



PLANNING COMMISSION
Meeting Notes of November 6, 2024

Commissioners present: John Carr, Joel Metlen, Gary Walvatne, David D. Jones, Kathryn Schulte-Hillen, and Jason Evans
Commissioners Absent Tom Watton
Staff present: Planning Manager Darren Wyss, Associate Planner Aaron Gudelj, Management Analyst Lynn Schroder, and City Attorney Ashley Wigod

The meeting video is available on the [City website](#).

Pre-Meeting Work session

Chair Carr reviewed the order of business for the hearing for MIP-24-02/VAR-24-05. Commissioners asked procedural questions.

1. Call To Order and Roll Call

Chair Carr called the meeting to order. Planning Manager Wyss called the roll.

2. Public Comment related to Items not on the Agenda

None.

3. Public Hearing: MIP-24-02/VAR-24-05 (Quasi-Judicial): [Three-Parcel Minor Partition and Class II Variance to allow five single-family homes to take access from a shared private drive at 2830 Coeur D Alene Drive](#)

Chair Carr introduced application MIP-24-02/VAR-24-05, a three-Parcel Minor Partition and Class II Variance to allow five single-family homes to take access from a shared private drive at 2830 Coeur D Alene Drive. Carr provided an overview of the hearing process and opened the public hearing.

City Attorney Wigod addressed legal standards and appeal rights. The substantive criteria for the application are Community Development Code (CDC) Chapters 12, 48, 75, 85, 92, and 99.

City Attorney Wigod addressed the Planning Commissioners' conflicts of interest, bias, ex-parte contacts, and site visits. None of the Planning Commissioners disclosed conflicts of interest, bias, or ex-parte contact. Commissioner Schulte acknowledged her familiarity with the property because of its proximity to family members. She affirmed that she could remain impartial in evaluating and deciding on the application. Chair Carr acknowledged his familiarity with the property, noting that he walks his dog in the area. He affirmed that he could remain impartial in evaluating and deciding on the application. Wigod then invited audience members to raise any objections regarding the Planning Commission's jurisdiction or any potential biases or ex-parte disclosures by the Commissioners. There was none.

Associate Planner Aaron Gudelj delivered the staff report. The applicants currently own the subject property, which includes an existing single-family home with a detached garage on a 39,636-square-foot lot located at 2830 Coeur D'Alene Drive. Access to the lot is provided via a 20-foot-wide shared private driveway that connects to Coeur D'Alene Drive through a shared access easement on Lots 22 and 23 of the Teresa's Vineyard Tract.

No physical development is being proposed for the properties. The applicant proposes to divide the existing 39,636-square-foot lot into three parcels:

- Parcel 1: 19,336 sq. ft.
- Parcel 2: 10,000 sq. ft.
- Parcel 3: 10,000 sq. ft.

Access to the new parcels would utilize the existing 20-foot shared private driveway, currently serving Lots 22 and 23 of Teresa's Vineyard Tract, along with the subject property. The proposed minor partition would increase the number of lots from one to three, with the shared driveway providing access to all newly created parcels as well as the existing single-family home.

Pursuant to the West Linn Community Development Code (CDC) Chapter 48.030(D), a residential access serving five or more lots is required to be a public street unless waived through a variance. To address this requirement, the applicant has applied for a Class II Variance requesting an exemption from the public street standards of CDC 48.030(D), allowing the shared private driveway to serve all five lots. There are no environmental overlays on the property. Tualatin Valley Fire and Rescue and has reviewed the proposed design and had no conditions to add. Gudelj recommended approval of application with four conditions of approval including a condition that the property owner obtain an access easement agreement from the affected properties owners.

Commissioners asked questions about the plat notes, the existing septic system, easement requirements, potential access via Tract C, historic development patterns and original property access, and homeowner association affiliation.

Gary Alfson, a homeowner, presented the application request. He and his wife have owned the property for 40 years. He explained that the variance to add additional lots with private driveway access is necessary due to the property's physical constraints, which make dividing it into smaller lots impossible without a variance. He emphasized that the burden was not created by them but resulted from surrounding development over time. Susie Alfson, the co-applicant, testified that they have lived in their home since 1997 and have witnessed significant development around their property. Their driveway and address were relocated to Coeur D Alene Drive with the private easement access when the Teresa's Vineyard tract was developed.

Written testimony was submitted by Rich Faith, Cynthia Lacro, Rufus Timberlake, Julia Timberlake, Carlos Ugalde, Amy Ugalde, and David Baker. Oral testimony opposing the application was presented at the hearing by Carlos Ugalde, Julia Timberlake, and David Baker. The primary concerns raised during testimony included:

- Traffic Safety & public street standards
- Sharing of Access easement
- Plat notes
- Views
- Property Values
- Middle housing development on new lots

Thomas Laun, a resident of the neighborhood, expressed his support for the application. He testified that approximately 46 homes have been constructed near the applicant's property since 1997. He highlighted that access to the applicant's property had been constrained by the surrounding developments and that this issue had already been a concern during the development of the adjacent properties.

Gary Alfson rebutted stating that the driveway easement was designed for vehicle access, not as a play area for children. He also emphasized that he is not required to maintain trees on his property for the purpose of preserving someone else's view. Additionally, he mentioned that he had discussed his variance request with all neighboring property owners and noted that most did not express any concerns.

There was a discussion about a continuance to receive written comments from the neighborhood association. It was determined that the neighborhood association had opportunity to submit comments and did not, itself, request a continuance to submit testimony.

Commissioners asked questions of staff about the criteria for a variance approval and recommended conditions. Associate Planner Gudelj provided responses.

Chair Carr closed the public hearing and open deliberations. Commissioners deliberated whether the request meets the minimum necessary standards of CDC Chapter 75.

Commissioner Evans moved to approve MIP-24-01/VAR-24-05 as presented with four conditions of approval and directed staff to prepare a Final Decision and Order based on the findings in the staff report and the record. Chair Carr seconded. **Ayes: Jones, Metlen, Evans, Schulte-Hillen, Walvatne, and Carr. Nays: Watton and Walvatne. Abstentions: None. The motion passed 6-0-0.**

4. Planning Commission Announcements

Commissioner Walvatne acknowledged the community's concerns regarding the possible closure of Bolton Primary School and suggested that it would be beneficial for the school district to offer a courtesy presentation to the Planning Commission and City Council.

Commissioner Jones provided a brief update on the VISION43 project and working group.

5. Staff Announcements

Planning Manager Wyss noted that the November 20, 2024 Planning Commission meeting is canceled. Instead, the PC will meet with the City Council in a joint meeting on November 18, 2024.

6. Adjourn

Chair Carr adjourned the meeting at 8:55pm.