

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

SUB-13-03/VAR-13-10/VAR-13-11

IN THE MATTER OF A 7-LOT SUBDIVISION WITH TWO VARIANCES FOR LOT DEPTH IN RELATION TO LOT WIDTH AT 1485 ROSEMONT ROAD

At their meeting of November 6, 2013, the West Linn Planning Commission held a public hearing to consider the request by Kelly Pynch to approve a 7-lot subdivision with one Class I Variance and one Class II Variance for flag lots that do not meet the depth standard as measured from the public street from which they take access. The proposed development required Subdivision and Variance approval. The approval criteria for Subdivision are found in Chapter 85 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. Kelly Pynch, Rick Saito, and Ralph Henderson of Group Mackenzie presented for the applicant. Myron Wallace provided neutral testimony. Mr. Saito provided the applicant's rebuttal. After deliberations, a motion was made, seconded, and passed to approve the application with three new findings, with the proposed conditions of approval in the staff presentation, including changes to conditions 2C and 2D as presented at the hearing by staff, and with additional conditions 2E and 4. The additional findings are as follows:

Additional Finding 1: Maximum flexibility may be required to successfully place a house on Lot 4 due to tree constraints. Conditions should reflect this while still protecting just as many trees with the same level of protection provided by the conditions in the staff report. This flexibility can in part be achieved by allowing that applicant to remove either a) the Japanese cedar along the east edge of Lot 4 originally proposed for removal, or b) the tree in the northwest corner of Lot 4. This flexibility is also achieved by allowing the I-beam construction to occur with the City Arborist's approval under the dripline-plus-10-foot areas of any tree to be preserved on the lot, and by allowing alternative methods to I-beam construction in these areas if the City Arborist determines they are of equal or greater value in protecting the trees.

Additional Finding 2: Allowing the I-beam or acceptable alternative means of construction (as discussed in Additional Finding 1) in the required tree conservation easements would allow for maximizing the easements' sizes on the final plat while still maximizing flexibility for house footprint proposals after final platting.

Additional Finding 3: The applicant has proposed street trees that are not as closely spaced as street trees in some nearby areas. If the applicant's proposed plans do not

reflect the required closeness of tree spacing in the City's codes and standards, a condition should ensure that staff enforces the correct spacing standards at implementation.

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 Tentative Subdivision Plan, Sheet C3.0, dated October 9, 2013, on Page 46 of Exhibit PC-5.

2. Significant Trees.

A) The significant 24-inch cedar tree proposed for removal along the south edge of Lot 4 shall be mitigated for on an inch-per-inch basis on site, or if that would result in excess trees on site at maturity, as determined by the City's Arborist, then off-site in City-owned land.

B) At the construction phase, the City Arborist shall do a field analysis as to whether it is necessary to move the sidewalk closer to the street with the City Engineer's approval, within the dripline-plus-10 area of the sequoia tree on Lot 4. The City Arborist's recommendations regarding the planter strip and sidewalk width and location at that time shall be followed.

C) The house on Lot 4 shall have I-beam construction for the foundation in the areas where it overlaps with the dripline-plus-10-foot area any significant tree as determined to the satisfaction of the City Arborist as a result of specific field investigation and consultation with the project arborist. This may allow alternative means of construction to the I-Beam foundation if the City Arborist finds that the means would result in equal or greater tree protection.

D) All preserved significant trees and all of their dripline-plus-10-foot areas not to be developed with a house, street, or sidewalk/planter footprint shall be placed in a conservation easement shown on the final plat, using the City's standard language for conservation easements for trees, as adjusted to allow for I-beam construction or other alternate means of construction within the easement as allowed by Condition 2C.

E) The applicant may remove the 36" Cedar at the northwest corner of Lot 4 instead of the 16" Japanese Cedar in the East area of this lot.

3. Fire Flow Test. The applicant shall perform a fire flow test and achieve results that meet TVFR standards.

4. Street Trees. The applicant will plant street trees as required to comply with the municipal code, CDC Chapter 54, and applicable Parks Department requirements.

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.

Christine M Steel

CHRISTINE STEEL, VICE CHAIR
WEST LINN PLANNING COMMISSION

11-15-2013

DATE

Mailed this 15th day of November, 2013.

Therefore, this decision becomes effective at 5 p.m., November 29, 2013.

Devrev/projects folder/projects 2013/ sub-13-03 1485 Rosemont Rd/SUB-13-03 Final Decision