

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

VAR-19-01

IN THE MATTER OF A PROPOSAL FOR APPROVAL OF A DRIVEWAY IN EXCESS OF 15 PERCENT GRADE AT 1875 CARRIAGE WAY

I. Overview

At its meeting on June 5, 2019, the West Linn Planning Commission ("Commission") held the initial evidentiary public hearing to consider the request by Ivan Cam, applicant, to approve a Class II Variance to construct a driveway in excess of 15 percent (VAR-19-01) at 1875 Carriage Way. The approval criteria for a Class II Variance are found in Chapter 75 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 Darren Wyss, Associate Planner. Ivan Cam presented as the applicant. Wendy Larlee, Andi Mariani, and Marla Ellis provided oral testimony. Karen Art and Gary Mariani established standing but did not testify. The primary concerns raised during testimony included:

- Impact to trees on the Sunburst II HOA property from construction of the retaining wall/driveway in the adjacent right-of-way stem
- Removal of trees that straddle the Sunburst II HOA property and the right-of-way stem
- Ensuring no trees will be removed from the Sunburst II HOA property
- How to get a copy of the access easement and what the language actually states
- Safety for residents on the adjacent property
- Maintenance of the retaining wall/driveway located in the access easement

The applicant provided rebuttal and answered follow-up questions.

The hearing was closed and the Planning Commission deliberated. A motion was made by Commissioner Mathews and seconded by Commissioner King to approve the application with the two conditions of approval found in the staff report dated June 5, 2019. The motion was passed with six votes in favor (Commissioners Farrell, King, Mathews, Metlen, Pellett, and Walvatne) and no votes opposed.

II. The Record

The record was finalized at the June 5, 2019, hearing. The record includes the entire file from VAR-19-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Ivan Cam.
- 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 June 5, 2019, with attachments, as its findings, which are incorporated by this reference with the original two conditions of approval. 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 project shall substantially conform to the Plan Sheets dated September 29, 2018.
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 stormwater, 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. These must be designed, constructed, and completed prior to final plat approval.

V. Order

The Commission concludes that VAR-19-01 is approved based on the Record, Findings of Fact and Findings above.



 GARY WALVATNE, CHAIR
 WEST LINN PLANNING COMMISSION

10 June 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 10th day of June, 2019.

Therefore, this decision becomes effective at 5 p.m., June 24, 2019.