

**WEST LINN PLANNING COMMISSION
NOTICE OF FINAL DECISION AND ORDER
MIP-24-02 & VAR-24-05**

**IN THE MATTER OF A 3-PARCEL MINOR PARTITION AT 2830 COEUR D ALENE
DRIVE AND A CLASS II VARIANCE PROPOSAL FOR ALLOWING MORE THAN FOUR
LOTS TO BE SERVED FROM A PRIVATE DRIVEWAY.**

Planning Commission Decision: The Planning Commission has **approved** the above referenced land use application, based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as modified herein.

Materials: The applicant submittal and Staff Report, is available at

- <https://westlinnoregon.gov/planning/2830-coeur-d-alene-drive-minor-partition-and-class-2-variance>

I. Overview

At its meeting on November 6, 2024, the West Linn Planning Commission (“Commission”) held the initial evidentiary public hearing to consider the request by Gary Alfson & Susie Alfson, applicant, to approve a 3-Parcel Minor Partition at 2830 Coeur D Alene Drive and a Class II Variance to allow access from a shared driveway to more than four lots (five total lots) at 2934, 2826, 2830, Coeur D Alene Drive and the two additional lots created by the Minor Partition. The approval criteria for this proposal are Community Development Code (CDC) Chapter 12, Chapter 48, Chapter 75, Chapter 85, Chapter 92, and Chapter 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

The initial evidentiary hearing commenced with a staff report presented by Aaron Gudelj, Associate Planner. The applicant(s) provided verbal testimony. Written testimony was submitted by Rich Faith and Cynthia Lacro, Rufus Timberlake & Julia Timberlake, Carlos Ugalde and Amy Ugalde, and David Baker. Oral testimony was provided at the hearing by Carlos Ugalde, Rufus Timberlake, Julia Timberlake, David Baker, and Thomas Laun. Applicant rebuttal was provided by the applicant(s). The primary concerns raised during testimony included:

- Traffic Safety
- Sharing of Access easement
- Plat notes
- Views
- Property Values
- Middle housing development on new lots

The hearing was closed, and the Commission deliberated whether the request meets the minimum necessary standards of CDC Chapter 75. A motion was made by Commissioner Evans to approve the application in accordance with the Staff Report and the recommended

conditions of approval. The motion was seconded by Chair Carr. The motion passed unanimously, 6-0 (Jones, Metien, Walvatne, Evans, Schulte-Hillen, Carr).

II. The Record

The record was finalized at the November 6, 2024 public hearing.

Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Gary Alfson and Susie Alfson.
- 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.

III. Findings

The Commission makes this decision based on the findings described in the Staff Report and in addition to or as modified below, the submitted written comments, and evidence in the whole record. The Commission concludes that the record satisfies the Applicant's burden to prove compliance with all applicable criteria including the following:

1. CDC 48.030(D) – Commission finds the application meets Class II Variance requirements thus granting relief from this provision.
2. CDC 75.020.B.1(c) – Commission finds the physical limitations of providing access to Tract C for Parcel 1 and that the property has been surrounded by subdivision development over time, thus limiting options for access, were not created by the applicant/owner requesting the variance.
3. CDC 85.200.B.8(b) – Commission finds the City, as a public agency, cannot legally prohibit development of middle housing on the newly created parcels and that this criterion is met without the proposed condition of approval in Finding No. 109.

IV. Conditions of Approval

The Planning Commission Approves MIP 24-02/VAR-24-05 subject to the identified conditions of approval.

1. Site Plans. With the exception of modifications required by these conditions, the final plat shall substantially conform to the Tentative Plan.

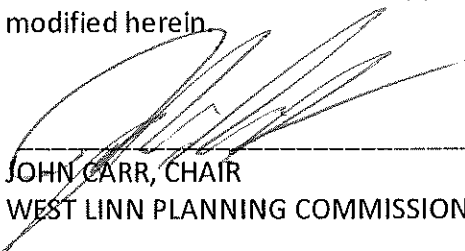
2. Shared Access Agreement. Prior to recordation of the Plat with Clackamas County the applicant shall provide a signed access and utility easement and joint maintenance agreement between all owners of property using the private driveway as access. The access and utility easement and joint maintenance agreement shall have signatures from all owners of land using the private access and shall acknowledge the total number of lots using the private access.

3. 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. The City may partner with the applicant to fund additional improvements as part of the project.

4. Reciprocal Access and Utility Easement. Prior to final plat approval, the applicant shall record and show on the face of the plat a 20-foot wide reciprocal access and utility easement and mutual maintenance agreement on Proposed Parcel 2 for the benefit of proposed Parcels 1 and 3. The easement will create legal access for ingress/egress and utility placement. The easement recording number shall be provided on the face of the final plat.

V. Order

The Commission concludes that MIP 24-02/VAR-24-05 is approved based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as added to or modified herein.



JOHN CARR, CHAIR
WEST LINN PLANNING COMMISSION

11/20/24

DATE

APPEAL

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. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830. The decision will not become final until the period for filing a local appeal has expired.

More information about filing an appeal can be found at:

- <https://westlinnoregon.gov/planning/appeals>

Mailed this 21 day of November, 2024.

Therefore, this decision becomes effective at 5 p.m., December 4, 2024.

Contact: If you have any questions about this project, please contact Aaron Gudelj, Associate Planner, at agudelj@westlinnoregon.gov or (503) 742-6057.

