

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

MISC-10-14/LLA-10-03

**IN THE MATTER OF THE PROPOSAL OF A TWO-YEAR EXTENSION OF APPROVAL
AND LOT LINE ADJUSTMENT FOR A 289,000 SQUARE FOOT OFFICE COMPLEX
(PREVIOUS APPROVAL FILE AP-07-01) AT THE NORTHWEST CORNER OF THE
INTERSECTION OF TANGLER DRIVE AND BLANKENSHIP ROAD**

At their meeting of October 13, 2010, the West Linn Planning Commission held a public hearing to consider the request by Blackhawk, LLC to approve a two-year extension of development entitlements for a 289,000 square-foot office complex, originally approved as AP-07-01, as well as a new lot line adjustment, at the northwest corner of Tannler Drive and Blankenship Road. This proposal required approval of a two-year extension and lot line adjustment. The approval criteria regarding Extensions are found in Community Development Code (CDC) Section 99.325. The criteria for lot line adjustments are found in CDC Section 85.210. CDC Chapter 55 establishes the provisions for Design Review and Chapter 21 establishes the provisions for development in the OBC zone. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Zach Pelz, Special Projects Planner. Rhys Konrad and Brent Ahrend of Group Mackenzie and Michael Robinson of Perkins Coie gave the applicant's presentation. Alice Richmond spoke in favor of the application. David Rittenhouse presented arguments in opposition to the application on behalf of the Savanna Oaks Neighborhood Association. Ed and Roberta Schwarz also testified in opposition to the application. Messrs. Konrad, Ahrend and Robinson provided the applicant's rebuttal.

A motion was made, seconded, and passed to approve the application with seven new findings, with revisions to Conditions of Approval 3(a) and 3(b), and with the removal of Condition of Approval 5.

The new findings are as follows:

1. The Planning Commission found that the provision of bumper stops near walkways adjacent to interior parking spaces was unnecessary as the applicant's plans indicated that such walkways were proposed to be 2-feet wider than the required minimum width of 6-feet; therefore, satisfying the criterion in CDC Section 46.150(A)(11). The Planning Commission further determined that because Condition of Approval 3(a) is still relevant to staff finding number 4 (regarding the need to submit signage detail and detail for possible bumper guards elsewhere on site), the condition would be modified to only remove that language requiring consistency with 46.150(A)(11).

2. The Planning Commission found that Condition of Approval number 3(b) included a scrivener's error and modified the reference in that condition from CDC Section 46.080(H) to 46.090(H).
3. The Planning Commission found that the City lacked the necessary authority to enforce Condition of Approval 5, which required the applicant to modify the proposed location of the site access onto Tannler Drive. CDC Section 48.025(B)(6) requires that established driveways which have access onto collector roadways be spaced a minimum of 150-feet apart. The Planning Commission found that although the existing configuration of the Tannler East property limited their future access to a point along Tannler Road that would be less than 150-feet from the applicant's proposed driveway location on Tannler Road, the access separation requirement refers to established driveways and therefore the applicant's proposal satisfied CDC Section 48.025(B)(6).
4. The Planning Commission determined that testimony presented in opposition to the application regarding building location, inadequate noise study, improper phasing, deferred compliance with CDC criteria, underground stormwater detention, and traffic mitigation, was adequately discussed and decided upon in the City Council's findings in AP-07-01, and was not subject to further review in this decision per CDC Section 99.325 as it did not pertain to errors and omissions, code changes, or other changes in fact.
5. The Planning Commission found the applicant's traffic analysis update, dated June 11, 2010, with traffic counts conducted in May 2010 (pp.112-133 of staff report), adequate to support the validity of the applicant's original traffic impact analysis prepared August 2006 and adequate to satisfy criterion 99.325(A)(2) regarding "changes in fact that directly impact the project". The Planning Commission further determined that because the Veteran's Administration (VA) clinic opened in April 2010, the traffic analysis update did include at least a portion of the new trips generated by that facility.
6. The Planning Commission determined that 2-year extensions of land use entitlements as granted under CDC Section 99.325 were not limited to small projects or individual homeowners as raised during public testimony, as no text in Section 99.325 provides for such limitations in the applicability of extensions.
7. The Planning Commission found that the City's notice satisfied CDC Section 99.090 and reflected the City Council's intent of de novo hearings for 2-year extension requests.

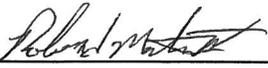
The approved conditions of approval are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the site plan in Exhibit PC-3, sheet C2.1, dated August 4, 2010.

2. Previous Approval. Unless modified by these conditions, the project shall conform to the conditions of original approval contained in file AP-07-01.
3. Parking.
 - a. The applicant shall provide to the City Engineer detailed specifications for signage and bumper guards with the submittal of the construction plan package.
 - b. The applicant shall identify the quantity and location of car/vanpool parking, consistent with CDC Section 46.090(H), at time of submittal of the construction plan package.
 - c. The applicant shall sign 3 of the 17 ADA accessible parking spaces as "Wheelchair Use Only," and include a clear aisle of at least 96 inches in width per CDC Subsection 46.150(B)(5). Detail regarding the location and design of these spaces, including the required signage, shall be submitted with the construction plan package.
 - d. The applicant shall indicate the location and design of on-site signage directing bicyclists to appropriate bicycle parking facilities at time of submittal of the construction plan package. Also, prior to the construction plan submittal, the applicant shall modify their plans to ensure that no bicycle parking is located more than 50-feet from the entrances to the three proposed buildings. The applicant shall maintain at least 15 covered bicycle parking spaces upon the relocation of these facilities to within 50-feet of the proposed building entrances.
4. Drainage. Prior to the issuance of grading permits, the applicant shall modify the drainage plan to prevent storm water drainage from crossing the designated walkway between the north entrance to proposed Building A and the proposed parking structure, subject to the City Engineer's approval consistent with Subsection 46.150(A)(17).
5. Curb Cuts. The applicant shall modify their plans to show a curb cut width for the access driveway onto Tannler Drive no greater than 36-feet, as measured at the face of the curb from curb wing-tip-to curb wing tip. These plans shall be submitted with the construction plan package.
6. Lot Line Adjustment. The applicant shall modify the proposed configuration of lots 801 and 200 to reduce the number of deviations from generally straight segments per CDC Section 85.210(A)(4) while maintaining consistency with the dimensional standards in 85.210(A)(2), as approved by the Planning Director.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into

the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals require a fee of \$400 and a completed appeal application form along with a discussion of the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



ROBERT MARTIN, CHAIR
WEST LINN PLANNING COMMISSION

10/19/2010

DATE

Mailed this 20 day of October, 2010.

Therefore, this decision becomes effective at 5 p.m., November 3, 2010.

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