

# **WEST LINN PLANNING COMMISSION**

## **FINAL DECISION AND ORDER**

### **DR-18-03/VAR-18-01**

#### **IN THE MATTER OF A PROPOSAL FOR A CLASS II DESIGN REVIEW TO CONSTRUCT 5-RESIDENTIAL UNITS IN TWO BUILDINGS AND A CLASS I VARIANCE TO LOT AREA AT 0 NOBLE LANE (VACANT PROPERTY AT THE CORNER OF NOBLE LN AND HOODVIEW AVE.)**

##### **I. Overview**

At their meeting of March 6, 2019, the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by Robert Price on behalf of owners Ali and Nina Ladha, to approve a proposal for a Class II Design Review to construct 5-residential units in two buildings and a Class I variance to lot area requirements. The approval criteria for a Class II Design Review and Class I Variance are found in Chapter 15: Single-Family and Multiple-Family Residential, Chapter 55: Design Review, and Chapter 75: Variances and Special Waivers 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 Jennifer Arnold, Associate Planner. Owners Ali and Nina Ladha introduced their consultant, Robert Price who presented as the applicant. During public testimony the Commission heard testimony from Rita Crawford who expressed concern over on-street parking but was neither for nor against the application. Susan Laszlo testified in opposition to the application due to the architectural style chosen by the applicant. The Commission received written testimony from Tim Young who is also opposed to the application due to the architectural style chosen by the applicant. The hearing was closed and the Commission went into deliberations.

The Commission discussed parking and architectural design associated with the proposed development. The Commission learned during the hearing that on-street parking in front of the vacant lot on Noble Lane can be moved to the opposite side of the street under a separate action. The Commission found that each unit will provide a full double garage for parking of two vehicles and space for one to two additional vehicles in front of each garage. The CDC requires a minimum of one off street parking place, which was satisfied by the proposed design. The Commission discussed architectural style with the applicant during the hearing and deliberated further on this matter. The Commission requested support from planning staff and the City Attorney regarding any applicable requirements and learned State statute does not allow for architectural review criteria that are not clear and objective. Although the applicant’s proposed design is different than surrounding residential design, the Commission determined it

has no authority under the CDC to require architectural design be consistent with neighboring properties.

A motion was made by Commissioner Mathews and seconded by Commissioner King to approve the application with a modification to condition of approval 4. The motion removed "be consolidated to" to read as follows:

"Curb Cut Spacing. Driveway curb cuts onto Noble Lane shall ~~be consolidated to~~ meet spacing requirements."

The motion passed unanimously (6-0).

## II. The Record

The record was finalized at the March 6, 2019, hearing. The record includes the entire file from DR-18-03/VAR-18-01.

## III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Robert Price on behalf of owners Ali and Nina Ladha.
- 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 March 6, 2019, with attachments, including specifically the Addendum dated March 6, 2019, 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.

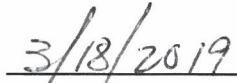
1. **Site Plans. With the exception of modifications required by these conditions, the project shall substantially conform to all submitted drawings dated 7/9/18.**
2. **Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite storm water, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. All improvements must be designed, constructed, and completed prior to the issuance of occupancy permits.**
3. **Side Wall Transition. The applicant must alter the nonexempt sidewalls of the proposed structures to comply with CDC 43.040.A.**

4. **Curb Cut Spacing.** Driveway curb cuts onto Noble Lane shall meet spacing requirements.

**V. Order**

The Commission concludes that DR-18-03/VAR-18-01 is approved based on the Record, Findings of Fact and Findings above.

  
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Gary Walvatne, CHAIR  
WEST LINN PLANNING COMMISSION

  
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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 19<sup>th</sup> day of March, 2019.

Therefore, this decision becomes effective at 5 p.m., April 2, 2019.