

## WEST LINN PLANNING COMMISSION

### FINAL DECISION NOTICE

PUD-14-01/DR-14-01/WAP-14-01

#### IN THE MATTER OF A PLANNED UNIT DEVELOPMENT, CLASS II DESIGN REVIEW, AND WATER RESOURCE AREA PERMIT AT 18270 & 18340 WILLAMETTE DRIVE AND 18395 SHADY HOLLOW WAY

At their meeting of July 16, 2014, the West Linn Planning Commission held a public hearing to consider the request by David Emami to approve a request for 13 duplexes at 18270 & 18340 Willamette Drive and 18395 Shady Hollow Way. The applicant requested Planned Unit Development (PUD), Class II Design Review, and Water Resource Area approvals. The approval criteria for PUD are found in Chapter 24 of the Community Development Code (CDC). The approval criteria for Design Review are found in Chapter 55 of the CDC. The approval criteria for Water Resource Areas are found in Chapter 32 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. Mr. Emami and Stewart Straus of Stewart Gordon Straus Architect, PC, presented for the applicant. Vito DeBellis, Ray Arnold, and Lawrence Koran provided neutral testimony. Mr. Emami and Mr. Straus provided the applicant's rebuttal. A motion was made, seconded, and approved to approve the application with the staff report's conditions of approval, with the modification to Condition of Approval 8 as presented in staff's July 11 memo.

The approved conditions of approval are as follows:

1. Site Plans. With the exception of modifications required by these conditions, the project shall conform to the Shady Hollow Village plans, sheet DRS1-DRS7, dated May 14, 2014, located on Page 85 of Exhibit PC-6, before a building permit is issued.
2. Engineering Standards. The applicant shall submit updated engineering plans for review and approval by the City Engineer that address public improvement issues (including but not limited to public water mains, sidewalks, street improvements) on-site or off-site. These improvements must be completed prior to building permit approval. All public improvements and facilities associated with public improvements including grading, onsite stormwater design, street lighting, easements, and easement locations are subject to the City Engineer's review, modification, and approval.
3. Undergrounding Utilities. All utilities shall be undergrounded along the site's frontage including across the street where utility lines cross over street right of way along the site.

4. Clear Vision Area. The gazebo shall be placed outside the 30 foot by 30 foot clear vision area as measured from the right of way lines (after dedication) at the intersection of Shady Hollow and Willamette. The sign shall also be placed outside this clear vision area if it is more than three feet tall.
5. ODOT Requirements.
  - A) An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.
  - B) The applicant must obtain an ODOT permit to place trees in the state right of way.
  - C) Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, January 2003, which states that local jurisdictions must enter into an intergovernmental agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.
6. Sidewalk and Bench for Bus Stop. The applicant shall widen the sidewalk to eight feet along the existing bus stop south of Shady Hollow Way on the east side of Highway 43. The applicant shall add a bench in the bus stop area, provided it is agreeable to Tri-Met.
7. Driveway Spacing and Length. The accesses to the two units in Building D1 shall share a curb cut on Shady Hollow Way. The curb cut shall be at least 50 feet from the driveway to the north at 18200 Shady Hollow Way. The accesses to Building D1 shall be 20 feet long at minimum between the sidewalk and the garage doors.
8. Emergency Access.
  - A) A minimum centerline turning radius of 45 feet is required for all curves in the driveway. Inside turning radii shall not be less than 28 feet. Outside turning radii shall not be less than 48 feet, measured from the same center point.
  - B) "No parking" signs are required along both sides of the driveway.
  - C) The applicant shall provide documentation from a registered engineer that the driveway is capable of supporting 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight).
  - D) A fire flow test shall be performed to the satisfaction of TVFR.
  - E) Approved fire apparatus access roadways and firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on site.
9. Paths. Pedestrian paths within the site shall be six feet wide, eight feet wide where they abut travel lanes or parking spaces.
10. Conservation Easements.
  - A) A conservation easement shall be recorded that applies to all areas of the site within 50 feet of the drainageway outfall just east of the site's northeast corner. The easement shall include the City's standard conservation easement language for

water resource area conservation easements (available from the Planning Department) which prohibits further development and protects native vegetation. The edge of the conservation easement on all sides shall be marked with the City's standard permanent markers at 30-foot to 50-foot intervals and at all boundary direction changes.

- B) The applicant shall establish a tree conservation easement for the significant oak tree in the southwest area of the site preserved for preservation. The easement area shall include both the tree's canopy and dripline-plus-10-foot areas that are proposed to remain undeveloped. The applicant shall use the City's standard tree conservation easement language, available from the Planning Department.

11. Usable Open Space. CDC 24.170(B)(3) and (4) require the creation of a Homeowner's Association (HOA) for the maintenance of the common open space and the active recreation facilities. The applicant shall provide the completed HOA that addresses this requirement prior to building permit approval.

12. Parking.

- A) The proposed ADA van-accessible space shall have a sign marked "Van Accessible" mounted below the accessible parking sign.
- B) All parking spaces shall be provided with a wheel stop at least four inches high located two feet back from the front of the parking stall.
- C) Within the parking lot, spaces shall be converted to landscaping, enough to equal 10% of the interior of the parking lot. The proposed semicircular landscaped areas on either side of the driveway entrance may count towards this 10% minimum.
- D) Two shade trees shall be planted along the perimeter of the parking lot.

13. Lot Line Adjustment and Platting. The applicant shall apply for a Lot Line Adjustment through the Planning Division to eliminate the existing lot of record lines through the site, and subsequently re-plat the three existing lots on site into one lot of record with Clackamas County, after the demolition of at least one of the two existing single-family dwelling units on site.

14. Expiration of Extension of Approval. The applicant shall complete conditions of approval within three years of the date of approval of the development plan.

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, CHAIR  
WEST LINN PLANNING COMMISSION

7-24-14  
DATE

Mailed this 24<sup>th</sup> day of July, 2014.

Therefore, this decision becomes effective at 5 p.m., August 7, 2014.

P:\Development Review\Projects Folder\Projects 2014\PUD-14-01 Hwy 43\_Shady Hollow\PUD-14-01 Final Decision