

BEFORE THE WEST LINN CITY COUNCIL

FINAL DECISION

MISC-12-05

**IN THE MATTER OF THE PROPOSED ONE-YEAR TEMPORARY USE PERMIT
FOR CONSTRUCTION TRAILER FOR TERESA'S VINEYARD SUBDIVISION AT 3138 COEUR
D'ALENE DRIVE.**

At their meeting of April 9, 2012, the West Linn City Council held a public hearing to consider a one-year temporary use permit for JT Smith Companies to have a one-year temporary use for a trailer used as a construction office, and adjacent gravel parking area, at 3138 Coeur D'Alene Drive. The approval period of the permit would begin at the expiration date of the already-approved Planning Director's temporary use permit MISC-12-01, for the same trailer at the same site.

Associate Planner Tom Soppe gave the staff presentation. No one presented for the applicant. Alice Richmond testified in support of the application. John Doel testified in opposition to the application. A motion was made, seconded, and approved to continue the hearing to the City Council meeting of April 23, 2012.

After the opening of the April 23 hearing, Mr. Soppe presented for staff again. Jeff Smith of JT Smith Companies gave the applicant's presentation. Mr. Doel testified in opposition. Ms. Richmond testified in favor. Mr. Smith gave the applicant's rebuttal.

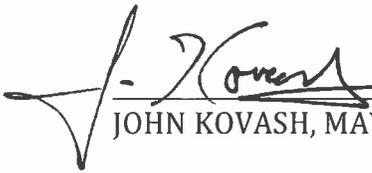
Based upon the findings in the applicant's submittal and staff report, which addressed the approval criteria of CDC 35.040(B), a motion was made, seconded, and approved to approve the application with staff's findings, three new findings, and two conditions of approval. The additional findings are as follows:

1. Fencing the trailer and portable restroom, within the provisions of Chapter 44 of the Community Development Code, is aesthetically beneficial to the surrounding neighbors regardless of what lot the trailer is placed on.
2. Keeping the trailer on Lot 16 is acceptable for the time being, but it is better to eventually move it to an interior lot when circumstances allow, so it is less closely visible from nearby residences on South Road. Per the applicant's testimony, Lot 11 will be available for the trailer after the Street of Dreams event, and this will be an appropriate location at that time.
3. Staff's recommended condition of approval should not be adopted. The condition is redundant as the submitted site plan will be adopted upon approval of the project. Also, the condition would prevent the trailer from being moved to Lot 11, as it would require the continued use of Lot 16 throughout the duration of the approval period.

The conditions of approval are as follows:

1. The applicant shall provide fencing per Chapter 44 standards to screen the trailer and portable restroom.
2. The applicant shall submit to staff a site plan for Lot 11 for Planning Director approval, in order to move the trailer and portable restroom to Lot 11 by October 1, 2012. This site plan shall include adequate fencing for screening per Chapter 44 standards.

This decision may be appealed to the Land Use Board of Appeals under the applicable rules and statutes.



JOHN KOVASH, MAYOR

4-30-12

DATE

This decision was mailed on May 1, _____, 2012.

Therefore, this decision becomes effective at 5 p.m., May 22, _____, 2012.