

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

SUB-18-01 and WRG-18-02

IN THE MATTER OF A PROPOSAL TO DEVELOP THE 10-LOT "FERNDELL ESTATES" SUBDIVISION

I. Overview

At its meeting of November 7, 2018, the West Linn Planning Commission ("Commission") held a public hearing to consider the request by Greg Sams, applicant, to approve a proposal to develop the 10-lot "Ferndell Estates" subdivision and a Willamette River Greenway (WRG) permit. The approval criteria for land division are found in Chapter 85 and WRG permit in Chapter 28 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Darren Wyss, Associate Planner. Rick Givens, Planning Consultant, and Bruce Goldson, Theta Engineering, presented on the applicant's behalf. Jay Haladay testified and requested information relating to maintenance responsibility for the stormwater facility and its location in relation to the existing sanitary sewer easement, the potential for high river levels entering the stormwater facility through the overflow pipe, and sanitary sewer manholes taking in water during winter months. Judith Holt testified and requested clarification on the timeline of connecting Ferndell Street to Robin View Court. Steven Whitesides and Damon Rust testified their questions were answered and had no opposition. Daniel Andre and Betty Ann Stallcup testified and requested information on whether the fence between their properties and the subject property would be retained or removed.

The hearing was closed and a motion was made by Commissioner King and seconded by Commissioner Farrell to approve the application with four existing conditions of approval as modified and including the addition of one new condition of approval. The motion was passed unanimously (7-0).

II. The Record

The record was finalized at the November 7, 2018, hearing. The record includes the entire file from SUB-18-01/WRG-18-02.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Greg Sams.
- 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 for November 7, 2018, with attachments, as its findings, which are incorporated by this reference with the addition of modified conditions of approval and addition of condition of approval 5. 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 required by these conditions, the final plat shall conform to the submitted Tentative Plan, (Sheet 1/3) (submitted June 6, 2018).
2. **Engineering Standards.** All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite storm water design, street lighting, street trees, easements, and easement locations are subject to the Public Works Director's review, modification, and approval per the City adopted Public Works standards. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses Staff Findings 30, 33 and 42. All improvements must be designed, constructed, and completed prior to final plat approval. The Director of Public Works may allow a waiver of improvements as allowed by Code.
3. **ROW Dedication.** The final plan is modified to include the applicant's voluntary dedication of ROW (Staff Finding 20 and 22) on the adjacent tax lot 1000 of Assessor's Map 21E 14AD and tax lot 500 of Assessor's Map 21E 13CB to accommodate a future street connection.
4. **HCA Boundary.** The HCA Boundary is revised to remove all High and Moderate HCAs from the subject property (Staff Findings 6 and 7). The City will amend City and Metro mapping to reflect that change.
5. **No Parking Signage.** Where Ferndell Drive is 28 feet wide, "no parking" signage consistent with TVF&R recommendations will be placed on one side of the road. Where Ferndell Drive is less than 28 feet wide, "no parking" signage consistent with TVF&R recommendations will be placed on both sides of the road.

V. Order

The Commission concludes that SUB-18-01/WRG-18-02 is approved based on the Record, Findings of Fact and Findings above.



GARY WALVATNE, CHAIR
WEST LINN PLANNING COMMISSION

13 November 2018
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 14th day of November, 2018.

Therefore, this decision becomes effective at 5 p.m., November 28, 2018.