

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

PUD-16-01/SUB-16-01/ WAP-16-05/VAR-16-01/ VAR-16-02/WRG-16-01

IN THE MATTER OF A PROPOSAL TO DEVELOP THE 50-LOT PLANNED UNIT DEVELOPMENT, SUBDIVISION, WATER RESOURCE AREA PERMIT, TWO CLASS II VARIANCES, AND HABITAT CONSERVATION AREA PERMIT INCLUDING HABITAT CONSERVATION AREA BOUNDARY VERIFICATION AT 1270 ROSEMONT ROAD.

I. Overview

At their meeting of September 21, 2016, the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by ICON Construction and Development LLC, to approve a proposal to develop the 50 lot Planned Unit Development (PUD), Subdivision, Water Resource Area Permit, Class II Variances, and Habitat Conservation Area permit including Habitat Conservation Area Boundary Verification. The approval criteria include Community Development Code (CDC) Chapter 11, Single-Family Residential, R 10; Chapter 85, Land Division General Provisions; Chapter 32, Water Resource Area Protection; Chapter 24: PUD; Chapter 75: Class II Variances, and Chapter 28: Willamette and Tualatin River Protection. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Peter Spir, Associate Planner. Planning Consultant Rick Givens, presented for the applicant. Testimony was heard from William Relyea and Brenda Rae Scott. The hearing was closed and a motion was made by Commissioner Myers and seconded by Commissioner Mathews to approve the application with 12 conditions of approval. The motion passed unanimously.

II. The Record

The record was finalized at the September 21, 2016, hearing. The record includes the entire file from PUD-16-01/SUB-16-01/ WAP-16-05/VAR-16-01/ VAR-16-02/WRG-16-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is ICON Construction and Development LLC.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Commission adopts the Staff Report and Addendum for September 21, 2016, with attachments, as its findings, which are incorporated by this reference. The Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

1. Site Plan. With the exception of modifications as required by these conditions and the HCA Boundary change, the project shall conform to the Tentative Plan (June 2016), the Tree Preservation Plan, the Habitat Conservation Areas, Slope Analysis, Wetlands Plan as identified in Sheets 1/1 to 1/5 respectively and the Utility Plan, Street Profiles and Concept Plan identified as Sheets 1/3 to 3/3 respectively.
2. Engineering Standards. All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite storm water design, street lighting, easement and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed and completed prior to final plat approval.
 - a. Public Works may coordinate with the applicant to complete voluntary additional off-site improvements along Rosemont Road.
 - b. The applicant shall replace the existing 8" ductile iron water pipe along Rosemont Road from Salamo Road to Wildrose Drive with a 12" ductile iron water pipe per the City Water Master Plan.
3. Fire Flow. Prior to approval of the final plat, the applicant shall perform a fire flow test and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present.
4. Significant Tree Mitigation. Prior to approval of the final plat, the applicant will submit a tree mitigation plan to the City's arborist that reflects planting the required number of two-inch caliper trees on the project site. All trees that will be planted in what will become the City owned tracts and/or common areas must be planted prior to final plat approval. The applicant will provide assurance satisfactory to the City Attorney for all of the trees to be planted on individual lots at the time of plat recording. The applicant will provide proof that all tree plantings required on individual lots were completed before the surety is released. Trees which are not able to be planted on site will be mitigated for either in off-site plantings in a location chosen by the City's arborist or the applicant will pay a fee in lieu to the City for trees which cannot be planted on site.
5. Access Restriction. Lots 1-6 and lots 40-50 shall have 10 foot wide "Access Restricted" easements established along their north lot lines adjacent to the Rosemont Road ROW which will state that these lots are prohibited from direct access to Rosemont Road.
6. Access Easement. Mutual access and maintenance easements covering the joint driveways for lots 39 and 40 and the joint driveway for lots 9 and 10 shall be recorded to assure access to the closest public street for all users of the private driveway.
7. Trail. The trail, identified on the Tentative Plan as a "hog fuel path", shall be constructed at least 30 feet from Tanner Creek and the delineated wetland boundary except at the creek crossing.

8. Tract A and B Dedication. The final plat will show the dedication of Tracts A and B to the City for park. All necessary procedures for dedication to the City shall be completed prior to recording the final plat including the removal of all invasive plants in these tracts and re-vegetation with native plants, trees and shrubs.
9. Underground Existing Utilities. The applicant shall coordinate with PGE and associated franchised utility companies to place all existing overhead utilities along Rosemont Road and Parker Road underground for their frontage.
10. HCA Boundary. This approval is subject to final approval of the HCA Map boundary, which is subject to the process in CDC 28.070. The applicant shall provide a map that depicts areas the applicant finds to be outside of the HCA Map boundary for verification by the City.
11. Setbacks. Setbacks shall be five feet for the side yard, 10 feet for side street, 15 feet for front yard and rear yard, (front and rear porches may encroach forward another five feet). Setback areas contiguous to the perimeter of the project, excluding ROW, shall be the same as those required by the R-10 zone. The setbacks provisions of CDC Chapter 34 and 38 shall apply. The maximum lot coverage is 45 percent. Unless modified by these provisions, all other standards of the R-10 zone shall apply.
12. Crosswalks and Traffic Calming. The applicant will coordinate with Public Works to include traffic calming options, if allowable by the Transportation System Plan and acceptable to the City Engineer, on Meadowlark Drive and the intersections of Meadowlark Drive and Rosemont Road and Meadowlark Drive and Parker Road prior to final plat.

V. Order

The Commission concludes that PUD-16-01/SUB-16-01/ WAP-16-05/VAR-16-01/ VAR-16-02/WRG-16-01 is approved based on the Record, Findings of Fact and Findings above.



 GARY WALVATNE, VICE CHAIR
 WEST LINN PLANNING COMMISSION

26 September 2016
 DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 26th day of September, 2016. *VB*

Therefore, this decision becomes effective at 5 p.m., October 10, 2016.