

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

SUB-19-03

IN THE MATTER OF A PROPOSAL TO DEVELOP A 15-LOT SUBDIVISION

I. Overview

At its meeting on December 4, 2019, the West Linn Planning Commission (“Commission”) held the initial evidentiary public hearing to consider the request by Bland Circle, LLC, applicant, to approve a proposal to develop a 15-lot subdivision at 23000/23010 Bland Circle. The approval criteria for land division are found in Chapter 85, 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. Steve Miller, Planning Consultant, Dana Beckwith, Global Transportation Engineering, presented on the applicant’s behalf. Dave Fogle, Neil Dautremon, and Robert Musalo provided oral testimony. Robert Musalo and John Nilsen also submitted written testimony. The primary concerns raised during testimony included:

- Trail maintenance and confusion surrounding the trail due to the appearance that it is private and leads to a backyard.
- Traffic on narrow streets and speeding in neighborhoods
- Intersection safety
- Use of a private access easement

Applicant representatives provide rebuttal and answered questions using statements or reports found in the land use application

The hearing was closed and the Planning Commission deliberated, including a discussion on the Staff proposed condition of approval for construction of a trail. A motion was made by Commissioner King and seconded by Commissioner Farrell to approve the application with five staff proposed conditions of approval which excluded the requirement for a pedestrian trail connection (Staff recommended condition of approval 5). The motion was passed unanimously 6-0.

II. The Record

The record was finalized at the December 4, 2019, hearing. The record includes the entire file from SUB-19-03.

III. Findings of Fact

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

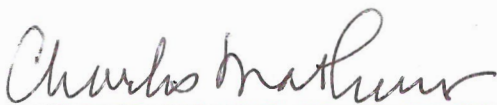
IV. Findings

The Commission adopts the Staff Report for December 4, 2019, with attachments, as its findings, which are incorporated by this reference with the five of the six Staff recommended 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 final plat shall conform to the submitted 'Preliminary Plat', (Sheet 6/13).
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. **Sidewalk Construction.** The applicant shall dedicate 7 feet of frontage to the Bland Circle right-of-way and install a curb-tight sidewalk along Bland Circle from Fircrest Drive to the end of the northern edge of Parcel 1. Additionally, the applicant is required to upgrade the existing ADA ramp at the corner of Bland Circle and Fircrest Drive to meet current ADA Standards. All sidewalks adjacent to Eleanor Street shall be separated from the curb with a landscaping strip.
4. **Undergrounding Utilities.** The applicant shall underground all overhead utilities.
5. **Decommissioning Septic Systems and Wells.** The applicant shall properly abandon/decommission/remove existing wells and septic systems and shall supply the City with the approved documentation from their respective regulatory authorities.

V. Order

The Commission concludes that SUB-19-03 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.