



CITY OF
West Linn

PLANNING COMMISSION

Minutes of January 20, 2010

Members present: Chair Robert Martin, Vice Chair Michael Jones and Commissioners Laura Horsey, Lewis McCoy, Christine Steel and Dean Wood

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; and William Monahan, City Attorney

Members absent: Commissioner Charles Lytle

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:42 p.m.

APPROVAL OF MINUTES

After the Commissioners corrected the draft minutes Jones **moved** to approve the Minutes of December 2, 2009. Wood **seconded** the motion and it **passed** 6:0.

PUBLIC COMMENTS

Martin thanked former Chair Michael Babbitt for his service on the Planning Commission.

PUBLIC HEARINGS

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

DR-09-05, Class II Design Review for exit driveway and lights at Rosemont Ridge Middle School, 20001 Salamo Road (Continued from January 6, 2010)

Chair Martin re-opened the public hearing. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. McCoy recused himself from hearing the matter because he had not been on the Planning Commission during the first hearing. None of the Commissioners who had declared site visits and ex parte contacts at the previous hearing had anything more to report except for Horsey and Wood. Wood related that when he visited Wilsonville and Lake Oswego schools' playing fields had paid special attention to the lights they used and found they were well focused. Horsey reported that her daughter attended the school; she had been there for school activities; tested how well it would work to pick up her

daughter at the nearby church; and personally confirmed that the traffic study had correctly reported visibility. When invited by the Chair, no one present challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Peter Spir, Associate Planner, presented the staff report (See Planning & Building Department staff report dated January 6, 2010 and staff Memorandum regarding the Noise Study Addendum dated January 14, 2010). He reported that no one had submitted anything during the period the record was open to receive comments regarding the noise study. But the applicant had offered to close the bus lane between 7:00 p.m. and 7:00 a.m. because they could not guarantee they could meet code noise standards between those hours. The staff had modified the recommended conditions of approval as follows:

- Condition 4. Replace with the following language: The bus driveway shall be gated and closed between 7:00 p.m. and 7:00 a.m. to facilitate meeting the City's noise standards.
- Condition 5: The gate on the bus driveway shall allow pedestrians and ADA accessibility between the school and the senior center along the bus driveway.
- Condition 8. Revised as follows: If an easement is provided on the Adult Community Center property to accommodate anchors for the retaining wall the school district shall be required to record it with Clackamas County and provide the City with a copy of the recorded documents. The district shall also provide an access easement to the senior center allowing pedestrians to use the driveway during special events.

During the questioning period, Spir explained the grade change between the school and the ACC was too steep for stairs, but people would now be able to park in the school lot and use the new bus driveway to walk around and up the Rosemont sidewalk on an easier grade. He explained the staff believed the applicant could design a gate that would stop vehicular traffic while still allowing pedestrians and the fire department to use the lane. He acknowledged that the staff had no remedy for the fact that a part of the new looped driveway at the back of the gym was out of direct line of sight. Lighting in that area, a locked gate and increased access activity there would help discourage illegal or nuisance activity. Wood wanted to ensure everyone knew exactly where the buses should load so the loading area did not shift to the back over time.

Applicant rebuttal

Tim Woodley, 2755 SW Borland Rd., Tualatin, Oregon, 97062, explained the School District wanted to separate bus traffic from other traffic. They had worked with the Adult Community Center (ACC) and allowed the school parking lot to be used for ACC overflow parking for many years for the good of the community. He could not recall if the school had ever used the senior center parking lot for its own overflow parking. The driveway would improve pedestrian access to the Center. He explained that for many reasons a school had to operate on a set routine and

bus loading had to take place on a specific, controlled, time schedule. Special education buses had a special place to load. The new bus lane would have a gate at each end that the school custodians would open and close at the same time each day. A gate would be located at a curb and not on the sidewalk so it would not interrupt pedestrian access. He said the plan would address an operational challenge that had existed since the school was built. The proposed plan had been well vetted. He said the back area would be well lit by existing lights plus additional lights. It was currently just a bank that ended against the gym. He said the school focused supervision anywhere kids were present and after the bus lane was installed they would focus attention there too. He said the applicant's engineer would specify how to stripe the area so bus drivers would know exactly where to start their queue. They would be moving when they went through the area along the retaining wall. He said the bus service had an idling policy that did not allow engines to be on when the buses were stopped for loading.

