

**CITY OF WEST LINN
PLANNING COMMISSION MINUTES**

Wednesday, March 4, 2009

Members present: Chair Michael Babbitt, Vice Chair Robert Martin and Commissioners Michael Jones, Dean Wood and Christine Steel.

Staff present: Chris Kerr, Acting Planning Director; Tom Soppe, Associate Planner; and William Monahan, City Attorney

Members absent: Commissioners Shawn Andreas and Valerie Baker

CALL TO ORDER

Chair Michael Babbitt called the Planning Commission meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Vice Chair Martin **moved** to approve the Minutes of January 7, 2009. Commissioner Wood **seconded** the motion and it **passed** 4:0. Commissioner Jones abstained.

Vice Chair Martin **moved** to approve the Minutes of January 21, 2009. Commissioner Steel **seconded** the motion and it **passed** 3:0. Commissioner Jones and Commissioner Wood abstained.

PUBLIC COMMENTS (None)

PUBLIC HEARINGS

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

DR-09-01/MISC-09-01, Design Review and Non-Conforming Use of Residential to Office Use in the General Commercial Zone at 4835 Willamette Falls Drive

Chair Babbitt opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact (including site visits). Commissioner Jones, Vice Chair Martin and Chair Babbitt reported they had visited the site. Vice Chair Martin reported he had talked briefly with Lloyd Mohling, who had clarified the garage would remain and said the proposed use would be more like residential use than commercial use. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Tom Soppe, Associate Planner, presented the staff report. (See Planning & Building Department Staff Report dated February 18, 2009). He said the applicant proposed to change the use of an historic landmark home to commercial office use. He corrected the staff report and clarified the existing garage would remain and it would be considered the first parking space. He said the applicant proposed enough parking spaces to satisfy the code. He said a permit was

required to allow the new use to use the existing shared, nonconforming, access and design review was necessary due to the additional parking spaces and ramps. He explained that the Planning Commission was hearing the application instead of the Historic Resource Advisory Board because no changes were proposed to the exterior of the house. He pointed out the site was one of a group of older houses that shared the driveway. He said the applicant's site had an easement to access from the west end of the shared access only. He recommended approval of the application subject to the Condition of approval 1 in the staff report and a modified Condition 2 as follows: "No changes that result in a total number of trips in excess of 15 per day (one trip defined as one arrival plus one departure) shall be permitted under this approval unless the access drive is improved to meet all CDC requirements." He said the application met Chapter 66 criteria related to alteration of nonconforming structures.

During the questioning period, Mr. Soppe confirmed the entire row of older homes the site was part of was zoned General Commercial. The shared driveway was "nonconforming" because it was only eleven feet wide; it was used by more than four properties; and there was no accessible handicapped route to adjacent transit. He added a letter from a neighbor to the record. She requested that the site be limited to 15 car trips per day; that buffering vegetation remain; and that her property be shielded with a tall fence. She had also been concerned that the garage was to be removed. Mr. Soppe noted the garage was to remain and the applicant proposed to keep the buffering vegetation.

The Commissioners asked who was to be responsible for improving the entire existing shared access if intensity of use increased over time as, one-by-one, properties along it changed use until the total number of trips triggered that requirement. The staff said any owner increasing intensity of use had to make required street improvements, or apply for a variance. However, since it was physically impossible to change the existing, substandard, access to meet current standards, they suggested best solution was to put a cap on trips. They recommended limiting the proposed use to the 15 trips per day they estimated was equal to residential use (which the Institute of Traffic Engineers manual said was typically 10 trips per day), plus home occupation use (which the code limited to five business trips per day). They confirmed the site had a legal easement over the access. The Commissioners noted the underlying zone was commercial and asked if 15 trips per day per dwelling would be adequate. Mr. Soppe advised that Chapter 66 criteria did not allow expansion of an existing nonconformity, and that was what limited the intensity of the proposed use. When asked, Mr. Soppe said the vicinity had been rezoned commercial at least a couple of decades ago and the zoning change had been made without any conditions on affected properties, so there was no current limit on trips along the driveway. He clarified that no one would be living in the house and 1,500 sq. ft. would be used for office space.

