD. 1745.

55.195 ANNEXATION AND STREET LIGHTS

As a condition of approval for design review for any project that is being annexed to the City, the developer and/or homeowners association shall pay for all expenses related to street light energy and maintenance costs until annexed into the City. The approval for any property annexed must state: "This approval is contingent on voter approval of annexation of the subject property." This means that no permit, final plat, or certificate of occupancy may be issued or approved until annexation is complete. (Ord. 1442, 1999; Ord. 1604 § 53, 2011; Ord. 1745 § 1 (Exh. A), 2023)

The property is within the city limits and no annexation is proposed.

Chapter 59
WILLAMETTE NEIGHBORHOOD MIXED USE TRANSITIONAL ZONE

Sections:

59.010 PURPOSE
59.020 PROCEDURES AND APPROVAL PROCESS
59.030 PERMITTED USES
59.040 ACCESSORY USES
59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

59.060 CONDITIONAL USES
59.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
59.080 ADDITIONAL USE REQUIREMENTS
59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

59.010 PURPOSE

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1745 § 1 (Exh. A), 2023)

59.020 PROCEDURES AND APPROVAL PROCESS

A. A use permitted outright, CDC 59.030, is a use that requires no approval under the provisions of this code, except that all uses require design review pursuant to CDC 59.100(13). If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

B. A use permitted under prescribed conditions, CDC 59.050, is a use for which approval will be granted provided all conditions are satisfied, and:

1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and

2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

C. The approval of a conditional use (CDC 59.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.

D. The following code provisions may be applicable in certain situations:

1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
2. Chapter 66 CDC, Non-conforming Structures.
3. Chapter 67 CDC, Non-conforming Uses of Land.
4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
5. Chapter 75 CDC, Variance. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1745 § 1 (Exh. A), 2023)

Eating and drinking establishments are Conditional Uses within the Willamette Neighborhood Mixed Use Transitional Zone.

59.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Single-family attached or detached dwelling;
  a. Duplex residential units;
  b. Triplex residential units;
  c. Quadplex residential units;
2. Manufactured home;
3. Multifamily dwelling;

4. *Townhouse;*
5. *Cottage cluster;*
6. *Common-wall single-family dwellings above a permitted use;*
7. *Residential use of the second floor or a portion of the ground floor of a permitted use;*
8. *Residential home;*
9. *Family day care;*
10. *Bed and breakfast lodging;*
11. *Animal sales and services, grooming;*
12. *Business support services;*
13. *Cultural exhibits and library services;*
14. *General retail services;*
15. *Medical and dental services;*
16. *Personal service facilities;*
17. *Professional and administrative services;*
18. *Transportation facilities (Type I);*
19. *Utility, minor. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1604 § 60, 2011; Ord. 1686 § 3, 2018; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)*

The site currently contains retail, office and residential use of a second floor of a permitted use.

59.040 ACCESSORY USES

1. Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

2. Manufacture or repackaging of goods for on-site sale. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 4, 2018; Ord. 1745 § 1 (Exh. A), 2023)

No approvals of accessory uses are being applied for.

59.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. *Signs, subject to the following provisions:*
   - *a. Wall signs. Shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The 10 percent shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts.*
   - *b. Ground-mounted signs. One ground-mounted sign is permitted in the front yard with a maximum size of 16 square feet, a maximum height of four feet, and a minimum setback of five feet from the right-of-way.*
   - *c. No signs shall be the internally lit "can" type. No backlit signs are permitted. Illumination by spotlight is permitted for either sign type. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques that describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project from the building face.*
   - *d. Temporary signs. Temporary sandwich board signs are permitted without the temporal restrictions of Chapter 52 CDC.*
   - *e. All other provisions of Chapter 52 CDC. Signs are applicable unless they conflict with the provisions of this chapter.*
2. *Temporary use, subject to the provisions of Chapter 35 CDC.*

3. Home occupations, subject to the provisions of Chapter 37 CDC.
4. Consumer repair services, as prescribed with no exterior storage.
5. Animal sales and services: veterinary (small animals), as prescribed with no exterior runs or storage.
6. Financial and insurance, as prescribed with no drive-through service.
7. Building maintenance services, as prescribed with no exterior storage.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1686 § 5, 2018; Ord. 1745 § 1 (Exh. A), 2023)

No uses identified under the listed prescribed conditions are applicable.

59.060 CONDITIONAL USES

Only the following conditional uses are allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses:

1. Certified child care center.
2. Community building.
3. Religious institution.
4. Senior center.
5. Public support and public safety facilities, including public parking lots.
6. Nursery.
7. Parks and open space.
8. Eating and drinking establishments.
9. Food and beverage retail sales.
10. Hotel/motel.
11. Construction sales and services.
12. Parking facilities. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1655 § 6, 2016; Ord. 1675 § 48, 2018; Ord. 1686 § 6, 2018; Ord. 1745 § 1 (Exh. A), 2023)

The proposed mobile food units, Dining building and Tap Room are being submitted for approval under the Conditional Use process.

59.070 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:

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size	4,500 sf	
Maximum lot size	10,000 sf	
Average minimum lot or parcel size for a townhouse project	1,500 sf	Unless defined as an existing lot of record

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum front lot line Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters
Average minimum lot depth	90 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks		Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
Front yard	12 ft	A porch, patio, or pedestrian amenity may be six feet from the front property line.
Maximum	20 ft	
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
Street side yard	12 ft	
Rear yard	20 ft	Where the use abuts a residential district, the setback distance required in the residential district shall apply, and within the setback area a buffer of at least 10 feet of landscaping in addition to a fence is required.
Maximum building height	35 ft or 2 stories above grade, whichever is less	
Maximum building size	6,000 sf	For all floors above grade excluding porches
Maximum floor area ratio	0.40	Maximum FAR does not apply to cottage clusters. Except that the ground floor of the building shall not exceed 5,000 square feet. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum floor area ratio	*0.30*	*The minimum shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.*

B. Design standards. All uses in the mixed-use zone shall comply with the provisions of Chapter 55 CDC, except for CDC 55.100(B)(7)(a), (b), (c), (h), (i), and (j); or CDC 55.105(F)(1), as applicable. Further, single-family residential uses, townhouses, manufactured homes, and cottage clusters shall also comply with the Class I design review standards. In addition, the design standards described below apply to all uses.

1. Each building shall include a single-story porch on the front, and on the side where it abuts a street. The porch shall have a minimum area of 25 square feet, with a minimum depth of five feet.

2. New sidewalk construction shall be allowed to match the historical sidewalk standards in this zone.

3. Off-street parking shall not be located between the building and a public or private street, except alleys; parking areas shall be located behind, under, or on the side of the building.

4. Garages shall not extend any closer to the street than the street-facing facade of the building.

5. There shall be no illuminated outdoor advertising on accessory buildings, equipment, or vending machines

6. These design standards, subsections (B)(1) through (5) of this section, shall not apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these design standards. However, attempts shall be made to make the design sympathetic to surrounding properties through compatible architecture, enhanced landscaping, setbacks, buffers, and other reasonable means. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1675 § 50, 2018; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)

The site area is 23,324 sf with a 159' frontage on WFD and a 114' frontage on 11th Street. The proposed Dining building has a front setback of 17'-6" from WFD and a side setback from 11th Street of 14'-3". The rear setback is 65' and the interior side yard is 120'-6". The new building has a height of 17'.

Building Area Summary:

Proposed Dining Building:	768 sf	
Existing Mixed Use Building:	2,646 sf	
Existing Retail Building:	2,234 sf	
Total:	5,649 sf	(FAR = .24)

Maximum allowed building area is 6,000 sf and maximum allowed floor area ratio is 0.40.

59.080 ADDITIONAL USE REQUIREMENTS

In addition to all other provisions of this section, the following additional requirements may apply:

A. Permitted commercial and other non-residential uses may only be open from 6:00 a.m. to 10:00 p.m. and are subject to the noise provisions of Chapter 55 CDC.

B. Exterior business activity shall not take place beyond the rear wall of the building when the subject property abuts a residential district, except for parking and refuse storage. Refuse storage must be

buffered or enclosed and may not abut a property line that adjoins a residential zone. (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1614 § 11, 2013; Ord. 1745 § 1 (Exh. A), 2023)

Hours of operation for the business will be 11 am to 8 pm Monday through Thursday and 11 am to 10 pm on Fridays and Saturdays. No outside activity will be located on the back side of the buildings on the side abutting the residential zone.

59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1515, 2005; Ord. 1547, 2007; Ord. 1636 § 42, 2014; Ord. 1745 § 1 (Exh. A), 2023)

Dimensional requirements for allowed uses within the zone have been complied with.

59.100 OTHER APPLICABLE DEVELOPMENT STANDARDS

The following standards apply to all development including permitted uses:

1. *Chapter 28 CDC, Willamette and Tualatin River Protection.*
2. *Chapter 36 CDC, Manufactured Homes.*
3. *Chapter 32 CDC, Water Resource Area Protection.*
4. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*
5. *Chapter 35 CDC, Temporary Structures and Uses.*
6. *Chapter 37 CDC, Home Occupations.*
7. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*
8. *Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.*
9. *Chapter 42 CDC, Clear Vision Areas.*
10. *Chapter 44 CDC, Fences.*
11. *Chapter 48 CDC, Access, Egress and Circulation.*
12. *Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas, except for the provisions of CDC 46.140, apply to all uses.*
13. *Chapter 55 CDC, Design Review.*
14. *Chapter 54 CDC, Landscaping.*
15. *Chapter 53 CDC, Sidewalk Use. (Ord. 1547, 2007; Ord. 1614 § 12, 2013; Ord. 1675 § 49, 2018; Ord. 1745 § 1 (Exh. A), 2023)*

All applicable chapters of the CDC have been identified and addressed within this submittal.

Chapter 60
CONDITIONAL USES

Sections:

60.010 PURPOSE
60.030 ADMINISTRATION AND APPROVAL PROCESS
60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL
60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE
60.060 APPLICATION
60.070 APPROVAL STANDARDS AND CONDITIONS
60.080 SITE PLAN AND MAP
60.090 ADDITIONAL CRITERIA FOR TRANSPORTATION FACILITIES (TYPE II)

60.100 ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES

60.010 PURPOSE

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1745 § 1 (Exh. A), 2023)

60.030 ADMINISTRATION AND APPROVAL PROCESS

A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).

B. All approved conditional use applications in new buildings, or buildings with a major modification, shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).

1. Except where stated otherwise in the base zone requirements of other applicable development standards.

C. All approved conditional use applications within existing buildings shall not be subject to design review. (Ord. 1635 § 28, 2014; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)

Conditional Use and Design Review are being applied for.

60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL

Approval of a conditional use that required a design review shall be subject to the time limitations set forth in CDC 55.040. Approval of a conditional use that did not require design review shall be void unless either the use is commenced or an extension is granted per CDC 99.325 within three years of the approval. (Ord. 1408, 1998; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1604 § 61, 2011; Ord. 1745 § 1 (Exh. A), 2023)

Development is anticipated to begin upon receipt of CU/DR and building permit approval. It is understood that there is a three year limitation prior to the need for an extension request.

60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE

Building permits for all or any portion of a conditional use shall be issued only on the basis of the conditional use plan and conditions as approved by the Planning Commission. (Ord. 1622 § 21, 2014; Ord. 1745 § 1 (Exh. A), 2023)

Building permits will be obtained prior to the start of construction.

60.060 APPLICATION

A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.

B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

C. A prerequisite to the filing of an application is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.

D. An application for a conditional use shall include the completed application form and:

1. A narrative which addresses the approval criteria set forth in CDC 60.070 and which sustains the applicant's burden of proof;
2. A site plan as provided by CDC 60.080; and

3. If site modification or construction is proposed, a storm detention and treatment plan and narrative pursuant to CDC 92.010(E).

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

E. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1621 § 25, 2014; Ord. 1622 § 16, 2014; Ord. 1662 § 13, 2017; Ord. 1745 § 1 (Exh. A), 2023)

The application is being submitted by the property owner. A pre-application conference was held on 1/16/25 and proposed development information was presented to the Neighborhood meeting on June 11, 2025.

60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:
   a. Adequate area for the needs of the proposed use; and
   b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

The site is sized to accommodate the proposed use and satisfies the dimensional requirements of the zone. A dining and drinking venue is compatible with other commercial uses on the adjacent property and along Willamette Falls Drive. The existing mixed use and commercial building on site are compatible in size and aesthetic to the adjacent residential properties on 11th Street and do not generate noise or involve outdoor activities that would be detrimental to the residential uses. The outdoor activities proposed with the new development will be limited to the commercial frontage of WFD and a small portion of 11th Street near other commercial uses.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

The open area of the site along WFD will provide a good location for the food carts, Dining building and future Tap Room, providing good access and visibility from WFD. The existing mixed use and commercial building will provide a sound and activity buffer to adjacent residential properties.

3. The granting of the proposal will produce a facility that provides an overall benefit to the City.

The development will provide an active and inviting pedestrian based environment at the north entrance to the Willamette Neighborhood. The site is currently underutilized with parking, driveways and a large, open gravel area. The provision of the small Dining building will allow the business to be a year-round venue, with the future Tap Room expanding the eating and drinking options throughout the year.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Based on the pre-application meeting and subsequent conversations with City of West Linn Engineering, public utilities are available and may be utilized with standard site upgrades. Street frontages will not require additional improvements or dedications.

5. The applicable requirements of the zone are met, except as modified by this chapter.

The requirements of the zone are met as documented in Chapter 59.

6. The supplementary requirements set forth in Chapters 52 to 55 CDC and CDC 92.010(E) are met, if applicable.

Applicable requirements of Chapters 52 – 55 are addressed on those chapters.

7. The use will comply with the applicable policies of the Comprehensive Plan.

The development would support and enhance multiple objectives of the Comprehensive Plan, including the provision of recreational activities, economic development and urbanization.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55 CDC.

The proposed development will be a new Conditional Use review and permit. Design Review is being applied for as part of this application.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place, and manner of operation.
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
3. Requiring additional setback areas, lot area, or lot depth, or width.
4. Limiting the building height, size or lot coverage, or location on the site.
5. Designating the size, number, location and design of vehicle access points.
6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.
7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.
8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.
9. Limiting the number, size, location, height, and lighting of signs.
10. Limiting or setting standards for the location and intensity of outdoor lighting.

11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.
12. Requiring and designating the size, height, location, and materials for fences.
13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

The owner will work with the city with any potential conditions that may be deemed necessary or beneficial.

D. Aggregate extraction uses shall also be subject to the provisions of ORS 541.605.

No aggregate extraction use is proposed.

E. The Historic Review Board shall review an application for a conditional use, or to enlarge a conditional use on a property designated as a historic resource, based on findings of fact that the use will:

1. Preserve or improve a historic resource which would probably not be preserved or improved otherwise; and
2. Utilize existing structures rather than new structures. (Ord. 1291, 1987; Ord. 1408, 1998; Ord. 1544, 2007; Ord. 1614 § 13, 2013; Ord. 1655 § 7, 2016; Ord. 1662 § 14, 2017; Ord. 1745 § 1 (Exh. A), 2023)

The property does not contain any historic resources and is not subject to Historic Review.

60.080 SITE PLAN AND MAP

A. All site plans and maps shall include the name, address, and telephone number of the applicant, the scale of the site plan, north arrow, and a vicinity map.

B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which contains the following information:

1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
2. The lot or parcel boundaries, dimensions, and gross area.
3. The applicant's property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development to the adjacent property and development.
4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
5. The location, dimensions, and setback distances of all:
   a. Existing structures, improvements, utilities, and drainage facilities on adjoining properties;
   b. Existing structures, improvements, utilities, and drainage facilities to remain on the site; and
   c. Proposed structures or changes to existing structures, improvements, utilities, and drainage facilities.
6. The existing and proposed dimensions of:
   a. The entrances and exits to the site;
   b. The parking and circulation areas;
   c. Loading and service areas for waste disposal, loading and delivery;
   d. Pedestrian and bicycle circulation area;

e. On-site outdoor recreation spaces and common areas; and
f. Above-ground utilities.

7. The location of areas to be landscaped and the proposed landscape plan.
8. The location of all trees having a six-inch caliper at a height of five feet.

C. The applicant shall submit the site plan on a map showing two-foot contours up to 20 percent grade and 10-foot contours on grades above 20 percent. (Ord. 1636 § 43, 2014; Ord. 1745 § 1 (Exh. A), 2023)

A Site Plan, including all required information, is included with this application.

60.090 ADDITIONAL CRITERIA FOR TRANSPORTATION FACILITIES (TYPE II)

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted West Linn Transportation System Plan ("TSP") or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the conditional use and all other applicable provisions of the CDC and satisfaction of all of the following criteria:

1. The project and its design are consistent with West Linn's adopted TSP, with the State Transportation Planning Rule (OAR 660-012), and with the adopted Regional Transportation Plan (RTP).
2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.
4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this chapter, and the TSP.

B. State transportation system facility or improvement projects. The State Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in subsections (A)(1) through (5) of this section. Where applicable, an environmental impact statement or environmental assessment may be used to address one or more of these criteria.

C. Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. (Ord. 1584, 2008; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1745 § 1 (Exh. A), 2023)

60.100 ADDITIONAL CRITERIA FOR SCHOOLS AND OTHER GOVERNMENT FACILITIES

Schools and other government facilities that attract a regular and significant volume of users shall, to the greatest extent possible, be centrally located relative to the majority of the population that they will serve and be serviceable by sidewalks and bike routes/lanes. Police and fire stations shall meet these standards to the greatest extent possible but it is acknowledged that access to arterials remains a key locational determinant for those uses. (Ord. 1590 § 1, 2009; Ord. 1745 § 1 (Exh. A), 2023)

No road modifications or transportation facilities are proposed.

Chapter 99
PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

Sections:

99.010 PURPOSE
99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES
99.033 FEES
99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED
99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
99.040 DUTIES OF DIRECTOR
99.060 APPROVAL AUTHORITY
99.070 CONSOLIDATION OF PROCEEDINGS
99.080 NOTICE
99.090 CONTENTS OF NOTICE
99.100 MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE
99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY
99.120 AMENDMENTS
99.125 STAGED OR PHASED DEVELOPMENT
99.130 NOTICE OF FINAL DECISION
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99.170 HEARING PROCEDURES
99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION
99.190 CONTINUATION OF HEARING – NOTICE
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99.270 CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING
99.280 TYPE OF APPEAL HEARING AND SCOPE OF REVIEW
99.290 ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION
99.300 PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING
99.320 DENIAL OF APPLICATION – RESUBMITTAL
99.325 EXTENSIONS OF APPROVAL
99.330 REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

99.010 PURPOSE

The purpose of this chapter is to establish procedures applicable to the Community Development Code for the consideration of development applications, for the consideration of quasi-judicial Comprehensive Plan amendments, and for the consideration of appeals or petitions for review of decisions. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

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

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:

a. The owner of the property that is the subject of the application or the owner's duly authorized representative;

b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;

c. A lessee in possession of such property who submits written consent of the owner to make such application; or

d. Motion by the Planning Commission or City Council.

2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

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:

a. Boundary changes, per Chapter 81 CDC;

b. Amendments to the Comprehensive Plan;

c. Amendments to the Zoning Map;

d. Conditional uses;

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

f. Historic Design Review (Class II);

g. Designation of a historic resource or removal of a historic resource designation;

h. Demolition of a historic resource;

i. Relocation of a historic resource;

j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;

k. Minor partitions;

l. Land divisions;

m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;

n. Planned unit developments;

o. Class II variances;

p. Development subject to Chapter 32 CDC, Water Resource Area Protection;

q. Development subject to Chapter 27 CDC, Flood Management Areas;

r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;

s. Right-of-way and easement vacations; and

t. Extensions of approval with modifications to original approval.

2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, Pre-Application Conference:

a. Signs;

b. Home occupations;

c. Temporary use permits;

d. Sidewalk uses;

e. Final plats;

f. Property line adjustments;

g. Re-vegetation plans;

h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District;

i. Appeals of land use decisions;

j. Extensions of approval with no modification to original approval; and

k. Class I variances.

3. The Planning Director shall have the authority to require a preapplication conference prior to the submittal of any application that is not listed in subsection (B)(1) of this section if they determine that the potential development is of significant complexity or magnitude to merit a preapplication conference.

4. The Planning Director may waive the requirement for a pre-application conference for any application if they determine that such a conference is not warranted. Upon making such a determination, the Planning Director shall provide written notification (i.e., e-mail or letter) to the Planning Commission and applicable neighborhood association.

5. At such conference, the Planning Director or designee shall:

a. Cite the Comprehensive Plan map designation;

b. Cite the applicable substantive and procedural ordinance provisions;

c. Provide technical data and assistance which will aid the applicant;

d. Identify other policies and regulations that relate to the application;

e. Identify other pertinent factors that relate to the application; and

f. Provide the applicant with a written description of all rights for appeal and provide access to all administrative procedures.

6. The failure of the Director to provide any of the information required by this section shall not constitute a waiver of the standards, criteria, or requirements of the application.

7. At least 10 days prior to the scheduled date of the conference, the City shall make the pre-application conference schedule available to the public. Within 10 days following the conference, the City shall make staff-prepared written notes summarizing the contents of the meeting available to the public. Failure to comply with this section due to technical or administrative problems is not a procedural defect entitling any party to a delay in the hearing process.

8. The Planning Director shall prepare administrative procedures designed to allow citizens to attend and participate in pre-application conferences for applications. Lack of neighborhood association participation in a pre-application conference is not a procedural defect entitling any party to a delay in the hearing process.

9. If the applicant is not the owner of the subject property, the applicant shall provide written evidence that the owner has consented to the pre-application conference prior to it being scheduled.

C. The requirements for making an application.

1. The application shall be made on forms provided by the Director as provided by CDC 99.040(A)(1);

2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application materials shall be returned to the applicant, notwithstanding any determination of completeness. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1599 § 6, 2011; Ord. 1614 § 14, 2013; Ord. 1622 § 30, 3014; Ord. 1635 § 36, 2014; Ord. 1636 § 60, 2014; Ord. 1638 § 3, 2015; Ord. 1675 § 55, 2018; Ord. 1745 § 1 (Exh. A), 2023)

This application is being submitted by the property owner. A pre-application conference was conducted on 1/16/25.

99.033 FEES

The Council shall adopt a schedule of fees reasonably calculated to defray the expenses of the administrative process. The Council may establish either a set fee or a deposit system in which the applicant pays a deposit and the City determines the total administrative cost at the end of the process and refunds any unused amount of the deposit to the applicant. No additional deposit shall be required for additional costs that are incurred because the matter is referred to or called up by a higher decision-making authority. The Council shall charge no fees for City-initiated land use applications or appeals filed by a recognized neighborhood association pursuant to the provisions of CDC 99.240. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1604 § 70, 2011; Ord. 1745 § 1 (Exh. A), 2023)

Fees will be paid by the owner when requested by the city.

99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED

A. The Planning Director may require information in addition to that required by a specific chapter in the Community Development Code; provided, that:

1. The chapter expressly authorizes that additional information may be required;

2. The information is needed to properly evaluate the proposed site plan or proposal;

3. The requirement for additional information is communicated to the applicant during the pre-application conference or prior to application submittal; and

4. The need can be justified on the basis of a special or unforeseen circumstance.

B. The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard subject to the provisions of subsection C of this section provided:

1. The Planning Director finds that specific information is not necessary to properly evaluate the application; or

2. The Planning Director finds that a specific approval standard is not applicable to the application.

C. Where a requirement is waived, the Planning Director shall cite in the staff report on the application the specific requirements waived and the reasons for the waiver. The decision of the Planning Director to waive the requirement is subject to review and denial by the approval authority or the appeal authority. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

Additional information will be provided as requested.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multifamily project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

A. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and

recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

B. The applicant shall contact by letter all recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development and all property owners within 500 feet of the site.

C. The letter shall be sent to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail. The meeting shall be scheduled at the association's regularly scheduled monthly meeting, or at another time at the discretion of the association, and not less than 20 days from the date of mailing of the notice. If the meeting is scheduled as part of the association's regular monthly meeting, the letter shall explain that the proposal may not be the only topic of discussion on the meeting agenda. The letter shall encourage concerned citizens to contact their association president, or their association designee, with any questions that they may want to relay to the applicant.

Neighborhood contact shall be initiated by the applicant by mailing the association president, and to one designee as submitted to the City by the neighborhood association, a letter, return receipt requested, formally requesting, within 60 days, a date and location to have their required neighborhood meeting. The 60 days shall be calculated from the date that the applicant mails this letter to the association. If the neighborhood association does not want to meet within the 60-day timeframe, or if there is no neighborhood association, the applicant shall hold a public meeting during the evening after 6:00 p.m., or on the weekend no less than 20 days from the date of mailing of the notice. All meetings shall be held at a location open to the public within the boundaries of the association or at a public facility within the City of West Linn. If the meeting is held at a business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

D. On the same date the letters described in subsections A through C of this section are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right-of-way. If the site is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street. The sign notice shall be at least 11 inches by 17 inches in size on durable material and in clear, legible writing. The notice shall state that the site may be subject to a proposed development (e.g., subdivision, variance, conditional use) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

1. *A copy of the certified letter to the neighborhood association with a copy of return receipt;*
2. *A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;*
3. *A copy of the required posted notice, along with an affidavit of posting;*
4. *A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of*

the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;

5. An audiotape of the meeting; and

6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section.

(Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 23, 2013; Ord. 1635 § 37, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The project was presented to the Willamette Neighborhood Association on June 11, 2025. Copies of letters, letter certification, sign posting affidavit and meeting minutes are included with this application. A link to the audio recording of the Neighborhood Meeting is below:

https://drive.google.com/file/d/1rimGtWlkuI9ouhsQm_4VwTn8nIFHH3OD/view?usp=sharing

99.040 DUTIES OF DIRECTOR

A. The Director shall:

1. Prepare application forms made pursuant to the standards contained in the applicable State law, Comprehensive Plan and implementing ordinance provisions;

2. Accept all development applications that comply with the provisions of CDC 99.030;

3. After accepting an application pursuant to this chapter:

a. Determine whether an application is complete, and comply with State statutes governing the completeness determination for applications. The determination of the Director is subject to review by the approval authority in its deliberation on the application;

b. Give notice as provided by CDC 99.080 and 99.090;

c. Prepare a staff report which shall include findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections as presented in the application, and whether or not the criteria can be met with conditions;

d. Make the application, all documents or evidence relied upon by the applicant and applicable criteria available at least 20 days prior to the hearing or date of the Director's decision. Make the staff report available at least 10 days prior to the scheduled date of the public hearing(s);

e. Act on the development application pursuant to CDC 99.060(A) and 99.160 or cause a hearing to be held pursuant to CDC 99.060(B) through (D) and CDC 99.170 through 99.230, unless the applicant has requested or consented to a delay;

4. Administer the hearings process pursuant to CDC 99.170 through 99.230;

5. Maintain a register of all applications that have been filed for a decision. The register shall at all times identify at what stage the application is in the process. The register shall be posted on the City website unless technical problems prevent this;

6. File notice of the final decision in the records of the Community Development Department and mail a copy of the notice of the final decision to the applicant and all parties with standing. The notice of the final decision shall contain the information set forth under CDC 99.130(B);

7. Maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given pursuant to CDC 99.080 and the accompanying affidavits; the application and all supporting information; the staff report; the final

decision including the findings, conclusions, and conditions, if any; all correspondence; the minutes of any meetings at which the application was considered; and any other exhibit(s), information, or documentation which was considered by the hearing body with respect to the application; and

8. Administer the appeals and review process pursuant to CDC 99.240 through 99.320. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1621 § 25, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The duties of the Director are understood.

