

WEST LINN PLANNING COMMISSION
FINAL DECISION AND ORDER
SUB-19-01, WAP-19-02, and WRG-19-01

IN THE MATTER OF A PROPOSAL TO DEVELOP A 25-LOT SUBDIVISION

I. Overview

At its meeting on November 6, 2019, the West Linn Planning Commission (“Commission”) held the initial evidentiary public hearing to consider the request by Toll Brothers, applicant, to approve a proposal to develop a 25-lot subdivision with a Water Resource Area Permit (WAP) and Willamette River Greenway Permit (WRG) at 23190 Bland Circle. The approval criteria for land division are found in Chapter 85, the WAP permit in Chapter 32, and the WRG permit in Chapter 28 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The initial evidentiary hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Phil Grillo, Attorney with Davis Wright Tremaine, presented on the applicant’s behalf with assistance from Dana Beckwith, Global Transportation Engineering, for transportation safety concerns. Roberta Schwarz (Savanna Oaks Neighborhood Association), Michel Romanio, Mary Ann Madjecheck, David Sloop, and Jim McKune, and Helen Lee provided oral testimony. Dean McDonald and Robert and Kristy Musalo also submitted written testimony. The primary concerns raised during testimony included:

- Tree removal
- Traffic safety
- Construction parking and access
- Traffic congestion in nearby neighborhoods

Applicant representatives provide rebuttal and answered questions using statements or reports found in the land use application. The applicant requested a continuance to perform a limited traffic analysis and the Planning Commission left the public hearing open and continued the hearing to December 4, 2019.

At the continued hearing on December 4, 2019, Phil Grillo, Attorney with Davis Wright Tremaine, and Dana Beckwith, Global Transportation Engineering presented on the applicant’s behalf to present the findings of the limited traffic analysis. Although the record was left open, there was no additional written or oral public testimony presented at the hearing.

The hearing was closed and the Planning Commission deliberated, including a discussion on additional conditions of approval imposed on a recently approved subdivision in the area. A motion was made by Commissioner Kelly and seconded by Commissioner Pellett to approve the application with the four Staff recommended conditions of approval in addition to three

additional conditions. The motion was passed with five votes in favor (Commissioners Kelly, Farrell, Mathews, Metlen, and Pellett) and one vote opposed (Commissioner King).

II. The Record

The record was finalized at the December 4, 2019, hearing. The record includes the entire file from SUB-19-01/WAP-19-02/WRG-19-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Toll Brothers.
- 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; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Commission adopts the Staff Report for November 6, 2019, with attachments, as its findings, which are incorporated by this reference with the original four conditions of approval and addition of conditions of approval 5, 6, and 7. 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 6 of 11 “Preliminary Plat”).
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. **HCA Boundary**. The HCA Boundary is revised to correct an identified mapping error (Staff Finding 2). A copy of the map change report and final findings shall be provided to Metro and the City’s GIS mapping to initiate the change.
4. **Access & Utility Easement**. An access and utility easement is required over Tract C to serve proposed lots 9 and 10. An access and utility easement is required over the ‘flag poles’ accessing proposed lots 16 and 17.

5. **Construction Parking.** On the portion of Satter Street that adjoins the proposed development, where Satter Street is 24 feet wide, no construction vehicle parking shall be allowed.

6. **Construction Access.** Construction traffic to/from the proposed development shall be restricted to an access via Salamo Road until such time the Director of Public Works determines that the access would prohibit or negatively impact construction actions.

7. **No Parking.** All roads within the proposed development that are such a width to only allow parking on one side of the street, shall be posted according to TVF&R standards prior to approval of the final plat.

V. Order

The Commission concludes that SUB-19-01/WAP-19-02/WRG-19-01 is approved based on the Record, Findings of Fact and Findings above.



CHARLIE MATHEWS, VICE-CHAIR
WEST LINN PLANNING COMMISSION

12/16/19

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 17 day of December, 2019.

Therefore, this decision becomes effective at 5 p.m., December 31, 2019.