

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

VAR-20-03

IN THE MATTER OF A PROPOSAL FOR APPROVAL OF A CLASS II VARIANCE TO ALLOW FIVE SINGLE-FAMILY HOMES TO TAKE ACCESS FROM A SHARED PRIVATE DRIVE AND MODIFY A CONDITION OF APPROVAL FROM THE ORIGINAL SUBDIVISION APPROVAL (SUB-15-02) AT 2196 TANNER DRIVE.

I. Overview

At its meeting on October 21, 2020, the West Linn Planning Commission ("Commission") held the initial evidentiary public hearing to consider the request by Toll West Coast, LLC (Toll Brothers), applicant, to approve a Class II Variance to allow five single-family homes to take access from a shared private drive and modify a condition of approval from the original subdivision approval (SUB-15-02) at 2196 Tanner Drive. 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, Acting Planning Manager. Phil Grillo and JJ Portlock presented as the applicant. Ed Schwarz, Savanna Oaks Neighborhood Association (SONA) President, provided oral and written testimony on behalf of SONA. The primary concern raised during testimony was the prior decisions made to make the variance request necessary.

The applicant's representative provided rebuttal and answered follow-up questions.

The hearing was closed and the Planning Commission deliberated. Primary topics of discussion:

- The variance request does not set a precedent;
- No parking signs along shared private drive were required as part of SUB-15-02;
- Concerns over parking along shared private drive blocking emergency access;
- Lot layout is better by granting the variance.

A motion was made by Commissioner Mathews and seconded by Commissioner Pellett to approve the application with the staff recommended condition of approval a found in the staff report dated October 21, 2020 and the addition of a second condition of approval to require no parking signage along the shared private drive.. The motion was passed with four votes in favor (Commissioners King, Mathews, Pellett, and Kelly) and one vote opposed (Commissioner Walvatne).

II. The Record

The record was finalized at the October 21, 2020, hearing. The record includes the entire file from VAR-20-03.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Toll West Coast, 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.

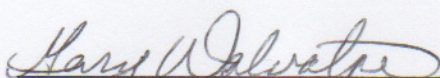
IV. Findings

The Commission adopts the Staff Report for October 21, 2020, with attachments, as its findings, which are incorporated by this reference with two conditions of approval. The Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

- 1. **Tannler Driveway.** The existing driveway approach off of Tannler shall be removed and replaced with a sidewalk separated from the curb per City of West Linn Construction Standards.
- 2. **No Parking Signage.** The applicant shall install no parking signage, either above ground or on curb, consistent with TVF&R standards at its earliest convenience, but within 60 days of the effective date of this decision. The 60 days shall apply to both conditions.

V. Order

The Commission concludes that VAR-20-03 is approved based on the Record, Findings of Fact and Findings above.



 GARY WALVATNE, CHAIR
 WEST LINN PLANNING COMMISSION

22 October 2020

 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 22 day of October, 2020.

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