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

A. Planning Director authority. The Planning Director, or designee, shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:

a. A temporary use or structure application for a period no more than 120 days, including all extensions (Chapter 35 CDC), and not associated with another land use approval.

b. A home occupation application (Chapter 37 CDC).

c. Access restrictions (Chapter 48 CDC).

d. A minor partition (Chapter 85 CDC).

e. A final subdivision plat (Chapter 89 CDC).

f. A final partition plat (Chapter 89 CDC).

g. A lot line adjustment (Chapter 85 CDC).

h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).

i. Decide applications for a determination of unlisted parking requirements (Chapter 46 CDC).

j. Repealed by Ord. 1735.

k. Parks Design Review, Class I (Chapter 56 CDC).

l. Design Review, Class I (Chapter 55 CDC).

m. A sign application (Chapter 52 CDC).

n. Sidewalk use permit (Chapter 53 CDC).

o. Flood management area permit (Chapter 27 CDC).

p. Repealed by Ord. 1622.

q. Tualatin River protection permit (Chapter 28 CDC).

r. Water resource area permit (Chapter 32 CDC).

s. Class I variance (Chapter 75 CDC).

t. Willamette River Greenway Permit (Chapter 28 CDC).

u. Extension of approval without modifications.

v. Extension of approval with proposed modifications when the Planning Director acted as the initial decision-making authority.

w. Class I Historic Design Review (Chapter 25 CDC).

x. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25 CDC).

y. Expedited land division.

z. Middle housing land division.

2. Approve a use permitted under prescribed conditions provided all of the conditions are satisfied.

3. Make initial interpretations of the provisions of the code.

4. Make the initial determination regarding the status of the following:

a. Non-conforming structure (Chapter 66 CDC).

b. Non-conforming structure involving a non-conforming use (Chapter 65 CDC).

c. Non-conforming use of land (Chapter 67 CDC).

B. Planning Commission authority. The Planning Commission shall have the authority to:

1. Make a recommendation to approve, deny, or approve with conditions to the Council:

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).

b. A quasi-judicial zone change application pursuant to Chapter 105 CDC, excluding applications requesting the designation or removal of a designation for a historic resource.

2. Approve, deny, or approve with conditions the following applications:

a. A temporary use or structure application (Chapter 35 CDC) for a minimum of 121 days to no more than one year, or an application associated with another land use approval.

b. A conditional use (Chapter 60 CDC).

c. Enlargement of a non-conforming use or alteration for a structure containing a non-conforming use (Chapter 66 CDC).

d. Enlargement or alteration of a non-single-family residential non-conforming use (Chapter 66 CDC).

e. Class II variance or special waiver (Chapter 75 CDC).

f. Subdivision (Chapter 85 CDC).

g. Planned unit development (Chapter 24 CDC).

h. Design review, Class II (Chapter 55 CDC).

i. Parks design review, Class II (Chapter 56 CDC).

j. Any matter not specifically assigned to another approval authority.

k. Extension of approval with proposed modifications when the Planning Commission acted as the initial decision-making authority.

3. Revoke or modify an approval as provided by CDC 99.330 for any application approved by the Planning Commission or Planning Director.

4. Make an unlisted use determination.

5. An appeal of the Planning Director's interpretation of the code pursuant to CDC 01.060.

C. City Council authority. The Council shall have the authority to:

1. Approve, deny, or approve with conditions applications for the following development applications:

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).

b. A quasi-judicial zone change application pursuant to Chapter 105 CDC.

c. Boundary change proposals (Chapter 81 CDC).

2. Consider an appeal or review of a decision made by the Planning Director under the provisions of CDC 99.240(A) and 99.080(B).

3. Consider an appeal or review of a decision made by the Planning Commission or Historic Review Board, whether on the Council's own motion, or otherwise as provided by CDC 99.240.

4. Decide an appeal of the Director's interpretation of zoning boundaries as provided by CDC 05.040.

5. Revoke or modify an approval as provided by CDC 99.330 for any application approved by the City Council, including an application approved by the City Council on appeal from another City decision-making authority.

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with Chapters 25 and 58 CDC, as applicable. The Historic Review Board shall have the authority to:

1. Approve, deny, or approve with conditions an application regarding the following:

a. Class II Historic Design Review;

b. A demolition permit for a historic landmark or primary contributing structure within a historic district;

c. Relocation of a historic resource;

d. Revocation or modification of an approval as provided by CDC 99.330 for any application approved by the Historic Review Board; and

e. Extension of an approval with proposed modifications when the Historic Review Board acted as the initial decision-making authority.

2. Make recommendations to the approval authority specified in this section regarding the following:

a. Designation of a historic resource;

b. Removal of historic resource designation;

c. Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;

d. New construction within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;

e. A partition or subdivision of property containing a historic resource;

f. Conditional use of property containing a historic resource.

E. Referee.

1. Approve, deny, or approve with conditions the following applications:

a. Appeal of an expedited land division per ORS 197.375.

b. Appeal of a middle housing land division per ORS 197.375. (Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1474, 2001; Ord. 1510, 2004; Ord. 1525, 2005; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1597 §§ 17, 18, 2010; Ord. 1613 § 24, 2013; Ord. 1614 § 15, 2013; Ord. 1622 §§ 9, 28, 2014; Ord. 1635 § 38, 2014; Ord. 1638 § 3, 2015; Ord. 1655 § 9, 2016; Ord. 1735 § 5 (Exh. D), 2022; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1755 § 1 (Exh. A), 2024)

The chain of authority is understood.

99.070 CONSOLIDATION OF PROCEEDINGS

A. When an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC 99.060, in the following order of preference: City Council, Planning Commission or Historic Review Board, or the Planning Director.

1. However, expedited land division applications shall be processed as described in Chapter 197 ORS, regardless of the number of approvals requested.

B. When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow decisions within the Director's authority to precede the subsequent decision required for review by the decision-making body. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1635 § 39, 2014; Ord. 1745 § 1 (Exh. A), 2023)

This application is for both Conditional Use and Design Review. Consolidation of the review process is understood and accepted.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:

a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.

b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.

c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.

d. The affected recognized neighborhood association or citizens advisory committee.

e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.

3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated. If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.

4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.

5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

6. At the conclusion of the land use action the signs shall be removed.

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.

4. At the conclusion of the land use action the signs shall be removed.

C. Notice for expedited and division applicants shall comply with the requirements of Chapter 197 ORS.

D. Notice for a boundary change application shall comply with the requirements of ORS 197.763, Chapter 222 ORS, and the Metro Code.

E. Table of notices. The following notice summary identifies the appropriate type of notice for the various land use applications of CDC 99.060:

Land Use Action	Type of Notice
Amendment or Modification of Application or Permit	Same as original application
Appeal or Review of Decision	A
Appeal of Expedited Land Division or Middle Housing Land Division	Per State statute requirements
Boundary Change	Special
Code Interpretation	Notice to parties requesting the interpretation
Comprehensive Plan:	
Map Amendment	A
Plan/Code Text Amendment (Legislative Action)	A***
Conditional Use	A
Design Review:	
Class I	B
Class II	A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-conforming Use/Structure:	
Commercial or Industrial	A
Single-Family Residential	B
Erosion and Sediment Control Permit	No Notice
Expedited Land Division	per State statute requirements
Extension of Approval – No Modification	B
Extensions of Approval – Proposed Modification	Same notice as original application
Flood Management Area	B**
Final Plat and Partition Plat	No Notice
Historic Resources:	
Class I Historic Design Review	B
Class II Historic Design Review	B
Designation or Removal of Historic Resource Designation	A
Demolition	A
Relocation	B

Land Use Action	Type of Notice
Home Occupation	*No Notice*
Minor Partition	*A*
Planned Unit Development	*A*
Property Line Adjustment	*No Notice*
Revocation of Approval	*A*
Sidewalk Use Permit	*No Notice*
Sign Permit	*No Notice*
Subdivision	*A*
Temporary Use Permit:	
60 days or less; 60-day extension	*No Notice*
Over 60 days, up to 1 year	*A*
Tualatin River Setback:	
Uses permitted outright and not subject to design review	*No Notice*
Uses permitted outright and subject to design review	*B*
Uses requiring conditional use permit and design review	*A*
Street Vacations	*(per State statute requirements)*
Variances:	
Class I (involves a small change with minor or no effect)	*B*
Class II (involves a significant change from code requirements)	*A*
Water Resource Area Permit (NDW)	*A***
Willamette River Greenway:	
Development Permit	*A***
Uses requiring conditional use permit and design review	*A***
Zone Change	*A*

***Plus COE/DSL is notified*
****Plus DLCD notice*
(Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1613 § 25, 2013; Ord. 1614 § 16, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 40, 2014; Ord. 1636 § 61, 2014; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1755 § 1 (Exh. A), 2024)
It is understood that a Class A notification will be provided.

99.090 CONTENTS OF NOTICE

A. Notices mailed pursuant to this code shall comply with applicable provisions of the Oregon Revised Statutes (ORS). Except for expedited land division review, for which Chapter 197 ORS shall apply, notice given to persons entitled to mailed or published notice pursuant to CDC 99.060 shall:

1. Explain the type of application and what proposed uses could be authorized.

2. List the applicable criteria from the ordinance and plan.

3. Set forth street address (if existing) and other easily understood geographical reference of the subject property.

4. State the date, time, and location of hearing or, for the Planning Director's decisions, the earliest date upon which the Director will make a decision.

5. State that 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 LUBA on that issue.

6. Include the name of government contact and phone number.

7. State that the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and copies at reasonable cost.

8. State that a copy of the staff report will be available for inspection at no cost at least 10 days prior to the hearing, and copies at reasonable cost.

9. A statement that public and written testimony are invited, and including a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. In addition to the ORS requirements, the notice shall identify the following:

1. The type of land use action proposed (e.g., "four-lot subdivision").

2. Community Development Department file number. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1621 § 25, 2014; Ord. 1745 § 1 (Exh. A), 2023)

Contents of notice are accepted.

99.100 MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE

A. The notification list used for giving notice required by this code under CDC 99.080 shall be compiled from the most recent property tax assessment roll.

B. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.

C. Personal notice is deemed given when the notice is deposited with the United States Postal Service. Published notice is deemed given on the date it is published.

D. In computing the length of time that notice was given, the first date notice is given shall be excluded and the day of the hearing or decision by the Director shall be included. (Ord. 1401, 1997; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

Mechanics of giving and receiving notice are accepted.

99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The applicable standards of any provision of this code or other applicable implementing ordinance.

B. Consideration may also be given to:

1. A mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application; and

2. Factual oral testimony or written statements from the parties, neighborhood plans, other persons and other governmental agencies relevant to the existing conditions or factors in subsection A or (B)(1) of this section.

C. In all cases, the decision shall include a statement in a form which includes findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections.

D. The approval authority may:

1. Adopt the findings and conclusions contained in the staff report;

2. Adopt the findings and conclusions of a lower approval authority;

3. Adopt its own findings and conclusions;

4. Adopt the findings and conclusions submitted by any party; or

5. Adopt the findings and conclusions from another source, either with or without modifications, having made a tentative decision and having directed the staff to prepare findings for review and to provide an opportunity for all parties to comment upon them.

E. The decision may be for denial, approval, or approval with conditions, pursuant to CDC 99.160 and 99.170, where such conditions are necessary to satisfy the applicable standards of any provision of this code or other applicable implementing ordinance.

F. The final decision shall be a decision which is in writing and which has been:

1. Formally adopted by the decision-making authority and filed with the Director within 14 working days of the formal adoption of the decision; or

2. Signed by the Director in the case of a decision by the Director and filed as a final decision within 14 working days of the signed decision; or

3. Formally adopted by the Council and signed by the Mayor or the president of the Council in the case of an appeal. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The decision-making process is accepted.

99.120 AMENDMENTS

This section explains how amendments to projects subject to the quasi-judicial decision making process are processed.

A. An amendment application shall be required if the Planning Director determines that the proposed revisions will change the project by a factor greater than 10 percent in a quantifiable manner (e.g., number of proposed lots, square footage of proposed buildings, relocation of building footprints). Non-quantifiable changes shall also require an amendment if they result in significant differences between the approved project and the revised project, or if the changes call into question compliance with a relevant approval criterion.

B. Amendments shall be reviewed by the initial decision-making authority. For example, if the Planning Commission heard the application initially, then it would hear the amendment application.

C. Rather than provide full submittal, the Planning Director shall identify the parameters of the submittal appropriate to the amendment and applicable approval criteria. For example, if the applicant only requests to redesign the architecture of a building, but not increase square footage or building mass, then the submittal of a site plan, architectural elevations, material/color board, and narrative specific to the architecture and relevant design review approval criteria would be appropriate. Conversely, no new landscaping, grading plans, etc., would be necessary since no changes are proposed for those items. The submittal should be comprehensive and sufficient to provide the decision-making authority with all necessary information while not being redundant and requiring information which is already part of the record of the original application.

D. If the proposed revisions will change the project by a factor greater than 25 percent in a quantifiable manner, or if the land area upon which the project is proposed changes, then a new application shall be required. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1754 § 1 (Exh. A), 2024)

The requirements for potential amendments is understood.

99.125 STAGED OR PHASED DEVELOPMENT

An applicant may elect to develop a proposed project in phases. The timing of each development phase shall be set forth in the application and subject to approval by the appropriate approval authority. Each phase shall meet all applicable development standards individually (e.g., access, parking, landscaping, utilities, etc.) without having to rely upon subsequent phases. Each phase shall also install all necessary improvements to serve the development within that phase. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The proposed development includes a future phase to include the Tap Room. The timing of this future phase is addressed in the Project Description portion of the narrative. This development will include all applicable standards and requirements.

99.130 NOTICE OF FINAL DECISION

A. The final decision by the Planning Director shall be filed in the records of the Community Development Department after the decision is signed by the Planning Director, and notice thereof shall be mailed to the applicant, all parties to the matter as established under CDC 99.140, and those persons who requested copies of such notice.

B. The final decision by the Planning Commission, Historic Review Board, or City Council shall be filed in the records of the Community Development Department, and notice thereof shall be mailed to the applicant, all parties to the matter as established under CDC 99.140, and those people requesting copies of such notice.

C. Notice of a final decision shall conform to applicable provisions of the Oregon Revised Statutes.

D. The appeal period is as provided in CDC 99.230. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1621 § 25, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The issuance of the final decision is understood.

99.140 ESTABLISHING STANDING TO APPEAL

A. Any person or recognized neighborhood association with standing may pursue an appeal or seek review of any land development decision. Standing is established in the following way:

B. The person or recognized neighborhood association appeared before an approval authority other than the Director, either orally or in writing, and provided their name and address; signed the testimony form provided at the hearing; or submitted comments to the Director, in writing, and provided their name and address to the Director regarding a decision. Neighborhood association standing can only be established by a person identifying, either in testimony or in writing, that they represent a specific neighborhood association. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 8, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for standing to appeal are accepted.

99.160 DECISION BY DIRECTOR

A. Pursuant to CDC 99.060(A), the Director is authorized to make certain decisions, and no hearing shall be held except where the Director has an interest in the outcome of the decision, due to some past or present involvement with the applicant or other interested persons or in the property or surrounding property, and cannot render an impartial decision. In such cases, the application shall be reviewed by the

Director's designee, and in the event the designee cannot render a decision, the application shall be subject to the jurisdiction of the Planning Commission.

B. A decision made by the Director shall be made in accordance with the provisions of CDC 99.110, and a record shall be made which shall include:

1. *A copy of the application and all supporting information, plans, exhibits, graphics, etc.;*
2. *All correspondence relating to the application;*
3. *All information considered by the Director in making the decision;*
4. *The staff report of the Director prepared under CDC 99.040(A)(3)(c);*
5. *A list of the conditions, if any are attached, to the approval of the application;*
6. *A copy of the notice which was given pursuant to CDC 99.080(A), and accompanying affidavits, and a list of all persons who were given mailed notice; and*
7. *A signed statement by the Director stating the nature of any past or present involvement with the applicant, other interested persons or the property if the Director makes a decision, and if there could reasonably be expected to be a challenge to the fairness of the decision.*

C. A decision made by the Director shall be final as provided by CDC 99.230 unless:

1. *A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240; or*
2. *A majority of the members of the Commission or the Council order a review within 14 days of the final decision pursuant to CDC 99.240.*

D. No Director's decision may modify the request from that set out in the notice given under CDC 99.080 and 99.090, unless new notice be given, except that conditions may be attached to the approval. (Ord. 1568, 2008; Ord. 1622 § 6, 2014; Ord. 1635 § 41, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The process of the Director's decision is accepted.

99.170 HEARING PROCEDURES

A. The Planning Commission, City Council, and Historic Review Board shall conduct a public hearing on all matters over which the Board, Commission, or Council has original jurisdiction pursuant to CDC 99.060; and:

1. *Determine who qualifies as a party.*
2. *Regulate the course, sequence, and decorum of the hearing. The sequence of the hearing shall also include the right to establish procedures for continuances of hearings.*
3. *Dispose of procedural requirements or similar matters.*
4. *Rule on offers of proof and relevancy of evidence and testimony.*
5. *Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses and rebuttal testimony.*
6. *Take such other action appropriate for conduct commensurate with the nature of the hearing.*
7. *Approve or deny applications or approve with conditions pursuant to CDC 99.110.*

B. At the commencement of the hearing, a statement shall be made to those in attendance that:

1. *Lists the applicable substantive criteria (by chapter) that apply to the application before the hearing body.*
2. *States that testimony, arguments and evidence must be directed toward the applicable substantive criteria which the person testifying believes to apply to the decision.*
3. *States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.*

C. Unless otherwise provided in rules of procedure adopted by the Council, the following rules shall apply to the general conduct of the hearing:

1. The approval authority may ask questions at any time prior to the final decision; however, the answers shall be limited to the substance of the question and if new evidence is admitted after the close of the hearing, upon request, rebuttal shall be allowed;

2. Parties or the Director must receive approval from the approving authority to submit directly questions to other parties or witnesses or the Director;

3. A reasonable amount of time shall be given to persons to respond to questions;

4. No person shall testify without first receiving recognition from the approval authority and stating a full name and address;

5. The approval authority may require that testimony be under oath or affirmation;

6. Audience demonstrations such as applause, cheering and display of signs or other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer; and

7. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

D. The Planning Commission or Historic Review Board may refer any matter for Council action on the record made before it.

E. Prior to the conclusion of the initial evidentiary public hearing on the application, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The request shall be granted through one of the following means:

1. Continuation of the public hearing to a date, time, and place certain at least seven days from the date of the initial evidentiary public hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

2. Leaving the record open for at least seven days for the presentation of additional written evidence, arguments, or testimony. At the conclusion of this period, any participant may file a request for an opportunity to respond to any additional written evidence, arguments, or testimony. Such a request shall be granted with an additional seven days (at minimum) to file such a written response.

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of Chapter 227 ORS regarding local government hearing procedures found in ORS 227.170 for quasi-judicial applications.

G. A decision made by the Planning Commission or Historic Review Board shall be final as provided by CDC 99.230 unless:

1. A party to the action files a written appeal with the Director within 14 days of the final decision pursuant to CDC 99.240;

2. A majority of the Council order a review within 14 days of the final decision pursuant to CDC 99.240; or

3. It is an expedited land division application for which the provisions of Chapter 197 ORS shall apply.

H. If a Planning Commission or a Historic Review Board decision for a project that requires a decision by both bodies is appealed, both decisions shall be automatically appealed and will be reviewed in a

combined hearing. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1597 § 19, 2010; Ord. 1604 § 71, 2011; Ord. 1622 § 7, 2014; Ord. 1675 § 56, 2018; Ord. 1745 § 1 (Exh. A), 2023)

Hearing procedures are accepted.

99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION

A. Ex parte contacts. The general public has a right to have hearing body members free from pre-hearing or ex parte contacts on the matter to be heard. It is recognized that an equal public right is free access to public officials on any matter.

1. Therefore, hearing body members shall reveal any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. "Ex parte contacts" are defined as meetings, conversations, or communication outside of the City hearing process between the decision-making authority (e.g., Planning Commission member) and any person concerning the substance of the application. Essentially, both sides of the issue are not fairly represented. An ex parte contact does not compel abstention, but if such contacts have impaired the members' impartiality or ability to vote on the matter, the member shall so state and shall abstain from voting.

2. In addition, parties who had the communication with the member have the right to rebut the substance of the communication, or the subject to which the communication relates, with the member at the commencement of the public hearing on the matter.

3. All ex parte contacts shall be reported on the record.

4. This section shall not apply to Director decisions made under CDC 99.060(A).

5. Members of the City Council, Planning Commission, and Historic Review Board shall be governed by the relevant provisions of Chapters 227 and 244 ORS and the provisions of this section. Where inconsistencies exist, the ORS shall prevail.

B. Challenges to impartiality.

1. An affected party or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision. The challenge shall state the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner.

2. The challenged person shall have an opportunity to respond orally to the challenge. The challenge shall be incorporated into the record of the hearing.

3. Any challenge shall require that the hearing body vote on the challenge pursuant to subsection E of this section.

C. Disqualification. No member of a hearing body may participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

1. Any of the following have a direct or substantial financial interest in the proposal: the member or member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

2. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

D. Participation by interested officers or employees. No officer or employee of the City who has a financial or other private interest in a proposal may participate in discussion with, or give an official opinion to, the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

E. Abstention or disqualification. Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion but shall be allowed to participate in the deliberation of the hearing body on that motion.

F. Rights of abstaining or disqualified member of the hearing body.

1. An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only after making full disclosure for the record of the hearing, abstaining from voting on the proposal, and vacating the seat on the hearing body.

2. If sufficient members of a hearing body abstain or are disqualified, that renders the hearing body unable to take action on the application consistent with the applicable authority of the hearing body, then the application shall be reviewed as follows:

a. Planning Director disqualified – referred to Planning Director's designee, or if no alternatives are available, referred to the Planning Commission for hearing and decision.

b. Historic Review Board disqualified – referred to Planning Commission for hearing and decision.

c. Planning Commission disqualified – referred to City Council for hearing and decision.

d. City Council disqualified – City Council will hear it and make a decision if the disqualified member's vote is required to achieve a quorum and reach a decision on the matter, and no other person can act in the place of the disqualified person.

e. City Council acting as appellate hearing authority disqualified – decision of the original authority becomes the final City decision.

3. Council members who appear as a party in another hearing process on an application, such as testifying before the Planning Commission in a case that is then appealed to the City Council, shall be disqualified from Council consideration of that application.

4. Council members of a hearing body who participate in a meeting, such as a neighborhood association or a Chamber of Commerce meeting, etc., wherein they state their support or opposition to an application that appears before the City Council, shall be disqualified from the hearing body consideration of that application.

G. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1604 §§ 72, 73, 2011; Ord. 1635 § 42, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for ex parte contacts, impartiality, disqualification and abstention are accepted.

99.190 CONTINUATION OF HEARING – NOTICE

An approval authority may continue the hearing from time to time to gather additional evidence, to consider the application fully, to comply with State statutes, or to give notice to additional persons. Unless otherwise provided by the approval authority, no additional notice need be given of the continued hearing if the matter is continued to a date certain. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for continuation are accepted.

99.200 EVIDENCE

A. All evidence offered and not objected to may be received unless excluded by the approval authority.

B. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs.

C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.

D. Formal rules of evidence, as used in courts of law, shall not apply. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for evidence are accepted.

99.220 RECORD OF PROCEEDINGS

A. A verbatim record of the proceeding shall be made by video recording, or other available means. It shall not be necessary to transcribe testimony. The minutes and other evidence of the proceedings shall be part of the record and the basis for deciding a decision on review. Inadvertent loss of a verbatim record due to technical or mechanical problems unforeseen by the City shall not be grounds for invalidating a public hearing or decision.

B. All exhibits received shall be marked so as to provide identification upon review and shall be part of the record.

C. The official record shall include:

1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and recorded or considered by the hearings authority as evidence;

2. All materials submitted by the Director to the approval authority with respect to the application;

3. The verbatim record made by video recording or other available means, the minutes of the hearing, and other evidence of the proceedings before the hearings body;

4. The written findings, conclusions, decision and, if any, conditions of approval of the approval authority;

5. All visual displays, both in paper form and in electronic form, presented as part of the proceedings;

6. All correspondence relating to the application; and

7. A copy of the notice which was given as provided by CDC 99.080, accompanying affidavits and list of persons who were sent mailed notice.

D. The record of the proceedings for a hearing on appeal or review by the City Council shall consist of all the above items and all similar items presented during the Council proceedings. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for record of proceedings are accepted.

99.230 EFFECTIVE DATE OF DECISION – APPEAL OR REVIEW

A. Any Planning Director or Planning Commission decision made under the provisions of this chapter shall become effective at 5:00 p.m. on the fourteenth day from the date of mailing the notice of the final decision, unless a local appeal or review is taken pursuant to CDC 99.240. If the fourteenth day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 p.m. on the next business day.

B. City Council decisions are final upon the date of the signature on the decision. The effective date shall be 21 days from the date that the final, signed decision is mailed. If the twenty-first day falls on any legal holiday or on a Saturday or Sunday, then the effective date and time shall be at 5:00 p.m. on the next business day. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for effective date of decision are accepted.

99.240 AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION – EXHAUSTION OF ADMINISTRATIVE REMEDIES

The Oregon Revised Statutes require that prior to filing an appeal at the State Land Use Board of Appeals (LUBA), an appellant must first utilize the appeal opportunities provided by the City. A case cannot be brought before LUBA unless an appeal or petition for review is first filed with the appropriate City review

body. It is the purpose of this section to provide parties information about possible remedies prior to litigation. To that end, the filing of an appeal or petition for review is a condition precedent for further administrative or judicial review.

A. Any decision made by the Planning Director pursuant to CDC 99.160, or the Planning Commission or Historic Review Board (except for expedited land divisions) on a development application as provided by CDC 99.170, may be appealed to the City Council pursuant to CDC 99.160(C)(1) or 99.170(G)(1) or may be reviewed by the City Council pursuant to CDC 99.160(C)(2) or 99.170(G)(2).

B. Any decision made by the Historic Review Board or Planning Commission under CDC 99.170 may be reviewed by the Council if the matter is referred under CDC 99.170(D) to the Council, upon closure of the hearing, when the case presents a policy issue which required Council deliberation and determination.

