

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

SUB-14-01/VAR-14-01/VAR-14-03/VAR-14-04/VAR-14-05/MISC-14-02

IN THE MATTER OF A 4-LOT SUBDIVISION AT 1770 OSTMAN ROAD WITH PERMIT TO ENLARGE/ALTER A NON-CONFORMING STRUCTURE FOUR CLASS II VARIANCES ALL RELATED TO DRIVEWAY SPACING

At their meeting of April 3, 2014, the West Linn Planning Commission held a public hearing to consider the request by Renaissance Homes to approve a 4-lot subdivision, with a permit to Enlarge/Alter a Non-Conforming structure related to the non-conforming distance to the driveway on the next property to the north, with three Class II Variances related to the spacing between driveways, and with one Class II Variance related to the distance between the driveway on Lot 4 to the intersection of the arterial Willamette Falls Drive. The proposed development required Subdivision, Variance, and Enlarge/Alter a Non-Conforming Structure approval. The approval criteria for Subdivision are found in Chapter 85 of the Community Development Code (CDC). The approval criteria for a permit to Enlarge/Alter a Non-Conforming Structure are found in Chapter 66 of the CDC. The approval criteria for Variances are found in Chapter 75 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Chris Goodell and Monty Hurley of AKS Engineering & Forestry presented for the applicant. Alice Richmond provided testimony in support of the application. After deliberations, motions were made, seconded, and approved to approve the Subdivision with the permit to Enlarge/Alter a Non-Conforming Structure and with all requested variances, with two additional findings, with an amendment to Condition of Approval 2, and with elimination of Condition of Approval 5.

The additional findings are as follows:

Additional Finding 1: 85.200(D)(4) requires that transit stops be provided with a bench, so Condition of Approval 2 should include the requirement of a bench as well as the widened sidewalk at the transit stop.

Additional Finding 2: 75.060(B) requires variances to be “necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.” In this general area of town, most other properties are developed with individual driveways. By proposing the individual driveways the applicant is reasonably requesting to exercise the property rights that have been exercised in the area. The individual driveway locations as proposed by the applicant therefore represent the minimum variance to that objective, as required by 75.060(D).

The approved conditions of approval are as follows:

1. Site Plat. With the exception of modifications required by these conditions, the project shall conform to the Preliminary Subdivision Plat with Building Setbacks, Sheet 5, dated February 21, 2014, located on Page 50 of Exhibit PC-4.
2. Sidewalk Along Bus Stop. The applicant shall widen the sidewalk and the proposed public sidewalk easement to eight feet along the existing bus stop. The applicant shall add a bench in the bus stop area, provided it is agreeable to Tri-Met.
3. Engineering Standards. All public improvements and facilities associated with public improvements including grading, onsite stormwater design, street lighting, easements, and easement locations are subject to the City Engineer's review, modification, and approval.
4. Fire Flow Test. The applicant shall perform a fire flow test to the satisfaction of Tualatin Valley Fire and Rescue.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Christine M Steel
CHRISTINE STEEL, CHAIR
WEST LINN PLANNING COMMISSION

4-10-14
DATE

Mailed this 10th day of April, 2014.

Therefore, this decision becomes effective at 5 p.m., April 24, 2014.