



CITY OF West Linn

For staff report CUP-12-05/DR-12-18:

Waiver for requirement of Subsection 99.038(E)(5) for above file.

The below staff findings regard the requested waiver from the requirement of Subsection 99.038(E)(5) by the applicant, requested under the provision of Section 99.035(B).

Finding 1:

As a Conditional Use application, a neighborhood meeting is required per Section 99.038 which states, in part: "Prior to submittal of an application for any... conditional use permit... the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section."

Finding 2:

As shown in the applicant's submittal, the neighborhood meeting with Willamette Neighborhood Association (WNA), within whose boundaries the site lies, occurred and was properly noticed to the satisfaction of the provisions of Section 99.038. With the exception of the requirement of Subsection 99.038(E)(5), which requires the applicant to submit an audiotape of the meeting, the applicant has provided all materials required for submittal by Section 99.038(E).

Finding 3:

The applicant has provided minutes of the meeting produced by WNA per the requirement of Subsection 99.038(E)(4). The minutes show that there was not major controversy among WNA members regarding the potential application, or disagreement with the applicant's concept for the potential application. The minutes also show that the WNA members in attendance voted unanimously in favor of a motion to support the potential application.

Finding 4:

The WNA minutes provide sufficient content regarding the discussion, presentation, and related vote regarding the application at the neighborhood meeting. Therefore an audiotape is not needed to discern the general content of the discussion that occurred.

Finding 5:

Neither the applicant nor the WNA made an audiotape recording of the meeting. Upon learning that the submittal of an audiotape was a requirement, the applicant has requested a waiver (see attached) from the requirement of Subsection 99.038(E)(5), under the provision of Section 99.035(B). Section 99.035(B) states, in part, the following:

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;

As discussed in Finding 4 above, the submittal of the WNA meeting minutes renders the submittal of a WNA meeting audiotape recording unnecessary to property evaluate the application.

Therefore, concluding from the staff findings above, I grant the requested waiver of the requirement of Subsection 99.038(E)(5) under the provisions of Section 99.035(B).



JOHN SONNEN, PLANNING DIRECTOR



DATE

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