C. Formally recognized neighborhood associations may appeal land use decisions to the appropriate bodies without cost if the Planning Director finds:

1. The Community Development Code appeal procedures are followed.

2. A member of the association must have established standing on behalf of the association. The member must have explicitly identified themselves, in writing or in testimony, as representing the association.

3. The association submits a copy of the meeting minutes and vote taken supporting the appeal.

4. The neighborhood association appeal is related to the property within the association's recognized boundaries, or an application outside the association's boundaries that shall have significant impacts upon the association's neighborhood.

5. The neighborhood association may appeal without cost on behalf of an individual or group with standing who is not represented by a recognized association if subsections A, B and C of this section are met and the neighborhood association finds the issue(s) are of City-wide concern related to the West Linn Comprehensive Plan or the West Linn CDC.

D. The Planning Commission shall have standing in all Historic Review Board decisions and may appeal such decisions, following Community Development Code appeal procedures, without cost.

E. The Historic Review Board shall have standing in all Planning Commission decisions involving property or structures within a historic district or designated as a landmark and may appeal such decisions, following Community Development Code appeal procedures, without cost. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1597 § 20, 2010; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for appeal or review of a decision are accepted.

99.250 APPLICATION FOR APPEAL OR REVIEW

A. An appeal application shall contain the following information:

1. Date and case file number of the decision being appealed.

2. Documentation that the appellant qualifies as a party of standing, as provided by CDC 99.140.

3. A statement describing the basis of the appeal that includes a citation to the West Linn Municipal Code and/or Community Development Code approval criteria or development standard(s) that are not met in the application, or that the appellant claims have been incorrectly interpreted or applied.

B. The appeal application shall be accompanied by the required fee.

C. If the appeal application and required fee are not submitted within the appeal period, or if the appeal application does not contain the required elements specified in subsections (A)(1) through (A)(3) of this section, the application shall not be accepted.

D. The hearing on the appeal or review shall be de novo; however, all evidence presented to any lower approval authority shall be made part of the record. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 1, 2017; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1755 § 1 (Exh. A), 2024)

The requirements for appeal or review are accepted.

99.260 PERSONS ENTITLED TO NOTICE ON APPEAL – TYPE OF NOTICE

Upon appeal, notice shall be given by the Director to all persons having standing as provided by CDC 99.140 to notice as required by CDC 99.080. (Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for notice of appeal are accepted.

99.270 CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING

Notice given to persons entitled to mailed notice under CDC 99.260 shall:

A. Reference the application sought to be appealed;

B. List the date, time, and location of the hearing;

C. State the appellant or petitioner name(s);

D. List any grounds for appeal or review stated in the application for appeal or review, but state that the appeal or review is not limited to the stated grounds for appeal or review and that all relevant issues may be considered;

E. State that the hearing on appeal shall be de novo; however, evidence presented to the lower approval authority shall be considered and given equal weight as evidence presented on appeal;

F. Include the name of government contact and phone number; and

G. State that the application and record are available for inspection at no cost, and copies at a reasonable cost. (Ord. 1382, 1995; Ord. 1474, 2001; Ord. 1547, 2007; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 2, 2017; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for contents of notice of appeal are accepted.

99.280 TYPE OF APPEAL HEARING AND SCOPE OF REVIEW

A. All appeals and reviews shall be de novo.

1. The record of the previous application, hearing, and decision shall be incorporated and considered as evidence in the appeal procedure.

2. If any party requests a continuance of the appeal hearing, the City Council may grant a continuance to allow a further hearing or may allow only written submissions. The City Council may limit the scope of any additional testimony or argument after the initial hearing on appeal. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1622 § 5, 2014; Ord. 1663 § 3, 2017; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for type of appeal are accepted.

99.290 ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION

A. The approval authority shall act upon the appeal or review within 120 days of the application being deemed complete, unless the applicant consents to an extension of time; and

B. The approval authority may affirm, reverse, or modify the decision which is the subject of the appeal; however, the decision shall be made in accordance with the provisions of CDC 99.110; or

C. The approval authority may remand the matter if it is not satisfied that testimony or other evidence could not have been presented or was not available at the hearing. In deciding to remand the matter, the approval authority shall consider and make findings and conclusions regarding:

1. The prejudice to parties;

2. The convenience or availability of evidence at the time of the initial hearing;

3. The surprise to opposing parties;

4. The date notice was given to other parties as to an attempt to admit; or

5. The competency, relevancy, and materiality of the proposed testimony or other evidence. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for action on appeal or review are accepted.

99.300 PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING

A. The provisions of CDC 99.180 apply and, in addition:

1. A majority of the qualified voting members of the approval authority must vote affirmatively to affirm, affirm with conditions, or reverse or remand the decision. If no majority is in favor of any motion, then the previous decision shall be considered affirmed.

B. Unless a decision be deferred, in the event of a tie, the decision which is the subject of appeal or review shall stand. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for member participation are accepted.

99.320 DENIAL OF APPLICATION – RESUBMITTAL

An application which has been denied and, if appealed, has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted for the same or a substantially similar proposal, or for the same or substantially similar action, for a period of at least 12 months from the date the final decision is made denying the application. (Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for denial of application are accepted.

99.325 EXTENSIONS OF APPROVAL

A. Purpose. The purpose of this chapter is to provide an appropriate and efficient review process for extending the time period during which land use approvals are valid and may be utilized.

B. Applicability. This chapter applies to all approved land use applications that are subject to expiration but have not yet expired.

C. General provisions.

1. An approved land use application is eligible for one extension.

2. To be effective, an extension application must be approved by the decision-making authority prior to the expiration date of the original approval.

3. If an extension is approved, the expiration date for the original approval is extended an additional two years from the effective date of the original approval.

D. Approval process.

1. If the extension application does not propose modification to the original approval, the assigned approval authority is the Planning Director, as provided in CDC 99.060(A). If no modifications are proposed to the original approval, no neighborhood meeting is required.

2. If the extension application proposes modifications of the original approval or any conditions of approval, the extension application shall comply with amendment procedures set forth in CDC 55.050, 85.085 and 99.120, when applicable.

3. An application for extension of approval with modifications to the original approval shall satisfy the neighborhood meeting requirements of CDC 99.038, if a neighborhood meeting was required of the original application.

4. If the original approval included multiple applications and does not propose modifications, a single extension application may include all applications associated with the original approval.

E. Approval criteria. The approval authority will approve an extension application when all of the following criteria are met:

1. The applicant has provided evidence that a good faith effort was made to utilize the approval within the specified time period or the need for the extension is the result of conditions or circumstances outside the control of the applicant or property owner; and

2. If the original application included a transportation impact study, a natural resources report, geotechnical report, and/or tree inventory report an updated report must be provided with the extension application that shows no significant changes on or near the development site have occurred that would affect the conclusions and recommendations of the existing report(s). A letter from a recognized professional satisfies this criterion if it states that conditions have not changed since the approval of the original application and no new analysis is warranted.

3. For purposes of this section, a "recognized professional" is defined as:

a. CDC 85.170(B)(2)(f)(1) for transportation impact studies.

b. CDC 32.050(K)(4)(a) for natural resources reports.

c. CDC 85.170(C)(3) for geotechnical reports. (Ord. 1589 § 1 (Exh. A), 2010; Ord. 1621 § 25, 2014; Ord. 1635 § 43, 2014; Ord. 1675 § 57, 2018; Ord. 1745 § 1 (Exh. A), 2023; Ord. 1755 § 1 (Exh. A), 2024)

The requirements for extensions of approvals are accepted.

99.330 REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

A. Conditions of approval shall be fulfilled within the time limit set forth in the decision, or by specific provisions in this code or, if no time limit is set forth, within three years unless an extension is granted per CDC 99.325. Failure to fulfill any condition of approval within the time limitations provided will be grounds for revocation of approval after notice and an opportunity to be heard as an administrative action as provided in this section. Alternately, the Planning Director shall pursue compliance through Chapter 106 CDC.

B. Substantial changes, alterations, or amendments to the substance of the conditions of approval shall be processed as a new administrative action per CDC 99.120.

1. Substantial changes in an application made after approval, but without applicant seeking approval under CDC 99.120, shall result in revocation of approval after notice and opportunity to appeal revocation order.

2. Director determination of what does or does not constitute substantial changes, alterations, or amendments is appealable to the City Council by anyone having standing in the original land use decision.

C. The conditional approval may require the owner of the property to sign within a time certain or, if no time is designated, within a reasonable time, a contract with the City for enforcement of the conditions. The Council shall have the authority to execute such contracts on behalf of the City. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the applications until the executed contract is recorded in the real property records of the County and filed in the County records. Such contracts shall be enforceable against the signing parties, their beneficiaries, successors, and assigns by the City by appropriate action in law or suit in equity for the benefit of public health, safety, and welfare.

D. A performance bond or other type of surety in a form acceptable to the Director, or upon appeal or review by the appropriate approval authority, or a cash deposit from the property owners or contract purchases in such an amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond, surety, or deposit shall be posted prior to the issuance of a building permit for the use covered by the application.

E. The hearings authority may, after a hearing conducted pursuant to this chapter, modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

1. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional; or

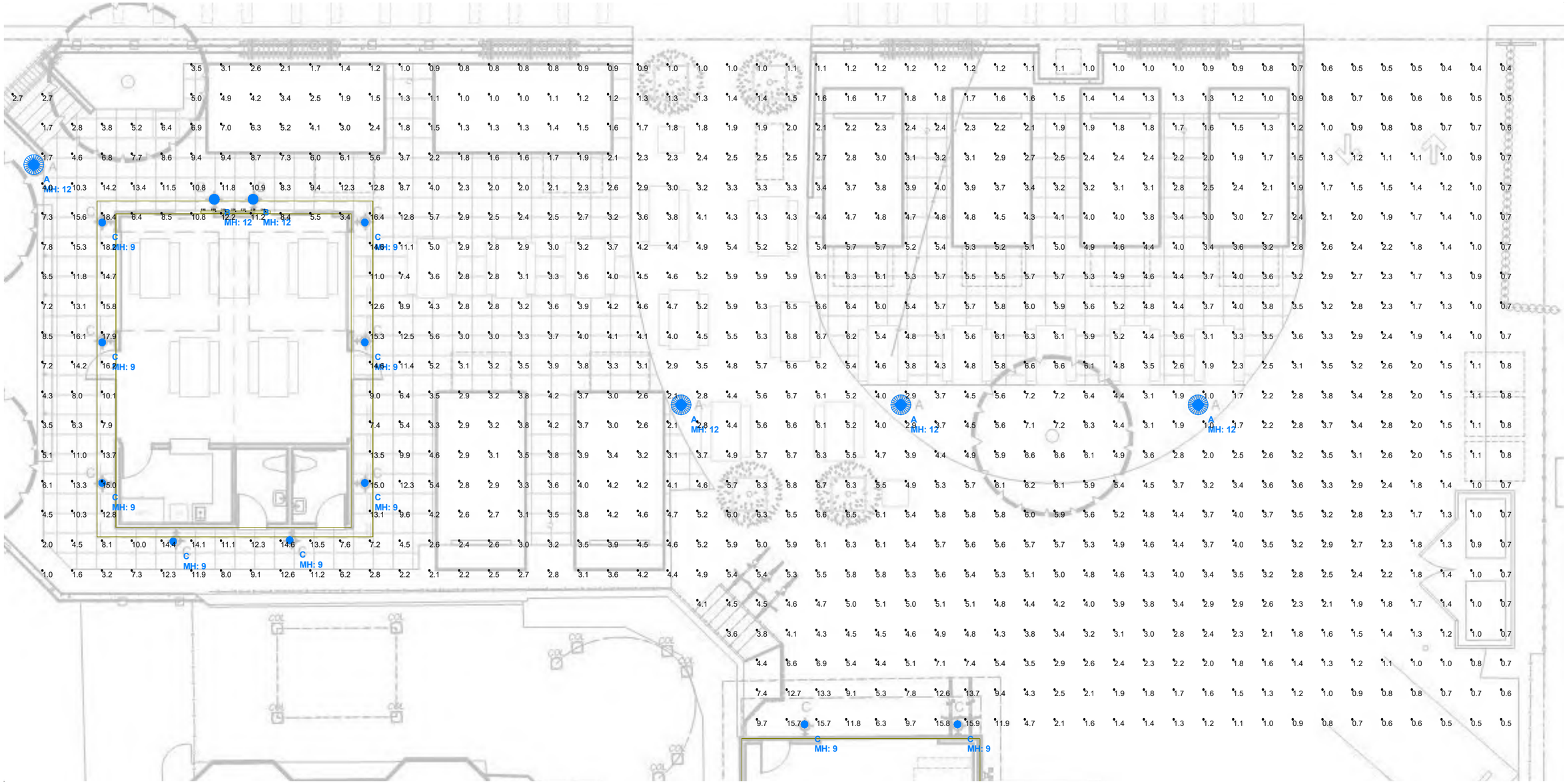
2. A failure to comply with the terms and conditions of approval; or

3. A failure to use the premises in accordance with the terms of the approval; or

4. A material misrepresentation or mistake of fact or policy by City in the written or oral report regarding the matter, whether such misrepresentation be intentional or unintentional.

F. In the event that a revocation hearing is deemed appropriate, per subsection A of this section, the hearing shall be conducted by the decision-making authority that granted the final City approval. The Planning Director or the approval authority with jurisdiction may initiate revocation proceedings. For the Planning Director's decisions made without a public hearing, the Planning Commission shall hold a public hearing on the proposed revocation. (Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1745 § 1 (Exh. A), 2023)

The requirements for revocation of approvals is accepted.



Not to Scale

Luminaire Schedule							
Symbol	Qty	Label	LLF	Lum. Lumens	Lum. Watts	Description	[MANUFAC]
	10	C	0.900	1731	15	CL-3099-6OD-DL-15CLED-30K-MV	Crystal Lighting Corp
	4	A	0.900	9501	65.03	CLP-X43-60CLED-T5-30K-MV	Crystal Lighting Corp
	2	B	0.900	1516	15	BRN-SH1-10CLED-T5-30K	Crystal Lighting Corp.

Calculation Summary - Illuminance (Fc)						
Label	Avg	Max	Min	Avg/Min	Max/Min	Grid Z
Food Carts	4.17	18.4	0.4	10.43	46.00	0
sign_Side_4	46.54	89.8	4.2	11.08	21.38	9 to 11

Readings taken at grade

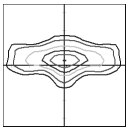
11th St. Food Carts
_03

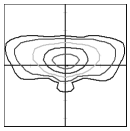
The CLP-X43 is an architectural LED area light fixture constructed with rugged die-cast aluminum. IP66 OPTICS standard . Perfect for lighting up residential exteriors, walkways, perimeters, school campuses, industrial/commercial spaces, parking lots, recreational parks.

-10 year/100,000 hour limited warranty.
-Dark Sky Luminaire

FEACTURES
Energy Savings: Over 66% compared to HID light sources..
Improved lumen maintenance.
Utilizes high efficient Phillips Lumiled LED's.
Operating temperatures: -30°C ~ 60°C.
Driver: Constant current, 120-277v or 480v (Optional).
10Kv surge protector (Standard)
0-10Dimming, Occupancy Sensors, Photocell and Wireless Controls (Optional)
CONSTRUCTION
Housing is Heavy-Duty Cast Aluminum.
Clear Optical System
3 mils Powder Coat bronze finish (standard) various colors available
Silicone gasket provide weather-tight protection.
Mounting: over of a 3" O.D Tenon or Pole (standard) (Adapter is Required for other mounting sizes)

OPTIC DISTRIBUTION


TYPE 2 (T2)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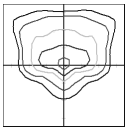
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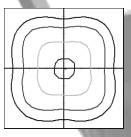
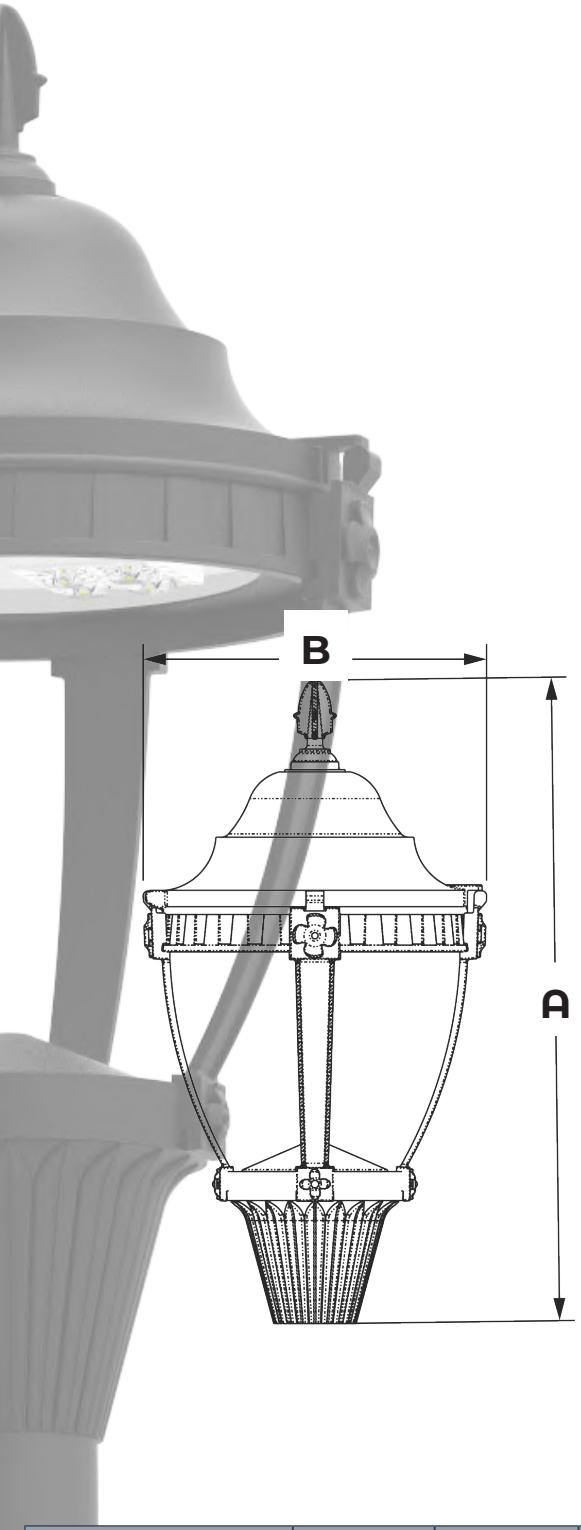
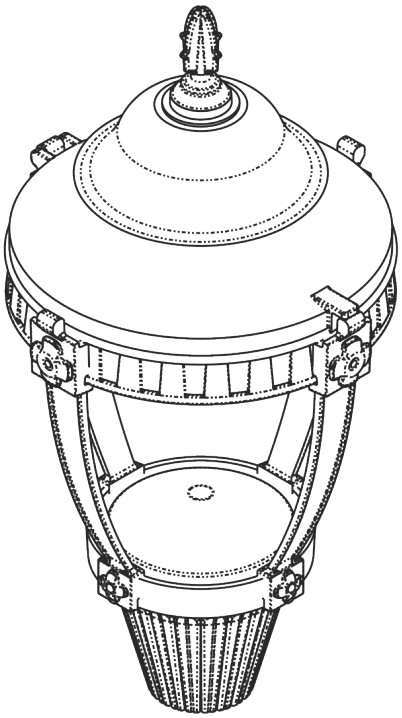

TYPE 5 (T5)

Example: CLP-X43-40CLED-T2-30K-MV-BLK-PC)

Cat #	Wattage	Light Dist.	Color Temp.	Voltage	Mounting	Finish	Options
CLP-X43	20W **(20CLED)** 40W **(40CLED)** 50W **(50CLED)** 60W **(60CLED)** 80W **(80CLED)** 100W **(100CLED)** 120W **(120CLED)**	Type 2 **(T2)** Type 3 **(T3)** Type 4 **(T4)** Type 5 **(T5)**	3000K **(30K)** 4000K **(40K)** 5000K **(50K)**	120-277V **(MV)** 480V **(HV)**	3" OD **(3R)**	Black **(BLK)** White **(WHT)** Silver **(SLR)** Bronze **(BRZ)** Graphite **(GPH)** Custom **(CST)**	Occupancy Sensor **(OCC)** Photo Cell **(PC)** Wireless Control **(WC)**





CAT#	A	B	EPA
CLP-X43	33” 3/8	17	1.4

Cat #	Input Power	Lumen Output	LPW	Color Temp. (CCT)	CRI	Rated Life (L70)	Imput Voltage	HID Equivalent
CLP-X43-20CLED	25W	3,680	184	5000K	70+	>200,000	120-277V	50W MH
CLP-X43-40CLED	45W	6,492	162	5000K	70+	>200,000	120-277V	150W MH
CLP-X43-50CLED	55W	7,780	155	5000K	70+	>200,000	120-277V	250W MH
CLP-X43-60CLED	65W	8,539	142	5000K	70+	>200,000	120-277V	175W PSMH
CLP-X43-80CLED	85W	9,590	119	5000K	70+	>200,000	120-277V	250W PSMH
CLP-X43-100CLED	105W	12,306	123	5000K	70+	>200,000	120-277V	250W HPS
CLP-X43-120CLED	125W	16,012	133	5000K	70+	>200,000	120-277V	400W MH

Proudly Manufactured and Assembled in the USA

RLM Series

Architectural LED Lighting

DESIGN-FUNCTION-QUALITY

RLM Shades are made from Spun 0.080 High purity aluminum. Arms are formed from 1/2 or 3/4 NPT Aluminum Pipe.

Finish

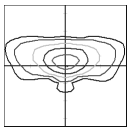
-3 Mil Powder-Coat, Variety of standard and custom finishes are available.

Features.

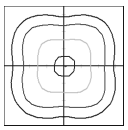
-0-10 Volt Dimming
-Driver: Constant current, 120-277v, 50/60Hz, 480v (optional)
-10 Year limited Warranty
-Suitable for wet locations

Shade Dimensions		
CAT#	D	H
CLA-SHS	12”	8”
CLA-SH1	16”	9” 1/2
CLA-SH2	18”	9” 1/2
BRN-SH1	16”	9”
SLD-SH1	9” 1/2	6” 1/2

OPTIC DISTRIBUTION



TYPE 3 (T3)



TYPE 5 (T5)

Example: CLA-SHS-10CLED-T3-40K-MV-BZ-ST6-OAL

Cat #	Shade Diameter	Wattage	Light Dist.	Color Temp.	Voltage	Finish	Mounting	Options
Classic **(CLA)** ---------- Barn **(BRN)** ---------- Slanted **(SLD)**	12” Shade Small (Up to 20W) **(SHS)** 16”Shade 1 **(SH1)** 18”Shade 2 **(SH2)** ---------- 16” Shade 1 **(SH1)** ---------- 9”1/2 Shade 1 **(SH1)** (Up to 20W)	10W **(10CLED)** 20W **(20CLED)** 30W **(30CLED)**	Type 3 **(T3)** Type 5 **(T5)**	3000K **(30K)** 4000K **(40K)** 5000K **(50K)**	120-277V **(MV)** 480V **(HV)**	Aluminum Black **(BLK)** White **(WHT)** Silver **(SLR)** Bronze **(BRZ)** Graphite **(GPH)** Marine Grade **(MG)** Custom **(CST)** Steel Galvaranized **(GVZ)**	Pole Mount Arm1 **(A1)** Wall Mount Arm2 **(A2)** Arm3 **(A3)** Arm4 **(A4)** Arm5 **(A5)** Arm6 **(A6)** Arm7 **(A7)** STEM **(ST)** CORD **(CR)** 6” **(6)** 12” **(12)** 18” **(18)** 24” **(24)** Custom **(CST)**	Frosted Acrylic Lens **(FAL)** Opal Acrylic Lens **(OAL)**

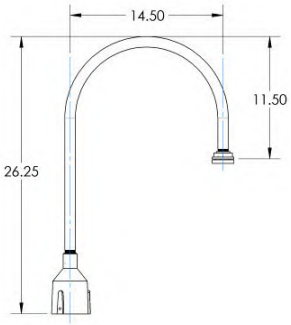
Shade Options

Classic

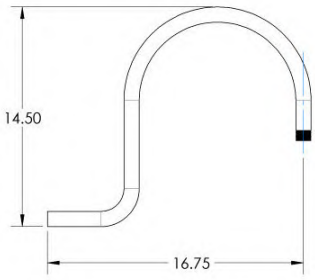
Barn

Slanted

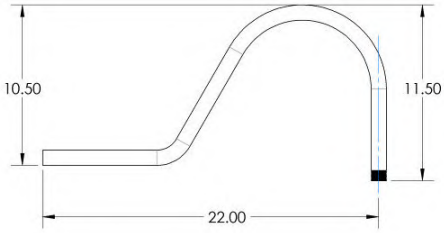
Arms Options



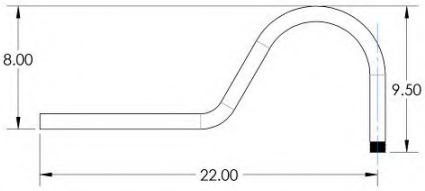
Arm-1 (26”1/4 x 14”1/2)



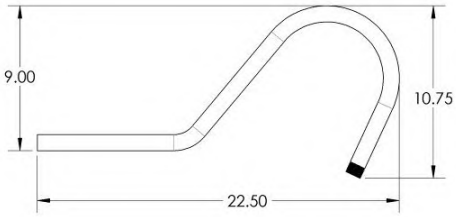
Arm-2 (14”1/2 x 17”1/4)



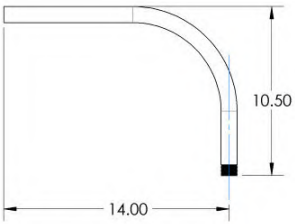
Arm-3 (22”x 10” 1/2)



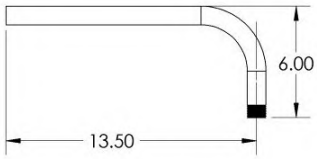
Arm-4 (22”x 8”)



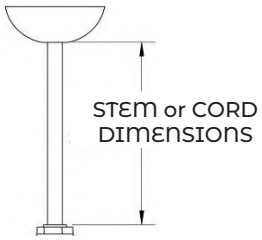
ARM-5 (22” 1/2 x 9”)



ARM-6 (14”x 10”1/2)



ARM-7 (13”1/2 x 6”)



STEM or CORD

Cat #	Input Power	Lumen Output	LPW	Color Temp. (CCT)	CRI	Rated Life (L70)	Imput Voltage	Input Frequency	HID EquivWalent
CLA/BRN/SLD-10CLED	15W	1,665	166	5000K	70+	>200,000	120-277V	50/60HZ	100w MH
CLA/BRN/SLD-20CLED	25W	3.089	154	5000K	70+	>200,000	120-277V	50/60HZ	150w HPS
CLA-SH1, SHA2/BRN-SH1-30CLED	35W	4,374	145	5000K	70+	>200,000	120-277V	50/60HZ	250w MH

Proudly Manufactured and Assembled in the USA

CL-3099 is a sleek, Versatile Cylinder Profile, 3 optional mountings Wall, Ceiling and Pendant Mount. CL-3099 Architectural lighting solution for residential, hospitality and commercial spaces.