Applicant

Garth Ingle, and Molly Plocher, Two Hemispheres, Inc. 385 Snead Drive N., Keizer, Oregon, 97303, testified that they agreed with the staff report. During the questioning period, they explained that they and the staff had calculated that 1,500 sq. ft. of the structure would be commercial use. That did not include the kitchen, basement, and a bath/bedroom that was to be used for overnight stays by two employees when they traveled there from Eugene. They

clarified that they had a home based business, most of the total of seven employees worked out of their homes and would come to the site only for meetings; and three employees worked part time. During the questioning period, they clarified that not counting the basement, the structure was 2,300 sq. ft. The staff explained how the parking requirement was calculated. The house was 2,300 sq. ft. not counting the basement. Based on the parking requirement of one space for every 350 sq. ft. of office use, and factoring in the 10% parking modifier for proximity to transit, the applicant was required to have 6 parking spaces. The applicant confirmed there was a transit stop nearby. Commissioner Steel asked how they would prevent parking overflow with seven employees and six parking spaces. The applicant said there was another place to park down below the house, if everyone was there at the same time. They said three employees who lived close to each other in Happy Valley could carpool. Commissioner Jones indicated that he wanted to make it clear to future owners of the property that the use had been approved with six parking spaces based on 2,100 sq. ft. of office use, and any increase in commercial use would trigger a requirement for additional parking and improvement of the road access.

Proponent

Alice Richmond, 3939 Parker Rd., was pleased this historic building would be saved; the area would become less of an “eyesore;” and there would be a new business there that employed people in spite of the current economy. She noted the applicant was asking for permission to have a home occupation when some others did not bother to ask. She noted a motel was near the site. She said the access road had evolved the way other roads in the city had: It had been an old dirt road that had been paved and then mapped.

Laurie Mohling, 4835 Willamette Falls Dr., said her family had lived in house for 23 years and they were thrilled the new owner wanted to maintain it as an historic house and keep up the gardens.

Deliberations/Motions

Chair Babbitt closed the public hearing. Commissioner Jones said he generally favored the application, but he wanted to ensure that a future owner understood the city had approved it based on using no more than 2,300 sq. ft. of the structure for commercial use, with the rest of the structure for residential use. Chair Babbitt then offered the applicant an opportunity to comment on such a new condition and Mr. Ingles indicated they could agree to that.

Commissioner Jones **moved** to approve DR-09-01/MISC-09-01 subject to Condition 1 in the staff report; Condition 2 as revised by the staff during the hearing; and new Condition 3, which was to be drafted by the staff and deemed acceptable by the applicant, to ensure that no more than 2,300 sq. ft. of the structure was to be used for general commercial. Vice Chair Martin **seconded** the motion and it **passed** 5:0.

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ITEMS OF INTEREST FROM STAFF

Mr. Kerr distributed copies of the February 28, 2009 Memorandum from Tom Coffee, who had been engaged to represent the city during urban/rural reserves designation discussions. Mr. Kerr explained that the regional Metro government and three counties were involved in deciding which land just outside the current Urban Growth Boundary would be designated "urban reserves" (which would be the first land to be included when the UGB was expanded), and "rural reserves" (which could not be considered for inclusion in the UGB for the next 50 years). He said the process was on a "fast track" to designate those areas by fall 2009. The process was for the counties and Metro to each consider and recommend "candidate" properties to a "Core Four" group composed of a representative from each county and one from Metro. Then public open houses would be held. After that a larger "Reserve Steering Committee" would make a formal recommendation before the designations were formalized. The City of West Linn had taken a formal position to oppose urbanization of the Stafford area. The City Council had conveyed it in a growth aspirations letter and was considering adopting a related resolution, and the staff conveyed it during technical meetings with the county. Mr. Kerr said he would keep the Planning Commission updated on the matter and he advised that the city website offered contact information so individual citizens could get involved. Vice Chair Martin stressed it was important for citizens to learn how they could participate and who to contact to influence the process.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

After the Planning Commission meeting was adjourned the Commissioners noted there was no agenda for a Citizens Involvement meeting that night and they rescheduled it for April 1, 2009.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at 8:15 p.m.

APPROVED:



Michael Babbitt, Chair

4-15-09

Date