During the questioning period, Woodley clarified the applicant had added the second gate to the proposal that day. Martin recalled that when he visited the site pick-up time congestion lasted about four to eight minutes. He asked if the applicant had considered staggering pick-up times between buses and cars so they were not all accessing the site at the same time. Woodley explained maintaining school routine was important to meet a variety of agreements, standards and chain of custody considerations and they could not have different personal release times for kids who rode the bus and kids who accessed school by car. Martin related that other school districts scheduled shifts. Woodley said that was something the applicant had not considered. Wood wondered if even more parents would drive their kids to school if the new bus lane lessened the current congestion. Woodley said the school's goal was to encourage kids to walk or take a bus. The proposed plan reduced conflicts between buses and cars. It involved a significant investment; it was based on good engineering; and the applicant thought it was the right thing to do to address congestion.

Horseley agreed there was a need for change at the school. The bus drivers seemed to be very conscientious and the operation worked like a well-oiled machine. There might not be any other way to address bus traffic than what was proposed. But the visibility issue was important. The application did not meet criteria related to sightlines and security. She wanted other options explored, including installing a traffic light to control access onto Salamo. She asked Woodley if the applicant had any additional response to the criterion that required lines of sight to be reasonably established so the development was visible to police and residents? Woodley said there would be a lit driveway and people would be paying more attention to it. He thought the area would be somewhat visible from inside the school. He stressed student safety "trumped" everything else they did. He assured the Commissioners the District staff would look at the back of the building and it would be well lit.

Staff response

Spir was encouraged by the fact the applicant planned to install additional lighting in back of the school.

Deliberations / Motions

Wood recalled there was already a path going behind the school. People could access that area now. The bus lane and additional lighting would make it even more visible and accessible to those who chose to look back there. The gates would prevent people from driving back there. Separating bus traffic from other traffic would make the site safer. But that might encourage even more parents to drive to school. The athletic field lighting he had seen at other schools restricted the light to the fields. Steel was concerned that the area behind the school did not meet the line of sight criterion. Good lighting did not change that fact. But the staff reported they had no remedy and the School District had testified they would take all possible measures to ensure students were safe. The change in traffic pattern would increase overall safety. Jones concurred with Wood and Steel. He recalled the applicant's testimony that the building was going to be safer with the proposed access than it was now.

Horseley agreed there was a need for the applicant to change the way buses and cars were handled. The proposed plan might be the only way to do that given the site constraints, but she was not satisfied the applicant had thoroughly examined alternatives because they had not described what options they had considered. The area behind the school would be well lit, but not in line of sight. That was her primary concern. It did not meet applicable criteria. She thought it was likely the brambles in that area currently discouraged undesirable congregation back there. She pointed out if the Planning Commission approved the application Condition 5 would need to be revised so it referred to two gates.

Martin explained his biggest concern was that oncoming cars would come down the hill in excess of 40 mph as buses were pulling out onto Rosemont Road. The average speed on Rosemont was 47 mph. Even though the stopping distance at the driveway was double what a driver going the speed limit would need, the risk was too great. He felt the problem could be solved some other way. He recalled he had suggested the applicant consider scheduling staggered pickups. He feared that if the Planning Commission approved the application the applicant would never look for other solutions. For that reason he was not inclined to support the application.

Jones **moved** to approve DR-09-05 subject to the amended recommended conditions of approval, with a change to Condition 5 to reflect there were "two gates" on the bus driveway. Steel **seconded** the motion and discussion followed. Horseley clarified that she was impressed with the way the School District handled operations and safety of children during school hours and after school activities. Her concern was the plan would create a difficult to see area that would become an attractive nuisance. She would vote against the application with regret. **The vote was conducted and the motion passed 3:2.** Martin and Horseley voted against. Chair Martin announced a break at 8:50 pm. and reconvened the meeting at 9:00.

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CDC-09-09, Remand of CDC Chapter 25, Willamette Historic District rewrite

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest. None were declared. 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

Peter Spir, Associate Planner, presented the staff report. (See Planning & Building Department Staff Report dated January 20, 2010). He explained that a complete overhaul of Chapter 25 had been postponed so it would not compromise fashioning and registering the Willamette Falls National Historic District, which would also be subject to national standards. The proposed amendments were a stopgap measure to address some problems in the District related to incompatible infill. New homes did not match the scale and height of existing homes and Accessory Dwelling Units (ADUs) were almost as large as the principal structures. The West Linn Historic Resources Advisory Board (HRAB) and the Willamette Neighborhood Association (WNA) had each reviewed the amendments and made some changes. He summarized what the amendments and changes did. He noted the HRAB would have the authority to review a proposed design and make a recommendation to the deciding authority. The WNA supported that. The District would have its own, unique, variance procedure. There were changes to setback requirements, relative limits were applied to massing; and District sidewalks were to be four-foot wide. Spir advised that the staff expected the new preservation planner would be able to revise the entire chapter in the next few years. But the currently proposed amendments would address pressing issues and help maintain the historic district in the interim.