• 10 Year/100,000hrs Limited warranty.

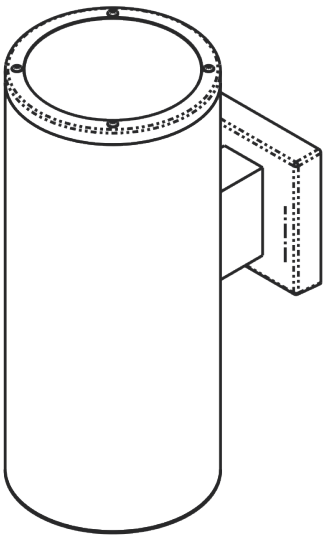
FEATURES
• Energy Savings: Over 66% compared to HID light sources
• Improved lumen maintenance
• Utilizes high efficient Phillips Lumiled LED's
• Operating temperatures: -30°C ~ 60°C
• Driver: Constant current, 120-277v, 50/60Hz, 480v (Optional)
• Suitable for wet locations
• 0-10 Dimming Driver, Occupancy Sensors, Photo Cell and Wireless Controls(Optional)
• Optics: 50°, 78° (6" Od and 8" OD)

CONSTRUCTION
• Aluminum Heavy Gauge Housing
• Mounting: Wall Mount, Ceiling or Pendant Options
• Lens options: Type 5 Optic 6" and 8" O.D (Standard) / 4" OD Clear Acrylic Lens (Standard)

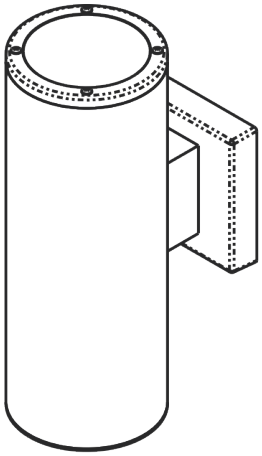
Example: CL-3099-8OD-20CLED-T2-40K-MV-BRZ-OCC-EMR

CL-3099								
Cat #	**Diameter**	**Light direction**	**Wattage**	**Color Temp.**	**Voltage**	**Color**	**Mounting**	**Options**
CL-3099	4" O.D **(4OD)** ---------- 6" O.D **(6OD)** ---------- 8" O.D **(8OD)**	Wall Mount Option Up/ Down Light **(UDL)** Down Light **(Dl)** Ceiling Mount Down Light **(DL)**	12W **(12CLED)** 15W **(15CLED)** 20w **(20CLED)** 30W **(30CLED)** 50W **(50CLED)**	3000K **(30K)** 4000K **(40K)** 5000K **(50K)**	120-277V **(MV)**	Black **(BLK)** White **(WH)** Bronze **(BRZ)** Silver **(SIL)** Graphite **(GPH)** Marine Grade **(MG)**	Wall Mount **(WM)** Ceiling Mount **(CM)** *Pendant Mount **(PM)** *Specify Stem Lenght	Emergency Batterry **(EMR)** Button Photo Cell **(PC)** Wireless controls **(WC)**

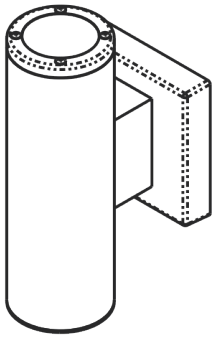
CL-3099-8” O.D

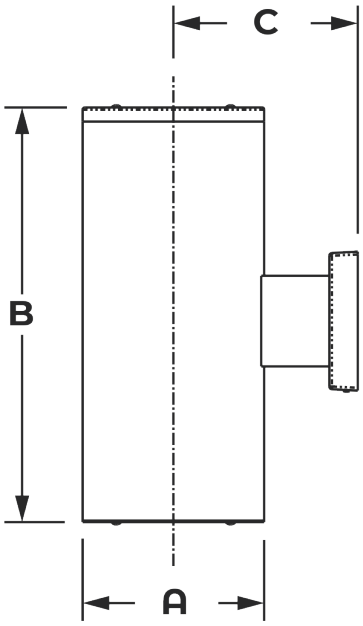


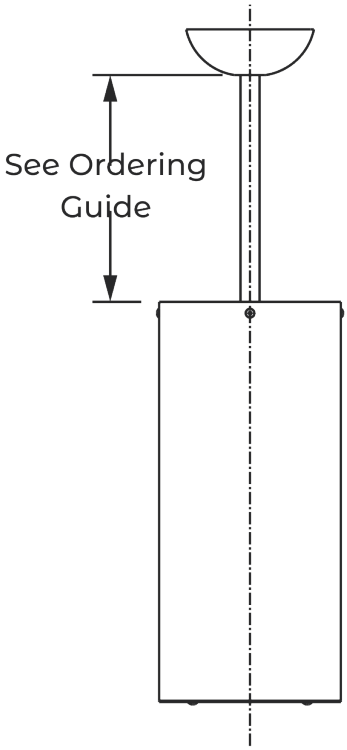
CL-3099-6” O.D



CL-3099-4” O.D







Dimensions			
Cat#	**A**	**B**	**C**
CL-3099-4OD-WM	4” OD	12”	5”
CL-3099-4OD-CM	4” OD	12”	N/A
CL-3099-6OD-WM	6” OD	16”	6” 1/8
CL-3099-6OD-CM	6” OD	16”	N/A
CL-3099-8OD-WM	8” OD	18”	9” 1/4
CL-3099-8OD-CM	8” OD	18”	N/A

Cat #	Input Power	Lumen Output	LPW	Color Temp. (CCT)	CRI	Rated Life (L70)	Imput Voltage	HID Equivalent	HID Equivalent
CLP-3099-4OD-12CLED	18W	1,348	112	5000K	70+	>200,000	120-277V	50/60HZ	70W MH
CLP-3099-6OD-15CLED	20W	1,744	116	5000K	70+	>200,000	120-277V	50/60HZ	100W HPS
CLP-3099-6OD-20CLED	25W	2,230	111	5000K	70+	>200,000	120-277V	50/60HZ	100W PSMH
CLP-3099-8OD-35CLED	35W	4,388	125	5000K	70+	>200,000	120-277V	50/60HZ	150W HPS
CLP-3099-8OD-50CLED	55W	6,120	122	5000K	70+	>200,000	120-277V	50/60HZ	175W MH

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
1/16/25

SUBJECT: Proposed Food Car Pod

FILE: PA-25-02

APPLICANTS PRESENT: **David (DJ) Lawrence**

STAFF PRESENT: Chris Myers, Associate Planner

PUBLIC PRESENT: **Karen O'Brien, Paul Reim, Beau J. Genot**

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

SITE INFORMATION:
Site Address: 1553 11th Street
Tax Lot No.: 31E02BA04900
Site Area: ~22,233 square feet
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Mixed Use
Zoning: Willamette Neighborhood Mixed Use Transitional Zone
Zoning Overlays: No environmental zoning overlays

PROJECT DESCRIPTION:
The applicant requests a Conditional Use Permit to allow a food cart pod at 1553 11th Street. The subject property is not within the Willamette Falls Drive Commercial Design District nor is the subject property within the Willamette Historic District.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:
Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- Chapter 2: Definitions
- Chapter 59: Willamette Neighborhood Mixed Use Transitional Zone
- Chapter 34: Accessory Structures, Accessory Dwelling Units and Accessory Uses
- Chapter 44: Fences
- Chapter 46: Off-Street Parking, Loading and Reservoir Areas
- Chapter 48: Access, Egress, and Circulation
- Chapter 52: Signs
- Chapter 55: Design Review
- Chapter 60: Conditional Uses
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

KEY ISSUES & CONSIDERATIONS
Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or

considerations:

Chapter 2: Definitions

- This chapter included as a good reference for information when putting together the application. No requirements within this chapter need to be addressed for the application.
- Look at the definition of Accessory Structure

Chapter 59: Willamette Neighborhood Mixed Use Transitional Zone

- 59.030 Permitted Uses
- 59.060 Conditional Uses

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

- 34.060 Setback Provisions for Accessory Structures (non-dwelling).

Chapter 44: Fences

- 44.020 Sight-obscuring fence; setback and height limitations

Chapter 46: Off-Street Parking, Loading, and Reservoir Areas

- No longer have min or max parking requirements (CFEC)

Chapter 48: Access, Egress, and Circulation

- 48.025 Access Control
- 48.040 Minimum Vehicle Requirements for Non-Residential Uses
- 48.080 Bicycle and Pedestrian Circulation

Chapter 52: Signs

- 52.101 Procedures and Approval Process
- 52.103 Permit
- 52.104 Application
- 52.109 Exemptions
- 52.200 Prohibited Signs
- 52.210 Approval Standards
- 52.300 Permanent Sign Design Standards

Chapter 54 Landscaping

- 54.010

Chapter 55: Design Review

- 55.020 Classes of Design Review
- 55.030 Administration and Approval Process
- 55.070 Submittal Requirements
- 55.120 Site Plan
- 55.130 Grading and Drainage Plans
- 55.140 Architectural Drawings
- 55.150 Landscape Plan

Chapter 60: Conditional Uses

- 60.030 Administrative and Approval Process
- 60.040 Time Limit on Conditional Use Approval
- 60.050 Building Permits for an Approved Conditional Use

- 6.060 Approval Standards and Conditions
- 60.080 Site Plan and Map

Chapter 99: Procedures for Decision Making: Quasi-Judicial

- 99.038 Neighborhood Contact Required for Certain Applications
- 99.060 Approval Authority (pc)
- 99.170 Hearing Procedures

Discussion Points:

Issues and questions to discuss at pre-app

1. Removal of the planter on 11th street sidewalk
2. Concrete retaining wall height/Engineering?
3. PGE box on site near sidewalk
4. Driveway/traffic control for Pool business
5. Steps to be constructed at corner of 11th
    a. Existing utilities
    b. Built to code i.e., railings
6. Barrier between seating and driveway for pool house
7. Height of Gazebo, no more than 15 feet at peak

PUBLIC COMMENT:

No public comment received.

ENGINEERING:

Engineering Department comments are attached. contact Clark Ide at 503-722-3437 or CIde@westlinnoregon.gov. with any further Engineering and Public Works questions.

BUILDING:

For building code and ADA questions, contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054 or Alisha Bloomfield at abloomfield@westlinnoregon.gov or 503-742-6053.

TUALATIN VALLEY FIRE & RESCUE:

A Service Provider Permit must be provided with this application - https://www.tvfr.com/399/Service-Provider-Permit. Contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

TREES:

For information on the tree requirements for this proposal, contact Mike Perkins, City Arborist at mperkins@westlinnoregon.gov or 503-722-4728.

PROCESS:

A Class II Variance is a Planning Commission decision. A public hearing is required. Once the application is declared complete, staff will review the application, send a 20-day public comment notice, and post a notice sign on the property. When the public comment period closes, the Planning Director will prepare a decision. A final decision can take 4-6 months.

There is a 14-day appeal period after the decision. If the decision is not appealed, the applicant may proceed with the development.

HOW TO SUBMIT AN APPLICATION:

Submit a complete application in a single PDF document through the Submit a Land Use Application web portal. A complete application should include:

1. A development application;
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;
4. A Service Provider Letter from Tualatin Valley Fire and Rescue; and
5. Demonstration of compliance with Neighborhood Association meeting requirements per CDC 99.038(E1-5).

COMPLIANCE NARRATIVE:

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

The Planning Division Fee Schedule can be found on our website: https://westlinnoregon.gov/finance/current-fee-schedule

- Conditional Use Permit = $4500 Deposit, Inspection fee $500
- Class II Design Review =$4500 Fee, Inspection fee $500

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

*** DISCLAIMER:** *These pre-application notes have been prepared per CDC Section 99.030.B.7. The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*

	Pre-app Comments	Engineering Contact:
	Project Number: PA-25-02 **1552 11th Street: Proposed Food Cart Pod**	Clark Ide cide@westlinnoregon.gov Telephone: (503) 722-3437

Project Description: Proposed Food Cart Pod

Pre-application meeting date: January 16, 2025

The comments provided below are based upon material provided as part of the pre-application packet and are intended to identify potential design challenges associated with the development. Comments are not intended to be exhaustive and do not preclude the engineering department from making additional comments as part of the formal land use application process.

TRANSPORTATION
Minimum Required Improvement:

- Willamette Falls Drive
  - Willamette Falls Drive is classified as a minor arterial.
  - Willamette Falls Drive has approx. 120 feet of ROW along the frontage of the proposed development lot. The City would not request any additional ROW be dedicated across the property frontage.
  - Due to previous ROW improvements to Willamette Falls Drive, the City will require no additional frontage Improvements at the property location.
  - Only one driveway approach per frontage is permitted. However, the City will allow both driveway approaches on Willamette Falls Drive to remain in place as long as the west approach is blocked at the ROW with a physical barrier as discussed in the meeting.
- 11th Street
  - 11th Street is classified as a local street.
  - 11th Street has approx. 60 feet of ROW along the frontage of the proposed development lot. The City would not request any additional ROW be dedicated across the property frontage.
  - Due to previous ROW improvements to 11th Street, the City will require no additional frontage Improvements at the property location.

SANITARY SEWER
Minimum Required Improvement:

- Existing 8” mains currently run along the frontages of the property at Willamette Falls Drive and 11th Street. The 8” mains in the vicinity are large enough to handle the capacity from the proposed development build-out.
- Applicant believes there is currently a 4” lateral tying into the main on Willamette Falls Drive that serves all the existing structures on the property. After review of the proposed development, the existing 4” later will not be sufficient to handle the additional structure tie-ins associated with the

development build-out. The existing lateral will need to be increased to a minimum 6" diameter.

DOMESTIC WATER
Minimum Required Improvement:

- Existing 12" DI water mains currently run along the frontages of the property at Willamette Falls Drive and 11th Street. The 12" mains in the vicinity are large enough to serve the proposed development build-out.
- After review of the proposed development, the existing water meter will need to be increased from a 5/8" to a 1" size to support the development build-out.
- An increased service line from the 12" DI main on 11th Street to the existing water meter location on the property will likely be required to provide adequate service to the larger water meter. This will be reviewed more thoroughly during the Site Development review process should this project move forward.

SURFACE WATER (STORM SEWER)
Minimum Required Improvement:

- Onsite run-off generated from new impervious areas of greater than 1000 square feet must be captured, treated, detained and conveyed to the nearest public stormwater system in accordance with the *Portland Stormwater Management Manual,* the Uniform Plumbing Code, and *City of West Linn Public Works Standards*.
- Preferred stormwater management would be to capture, treat, and infiltrate on site. If infiltration is not feasible, conveyance to the City system would be required.
- All Stormwater facilities must be designed and accepted by a licensed engineer.
- The City system on Willamette Falls Drive/11th Street has the capacity to serve the proposed development if required.

OTHER

- Please refer to Planning's summary notes for answers to specific questions requested in the Pre-Application Conference Meeting application.
- Per meeting discussion, the existing utility vault, at the location of the proposed stairs at the NW corner of the property, will need to be equipped with a lid conducive to pedestrian traffic or will need to be relocated.
- Per meeting discussion, the City will require physical barriers be installed between the proposed pedestrian walking/seating areas and vehicular drive/parking areas on the site. The location and types of physical barriers will need to be shown on the final site plan for review.
- Any required improvements shall be constructed to meet current City of West Linn Design Standards.

	Pre-app Comments	Engineering Contact:
	Project Number: PA-25-02 **1552 11th Street: Proposed Food Cart Pod**	Clark Ide cide@westlinnoregon.gov Telephone: (503) 722-3437

- Any required improvements in the ROW shall be constructed, inspected and accepted by the City.
- Development shall pay all applicable System Development Charges (SDC) fees prior to issuance of Site Development permit.
- The proposed development will disturb less than 5 acre, therefore a West Linn Erosion Control Permit Application, as outlined in Section 2.0065 of the *City of West Linn Public Works Standards,* will be required prior to the commencement of construction.

FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

☐ TVFR Tualatin Valley Fire & Rescue

North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Jessica Iselin, Iselin Architects
Address: 1307 7th Street Oregon City, OR 97045
Phone: 503-656-1942
Email: jessica@iselinarch.com
Site Address: 1553 11th Street
City: West Linn, OR 97068
Map & Tax Lot #: 31E02BA04900
Business Name: 11th Street Food Carts
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # _____

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

Development of a portion of an existing commercial site, which currently includes two small commercial buildings. New development will be on the vacant portion of the lot (fronting Willamette Falls Drive) and will include a new 768 sf dining/utility building and site development for placement of eight new Mobile Food Units.

Permit/Review Type (check one):

☒ Land Use / Building Review - Service Provider Permit
☐ Emergency Radio Responder Coverage Install/Test
☐ LPG Tank (Greater than 2,000 gallons)
☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
☐ Explosives Blasting (Blasting plan is required)
☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
☐ Temporary Haunted House or similar
☐ OLCC Cannabis Extraction License Review
☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2025-0052
Permit Type: SPR-West Linn
Submittal Date: 4-10-25
Assigned To: DFM Arm
Due Date: NA
Fees Due: Ø
Fees Paid: Ø

Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

This section is for application approval only

0430 4-10-25
Fire Marshal or Designee Date

Conditions: See approved fire service plans.

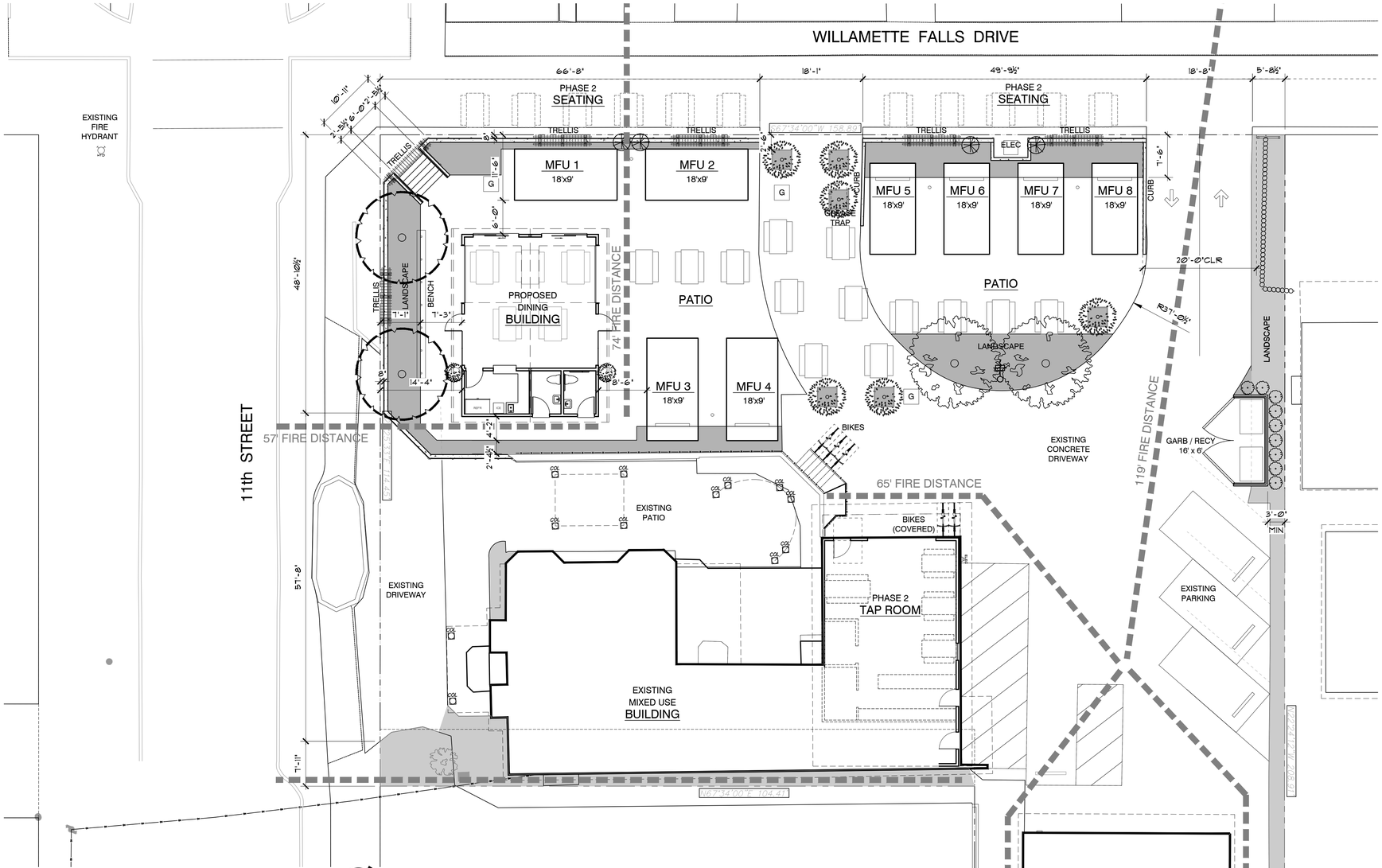
See Attached Conditions: ☐ Yes ☒ No

Site Inspection Required: ☐ Yes ☒ No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date



FIRE ACCESS PLAN

1" = 10'

VICINITY MAP

N.T.S.

TVF&R Tualatin Valley Fire & Rescue
APPROVED PLANS
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.
Deputy Fire Marshal II
TVF&R Permit# 2025-0052

PROJECT INFORMATION

PROJECT DESCRIPTION	RE-DEVELOPMENT OF AN EXISTING SITE TO ADD EIGHT FOOD CARTS, A SMALL DINING/UTILITY BUILDING, OUTDOOR DINING AREAS AND ASSOCIATED SITE WORK.
PROPERTY LOCATION	31E02BA04900
ADDRESS	1553 11TH STREET WEST LINN, OR 97068
COUNTY	CLACKAMAS
SITE AREA	23,324 SF

BUILDING SQUARE FOOTAGE

	EXIST'G	NEW	
DINING BUILDING:		768 SF	
MIXED USE BUILDING:	2,646 SF (UPPER)		
MIXED USE BUILDING:	1,000 SF (LOWER)		
RETAIL BUILDING:	2,234 SF		
TOTAL:	5,880 SF	768 SF	6,648 SF

BUILDING COVERAGE	5,648 SF	(24%)
PARKING		
REQUIRED	0	
EXISTING	3 STANDARD, 1 ADA	
LANDSCAPING - SITE	23,324 SF	
TOTAL SITE AREA		
REQUIRED	4,665 SF	(20%)
EXISTING	1,769 SF	(8%)
DEVELOPMENT AREA	9,000 SF	
REQUIRED	1,800 SF	(20%)
EXISTING TO REMAIN	320 SF	
NEW	1,001 SF	
NEW PLANTERS	63 SF	
PATIO	450 SF	(25% MAX ALLOWED)
TOTAL	1,834 SF	(20%)
NEW IMPERVIOUS AREA		
BUILDING	768 SF	
GARBAGE ENCLOSURE	46 SF	
PATIO	91 SF	
STAIR	44 SF	
TOTAL	949 SF	

PLUMBING FIXTURES

REQUIRED	1 WC PER 75 OCCUPANTS / 1 LAV PER 200 OCCUPANTS
PHASE 1	1,665 NSF SEATING @ OLF 15 = 111 OCCUPANTS 2 WC / 2 LAV
PHASE 2	1,078 NSF SEATING @ OLF 15 = 72 OCCUPANTS 111 + 72 = 183 OCCUPANTS 3 WC / 3 LAV

CONTACT INFORMATION

OWNER
DAVID LAWRENCE
1553 11TH STREET
WEST LINN, OR 97068
djsdeckinginc@yahoo.com
(503) 229-4111

ARCHITECT
ISELIN ARCHITECTS, PC
1307 7TH ST
OREGON CITY, OR 97045
CONTACT: JESSICA ISELIN
jessica@iselinarch.com
(503) 656-1942

ISELIN ARCHITECTS P.C.
1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

NOT FOR PRELIMINARY CONSTRUCTION

CIRCLE 10 FOOD CARTS
1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507
FILE :	A-SIT
DATE :	04/01/25

SHEET #
FS1.0

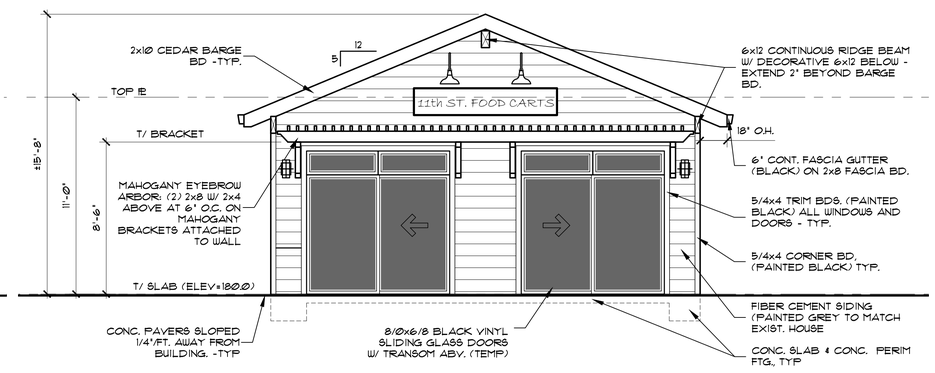
FIRE ACCESS PLAN
PC PH 11.19.2025

WILLAMETTE FALLS DRIVE ELEVATION

3/16" = 1'-0"

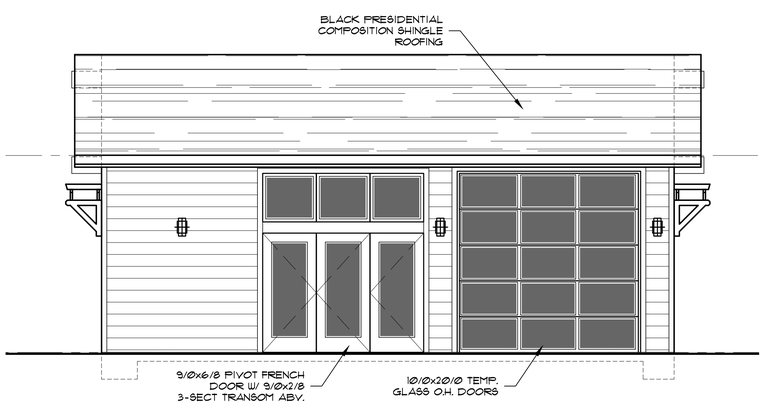
RIGHT ELEVATION

1/4" = 1'-0"



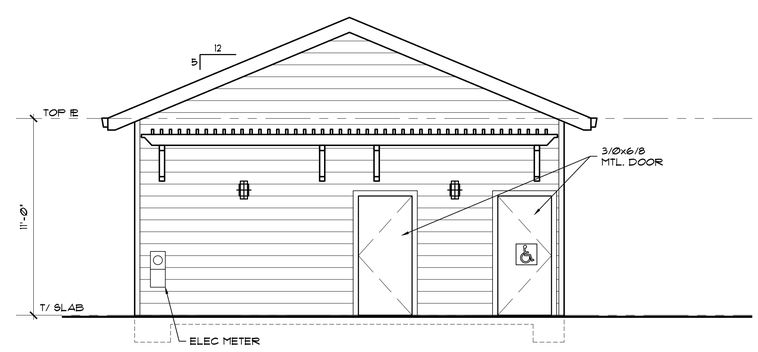
FRONT ELEVATION

1/4" = 1'-0"



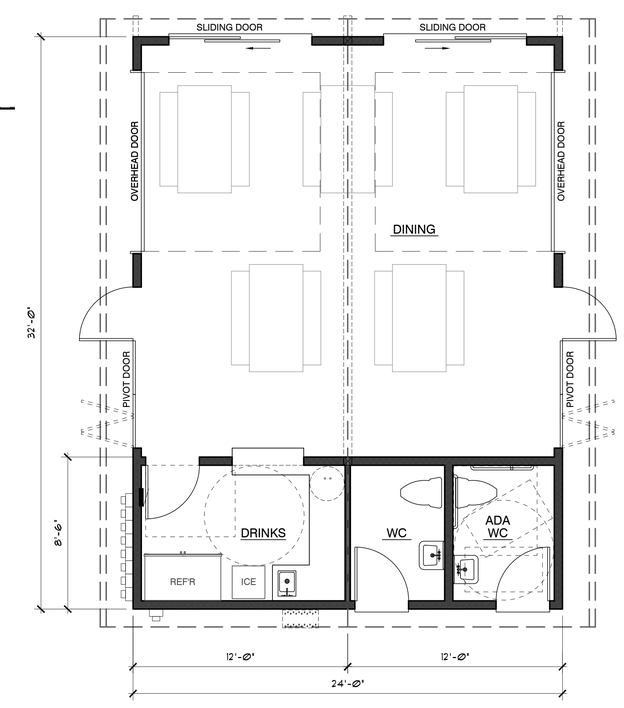
LEFT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"



DINING BUILDING PLAN

1/4" = 1'-0"

ISELIN ARCHITECTS P.C.

