

**WEST LINN PLANNING COMMISSION**  
**FINAL DECISION AND ORDER**  
**MISC-22-10**

**IN THE MATTER OF A TWO-YEAR EXTENSION OF A 2018 PLANNING  
COMMISSION APPROVAL FOR A 12 LOT SUBDIVISION AT 22870 WEATHERHILL  
DRIVE (SUB-18-04/WAP-18-05)**

**I. Overview**

At its meeting on December 7, 2022 the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by Gary Henin of Centerpoint Homes to approve a two-year extension of a 2018 Planning Commission decision to approve a 12 lot Subdivision at 22870 Weatherhill Drive (SUB-18-04/WAP-18-05). The approval criteria for an extension are found in Chapter 99 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The public hearing commenced with a staff report presented by John Floyd, Associate Planner.

Gary Henin presented on behalf of Centerpoint Homes.

Ed Schwarz testified regarding the appropriateness of the extension and proposed conditions of approval regarding workplace safety.

Gary Henin provided rebuttal and answered follow-up questions.

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

- The applicant’s ability to complete the project within two years;
- Compliance with conditions of approval; and
- The appropriateness of conditions of approval related to contractor licensing and workplace safety.

A motion was made by Commissioner Carr and seconded by Commissioner Mathews to approve the application. The motion passed with six votes in favor (Commissioners Boggess, Erwin, Metlen, Carr, Mathews, and Walvatne). Commissioner Pellet was not in attendance.

**II. The Record**

The record was finalized at the December 7, 2022, hearing. The record includes the entire file from MISC-22-10.

**III. Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Gary Henin of Centerpoint Homes.

- 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 December 7, 2022, with attachments, as its findings, which are incorporated by this reference. The Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

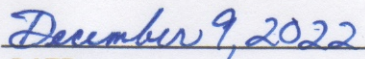
1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Preliminary Plat and Preliminary Site Plan, (Sheets 6/13 and 7/13, dated 8/8/2019).
  - a. The Planning Commission applied Figure 6 of the Staff Report for the August 21, 2019 hearing for the final plat configuration that included no flag lot.
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. **Sewer Easement.** The Applicant shall record a sewer easement to utilize a City owned tract for the proposed sewer extension to the subject property. This easement shall be shown on the face of the plat. Alternatively, the easement may be recorded separately and the recorded number shall be referenced on the face of the plat.
4. **Mitigation and Re-Vegetation.** Prior to recording of the final plat, all on-site mitigation and revegetation shall be completed per the Schott and Associates "Natural Resource Assessment" dated February 2019.
5. **Water Quality Tract.** The applicant shall dedicate the water quality tract to the City of West Linn and reference this dedication on the face of the plat.
6. **Weatherhill Road:** Construction activities shall not proceed until improvements to Weatherhill Road are made in accordance with the Applicant's letter dated October 9, 2019. The applicable improvements to Weatherhill Road are presented on page 3, paragraph 4 of the referenced letter. Roadway improvements include those performed by the applicant and the City of West Linn.
7. **Construction Parking:** On the portion of Satter Street that adjoins the proposed development, where Satter Street is 24 feet wide, no construction parking shall be allowed consistent with West Linn Code and the Transportation System Plan.

8. **Parking:** Satter Street as extended into the proposed development shall be posted no parking consistent with TVFR regulations prior to approval of the final plat.
9. **Access:** Construction traffic to/from the proposed development shall be restricted to an access from Weatherhill Road to the construction site until such time the Director of Public Works determines that the access would prohibit or impair construction actions.

**V. Order**

The Commission concludes that MISC-22-10 is approved based on the Record, Findings of Fact and Findings above.

  
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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 9 day of December, 2022.

Therefore, this decision becomes effective at 5 p.m., December 23, 2022.