

## **WEST LINN PLANNING COMMISSION**

### **FINAL DECISION AND ORDER**

#### **SUB-18-04/WAP-18-05**

### **IN THE MATTER OF A PROPOSAL TO DEVELOP A 12-LOT SUBDIVISION at 22870 Weatherhill Road**

#### **I. Overview**

At their meeting of August 21, 2019, the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by 22870 Weatherhill LLC, property owner, to approve a proposal to develop a 12-lot subdivision. The approval criteria for land division are found in Chapter 85 of the Community Development Code (CDC). Other criteria applicable to this application are found in CDC Chapters 12, 32, 48, 55 and 92. 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. Steve Miller and Eric Evans from Emerio Design, LLC, made a presentation on behalf of the applicant. Joe Lockridge testified to express concern regarding road width, safety, and traffic for the area. Steve Kelly testified about traffic safety and tree protection. Mr. Kelly also noted that he could support the application if a detailed traffic study is done and reviewed. Following public testimony, the public hearing was closed.

A motion was made by Commissioner King to continue the action to September 18, 2019 with a limited open record to allow Public Works a chance to provide an answer to Vice Chair Mathews regarding safety on Weatherhill Road (record was left open until September 4, 2019 for Public Works to respond and then open until September 11, 2019 for the applicant to respond). The motion was seconded by Commissioner Farrell and the motion passed unanimously 6-0-0.

At their meeting of September 18, 2019 the Commission heard the continued action. After discussion with City Attorney Tim Ramis, the Commission decided to reopen the public record and allow testimony by members of the audience and the applicant. The applicant provided an extension to the 120-day-clock period, entered material into the record, and then proceeded with testimony. The public hearing was again closed. Commissioner Farrell moved to continue the action to October 16, 2019 leaving the record open to allow Public Works or any member of the public to respond to additional questions posed by the Planning Commission (deadline 9/25/19) and to allow the public to address information submitted during this open record period (deadline 10/2/19). The applicant was provided final rebuttal on any additional information submitted during this open period (deadline 10/9/19). The motion was seconded by Commissioner Kelly and passed unanimously 7-0-0.

At their meeting of October 16, 2019, the Chair recognized the hearing was closed, the record was closed, and the Planning Commission was in deliberations. Commissioner Pellett made a motion to approve the application with the Staff recommended conditions of approval as modified by the Planning Commission, which was seconded by Commissioner Mathews. The motion was passed 7 - 0.

## II. The Record

The record was finalized at the October 16, 2019, hearing. The record includes the entire file from SUB-18-04.

## III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Emerio Design, 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 for August 21, 2019, with attachments, along with the supplemental record submittals provided on 9/25/19, 10/2/19 and 10/9/19 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 required by these conditions, the final plat shall conform to the submitted Preliminary Plat and Preliminary Site Plan, (Sheets 6/13 and 7/13, dated 8/8/2019).
  - a. The Planning Commission applied Figure 6 of the Staff Report for the August 21, 2019 hearing for the final plat configuration that included no flag lot.
2. **Engineering Standards.** All public improvements and facilities including street improvements, utilities, grading, onsite storm water design, driveway placement and construction, pavement mitigation, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval per the City adopted Public Works standards. 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. **Sewer Easement.** The Applicant shall record a sewer easement to utilize a City owned tract for the proposed sewer extension to the subject property. This easement shall be shown on the face of the plat. Alternatively, the easement may be recorded separately and the recorded number shall be referenced on the face of the plat.

4. **Mitigation and Re-Vegetation.** Prior to recording of the final plat, all on-site mitigation and revegetation shall be completed per the Schott and Associates "Natural Resource Assessment" dated February 2019.
5. **Water Quality Tract.** The applicant shall dedicate the water quality tract to the City of West Linn and reference this dedication on the face of the plat.
6. **Weatherhill Road:** Construction activities shall not proceed until improvements to Weatherhill Road are made in accordance with the Applicant's letter dated October 9, 2019. The applicable improvements to Weatherhill Road are presented on page 3, paragraph 4 of the referenced letter. Roadway improvements include those performed by the applicant and the City of West Linn.
7. **Construction Parking:** On the portion of Satter Street that adjoins the proposed development, where Satter Street is 24 feet wide, no construction parking shall be allowed consistent with West Linn Code and the Transportation System Plan.
8. **Parking:** Satter Street as extended into the proposed development shall be posted no parking consistent with TVFR regulations prior to approval of the final plat.
9. **Access:** Construction traffic to/from the proposed development shall be restricted to an access from Weatherhill Road to the construction site until such time the Director of Public Works determines that the access would prohibit or impair construction actions.

**V. Order**

The Commission concludes that SUB-18-04 is approved based on the Record, Findings of Fact and Findings above.

Gary Walvatne  
 GARY WALVATNE, CHAIR  
 WEST LINN PLANNING COMMISSION

October 17, 2019  
 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 18 day of October, 2019.

Therefore, this decision becomes effective at 5 p.m., November 1, 2019.