1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

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Deputy Fire Marshal II
TVF&R Permit# 2025-0052

CIRCLE 10 FOOD CARTS

1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507
FILE :	A-ELV
DATE :	04/01/25

SHEET #

FS2

FIRE ACCESS BUILDING ELEVATIONS

PC PH 11.19.2025

Willamette NA Meeting, June 11. 2025 Zoom/ACC

The meeting was called to order at 7pm by President, Kathie Halicki.
The May minutes were approved as appeared on WL Meetings webpage.
The treasure remains at $2,597.11.

Boys and Girls Aid Society: Sophie Heath explained details of youth foster care. This organization facilitates temporary and longer term care for infants to young adults. Currently there are 7,300 children in foster care with 100 - 200 unsettled. Foster care is initially provided by the state but the next step can involve the Boys and Girls Aid, a non-profit to support residential and emotional needs of youth.

Care is provided for 9 months to 2 years at one level 4 to 10 years at another.
Long term care for 12 to 21 can require added support. In some cases, the foster care system can substitute for detention.

Anyone interested in becoming a full time or part foster parent can inquire to Boys and Girls Aid for more information. Families are are always needed.
There is a current gift card drive to assist foster families.

Food Carts on WF Drive/11th: David Lawrence presented images of his plan to install 8 food carts, a covered 24'x32' eating area and tables on his empty parking lot.
The area would be open 11am to 8 or 9pm with a variety of food offered. Alcoholic drinks would be available in a small 8'x12' bar area within the covered structure. Parking would not be available on sight. Landscaping and trees would surround the perimeter. All disposal and power will be underground. A 4' retaining wall and railing is planned. Construction would begin next spring and open in fall.

Comments and concerns:
parking overflow and traffic congestion near school and day care.
possible noise, rodents, alcohol, garbage disposal
proximity to roundabout, heavy commuter traffic, delivery trucks
congestion for fire trucks, police cars

Food Pantry: Debbie reported a rise in need for food. Canned soft fruit and canned beans are always in need. Cash donations are used to purchase fresh produce, etc.

Main Street: Rebecca reported 85 vendors at the Summer Market with more produce vendors this year. Many vendors are local residents.

Main Street received a revitalization grant which may be spent on building improvement.

July 12 is the WL Parade with 14 entries so far. More are encouraged.
July 19 the bike kiosk will be open with dedicated artwork It will be installed near the Methodist Church replacing the covered bus stop structure.
Sept 6 a chalk walk in the morning and a wine walk in the evening.

The fountain topper is still in progress.

New site for WL Public Works: 3 NA's were invited to a presentation of construction on the slope off Salamo Road. This terraced area above the 205 freeway will provide storage for city working vehicles plus office space for the Public Works and for the Park department. Access will be off Salamo Road.

Tolling is still under consideration and may surface next year as a priority topic.

Nomination for WNA positions will be in July or August
The meeting adjourned at 8:05
Elizabeth Rocchia
secretary

ISELIN ARCHITECTS, P.C.
1307 Seventh Street Oregon City, OR 97045 503-656-1942 www.iselinarchitects.com

To: Willamette Neighborhood Association and
Willamette Neighborhood Property Owners

Date: May 9, 2025

Re: Upcoming Neighborhood Meeting to Discuss
Proposed Development at 1553 11th Street

Date: June 11, 2025

Location/Time: Time, Physical location and link via Zoom to be confirmed at City of West Linn website, https://westlinnoregon.gov/meetings

Proposed Development:
The initial phase will include re-development of an existing site to add eight food carts, a small dining/utility building, outdoor dining areas and associated site work. Phase 2 will include the remodel of existing office space to accommodate a small tap room and is anticipated to be undertaken within a year of completion of Phase 1.

The existing site contains two buildings, a retail building currently housing a Pool and Spa store and a mixed use building containing commercial office/retail space and an upper level apartment. The pool and spa outlet is accessed from Willamette Falls Drive. The lower level office and the upper level apartment in the mixed use building is accessed off of Willamette Falls Drive and the upper level office/retail space is accessed from 11th Street. Approximately 4' of retained grade occurs within the site and allows grade level access from both frontages.

The proposed re-development will occur primarily on the NW section of the property, where the dining/utility building will be located, along with four food carts. Four additional carts will be located closer to 10th Street. The driveway on WFD closest to 10th Street will be retained and will provide access to the pool and Spa building. The driveway approximately centered on the WFD frontage will be retained, but is proposed to be blocked from routine access by large planters. This driveway will only be utilized as may be required for the placement of the food carts. Two driveway accesses exist along 11th Street and provide access and parking for the office/retail space. The driveway closest to WFD will be modified to accommodate the new building, but could still allow one way access out of the site.

The proposed development will be on the agenda for discussion at the regularly scheduled neighborhood meeting, along with other regular business items.

Questions regarding the proposed development may be directed to Jessica Iselin, Iselin Architects, PC, jessica@iselinarch.com or to the Willamette Neighborhood Association, willametteNA@westlinnoregon.gov.

Submitted by

Jessica Iselin, Project Architect

First American Title™

Date of Production: 04/07/2025

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IMPORTANT - READ CAREFULLY: AN INFORMATION REPORT IS **NOT** AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THE INFORMATION REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE REQUESTOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THE INFORMATION REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN TITLE'S PRIOR WRITTEN CONSENT. FIRST AMERICAN TITLE DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION CONTAINED IN THE INFORMATION REPORT IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION THEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF AN INFORMATION REPORT, REQUESTOR AGREES THAT FIRST AMERICAN TITLE'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THE INFORMATION REPORT SHALL BE LIMITED TO THE GREATOR OF THE FEE CHARGED FOR THE INFORMATION REPORT OR $15. REQUESTOR ACCEPTS THE INFORMATION REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN TITLE WOULD NOT HAVE ISSUED THE INFORMATION REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN TITLE MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF REQUESTOR'S USE OF THE INFORMATION CONTAINED IN THE INFORMATION REPORT.

21E35C 02300
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Oregon City, OR 97045

21E35D 00904
Fisher Properties Llc
Po Box 1020
Mulino, OR 97042

31E02AB03800
Jessica & John Gill
2113 Willamette Falls Dr
West Linn, OR 97068

31E02AB04300
Gary Dennis
20760 SW Shoshone Dr
Tualatin, OR 97062

31E02AB05200
Paul & Monica Wacek
1397 11th St
West Linn, OR 97068

31E02AB06000
Byron Rolston-Henson & James Henson
2117 5th Ave
West Linn, OR 97068

31E02BA00500
Johnston
1693 12th St
West Linn, OR 97068

31E02BA03200
Willamette Falls Properties Ll
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West Linn, OR 97068

21E35D 00901
Mcdonalds Corporation & Greentree Enterprises Inc
3852 Fairhaven Dr
West Linn, OR 97068

31E02AB03700
Lance & Kelsey Shroyer
2117 Willamette Falls Dr
West Linn, OR 97068

21E35C 02502
Pacific West Bank
2040 8th Ave
West Linn, OR 97068

21E35D 01002
Willamette Place Kf Holdings Llc
2314 Falcon Dr
West Linn, OR 97068

31E02AB04000
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1537 10th St
West Linn, OR 97068

31E02AB04801
Eliza & Roger Schneider
1380 10th St
West Linn, OR 97068

31E02AB05301
Ross & Candace Scott
1353 11th St
West Linn, OR 97068

31E02BA00100
Bany Sarah A Trustee
2015 8th Ave
West Linn, OR 97068

31E02BA00800
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West Linn, OR 97068

21E35C 02500
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Portland, OR 97209

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Mulino, OR 97042

31E02AB03900
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31E02AB05000
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Lake Oswego, OR 97034

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31E02AB04100
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31E02AB04201
Elizabeth & Robert Seimetz
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West Linn, OR 97068

31E02AB05100
Jason & Heather Hall
2011 5th Ave
West Linn, OR 97068

31E02AB05900
Kelp Enterprise
1724 4th Ave
West Linn, OR 97068

31E02BA00400
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2500 Crestview Dr
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31E02BA03100
Steve Tekander
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31E02BA04400
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West Linn, OR 97068

31E02BA04300
Icon Property Holdings Llc
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31E02BA04801
James Estes Iii & Kristen Woofter
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31E02BA05600
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West Linn, OR 97068

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West Linn, OR 97068

31E02BA04600
Albert & Laura Secchi
1920 6th Ave
West Linn, OR 97068

31E02BA04500
Kyle Junk
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West Linn, OR 97068

31E02BA05201
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West Linn, OR 97068

31E02BA05100
Jeffrey Edmondson
2051 Willamette Falls Dr
West Linn, OR 97068

31E02BA05800
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31E02AB04900
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31E02AB05302
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West Linn, OR 97068

31E02BA00900
Edward Handris
2008 Willamette Falls Dr # B
West Linn, OR 97068

31E02BA04100
Icon Construction & Development Llc
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31E02BA04001
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31E02BA04800
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2510 Satter St
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31E02BA04700
Ian & Audra Brown
1968 6th Ave
West Linn, OR 97068

31E02BA05400
Daniel Lawrence & Lacey Cole
2075 Willamette Falls Dr
West Linn, OR 97068

31E02BA06000
Deatherage David W Trustee & Deatherage Dee A Trustee
1521 11th St
West Linn, OR 97068

31E02BA06200
Paul & Yarrow Reim
1541 11th St
West Linn, OR 97068

31E02BA05500
Norman & Donna Barnes
1542 10th St
West Linn, OR 97068

31E02BA06100
Georgia Mashayekh & Tanya Matthies
122 Summer Breeze Rd
Manson, WA 98831

31E02BA06400
Thomas & Lisa Haymore
1891 6th Ave
West Linn, OR 97068

31E02BA05700
Michael & Devon Tarr
2092 5th Ave
West Linn, OR 97068

31E02BA06300
West Linn-Wils Sch Dist #3
22210 SW Stafford Rd
Tualatin, OR 97062

31E02BA05300
Donald Walsh
2069 Willamette Falls Dr
West Linn, OR 97068

31E02BA05900
Jennifer & Vincent Laski
2050 5th Ave
West Linn, OR 97068

31E02BANONTL
Non-Taxlot

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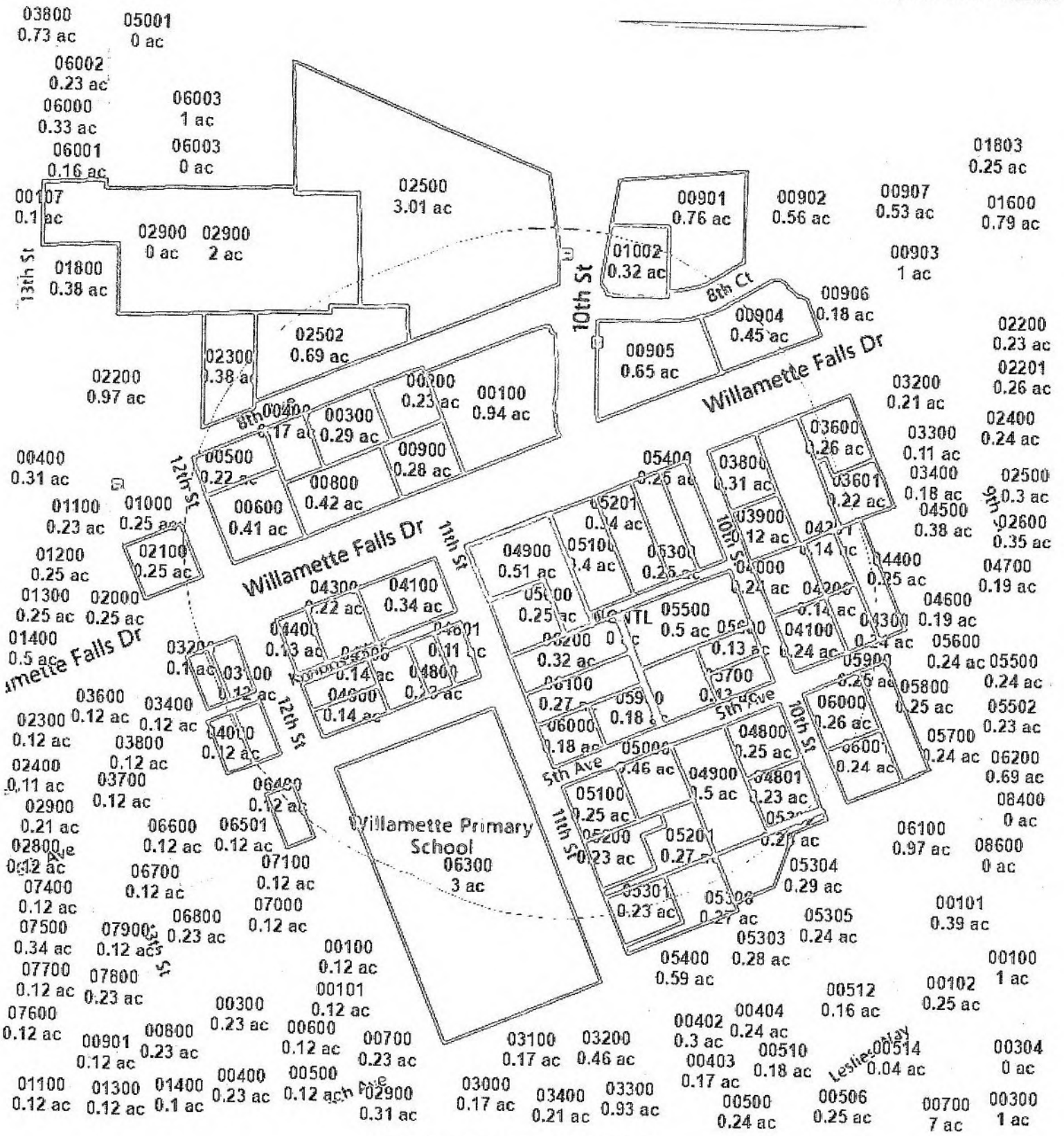
Mailing Notifications

Subject: 1553 11th St West Linn, OR 97068

503.219.8746(TRIO) | cs.oregon@firstam.com

Report Created: 4/7/2025



Buffer Distance: 500 feet

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kathie Halicki
2307 Falcon Drive
West Linn, OR 97068

9590 9402 8920 4064 0303 16

2. Article Number (Transfer from service label)

9589 0710 5270 1446 9682 41

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kathie Halicki
☐ Agent
☐ Addressee

B. Received by (Printed Name) Kathie Halicki
C. Date of Delivery 4/26/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Mail
Mail Restricted Delivery
(over $500)

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Elizabeth Rocchia
957 Willamette Falls Dr.
West Linn, OR 97068

9590 9402 8920 4064 0303 09

2. Article Number (Transfer from service label)

9589 0710 5270 1446 9682 89

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X E Rocchia
☐ Agent
☐ Addressee

B. Received by (Printed Name) E Rocchia
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

WEST LINN OR 97068
APR 29 2025
USPS

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Mail
Mail Restricted Delivery
(over $500)

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

THIS SITE IS SUBJECT TO PROPOSED

DEVELOPMENT

Food Carts & Dining Building

PROPERTY OWNER:

David Lawrence
1553 11th Street
West Linn, OR 97068
503-229-4111

FOR INFORMATION CONTACT:

ISELIN ARCHITECTS, PC

1307 7TH STREET

OREGON CITY, OR 97045

503-656-1942

info@iselinarch.com

Sign installed on Friday may 9th 2025

The sender is not in your contact list.

Report Junk

September 16, 2025

Jessica Iselin
Iselin Architects, P.C.
1307 Seventh Street
Oregon City, OR 97045

Subject: Traffic Analysis Letter for Food Cart Pod at 1533 11th Avenue in West Linn

Dear Ms. Iselin,

The purpose of this letter is to address the requirements of the City of West Linn in support of a proposed food cart pod at 1553 11th Street in West Linn, Oregon.

Existing Uses

A decking business, massage therapist, sports eyewear business and swimming pool supply business are currently and will continue to operate on site.

Project Description

The proposed development will occur in two phases:

- Phase 1: Construction of a food cart pod with eight food carts and a 768-square-foot dining building.
- Phase 2: Conversion of 960 square feet of existing storage space from another tenant to a tap room.

The City of West Linn has referenced Community Development Code (CDC) 85.170 and determined that a limited traffic impact analysis is sufficient for this project.

Trip Generation

Trip generation was estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, Land Use Code (LUC) 926 for Food Cart Pods.

- LUC 926 explicitly encompasses food cart pods with both food and alcohol sales.
- Trips to the dining building and tap room are not modeled separately, as these components are expected to generate overlapping trip patterns. Additionally, trip generation for the food cart pod is based on the number of food carts, using data from comparable sites that include associated seating areas and alcohol sales.
- To remain conservative, the trip generation associated with the existing 960-square-foot space (to be repurposed for the tap room) has not been subtracted from the overall amount of trips.

Since the food cart pod will not operate during the weekday AM peak hour, trip generation was evaluated only for the weekday PM peak hour. Average daily trip data is not provided for this land use in the Trip Generation Manual.

The project is anticipated to generate 49 vehicle trips during the weekday PM peak hour.

Table 1. Projected trip generation

ITE Land Use	Units (# food carts)	Weekday PM Peak Hour		
		Total	Enter	Exit
Food Cart Pod (#926)[1]	8	**49**	25	24
New Trips		**49**	**25**	**24**

[1]Trip Generation Manual, 11th Edition

Access, Parking & Circulation

A preliminary site plan is included in Appendix A.

No on-site parking is proposed for the food cart pod. Customer parking will be accommodated by existing on-street spaces along 11th Street and Willamette Falls Drive. The four on-site parking stalls that currently serve the swimming pool supply store will be retained.

Site access will be slightly modified as part of this project. The two existing driveways on 11th Street form a horseshoe configuration. The northernmost driveway, located closest to Willamette Falls Drive, will be closed. Two additional driveways connect to Willamette Falls Drive and will remain. The westernmost driveway will be blocked to customer vehicles and reserved for occasional food cart access only, while the easternmost driveway has been converted to right-in/right-out operations as part of the recent construction of the Willamette Falls Drive/10th Street roundabout and raised median along Willamette Falls Drive.

Sight distance is adequate at all site driveways.

Safety

Crash history for the area surrounding the site was reviewed for the years 2019 through 2023 using Oregon Department of Transportation records. One crash in 2023 appears to have been associated with the site's westernmost driveway on Willamette Falls Drive. As part of this development, that driveway will be blocked to customer use and limited to occasional service access for food carts. None of the other crashes during this review period appear to be related to the site's driveways. Additionally, there is not a significant crash history in the vicinity of the site.

A full crash history report is included in Appendix B.

Conclusion

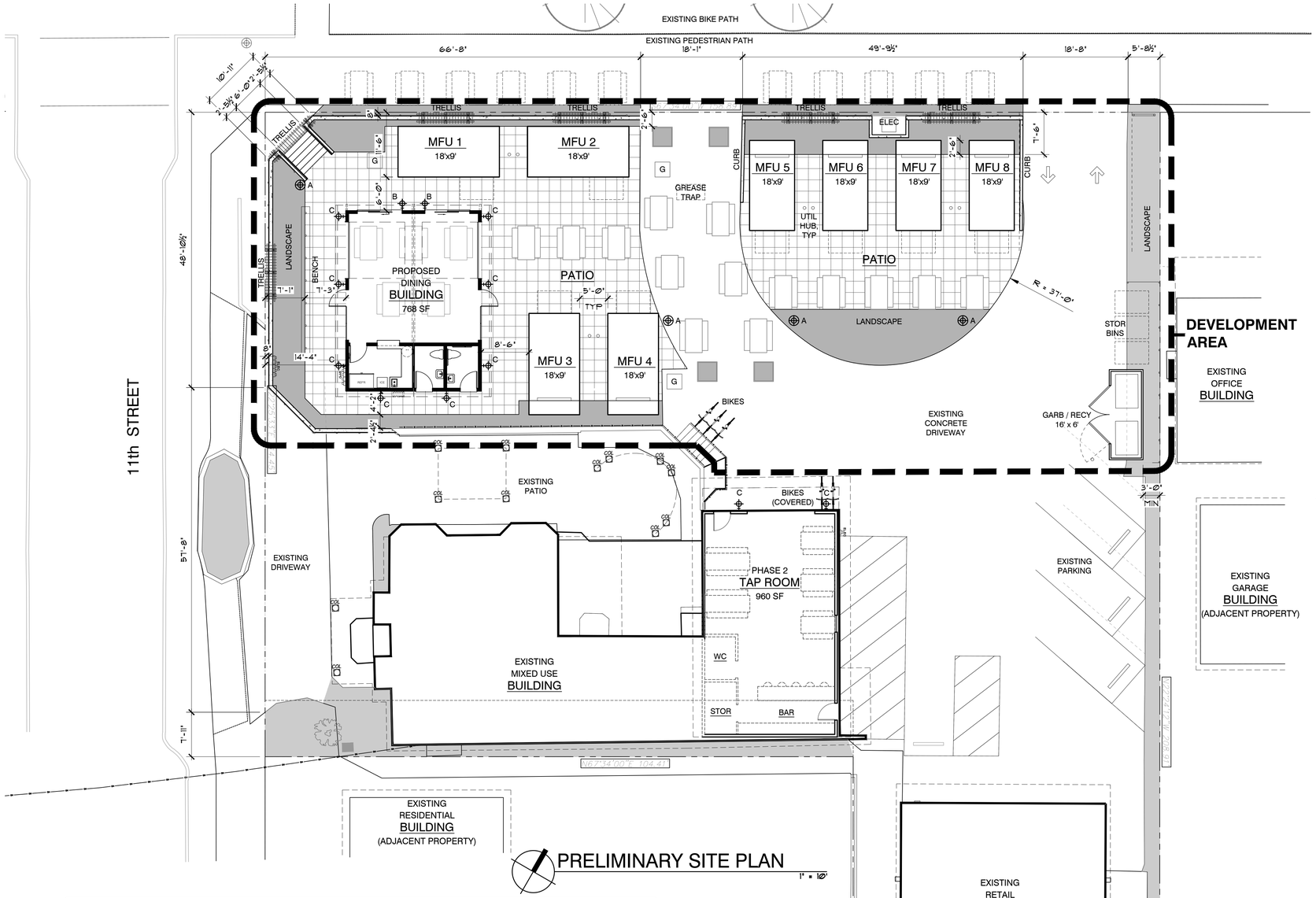
I trust that this letter addresses City of West Linn requirements. There are no apparent safety issues associated with this proposed development and the requirements of the city can be met. Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer

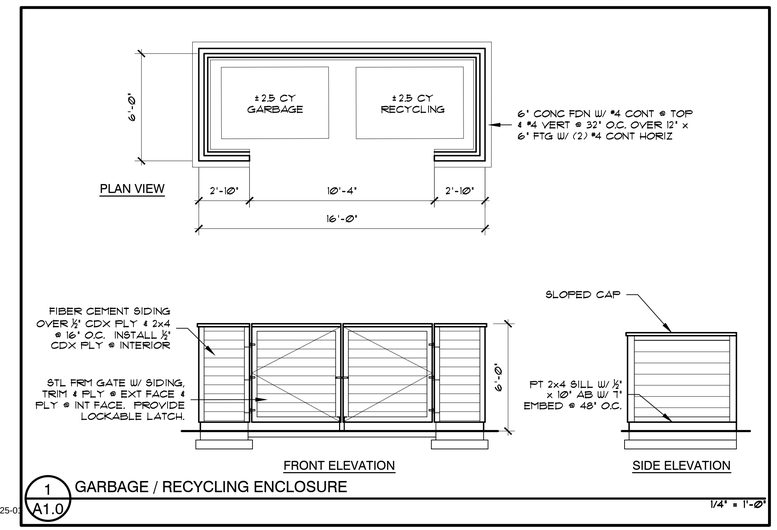
Appendix A

Preliminary Site Plan



PRELIMINARY SITE PLAN

1" = 10'



1 A1.0 GARBAGE / RECYCLING ENCLOSURE

1/4" = 1'-0"

DRAWING INDEX

A1.0	SITE PLAN & GENERAL NOTES
A2.1	STREET ELEVATION, BUILDING PLANS & ELEVATIONS
ECM	EXISTING CONDITIONS MAP
C1	SITE DRAINAGE & GRADING PLAN
P1	WASTE PIPING
P2	WATER PIPING
P3	NATURAL GAS PIPING
L1	LANDSCAPE PLAN

PROJECT INFORMATION

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ADDRESS	1553 11TH STREET WEST LINN, OR 97068
COUNTY	CLACKAMAS
SITE AREA	23,324 SF

BUILDING SQUARE FOOTAGE

	EXIST'G	NEW	TOTAL
DINING BUILDING:		768 SF	
MIXED USE BUILDING:	2,646 SF (UPPER)		
MIXED USE BUILDING:	1,000 SF (LOWER)		
RETAIL BUILDING:	2,234 SF		
TOTAL	5,880 SF	768 SF	6,648 SF

BUILDING COVERAGE	5,648 SF	(24%)
PARKING		
REQUIRED	0	
EXISTING	3 STANDARD, 1 ADA	
LANDSCAPING - SITE	23,324 SF	
TOTAL SITE AREA		
REQUIRED	4,665 SF	(20%)
EXISTING	1,769 SF	(8%)
NEW	1,500 SF	(6%)
DEVELOPMENT AREA	9,000 SF	
REQUIRED	1,800 SF	(20%)
EXISTING TO REMAIN	320 SF	
NEW	1,000 SF	
NEW PLANTERS	50 SF	
PATIO	450 SF	(25% MAX ALLOWED)
TOTAL	1,834 SF	(20%)
NEW IMPERVIOUS AREA		
BUILDING	768 SF	
GARBAGE ENCLOSURE	46 SF	
STAIR	56 SF	
TOTAL	870 SF	

PLUMBING FIXTURES

REQUIRED	1 WC PER 75 OCCUPANTS / 1 LAV PER 200 OCCUPANTS
PHASE 1	532 NSF INTERIOR SEATING 1,300 NSF OUTDOOR SEATING 1,832 NSF @ OLF 15 = 122 OCCUPANTS 2 WC / 2 LAV
PHASE 2	540 NSF INTERIOR SEATING @ OLF 15 = 36 OCCUPANTS 122 + 36 = 158 OCCUPANTS 3 WC / 3 LAV

CONTACT INFORMATION

OWNER
DAVID LAWRENCE
1553 11TH STREET
WEST LINN, OR 97068
djsdeckinginc@yahoo.com
(503) 229-4111

ARCHITECT
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1307 7TH ST
OREGON CITY, OR 97045
CONTACT: JESSICA ISELIN
jessica@iselinarch.com
(503) 656-1942

STRUCTURAL / CIVIL
DUANE THOMPSON, PE
duanet610@gmail.com

LANDSCAPE
WAGNER DESIGN GROUP
LANDSCAPE DESIGN
erinw@wagnerdesigngroup.com

VICINITY MAP

N.T.S.

