

WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
DR-09-03/VAR-09-08/VAR-09-09

**IN THE MATTER FOR PROPOSAL OF A DESIGN REVIEW WITH (2) CLASS II
VARIANCES FOR TWO 4-UNIT TOWNHOMES AT 2150 AND 2170 13TH STREET**

At their meeting of November 4, 2009, the West Linn Planning Commission held a public hearing to consider the request by Sericko Resources LLC to approve two new 4-unit multi-family buildings at 2170-72 13th Street. This required a Class II Design Review permit. Two Class II Variances were also requested, one for the number of units on a cul-de-sac, and one for the ability to place the units' parking in front of the buildings instead of the side or rear. The approval criteria for Design Review are found in Chapter 55 of the Community Development Code (CDC). The approval criteria for Variance are found in Chapter 75 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Jeff Caines of SR Design presented for the applicant. Alice Richmond spoke in favor of the application. No other member of the public spoke on the application. Mr. Caines provided further comments for the applicant.

A motion was made and approved to approve the application with two new findings and modifications to two conditions of approval (conditions 3 and 5). The additional findings are as follows:

Additional Finding 1:

There is a need for better, taller screening than what is proposed by the applicant, between the proposed units and the existing units on Virginia Lane. Specifically trees need to be planted at the west edge of the site that, in a timely manner, will result in adequate screening between the second floor windows of the proposed units and those of the Virginia Lane units.

Additional Finding 2:

The condition requiring the street improvements should be tied to set City standards, the interpretation and implementation of which shall be approved by the appropriate City official.

The approved conditions of approval are as follows:

1. Final Site Plan. Submit a final site plan consistent with the following conditions for review and approval by the Planning and Engineering departments.
2. Fire Protection. Prior to building permit issuance, the applicant shall install sprinkler systems, fire department connections, and "no parking" signs to the satisfaction of TVFR and perform a fire flow test to the satisfaction of TVFR.

3. Streets. Half-street improvements shall be completed and the sidewalk and street trees shall be installed on 13th Street to the City Public Works standards, and approved by the City Engineer.
4. Design and Finish of Units
 - a. No two adjacent units shall have the same main color or trim color.
 - b. All windows shall have trim that is a minimum of 4 inches wide.
5. Trees.
 - a. Trees shall be planted along the sidewalk south of the existing duplex that will connect the new units to 13th Street. The intervals, locations, and the species of the trees shall be chosen to provide an eventual canopy of tree cover over the entire walkway. The applicant shall work with the City Arborist to ensure this condition is fulfilled properly.
 - b. Along the west edge of the site between the proposed units and the Virginia Lane units, the applicant shall plant fast-growing trees as approved by the City Arborist, to visually separate the new townhouses from the Virginia Lane townhouses.
6. Easements and Utility Agreements.
 - a. Prior to building permit issuance, a shared access and utility easement for the shared driveway and storm drainage line shall be implemented across the south end of 2150 13th Street as shown on the site plan submitted October 5, 2009.
 - b. All necessary utility easements shall be depicted on the final site plan.
 - c. The stormwater facility and the line connecting it to the right of way shall be private, and the applicant shall enter into a maintenance agreement with the City for the facility.
7. Open Space. Areas designated as open space on the approved site plan must remain free of development with the exception of development to facilitate their use as outdoor shared open space (i.e. benches, paths). Open space tracts shall be identified as common open space for the occupants of the buildings on site.
8. Parking. The proposed parking space for the existing duplex unit 2172 13th Street shall be configured so a vehicle parked in the space can drive forward and access the shared one-way driveway, in the proper direction, to exit the site.
9. Expiration of Approval. This approval shall expire 3 years from the effective date of this decision.

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 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 BABBITT, CHAIR
WEST LINN PLANNING COMMISSION

11-7-09

DATE

Mailed this 10 day of November, 2009.

Therefore, this decision becomes final at 5 p.m., November 24, 2009.

Devrev/Finaldecisions/final decision DR-09-03