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WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
SUB-07-02/NDW-07-02/VAR-07-01

IN THE MATTER OF THE PROPOSAL OF A 2-PHASE, 30-LOT SINGLE-FAMILY SUBDIVISION WITH NATURAL DRAINAGEWAY AND WETLANDS PERMITS AND A VARIANCE FOR STREET GRADE AT 23535-23600 SALAMO ROAD AND 3415 S. HASKINS LANE

At their meeting of June 28, 2007, the West Linn Planning Commission held a public hearing to consider the request by Jeff and Teresa Smith to approve a subdivision, street grade variance, natural drainageway permit, and wetlands permit at 23535-23600 Salamo Road and 3415 S. Haskins Lane. The proposal would result in the conversion of mostly agricultural land with one existing house and a barn into a 30-lot subdivision with two open space tracts, in which 29 lots would contain new houses and one lot would contain the existing house. A variance to exceed the CDC's limit of 15% for street grades was also requested for both streets proposed on site. The approval criteria for land division are found within Chapter 85 of the CDC. The variance criteria are found within Chapter 75 of the CDC. The approval criteria for Wetlands Permit and Natural Drainageway Permit are found in CDC chapters 30 and 32, respectively, as they stood at the time this application was initially submitted in January 2007. The hearing was conducted pursuant to the provisions of CDC Chapter 99. Because this is a two-phase subdivision application, the applicant has up to 5 years to complete the subdivision process.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. The applicant Mr. Smith provided a presentation, and the others presenting for the applicant were Michael Robinson of Perkins Coie, and Brad Kilby and Darrin Stairs of Otak. No one else spoke in favor of the application. Michael Riley testified in opposition, and Gary Alfson testified neutrally. The applicant's rebuttal was provided by Mr. Robinson.

A motion was made, seconded, and passed to approve the application with four additional findings, an addition to Condition of Approval 15 regarding construction in the drainageway area, two additional conditions of approval regarding utility provision and vehicular access to the neighboring property at 3401 S. Haskins Lane, and with the elimination of conditions of approval 14 and 18 as included the staff report recommendation.

Additional Findings

1. The configuration changes and tree preservation clarification provided by the new site plan/tree preservation plan submitted by the applicant on June 18 renders Conditions of Approval 14 and 18 moot, as the intent of both conditions is fulfilled by this plan.

2. To best protect the drainageway and transition area during construction, an addition to current Condition of Approval 15 (to be renumbered as 14 per the changes of Additional

Finding 1) is needed to ensure that work in the drainageway area is only conducted during ODFW-defined in-water work periods.

3. The neighboring property at 3401 S. Haskins Lane has one existing house, and may develop into four lots in the future. Assurance is needed that all appropriate vehicular access and utility provision and access be provided by the applicant to sufficiently accommodate and serve the current residence at this neighboring property and all potential future lots at this property.

4. The variance allowing street grades of up to 18.9%, beyond the CDC's maximum of 15%, is justified for all reasons noted in the staff report and because Portland and some other cities have allowed 20% as a maximum street grade within acceptable safety standards.

The final conditions of approval are presented and renumbered as follows:

1. The applicant shall dedicate both open space tracts at the southeast corner of the site to the City.

2. The applicant shall construct a trail from the street loop west of the storm drainage pond south to the Haskins Lane ROW. The applicant shall construct a trail from here west along the Haskins Lane ROW to connect with the existing stub trail on this ROW near Salamo Road. The trails shall be constructed to be compliant with CDC 85.200(C).

3. Applicant shall construct sidewalks to bypass significant trees and as much of their dripline + 10 feet areas as possible, including tree 2552 adjacent to Lot 8. Sidewalk widths shall be reduced to 4 feet within these dripline + 10 feet areas. Plans to preserve these trees via sidewalk bypassing and narrowing shall be reviewed for approval by the City Arborist. If necessary to preserve significant trees, such plans can include terminated sidewalks (with a crosswalk to the sidewalk on the other side of the street) and narrowed streets (to a maximum of 20 foot roadway, without a narrowed ROW). Any such trees that cannot be preserved via this condition of approval shall be mitigated for, per the stipulations of Condition of Approval 20.

5. Applicant must repipe the piped drainage in the northwest section of the site with a pipe that is large enough to carry the anticipated buildout capacity of the drainageway currently piped here. The applicant's engineer should verify to the Engineering Department the adequacy of the entire length of the piped drainage on and adjacent to the site including the pipe sizes, existing capacity, and the capacity needed. This shall not include the pipes to the north or south of the site boundary under existing Coeur d'Alene Drive.