ISELIN ARCHITECTS P.C.
1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

NOT FOR PRELIMINARY CONSTRUCTION

DR/CU APPLICATION

11th STREET FOOD PARK

1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507
FILE :	A-SIT
DATE :	06/30/25

SHEET #

A1.0

PRELIMINARY SITE PLAN
PC PH 11.19.2025

Appendix B

Willamette Falls Drive
Crash History

CITY OF WEST LINN, CLACKAMAS COUNTY

WILLAMETTE FALLS DR and Intersectional Crashes at WILLAMETTE FALLS DR, City of West Linn, Clackamas County, ALL Crashes Severity, ALL Crashes Circumstance, 01/01/2019 to 12/31/2024

82 - 85 of 99 Crash records shown.

SER# / INVES / RD DEF / UNLOC	S P E D	A	D R U L C	J G N S	M S I V	C H L	W O R K	DATE / DAY / TIME / LAT	CLASS / DIST / FROM / LONG	CITY STREET / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN) / LEGS (#LANES)	INT-REL / TRAF-CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC / TYPE	INJ / SVRTY	A G E	S E X	LICNS / RES	PED LOC	ERROR	ACT	EVENT	CAUSE
03508	N	N	N	N	N	N		10/08/2019	16	WILLAMETTE FALLS DR	INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE	TURN-L											02,27
CITY								TU	0	10TH ST	CN		STOP SIGN	N	DRY	ANGL		PRVTE	N -E									015		00
N								3P			01	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	28	M	OR-Y		028	000		02,27
N								45 20 42.78	-122 39 6.35																OR<25					
																	02	NONE	STRGHT											
																		PRVTE	E -W									015		00
																		PSNGR CAR		01	DRVR	NONE	36	M	OR-Y		000	000		00
																									OR<25					
																	02	NONE	STRGHT											
																		PRVTE	E -W									015		00
																		PSNGR CAR		02	PSNG	INJC	73	F			000	000		00
03556	N	N	N	N	N	N		10/18/2023	16	WILLAMETTE FALLS DR	ALLEY		N	N	CLR	ANGL-OTH	01	NONE 0	TURN-L										013	27,40,02
CITY								WE	135	10TH ST	SW	(NONE)	UNKNOWN	N	DRY	TURN		PRVTE	N -NE									018	013	00
N								8A			08			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	56	M	OR-Y		016,028	038		27,40,02
N								45 20 42.09	-122 39 8.74			(02)													OR<25					
																	02	NONE 0	STRGHT											
																		PRVTE	SW-NE									000		00
																		PSNGR CAR		01	DRVR	INJC	56	M	OR-Y		000	000		00
																									OR<25					
																	03	NONE 0	STRGHT											
																		PRVTE	NE-SW									022		00
																		PSNGR CAR		01	DRVR	NONE	41	M	OR-Y		000	000		00
																									OR<25					
01805	N	N	N	N				07/01/2021	16	WILLAMETTE FALLS DR	STRGHT		Y	N	CLR	S-1STOP	01	NONE 9	STRGHT											29
NONE								TH	60	10TH ST	SW	(NONE)	STOP SIGN	N	DRY	REAR		N/A	SW-NE									000		00
N								5P			08			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N								45 20 42.41	-122 39 7.59			(03)													UNK					
																	02	NONE 9	STOP											
																		N/A	SW-NE									011		00
																		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
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01430	N	Y	N	N	N	N		05/29/2021	16	WILLAMETTE FALLS DR	INTER	3-LEG	N	Y	CLR	FIX OBJ	01	NONE 0	STRGHT										093,062,010	27
CITY								SA	0	11TH ST	NE		NONE	N	DRY	FIX		PRVTE	SW-NE									000	062,010	00
N								8P			05	0		N	DUSK	INJ		PSNGR CAR		01	DRVR	INJC	26	F	OR-Y		080	038	093	27
N								45 20 41.66	-122 39 10.16																OR<25					
02337	Y	N	N	N				08/12/2021	16	WILLAMETTE FALLS DR	STRGHT		N	N	CLR	S-1TURN	01	NONE 0	STRGHT											30,08
CITY								TH	71	11TH ST	NE	(NONE)	NONE	N	DRY	TURN		PRVTE	SW-NE									000		00
N								1P			07			N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	17	F	OR-Y		050	000		30
N								45 20 41.99	-122 39 9.05			(02)													OR<25					

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

CITY OF WEST LINN, CLACKAMAS COUNTY **WILLAMETTE FALLS DR and Intersectional Crashes at WILLAMETTE FALLS DR, City of West Linn, Clackamas County, ALL Crashes Severity, ALL Crashes Circumstance, 01/01/2019 to 12/31/2024**

86 - 90 of 99 Crash records shown.

SER# INVES RD DEV UNLOC	S P E E D	A L C	D R U G S	J N V	S I L	C H	W O R K	DATE DAY TIME LAT	CLASS DIST FROM LONG	CITY STREET FIRST STREET SECOND STREET LRS	RD CHAR DIRECT LOCTN	INT-TYPE (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFFRD RNDBT DRVWY	WTHR SURF LIGHT	CRASH COLL SVRTY	V#	SPCL USE TRLR QTY OWNER TYPE	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
																	02	NONE 0	U-TURN											
																		PRVTE	SW-SW									000		00
																		PSNGR CAR		01	DRVR	INJC	22	F	OTH-Y N-RES		008,006	000		08
00546	N	N	N	N				02/15/2024	16	WILLAMETTE FALLS DR	STRGHT		N	N	CLR	S-STRGHT	01	NONE 9	STRGHT											13
NONE								TH	100	11TH ST	SW	(NONE)	L-TURN REF	N	WET	SS-O		N/A	NE-SW									000		00
N								8A			07			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N								45 20 41.24	-122 39 11.6			(03)													UNK					
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																		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK UNK		000	000		00
02020	N	N	N	N	N	N		07/11/2022	16	WILLAMETTE FALLS DR	INTER	CROSS	N	N	CLR	S-STRGHT	01	NONE 9	STRGHT											13
NONE								MO	0	12TH ST	NE		STOP SIGN	N	DRY	SS-O		N/A	SW-NE									000		00
N								5P			05	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N								45 20 40.25	-122 39 14.99																UNK					
																	02	NONE 9	STRGHT											
																		N/A	SW-NE									000		00
																		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK UNK		000	000		00
02913	N	N	N	N	N	N		08/28/2023	16	WILLAMETTE FALLS DR	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE 0	STRGHT											29
NONE								MO	0	12TH ST	SW		STOP SIGN	N	DRY	REAR		PRVTE	SW-NE									000		00
N								6P			06	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	45	M	OR-Y		026	000		29
N								45 20 40.25	-122 39 14.99																OR<25					
																	02	NONE 0	STOP											
																		PRVTE	SW-NE									011		00
																		PSNGR CAR		01	DRVR	NONE	40	M	OR-Y OR<25		000	000		00
																	02	NONE 0	STOP											
																		PRVTE	SW-NE									011		00
																		PSNGR CAR		02	PSNG	INJB	35	F			000	000		00
02260	N	N	N	N				07/05/2019	16	WILLAMETTE FALLS DR	INTER	CROSS	N	N	CLR	ANGL-OTH	01	NONE 0	STRGHT											02
NONE								FR	0	12TH ST	CN		STOP SIGN	N	DRY	ANGL		PRVTE	NE-SW									015		00
N								7P			03	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	18	F	OR-Y OR<25		028	000		02
N								45 20 40.26	-122 39 15.04																					
																	02	NONE 0	STRGHT											
																		PRVTE	NW-SE									015		00
																		PSNGR CAR		01	DRVR	INJC	71	M	OR-Y OR<25		000	000		00

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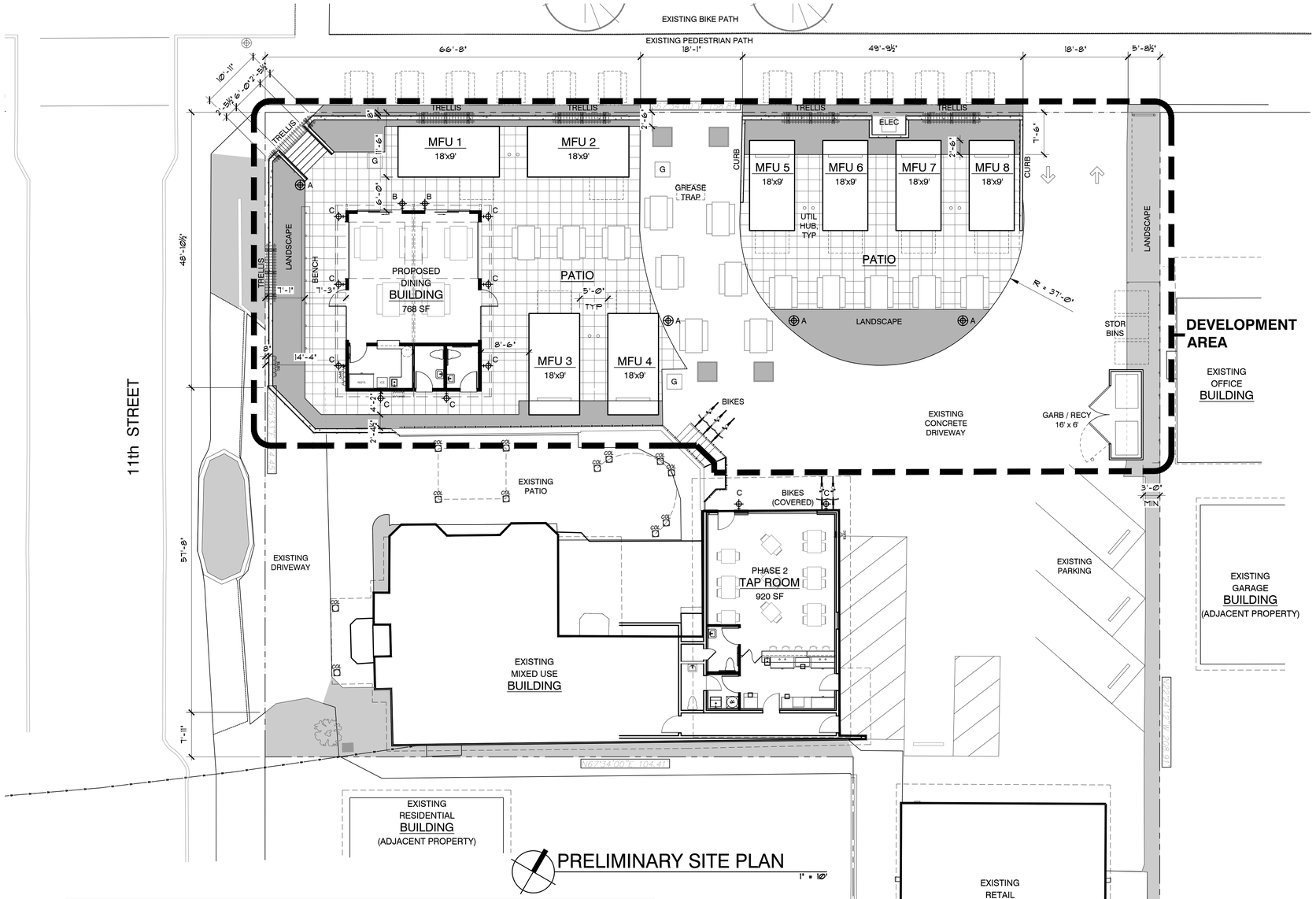

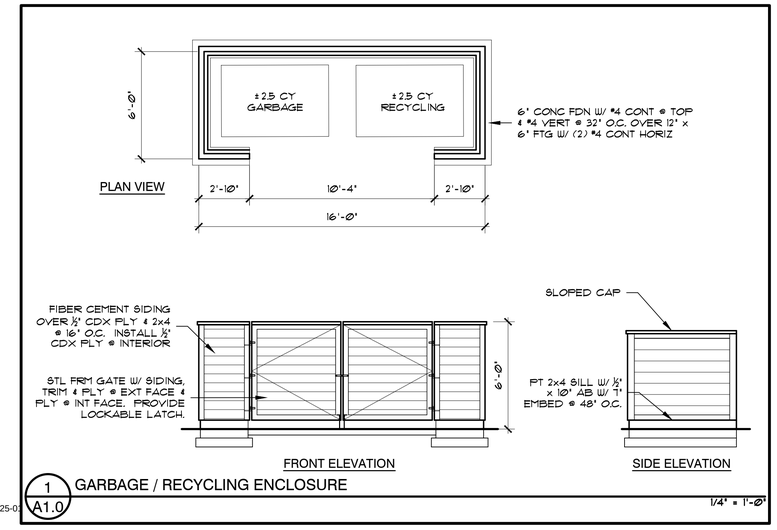

1 A1.0 GARBAGE / RECYCLING ENCLOSURE

DRAWING INDEX

A1.0 SITE PLAN & GENERAL NOTES
A2.1 STREET ELEVATION, DINING BUILDING PLAN & ELEVATIONS
A2.2 TAP ROOM BUILDING PLAN & ELEVATIONS

ECM EXISTING CONDITIONS MAP
C1 SITE DRAINAGE & GRADING PLAN

P1 WASTE PIPING
P1.2 PHASE 2 - WASTE PIPING TAP ROOM
P2 WATER PIPING
P3 NATURAL GAS PIPING

L1 LANDSCAPE PLAN

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PHASE 2	528 NSF INTERIOR SEATING @ OLF 15 = 35 OCCUPANTS 122 + 35 = 157 OCCUPANTS 3 WC / 3 LAV

CONTACT INFORMATION

OWNER
DAVID LAWRENCE
1553 11TH STREET
WEST LINN, OR 97068
djsdeckinginc@yahoo.com
(503) 229-4111

ARCHITECT
ISELIN ARCHITECTS, PC
1307 7TH ST
OREGON CITY, OR 97045
CONTACT: JESSICA ISELIN
jessica@iselinarch.com
(503) 656-1942

STRUCTURAL / CIVIL
DUANE THOMPSON, PE
duanet610@gmail.com

LANDSCAPE
WAGNER DESIGN GROUP
LANDSCAPE DESIGN
erinw@wagnerdesigngroup.com

VICINITY MAP
N.T.S.

ISELIN ARCHITECTS P.C.
1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

NOT FOR PRELIMINARY CONSTRUCTION

DR/CU APPLICATION

11th STREET FOOD PARK

1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507
FILE :	A-SIT
DATE :	06/30/25

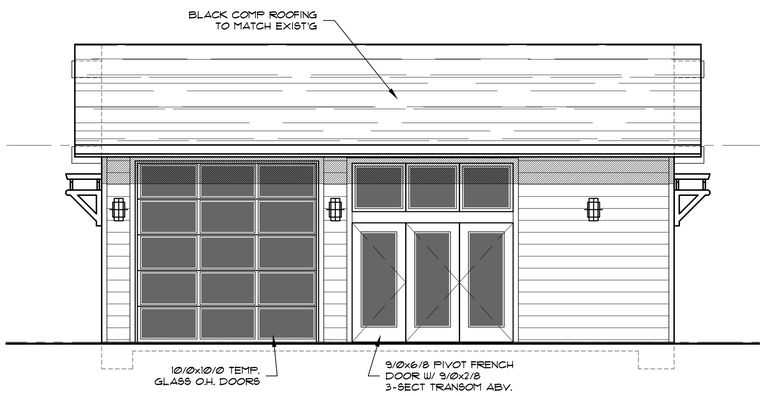
SHEET #

A1.0

PRELIMINARY SITE PLAN
PC PH 11.19.2025

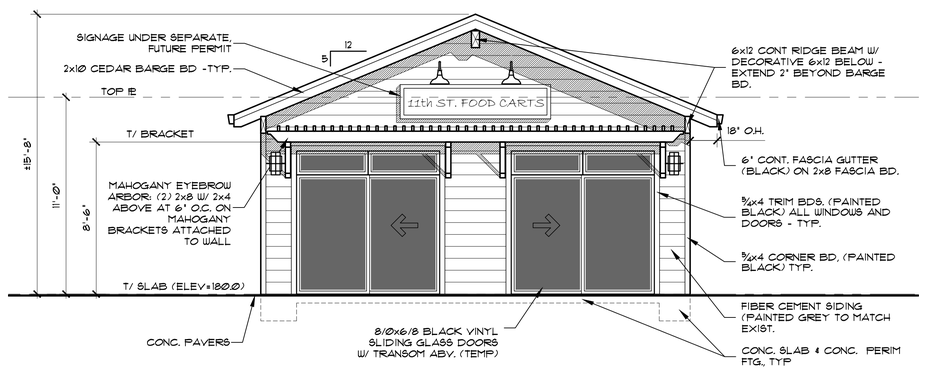
WILLAMETTE FALLS DRIVE ELEVATION

3/16" = 1'-0"



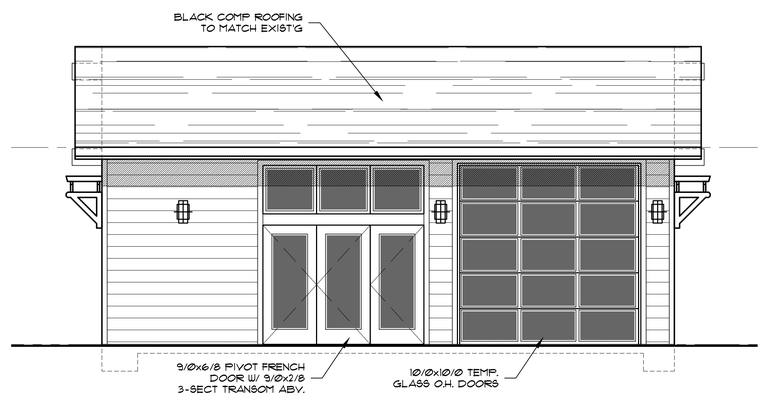
RIGHT ELEVATION

1/4" = 1'-0"



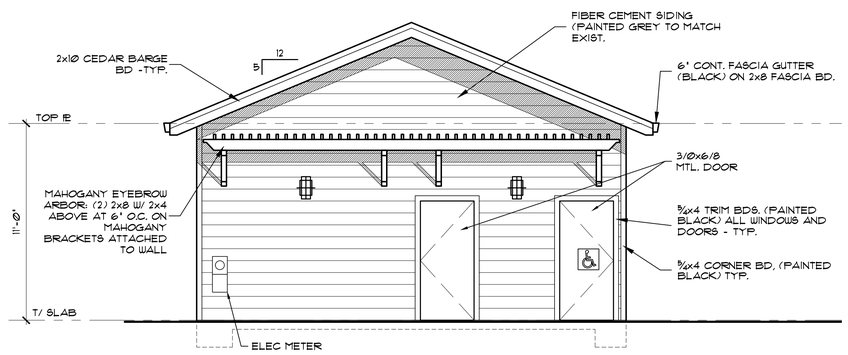
FRONT ELEVATION

1/4" = 1'-0"



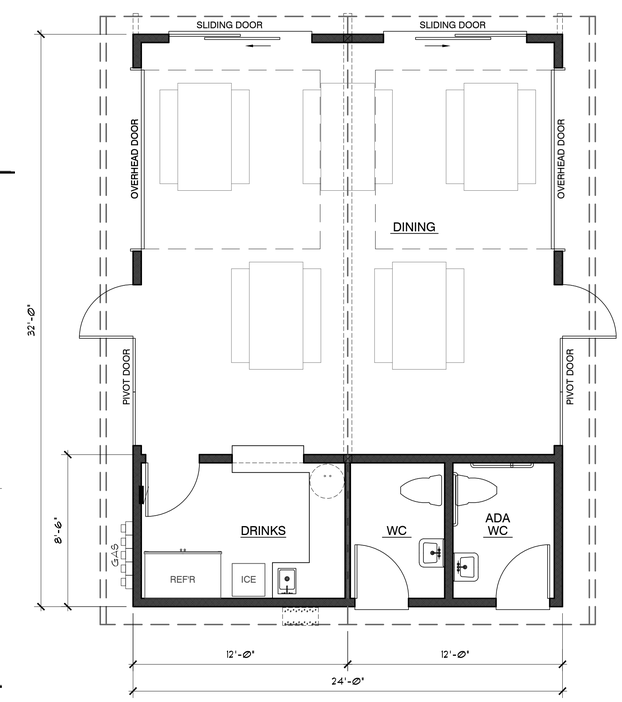
LEFT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"



DINING BUILDING PLAN

1/4" = 1'-0"

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PRELIMINARY
CONSTRUCTION

DR/CU APPLICATION

11th STREET FOOD PARK

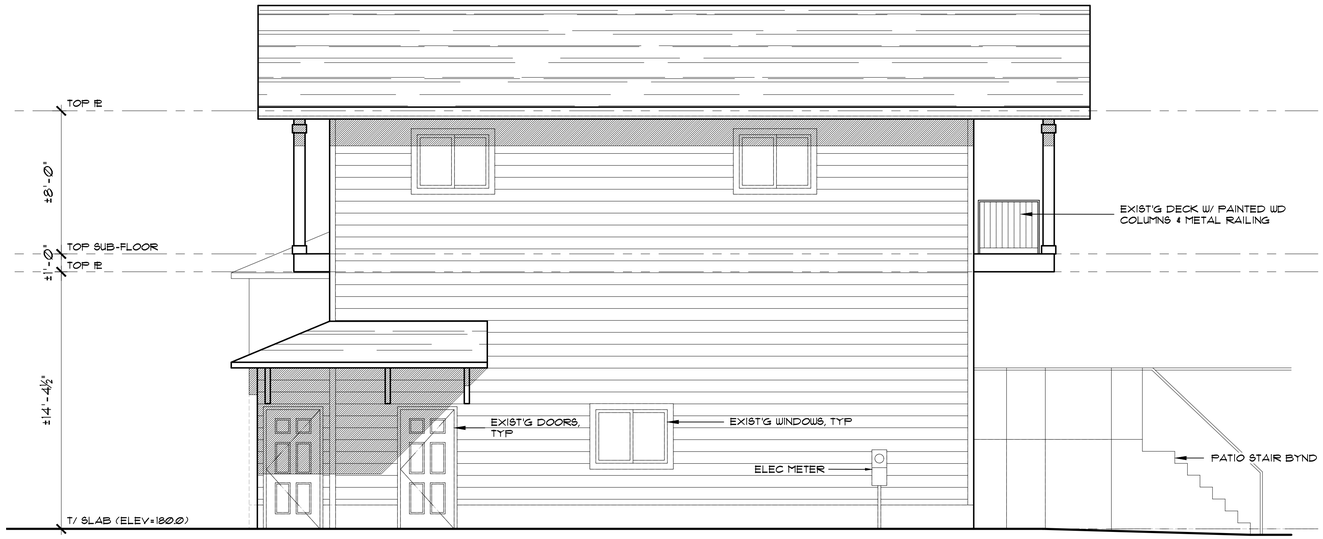
1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507
FILE :	A-ELV
DATE :	06/30/25

