

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

SUB-20-01

IN THE MATTER OF A PROPOSAL TO DEVELOP THE

6-LOT "WILLOW RIDGE" SUBDIVISION

I. Overview

At its meeting on October 7, 2020, the West Linn Planning Commission ("Commission") held the initial evidentiary public hearing to consider the request by Icon Construction & Development, applicant, to approve a proposal to develop the 6-lot "Willow Ridge" Subdivision at 4096 Cornwall Street. The approval criteria for land division are found in Chapter 11, Single-Family Residential, R-10; Chapter 48, Access, Egress and Circulation; Chapter 85, Land Division General Provisions; and Chapter 92, Required Improvements of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99, Procedures for Decision Making: Quasi-Judicial.

The initial evidentiary hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Rick Givens presented on the applicant's behalf with assistance from Michael Ard to explain the traffic study, Bruce Goldson to address stormwater, James Imbrie to address geotechnical issues with the property, and Mike Robinson as the applicant's attorney. Bob Mendel, William House and Pam Yokubaitis provided oral testimony. Pam Yokubaitis, Robert Jester, William House and Bob Mendel also submitted written testimony. The primary concerns raised during testimony included:

- Geotechnical report issues
- Stormwater
- Traffic congestion and safety in nearby neighborhoods
- The previous applications
- Gated access from Cornwall

Applicant representatives provide rebuttal and answered questions using statements or reports found in the land use application. The applicant granted a continuance, but with a limited open record to four key issues: Geotechnical Report, Traffic, Gated Access, and Stormwater. Staff was asked by Vice Chair Mathews to specifically address the gated access, staff finding 44, and condition of approval 8 (if the applicant submitted a revised stormwater report). The applicant was given until October 28, 2020 to submit any and all documents on the four items of open record. The public would have from the posting on October 28, 2020 to noon on November 4, 2020 to submit written testimony on any of the new information. The Commission left the limited public hearing record open and continued the hearing to November 4, 2020.

At the continued hearing on November 4, 2020, Jennifer Arnold, Associate Planner gave a brief presentation of the revised Staff Finding 44 and condition of approval 8. Ms. Arnold also addressed the gated access and that no changes were made to the previously-presented staff findings regarding the gate. Rick Givens presented for the applicant and was assisted by Jason Ard to address traffic, Roger Smith to address site hydrogeology, and James Imbrie and Beth Rapp to address the William House testimony and groundwater issues.

At the November 4, 2020 continued public hearing, oral testimony was given by William House, Ed Turkisher, Bob Mendel, Pam Yokubaitis, Pia Snyder, and Christine Henry. Alice Richmond, Robert Jester (on behalf of Barrington Heights Neighborhood Association), William House, Darin Stegemoller, Bob Mendel, and Pam Yokubaitis also submitted written testimony. All written and oral testimony submitted for the continued hearing abided by the four topics of the limited open record:

- Traffic
- Gated access
- Stormwater
- Geotechnical Report

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 Vice Chair Mathews and seconded by Commissioner Kelly to approve the application with modified conditions of approval. The motion was passed with five votes in favor (Commissioners Kelly, Mathews, Metlen, Pellett and Chair Walvatne) and one vote opposed (Commissioner King).

II. The Record

The record was finalized at the November 4, 2020, hearing. The record includes the entire file from SUB-20-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Icon Construction and Development.
- 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 October 7, 2020 and supplemental Staff memo dated October 28, 2020, with attachments as its findings, which are incorporated by this reference. The Commission modified the conditions by accepting a portion of the applicant's proposed access plan submitted to address concerns raised by neighbors. That plan showing the Neighborhood Association's preferred street alignment does not provide for extension of Landis Street through to Cornwall Street. Instead, the Commission approved a 25-foot-wide shared access for Lots 5 and 6 to provide emergency vehicle access with a turnaround easement area off Cornwall Street, controlled through the installation of bollards. Responsibility for the maintenance of the shared access and bollards shall be shared by the property owners of Lots 5 and 6. The shared access is required to provide pedestrian and bicycle access through the recording of a public access easement. The Commission approved this plan upon finding that connection of Landis Street through to Cornwall Street is not feasible as the current condition of Cornwall does not satisfy the CDC 85.200 approval criterion as an adequate public facility providing service to the subdivision. 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 and approved plans.**
- 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. Public Utilities. The applicant shall upgrade the water main in Cornwall Street to serve this proposed subdivision. The applicant shall extend the sanitary sewer mains to the north property lines in Landis Street and the unimproved Cornwall right-of-way to allow for future connection. All utilities shall be located within the public right-of-way or within recorded utility easements along property lines, as approved by the City Engineer.**
- 4. Tree Protection. The applicant shall coordinate with the City's Arborist to obtain any necessary tree permits for the significant trees proposed to be removed. The applicant must also obtain approval from the City's Arborist confirming that tree protection is correctly in place. Mitigation of removed trees due to right-of-way improvements and grading shall be approved by the City Arborist prior to approval of the final plat.**

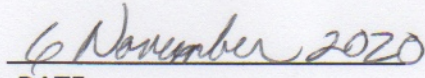
5. **Public Utility Easement.** The applicant shall record, on the face of the plat, an eight-foot wide Public Utility Easement per Engineering Standards on all street frontages.
6. **Pedestrian Trail.** A pedestrian trail shall be constructed in the Cornwall Street right-of-way south of the shared drive and Cornwall Street intersection. The trail shall connect with the existing pedestrian trail to the south.
7. **Stormwater Analysis.** The developer shall submit a final stormwater report with the subdivision construction drawings to be reviewed and approved by the City Engineer prior to issuance of a Public Works public improvement permit, per the *City of West Linn Public Works Construction Standards*.
8. **Fee in lieu.** The applicant shall initiate vacation of the unimproved right-of-way along Cornwall or submit an application for a fee in lieu for the cost to actually construct the improvements to the Public Works/Engineering Department and get approval by the City Engineer prior to approval of the Public Works public improvement permit.
9. **Building Sites.** All building sites exceeding 25% slopes (Proposed Lots 3, 4, 5 & 6) shall require geotechnical confirmation stating the proposed lots are buildable prior to the final plat approval. Additional analysis at the time of a building permit application as it relates to Type I and Type II lands may be required by the City's Building Official.
10. **Restricted Access.** The access plan submitted by the applicant showing a hammerhead design and 25-foot-wide shared access for Lots 5 and 6 and emergency vehicle easement that does not connect through to Cornwall Street is approved. At the end of the shared access and emergency vehicle easement, applicant shall install appropriately-spaced locking bollards in the location where the applicant's submittal proposed a gate on the Tentative Plan. The number of bollards shall be approved by Public Works/Engineering to prohibit motorized vehicular traffic between the bollards while allowing for pedestrian and bicycle access.
11. **Shared Access Maintenance.** The applicant shall prepare and record covenants, conditions and restrictions (CCRs) that establish responsibility for maintenance of the private shared accessway and emergency vehicle easement, as well as the bollards, is that of the property owners of lots 5 and 6. The applicant shall also record a pedestrian/bicycle public access easement over the private shared accessway/emergency accessway from Landis Street to Cornwall Street prior to the final plat approval.

V. Order

The Commission concludes that SUB-20-01 is approved based on the Record, Findings of Fact and Findings above.



Gary Walvatne, CHAIR
WEST LINN PLANNING COMMISSION



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 6 day of November, 2020.

Therefore, this decision becomes effective at 5 p.m., November 20, 2020.