5. Applicant will contribute to future construction of signalization of the Rosemont/Salamo/Santa Anita intersection based upon impact identified in the traffic study, with the current amount of $1,072.00/peak hour trip as of 11/16/2004 inflation adjusted by ENR CCI at time of building permit issuance..

6. Applicant will be responsible for undergrounding (or fee in-lieu) all utilities along all property frontages.

7. Applicant must provide paved access to all stormwater facilities/infrastructure in accordance with City standards.

8. Applicant must perform a lighting study along the Salamo frontage. If lighting is below City standards, the applicant must provide a plan and lights to bring frontage illumination to City standards.

9. Applicant must construct Salamo Road improvements as identified by the City Engineer, not to exceed cost of frontage improvements, to meet current City standards.

10. Applicant must construct all public improvements to City of West Linn Design and Construction Standards.

11. Applicant must provide five-foot wide utility easements on the front and rear of each lot and on the site street side of corner lots.

12. Applicant shall obtain and present to the City all necessary Division of State Lands and U.S. Army Corps of Engineers permits and any other necessary permits from other agencies.

13. Applicant shall use the standards and rankings in CDC Section 30.100(F) (in place at the time of applicant's application) in evaluating mitigation proposals and in drafting the mitigation plan to be submitted to the City.

14. Installation of the culvert and utilities under the wetland and drainageway in the southeast area of the site shall involve boring only and not digging. Construction activities that involve in-water work or work within the drainageway in the southeast area of the site shall be conducted during ODFW in-water work periods.

15. The applicant shall provide a storm drainage report incorporating the suggestions from Gordon Munro's March 22, 2007 memo to Boris Piatski of the Engineering Department (Exhibit PC-9).

16. The applicant shall provide profile drawings of all storm drainage and detention facilities proposed for the site.

17. Prior to commencement of any site clearing or grading, the applicant shall place anchored and secured chain link fencing around the dripline + 10 areas of all significant trees to be preserved. The City arborist shall inspect and approve this location prior to the start of work. The fencing shall remain in place throughout the development of the site and construction of the homes, to be removed only upon the completion of all construction activity.

18. A mitigation plan shall be proposed to replace significant trees scheduled for removal from areas where ROW and utility easement placement will necessitate their removal. The mitigation plan shall be submitted to the City arborist. The mitigation plan shall propose to replace these significant trees on an inch by inch basis as explained in CDC 55.100(B)(2)(f).

19. The applicant shall provide an additional utility easement along the northern boundary of the open space tract south of proposed Lot 23. The access easements between proposed lots 22 and 23 as well as the access utility easement along the north property line of proposed Lot 21 shall be paved with 20 feet of pavement width.

20. For potential lot GA-1 of the 3401 S. Haskins Lane property, the applicant shall stub utilities to the west end of the right of way. The applicant shall stub the utilities to the property line for potential lots GA-2 through GA-4 of the 3401 S. Haskins Lane property.

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 hearing, or signed in on the attendance sheet at the hearing, 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 would require a fee of $400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Michael Jones — 6/29/07
MICHAEL JONES, CHAIR — DATE
WEST LINN PLANNING COMMISSION

Mailed this 5th day of July, 2007.

Therefore, this decision becomes final at 5 p.m., July 19th, 2007.

Devrev/Finaldecisions/SUB-07-02

APPROVED FOR CONSTRUCTION BY CITY OF WEST LINN
This approval is only for general conformance with the design concept and general compliance with applicable codes and requirements and shall not be construed as relieving the Design Engineer of full responsibility for accuracy and completeness of the drawings. This plan review approval does not prevent the City from requiring further code corrections.
DATE: 9-6-11 BY: [illegible] ENGINEERING
DATE: 9-6-11 BY: [illegible] PLANNING

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9/2/11
REGISTERED PROFESSIONAL ENGINEER
20644PE
OREGON
SEPT. 14, 1993
CHARLES EDWARD GREGORY
RENEWS: JUNE 30, 2013

J.T. SMITH companies

Teresa's Vineyard
Public Improvements
Sub-07-02/NDW-07-02/VAR-07-01
West Linn, Oregon

REV	DATE	SUMMARY

Project #: 9130 Drawn:

FINAL DECISION NOTICE CONDITIONS OF APPROVAL

Date: April 15, 2011

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