SHEET #

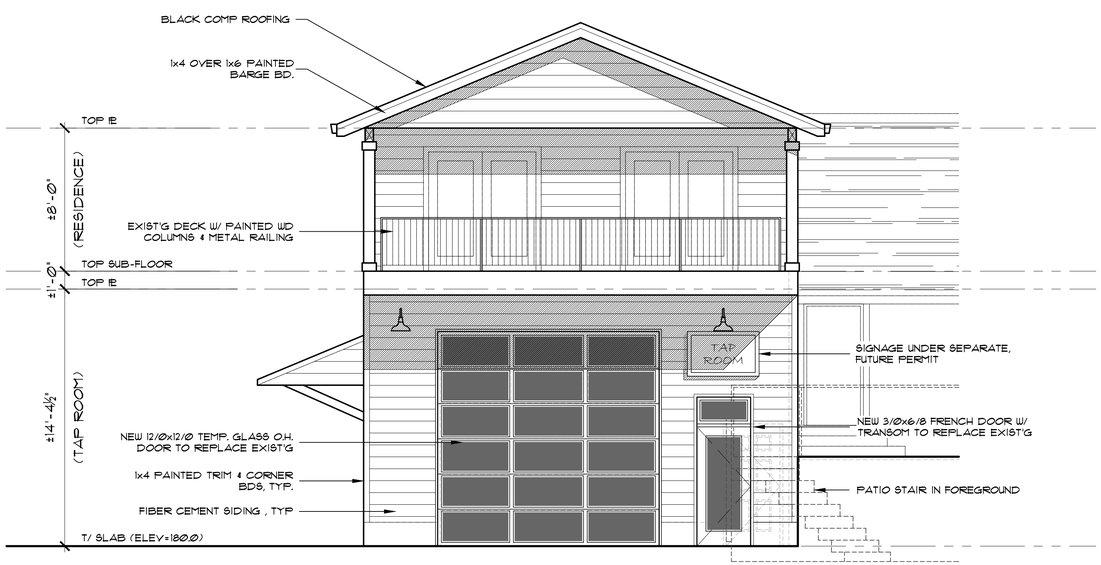
A2.1

ELEVATIONS



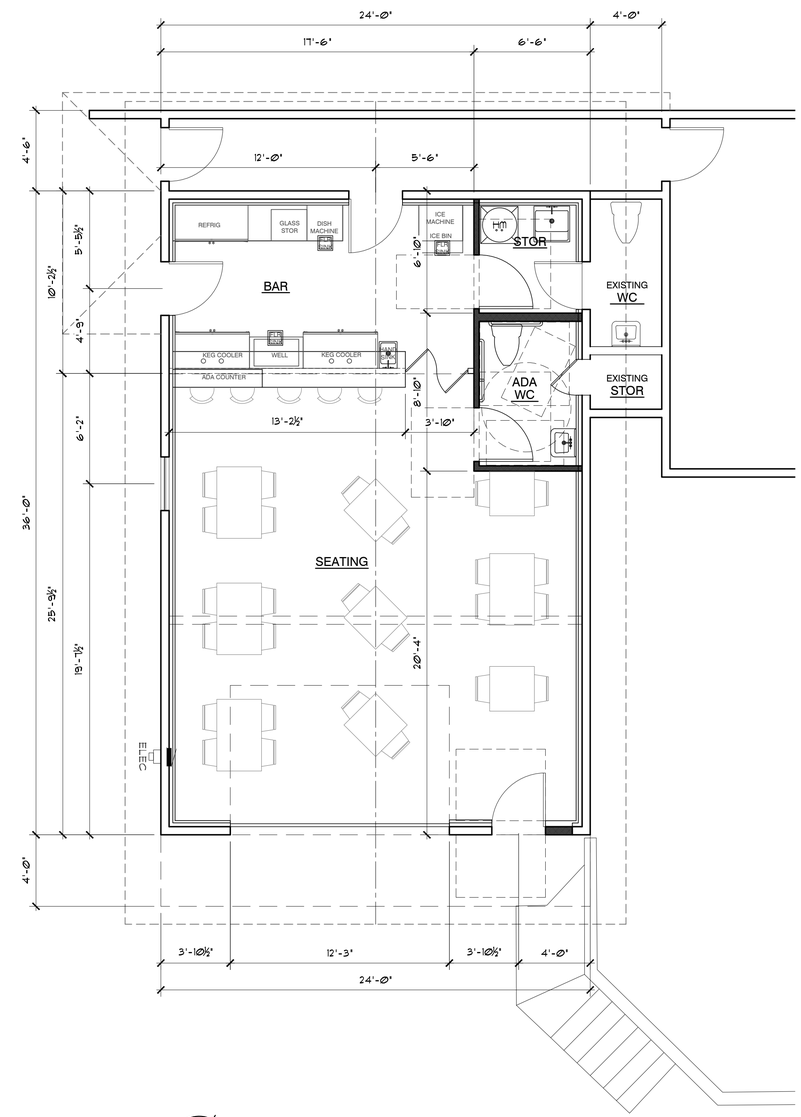
LEFT ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



TAP ROOM PLAN

1/4" = 1'-0"

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•NOT FOR• PRELIMINARY CONSTRUCTION

DR/CU APPLICATION

Tap Room - 11th STREET FOOD PARK

1553 11th Street
West Linn, OR 97068

PROJ. NO. :	2507.T
FILE :	A-ELV-TAP
DATE :	08/26/25

SHEET #

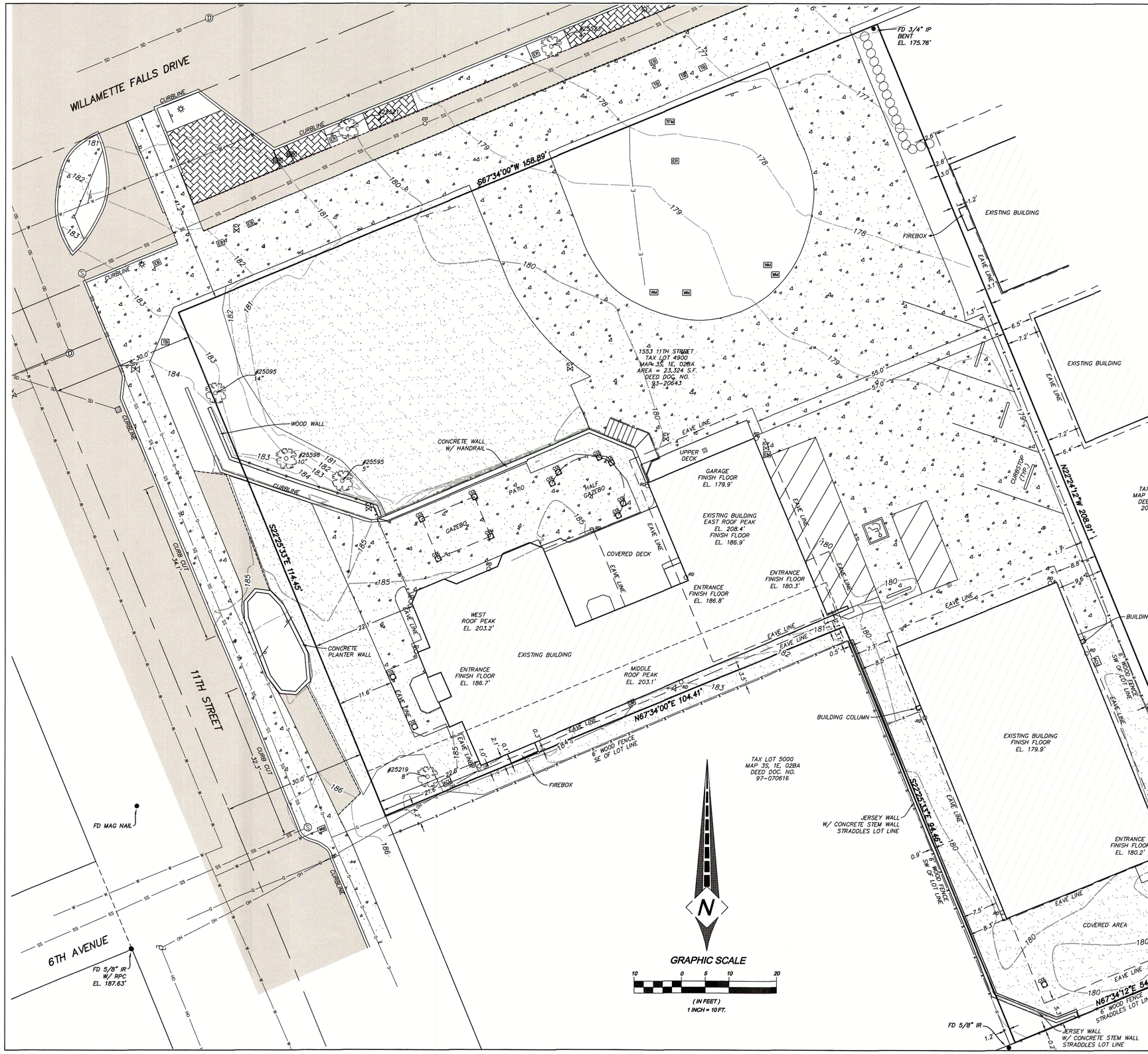
A2.2

TAP ROOM ELEVATIONS

PC PH 11.19.2025

EXISTING CONDITIONS MAP

TAX LOT 4900, MAP 3S, 1E, 02BA
LOCATED IN THE N.W. 1/4 SECTION 02, T.3S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
FEBRUARY 25, 2025 SCALE 1"=10'



SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 2018-113, RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

UTILITY NOTES:

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP ARE SHOWN BASED ON A COMBINATION OF INFORMATION, INCLUDING VISIBLE ABOVE GROUND STRUCTURES, AVAILABLE AS BUILT AND GIS MAPPING FROM LOCAL JURISDICTIONS, AS WELL AS SURFACE MARKINGS BY ONE CALL TICKET NUMBER 25019460 DATED FEBRUARY 5, 2025.

THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.

THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

INVERT ELEVATIONS AND PIPE SIZES SHOWN ARE APPROXIMATE ONLY, BASED ON FIELD OBSERVATIONS AS WELL AS AVAILABLE AS-BUILT DATA. ALL PIPE SIZES SHALL BE FIELD VERIFIED BY THE OWNER, ENGINEER, CONTRACTOR, AND GOVERNING AGENCY PRIOR TO ANY CONSTRUCTION ACTIVITY. SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY PIPE SIZES SHOWN ON THIS SURVEY.

LEGEND:

Some Symbols shown may not be used on map

- 12" DECIDUOUS TREE
- 24" EVERGREEN TREE
- DEAD TREE
- STORM SEWER MANHOLE
- CATCH BASIN
- CURB INLET
- AREA DRAIN
- DITCH INLET
- CO SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- FH FIRE HYDRANT
- WATER MANHOLE
- WM WATER METER
- WV WATER VALVE
- HOSE BIB
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GM GAS METER
- MB MAILBOX
- UR UTILITY RISER
- UB UTILITY BOX
- TELEPHONE MANHOLE
- TR TELEPHONE RISER
- STORM OUTFALL
- SIGN
- BOL BOLLARD
- FOUND MONUMENT
- RD DOWN SPOUT TO STORM SYSTEM
- RD SPLASH DOWN SPOUT TO SPLASH GUARD
- COL COLUMN
- OIL TANK FILL LID
- SGP TRAFFIC SIGNAL POLE
- UTILITY POLE
- LIGHT POLE
- GUY GUY WIRE
- EB ELECTRIC BOX
- EM ELECTRIC METER
- TFM TRANSFORMER
- ER ELECTRIC RISER
- AC/U HEAT PUMP
- GTP GATE POST
- TVB CABLE TV BOX
- CR CABLE TV RISER
- OH OVERHEAD LINE
- G GAS LINE
- E ELECTRICAL LINE
- FO COMMUNICATIONS LINE
- SS SANITARY SEWER LINE
- SD STORM DRAIN LINE
- W WATER LINE
- X FENCE LINE
- HANDRAIL
- HEDGEROW
- CONCRETE
- ASPHALT
- PAVERS
- GRAVEL

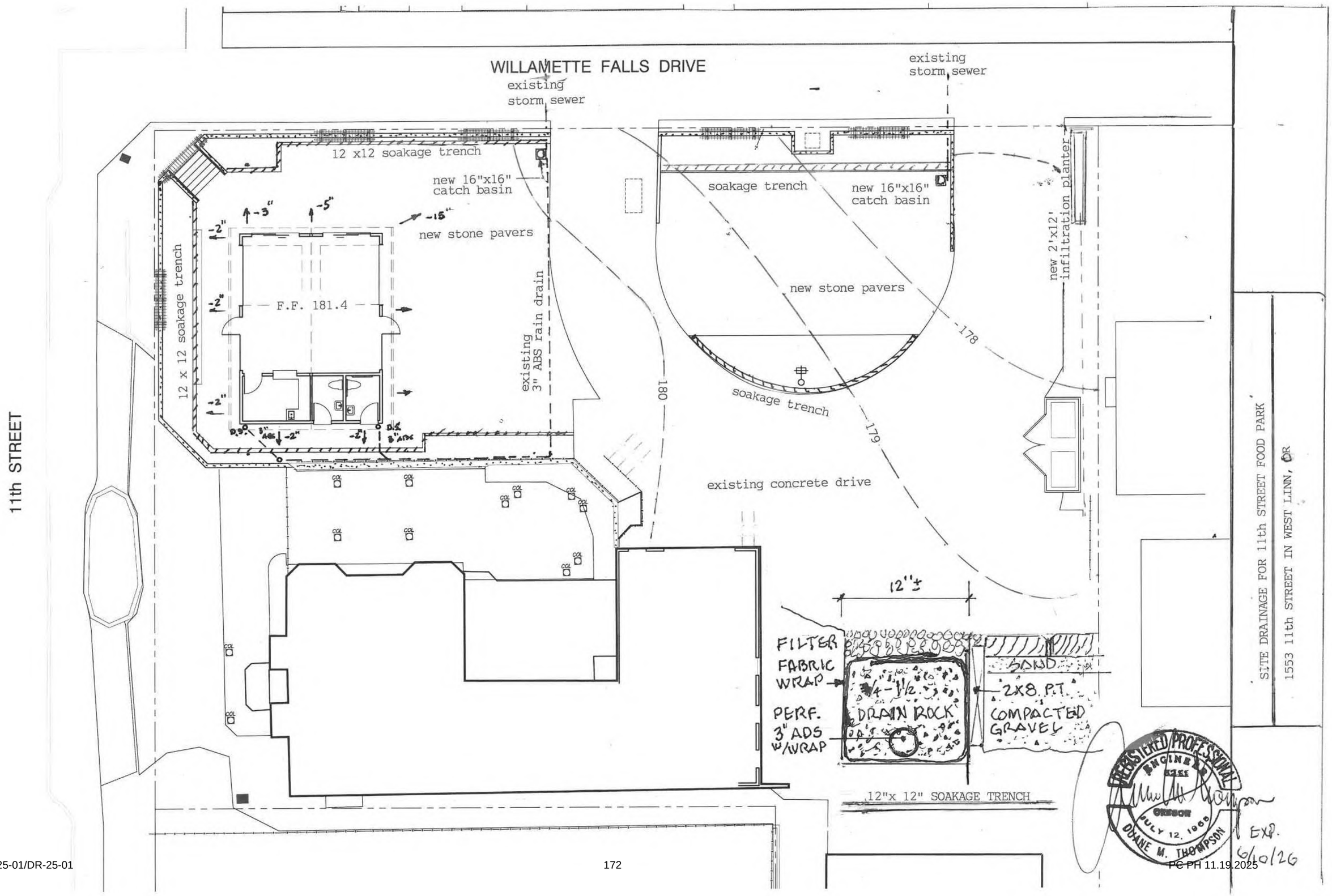
FD = FOUND
IP = IRON PIPE
IR = IRON ROD
YPC = YELLOW PLASTIC CAP
ALC = ALUMINUM CAP
RPC = RED PLASTIC CAP

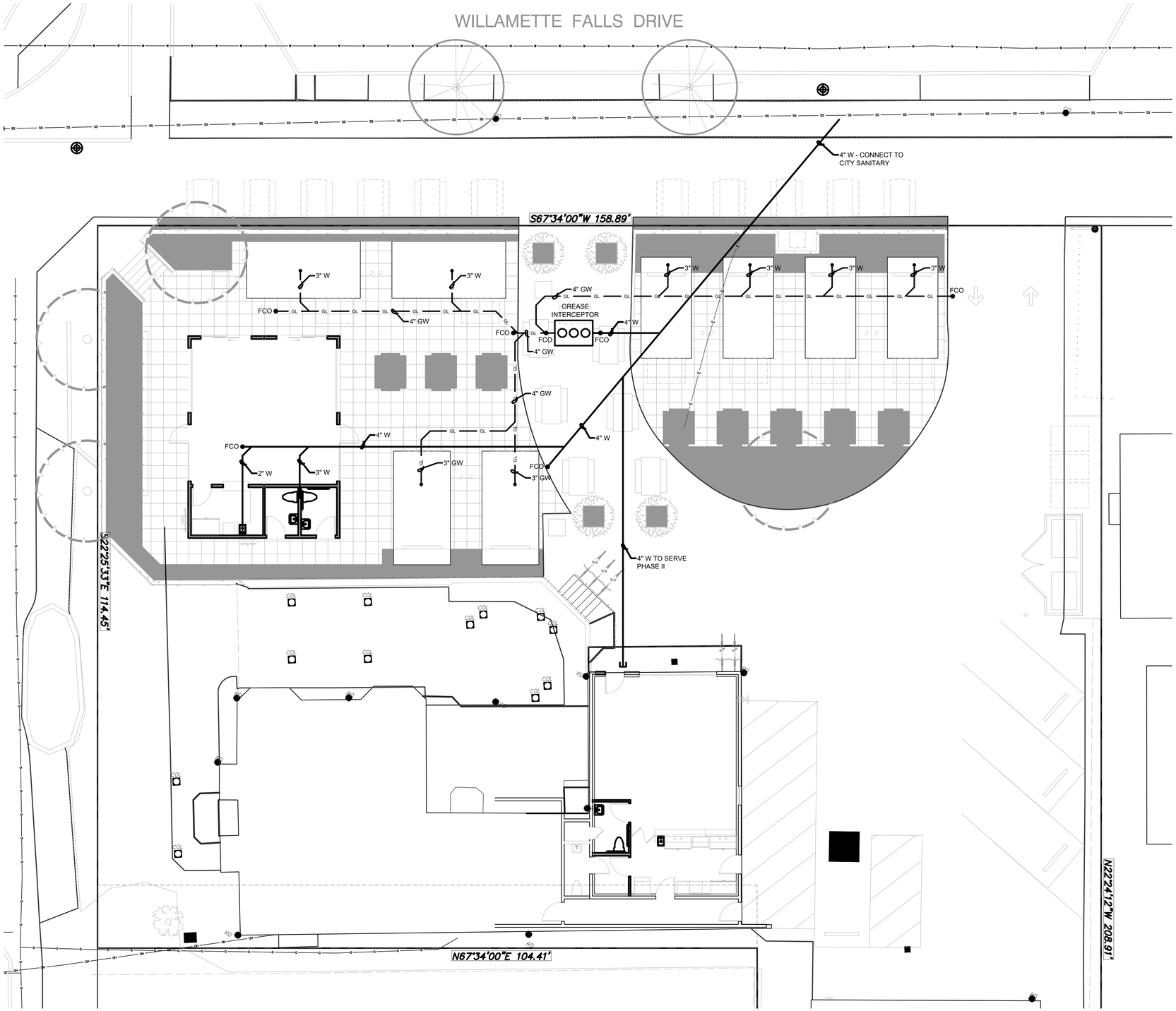
SIGNED ON: 2/26/25

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2025

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\DJS DECKING-11TH ST-1553\DWG\ECM-C3D.dwg


WILLAMETTE FALLS DRIVE
11th STREET
existing storm sewer
existing storm sewer
12 x12 soakage trench
new 16"x16" catch basin
new stone pavers
12 x 12 soakage trench
F.F. 181.4
existing 3" ABS rain drain
soakage trench
new 16"x16" catch basin
new stone pavers
soakage trench
new 2'x12' infiltration planter
178
179
180
existing concrete drive
12"±
FILTER FABRIC WRAP
4-1 1/2" DRAIN ROCK
PERF. 3" ADS W/WRAP
SAND
2X8 P.T.
COMPACTED GRAVEL
12"x 12" SOAKAGE TRENCH
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1988
DUANE M. THOMPSON
EXP. 6/30/26
SITE DRAINAGE FOR 11th STREET FOOD PARK
1553 11th STREET IN WEST LINN, OR



PLUMBING LEGEND

- HOT WATER PIPING
- HOT WATER RETURN PIPING
- COLD WATER PIPING
- GAS PIPING
- GREASE PIPING
- SANITARY PIPING
- VENT PIPING BELOW GRADE
- VENT PIPING ABOVE GRADE
- STORM DRAIN PIPING

DS - DOWN SPOUT
(E) - EXISTING
FD - FLOOR DRAIN
FS - FLOOR SINK
GT - GREASE TRAP
HB - HOSE BIB
HS - HAND SINK
LV - LAVATORY
MS - MOP SINK
PT - PRESSURE TANK
RD - ROOF DRAIN
S - SINK
WB - WASHER BOX
WC - WATER CLOSET
WF - WATER FILTER
WH - WATER HEATER

- SHEET NOTE
- CONNECT TO EXISTING AT THIS POINT. VERIFY EXACT LOCATION, SIZE AND CONDITION.

HB - COLD WATER HOSE BIB
H/C HB - H&C WATER HOSE BIB

GENERAL NOTE;

1) CONNECT PLUMBING VENTS TOGETHER WHERE PRACTICAL.

Rayborn's PLUMBING, INC.
License #34-166PB CCB #87852 Metro #1806
19990 SW Cipole Rd. (503) 692-4139
Tualatin, OR 97062 FAX 691-2328

CIRCLE 10 FOOD CARTS
PHASE I & II

1553 11TH STREET
WEST LINN, OR 97068

Drawn By: BTC

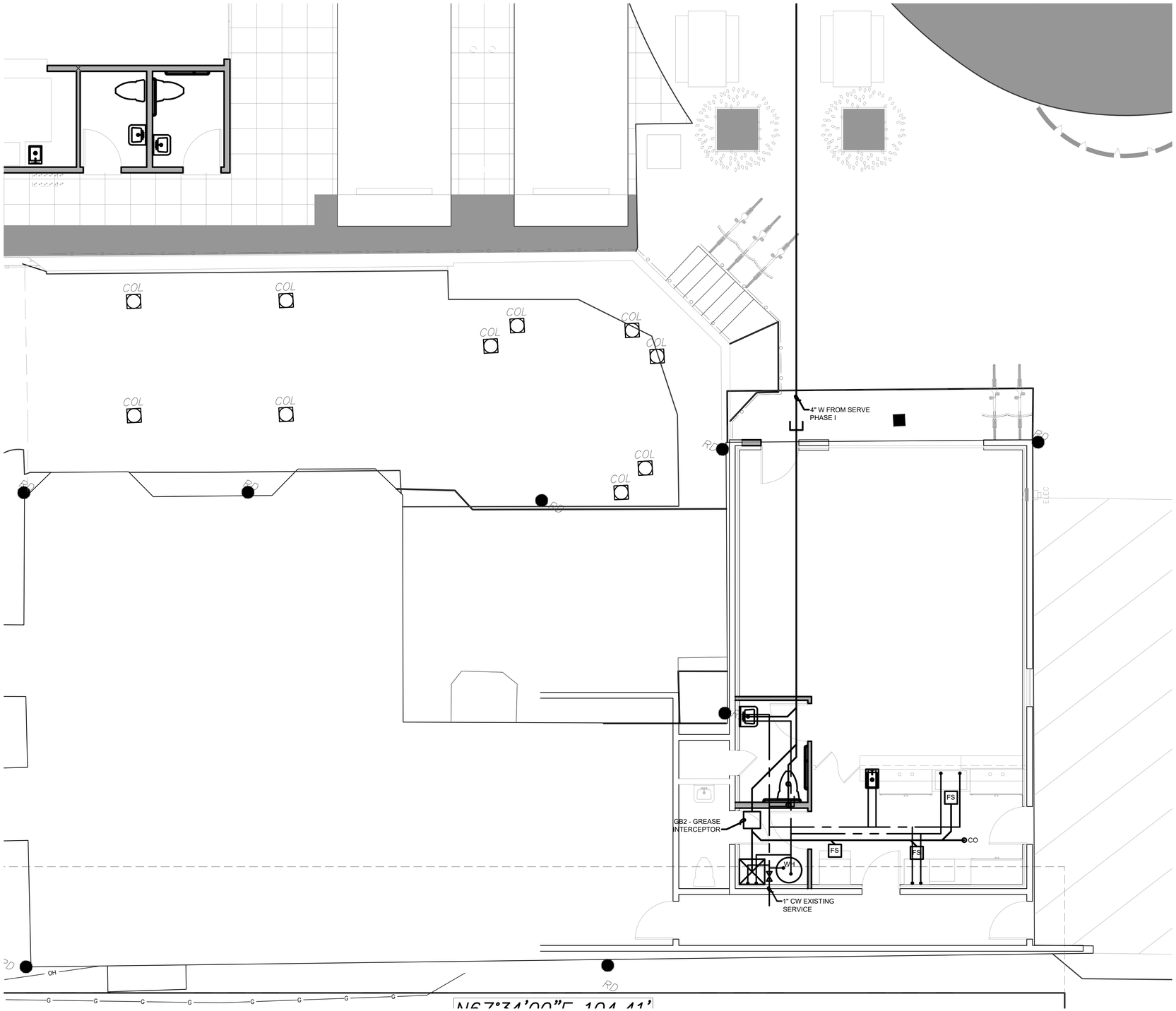
Date: SEPT 8, 2025

Revision Dates

Sheet Title
PHASE I; UNDERGRND WASTE & GREASE

Scale
1/8" = 1'-0"

Sheet Number
P-1



PLUMBING LEGEND

- HOT WATER PIPING
- HOT WATER RETURN PIPING
- COLD WATER PIPING
- G — GAS PIPING
- GL — GREASE PIPING
- SANITARY PIPING
- VB — VENT PIPING BELOW GRADE
- VENT PIPING ABOVE GRADE
- SD — STORM DRAIN PIPING

DS - DOWN SPOUT
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CIRCLE 10 FOOD CARTS
PHASE I & II

1553 11TH STREET
WEST LINN, OR 97068

Drawn By: BTC

Date: SEPT 8, 2025

Revision Dates

Sheet Title

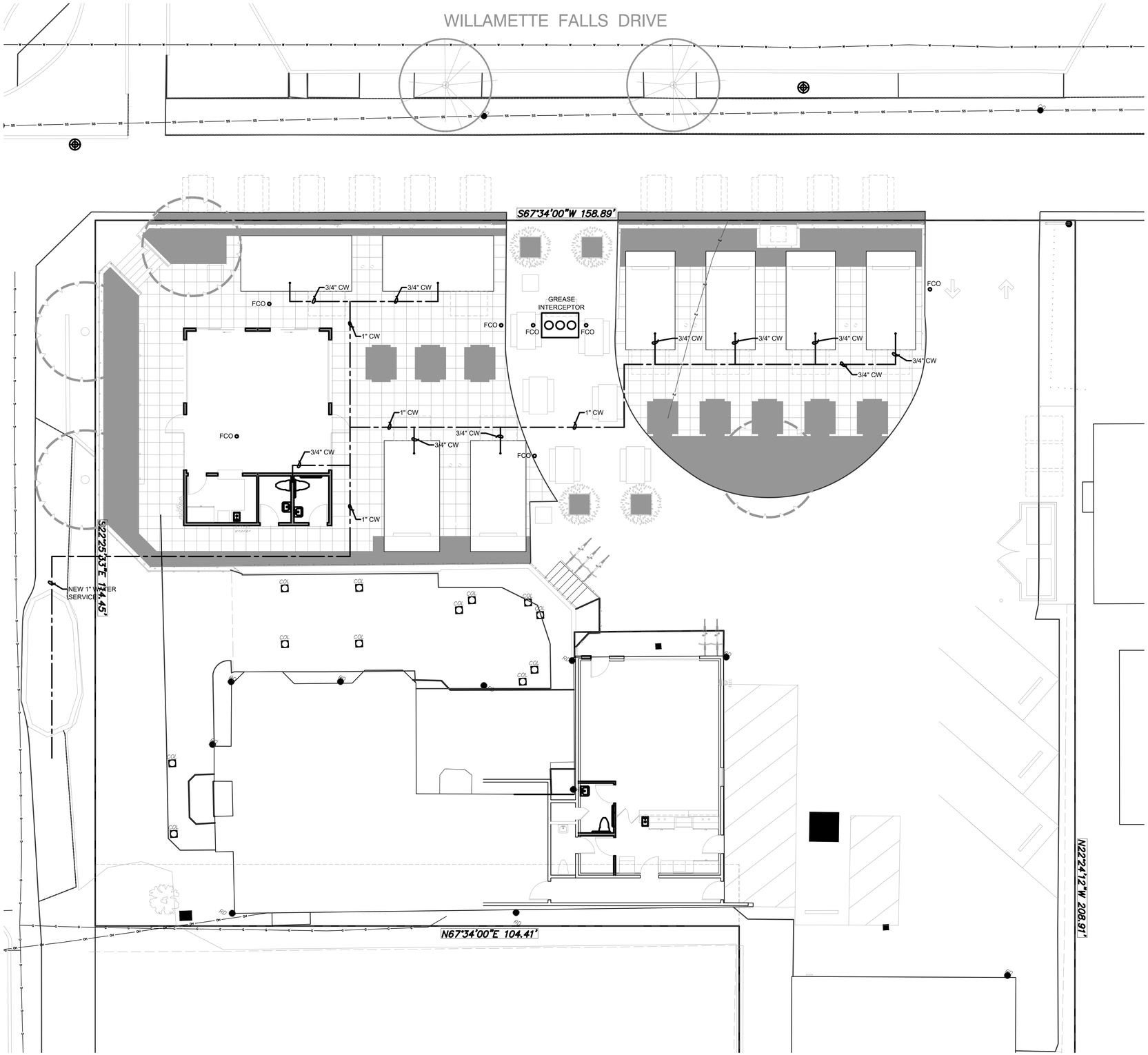
PHASE 2; PLUMBING PLAN

Scale

1/4" = 1'-0"

Sheet Number

P-1.2



PLUMBING LEGEND

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- HOT WATER RETURN PIPING
- COLD WATER PIPING
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- SHEET NOTE
- CONNECT TO EXISTING AT THIS POINT. VERIFY EXACT LOCATION, SIZE AND CONDITION.

HB — COLD WATER HOSE BIB
H/C HB — H&C WATER HOSE BIB

GENERAL NOTE;

1) CONNECT PLUMBING VENTS TOGETHER WHERE PRACTICAL.

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CIRCLE 10 FOOD CARTS
PHASE I & II

1553 11TH STREET
WEST LINN, OR 97068

Drawn By: BTC

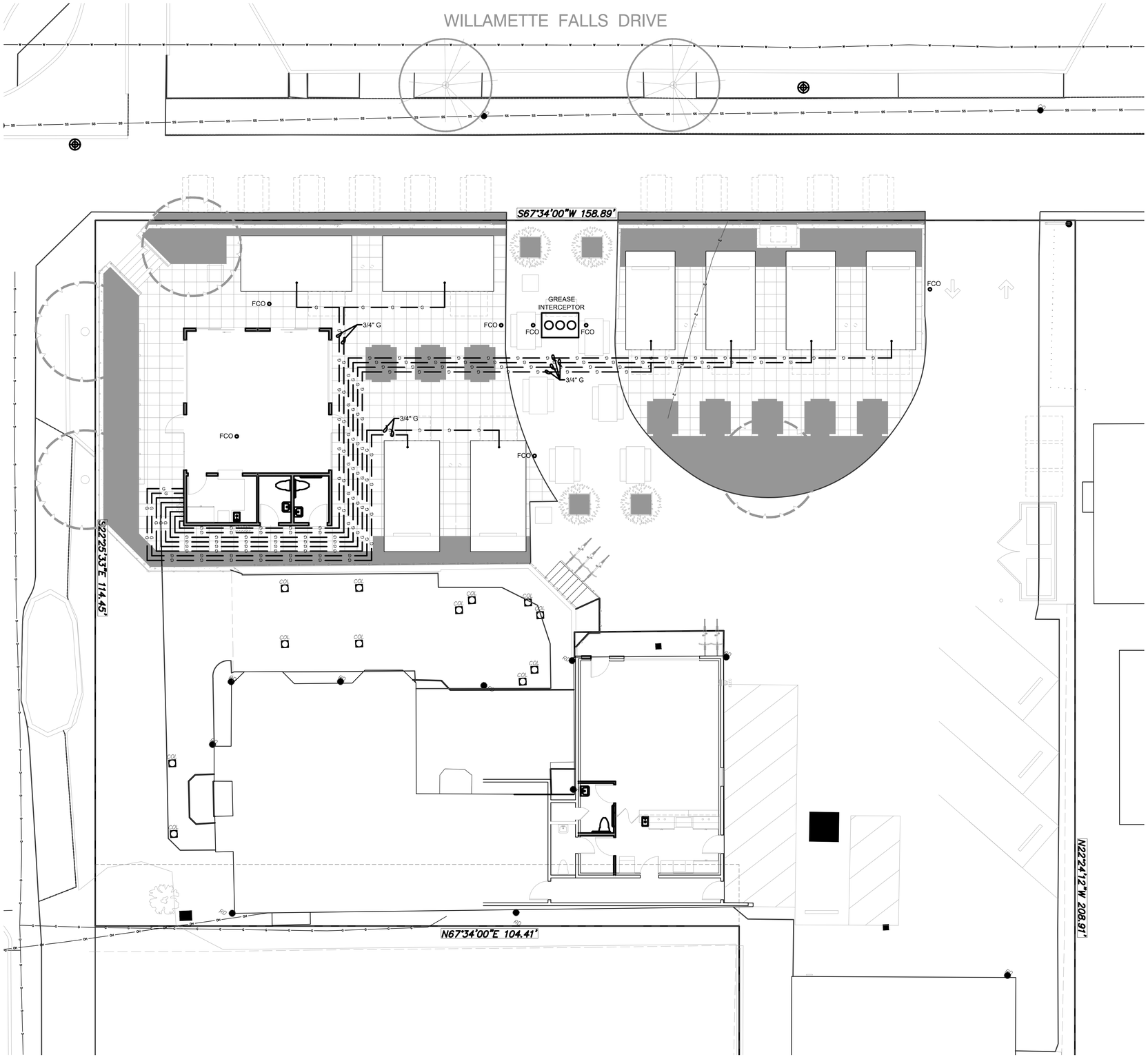
Date: SEPT 8, 2025

Revision Dates

Sheet Title
PHASE I; UNDERGRND WATER PIPING

Scale
1/8" = 1'-0"

Sheet Number
P-2



PLUMBING LEGEND

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GENERAL NOTE;

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Tualatin, OR 97062 FAX 691-2328

CIRCLE 10 FOOD CARTS
PHASE I & II

1553 11TH STREET
WEST LINN, OR 97068

Drawn By: BTC

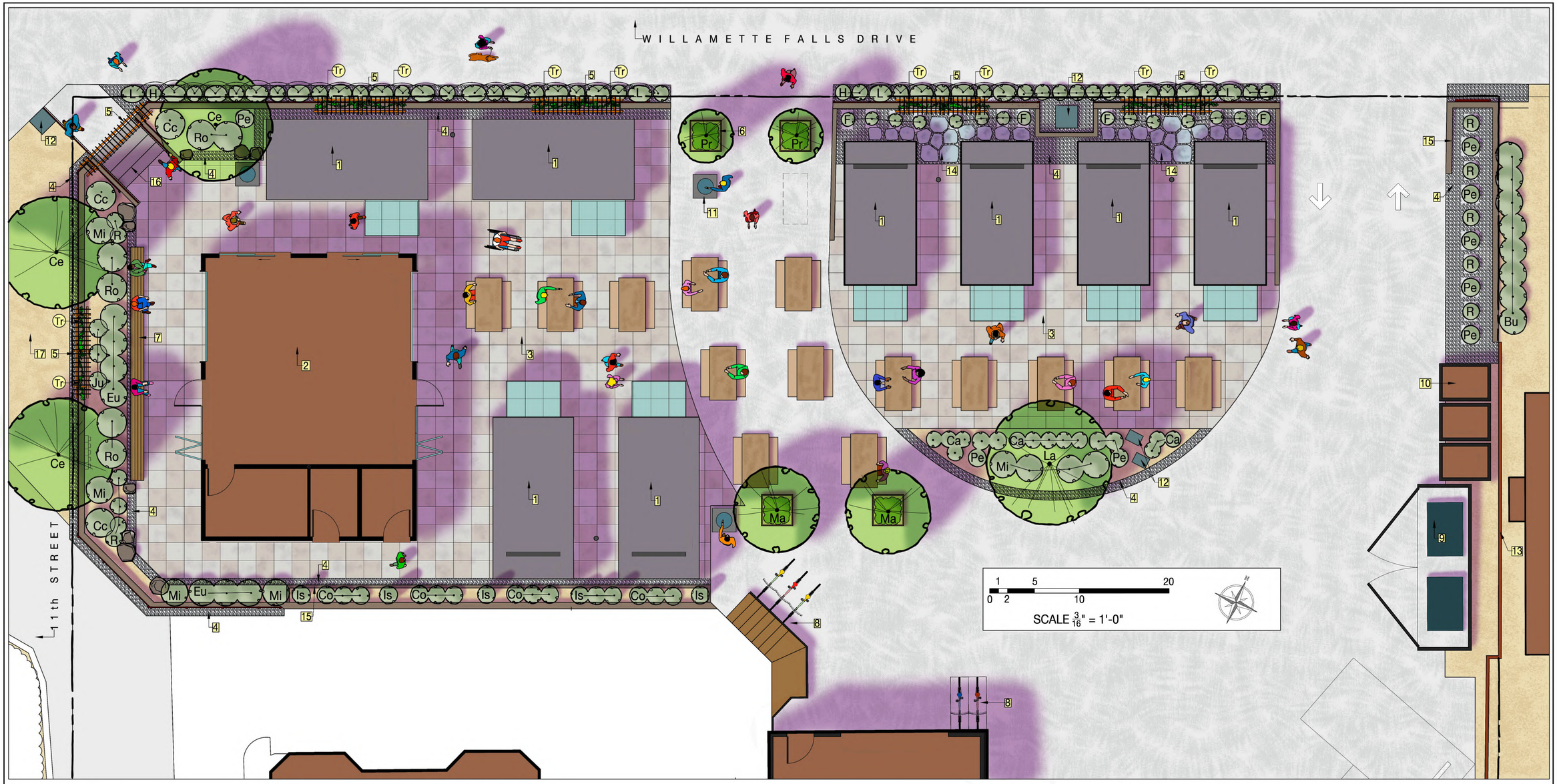
Date: SEPT 8, 2025

Revision Dates

Sheet Title
PHASE I; UNDERGRND NATURAL GAS PIPING

Scale
1/8" = 1'-0"

Sheet Number
P-3



KEY
1: Food cart
2: Building
3: Paver patio
4: River rock drainage channel
5: Arbor
6: 42" Square planter box (typ)
7: Bench seating, 18" high and 18" deep
8: Bike parking
9: Garbage and recycling center
10: Food cart storage bins (typ)
11: Garbage/ recycling cans (typ)
12: Utility box
13: Fence
14: Bluestone pavers
15: Wall
16: Steps: 6" Risers, 15" treads
17: Mulch zone, from river rock to sidewalk

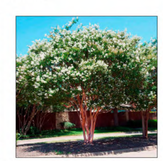
PICNIC BENCH
GARBAGE/ RECYCLING CAN
BOULDERS
BLUESTONE FLAGSTONE PAVERS
RIVER ROCK
UTILITY BOX
ANNUALS PLANTING ZONE

PLANT LIST

ABR.	BOTANICAL NAME	QTY	SIZE	ABR.	BOTANICAL NAME	QTY	SIZE
Bu	Buxus 'Green Velvet'	8	5 Gal.	La	Lagerstroemia i. 'Natchez'	1	15 Gal.
Co	Calamagrostis 'Overdam'	12	1 Gal.	L	Lithodora 'Grace Ward'	20	1 Gal.
Ca	Calluna 'Wynanda'	12	1 Gal.	Ma	Magnolia 'Little Gem'	2	15 Gal.
Ce	Cercis 'Forest Pansy'	3	4" cal	Mi	Miscanthus 'Yakushima'	8	2 Gal.
Cc	Chamaecyparis 'Cripsii'	3	6-8'	Pe	Pennisetum 'Hameln'	12	1 Gal.
Eu	Euonymus 'Butterscotch'	7	1 Gal.	Pr	Prunus 'Ama No Gawa'	2	15 Gal.
F	Festuca 'Beyond Blue'	15	1 Gal.	Ro	Rosa 'Nitty Gritty Red'	6	5 Gal.
H	Helictotrichon sempervirens	29	1 Gal.	R	Rudbeckia 'Goldsturm'	11	1 Gal.
Is	Ilex 'Sky Pencil'	7	5 Gal.	Tr	Trachelopspermum jasminoides	10	5 Gal.
Ju	Juniperus 'Blue Arrow'	3	5 Gal.				

HIGHLIGHTED VEGETATION

Cercis 'Forest Pansy'


Lagerstroemia 'Natchez'

Magnolia 'Little Gem'

Prunus 'Ama No Gawa'

Trachelospermum jasminoides

WAGNER DESIGN GROUP
Landscape Design
www.wagnerdesigngroup.com
(503) 975-9244

LANDSCAPE MASTER PLAN

11th STREET FOOD PARK
WEST LINN, OR

6.5.25

DRAWN BY: EW

L1.0

Wyss, Darren

From: jessica@iselinarch.com
Sent: Wednesday, November 5, 2025 10:05 AM
To: Wyss, Darren
Cc: 'David Lawrence'
Subject: RE: Food Cart Pod

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi Darren,

The three diagonal parking are 9' x 18' at a 50 degree angle. The HC parking space is 9' x 18' with an 8' access aisle. Sorry I did not dimension them as they are existing to remain. The drive aisle to remain is 18'-7" wide.

In the Pre-Application comments, the city requested that one driveway be closed and also noted that no frontage improvements would be required. Based on this, and the clean, newly improved frontage along WFD, we have assumed that the existing driveway would be allowed to remain. Because there are only four parking spaces on the site, with very limited usage for the pool/spa business, we would like to keep the driveway as is. If we can discuss the potential for an adjustment at the PC meeting, that would be good.

Jessica Iselin

ISELIN ARCHITECTS, P.C.
1307 SEVENTH STREET, OREGON CITY, OR 97045
PH. (503) 656-1942
www.iselinarchitects.com

From: Wyss, Darren <dwyss@westlinnoregon.gov>
Sent: Tuesday, November 4, 2025 4:00 PM
To: jessica@iselinarch.com
Cc: 'David Lawrence' <djlawrence7655@gmail.com>
Subject: RE: Food Cart Pod

Jessica,
As I am working through my staff report I have a few questions that need clarification:

1. Can you send me the angle and dimensions of the 3 parking spaces, the ADA space, and the drive aisle width? See CDC 46.150.E.

2. CDC 48.040.A(1) requires a 24-foot drive for 2-way traffic to a commercial use. The site plan shows the drive to the retail parking spaces is only 18-feet 8-inches wide. This is not addressed in your application. Are you proposing the PC grant you an adjustment through it Conditional Use Permit Authority in CDC 60.070.C(5)? At this point I will probably need to condition the proposal to widen the drive to 24-feet and you will then need to make your case to the Planning Commission.

Let me know asap as I need to publish the staff report on Thursday. Thanks.

From: jessica@iselinarch.com <jessica@iselinarch.com>
Sent: Monday, October 27, 2025 11:06 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: 'David Lawrence' <djlawrence7655@gmail.com>
Subject: RE: Food Cart Pod

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Hi Darren,

I had a chance to talk to David Lawrence about the porch question and he would like to proceed with the application as submitted. As we briefly discussed, the concept of the building is to serve as a dining pavilion/porch that would be almost entirely open on three sides for the majority of the time the site is open for business. We will have this discussion with members of the Planning Commission if they have questions or concerns at the hearing. Worst case, we will request a continuance to modify the design if that becomes necessary.

Regarding the 11th Street frontage, I looked back at the pre-app minutes and the following is noted:

- Due to previous ROW improvements to 11th Street, the City will require no additional frontage Improvements at the property location.

David and I are available for a hearing on Wednesday, Nov. 19th.

Thank you.

Jessica Iselin

ISELIN ARCHITECTS, P.C.
1307 SEVENTH STREET, OREGON CITY, OR 97045
PH. (503) 656-1942
www.iselinarchitects.com

certified sustainable building advisor - CSBA

From: Wyss, Darren <dwyss@westlinnoregon.gov>
Sent: Monday, October 27, 2025 8:55 AM
To: jessica@iselinarch.com
Subject: RE: Food Cart Pod

Jessica,
I will give you a call at 10am. Does that work for you?

From: jessica@iselinarch.com <jessica@iselinarch.com>
Sent: Monday, October 27, 2025 8:00 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Subject: RE: Food Cart Pod

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Hi Darren,

Sorry for my slow response. I was out of the office most of Thursday and Friday.

Regarding the primary Dining building, I would consider the entire Dining area as an enclosed porch. During all but the most severe inclement weather, the overhead, sliding and pivoting doors on the front and both sides will be open.

If you are referring to the existing building and proposed Tap Room, there is an existing porch on the upper level, which provides 5' of deck and roof cover for the full 24' width of the building.

I will be in the office all day, until about 4:00, so if you have time for a call that would be great.

Jessica Iselin

ISELIN ARCHITECTS, P.C.
1307 SEVENTH STREET, OREGON CITY, OR 97045
PH. (503) 656-1942
www.iselinarchitects.com

From: Wyss, Darren <dwyss@westlinnoregon.gov>
Sent: Thursday, October 23, 2025 9:25 AM
To: jessica@iselinarch.com
Subject: Food Cart Pod

Jessica,

The food cart pod application has been passed to me, and I am doing the second completeness check. One question for you before I get any further is the criteria in CDC 59.070.B:

1. Each building shall include a single-story porch on the front, and on the side where it abuts a street. The porch shall have a minimum area of 25 square feet, with a minimum depth of five feet.

Your application response does not address this criterion, and it appears there is no porch on the new dining structure. Do you have a few minutes for a phone call to discuss?

Darren Wyss
Principal Planner
Planning

22500 Salamo Rd.
West Linn, Oregon 97068
dwyss@westlinnoregon.gov
westlinnoregon.gov
503-742-6064

Click to Connect!

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Darren Wyss
Principal Planner
Planning

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EXHIBIT PC-2: COMPLETENESS LETTER

October 27, 2025

David Lawrence
1553 11th Street
West Linn, OR 97068

Subject: CUP-25-01/DR-25-01 Completeness Determination

Dear David:

The City accepted this Conditional Use Permit/Class II Design Review application at 1553 11th Street on July 3, 2025, and determined it was incomplete on August 1, 2025. You submitted responses to the incomplete items and requested the application be deemed **complete** on October 27, 2025. As provided in ORS 227.178, the City must take final action within 120 days, making the final decision due by February 24, 2026.

The application proposes a food cart pod with a new dining building and a taproom in an existing building.

Please note that a completeness determination is not an approval of your application. It only means the City has received the required information and can now begin the review process.

The City will mail a 20-day public notice to property owners within 500 feet of the site, all neighborhood associations, and relevant agencies. The notice will explain how to submit comments and will list the Planning Commission public hearing date set for **November 19, 2025**. All comments received will be reviewed and considered before deciding on whether the application meets the relevant standards in the Community Development Code.

The Planning Commission will make the decision after the hearing. Applicants should attend and present their request to the Commission. Persons with party status may appeal the decision within 14 days from the day the final decision was mailed pursuant to CDC 99.240.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions about the process.

Sincerely,

Darren Wyss
Principal Planner

EXHIBIT PC-3: AFFIDAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE
PLANNING COMMISSION 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.: **CUP-25-01/DR-25-01** Applicant's Name: **David Lawrence**
Development Address: **1553 11th St**
Planning Commission Hearing Date: **11/19/25**

APPLICATION
The application was posted on the website at least 20 days before the hearing. All documents or evidence relied upon by the applicant, and applicable criteria are available for review at least 20 days before the hearing at City Hall, per Section 99.040 of the Community Development Code.

10/28/25	*Lynn Schroder*

MAILED NOTICE
Notice of Upcoming PC Hearing was mailed at least 20 days before the hearing, per Section 99.080 of the CDC to:

David Lawrence, applicant	**10/29/25**	*Lynn Schroder*
Jessica Iselin, applicant representative	**10/29/25**	*Lynn Schroder*
Clackamas County	**10/29/25**	*Lynn Schroder*
WLWV SD	**10/29/25**	*Lynn Schroder*
Oregon City	**10/29/25**	*Lynn Schroder*
Lake Oswego	**10/29/25**	*Lynn Schroder*
Stafford CPO	**10/29/25**	*Lynn Schroder*
ODOT	**10/29/25**	*Lynn Schroder*
Property owners within 500ft of the site perimeter	**10/29/25**	*Lynn Schroder*
All Neighborhood Associations	**10/29/25**	*Lynn Schroder*

EMAILED NOTICE
Notice of Upcoming PC Hearing was emailed at least 20 days before the hearing date to:

All Neighborhood Associations	**10/29/25**	*Lynn Schroder*
David Lawrence, applicant	**10/29/25**	*Lynn Schroder*
Jessica Iselin, applicant consultant	**10/29/25**	*Lynn Schroder*

WEBSITE
Notice of Upcoming PC Hearing was posted on the City's website at least 20 days before the hearing.

10/28/25	*Lynn Schroder*

TIDINGS

Notice of Upcoming PC Hearing was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

11/5/25	*Lynn Schroder*

SIGN

A sign for the Upcoming PC Hearing was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

11/6/25	*Darren S Wyss*

STAFF REPORT

The staff report was posted on the website and provided to the applicant and Planning Commissioners at least 10 days before the hearing, per Section 99.040 of the CDC.

11/6/25	*Lynn Schroder*

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.

CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. CUP-25-01/DR-25-01

The West Linn Planning Commission will hold a hybrid public hearing on **November 19, 2025, at 6:00pm** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Conditional Use Permit and Class II Design Review at 1553 11th Street (Clackamas County Assessor Map 31E02BA tax lot 4900). The applicant is requesting approval for a food cart pod with new dining structure and outdoor seating, and a taproom in an existing building.

The Planning Commission will make its decision based on applicable criteria found in Chapters 34, 44, 46, 48, 55, 59, 60, 96, 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 a reasonable cost. The staff report will be posted on the website and available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170 in a hybrid format with some Commissioners, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting online at https://westlinnoregon.gov/meetings or on Cable Channel 30.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on the meeting day to dwyss@westlinnoregon.gov or mail them to City Hall.

Those who wish to participate remotely should complete the speaker form at https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup **before 4:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can join online or dial in by phone.

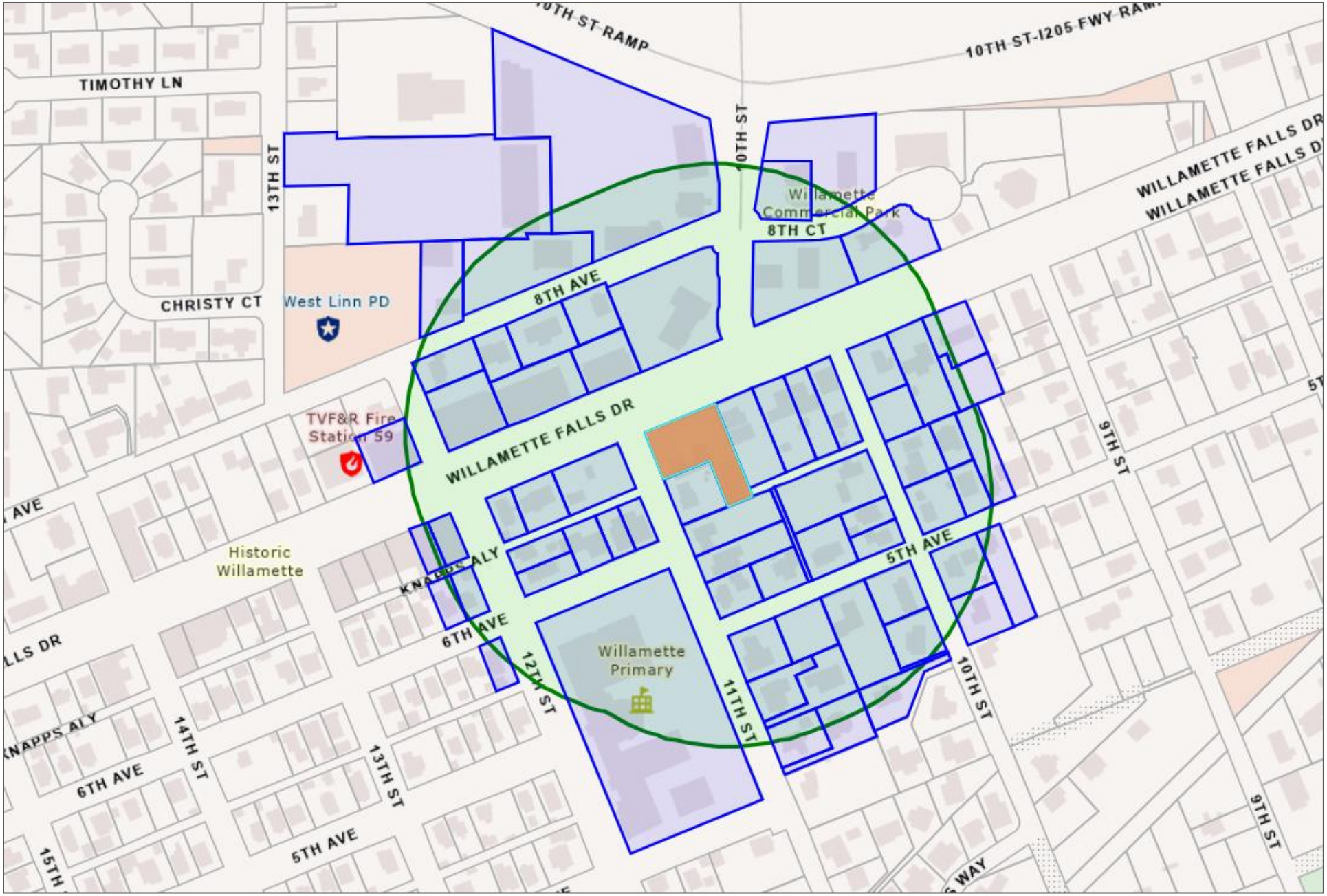
It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

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 final decision notice pursuant to CDC 99.240.

For additional information, please contact Darren Wyss, Principal Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6064.

Publish: West Linn Tidings, November 5, 2025

Notified Properties within 500 feet of 1553 11 St



COMMUNITY DEVELOPMENT

NOTICE OF UPCOMING
PLANNING COMMISSION PUBLIC HEARING

PROJECT # CUP-25-01/DR-25-01
MAIL: 10/29/2025 TIDINGS: 10/5/2025

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.