During the questioning period, Spir confirmed for Horsey that the proposed Design Modification Procedures would also apply to the commercial area. Spir accepted Wood's suggestion to clarify that the massing formula provision counted the square footage of the principal dwelling/house and attached garage (not counting the basement). Spir clarified for Horsey that the Lot Coverage provision was more stringent than what was allowed in the rest of the City because lot coverage calculations factored in all the accessory structures in addition to the primary dwelling. Only one of the existing properties in the District came close to violating that standard. The proponents of the change did not want ADUs to inundate the rest of a property with a nice Victorian house on it.

Public Testimony

Charles Awalt, 1847 Fifth Ave., testified that the HRAB had addressed the parts of the draft code they believed it was urgent to address. They had intended to continue to work on it, but the draft went to the Planning Commission earlier than they anticipated. But he ascertained by questioning others in the audience that what was currently proposed represented most of what the neighborhood association wanted. He pointed out the HRAB had submitted the list of Secretary of the Interior Standards (the federal historic preservation code) to refer to. He expected to see a major rewrite of Chapter 25 soon because there were nine lots in the District

that might be developed soon. He related that the HRAB had contracted with a consultant to draft historic code for other parts of the City, too.

Ruth Offer, 1831 Fifth Ave., testified on behalf of the Willamette Neighborhood Association. She advised the WNA had voted unanimously to recommend that the City adopt the changes to Chapter 25 that had been developed by a WNA subcommittee. They anticipated the new planner with preservation experience would revise the entire chapter. They favored maintaining a 20-foot rear setback because they wanted to keep houses pushed forward. They favored using averaging to find the required front setback rather than establishing a set, 15-foot setback. That would help maintain the streetscape. She pointed out the "Historic District ADU Minimum Setbacks, Maximum Height & Maximum Size" table should be corrected to show the side yard setback of a two-story ADU was limited to 15 feet. She said the WNA supported adding language about windows that the HRAB would present. She explained the need for the stopgap measures. A couple of houses had been built under the existing code that did not appear to fit the District. She observed there was more than one iteration of the proposed amendments and she wanted the Planning Commission to be sure to incorporate the amendments in a manner that kept the full code intact. She clarified for the Commissioners that the existing code had garage standards that required a detached garage that was to be set in the rear yard. So the garage would not be part of the house.

During the questioning period, she clarified the garage standards were in the existing code, not in the proposed amendments. Martin referred to the proposed change to allow unenclosed porches to encroach five feet further from the dominant vertical face of the building. He recalled the Planning Commission had changed that to seven feet before they sent the amendments to the City Council. He asked what the rationale was for changing it to five feet. Offer explained the WNA subcommittee wanted to see big, functional, porches used as outdoor living areas in summertime. But sometimes seven feet might take the front porch too close to the street for comfort. So they decided on five feet and hoped people would build far enough back that they could still put in a big porch. She agreed that a seven-foot porch was significantly bigger and better than a five-foot porch, but to have it two feet closer to the street seemed a little more intrusive. Martin and others observed that a five-foot porch did not leave enough room to walk around a table and chair. He asked if the WNA would accept six feet. Offer said it depended upon the situation. The front setback was to be the average of that of adjacent houses. If the two adjacent houses were already close to the street all three houses would end up very close to the street. She was not sure an additional foot would make much difference because the house would be out there with the other two houses if those owners wanted to be close to the street.

Gail Holmes, 801 Wendy Ct., testified on behalf of the Historic Resources Advisory Board (HRAB). They urged the Planning Commission to incorporate language that they had submitted. She explained the HRAB was recommending code that would reflect Secretary of the Interior Standards for Historic Properties. She had also submitted a copy of the federal standards. The HRAB hoped the new preservation planner would eventually bring the entirety of Chapter 25

into alignment with the federal standards. But the changes proposed that evening were urgently needed and should be adopted immediately in order to protect the integrity of the historic district. They did not want to lose any more significant houses. Holmes pointed out the HRAB recommended that an owner who could not afford to replace or repair windows in a manner that would preserve the historic features should add storm windows instead. Vinyl windows were not allowed. The window standards called for mullions and color matching. She pointed out she had submitted material that described how the Secretary of Interior process worked and offered advice on what would and would not maintain the value of historic property. She explained multiple iterations of the draft amendments were confusing to the HRAB too.

During the questioning period, Holmes pointed out for Steel where she believed the windows code the Board was recommending could be incorporated into Chapter 25. When asked, she anticipated the Secretary of Interior standards would not change much over time.

Staff response

The staff confirmed the notice of the hearing covered any and all parts of Chapter 25, so they could incorporate the HRAB-proposed standards into Chapter 25. Horsey suggested inserting a statement that the City intended the code to be compatible with Secretary of the Interior Standards for Historic Preservation.

Martin invited Awalt to address the Planning Commission again. Awalt related that Clackamas County loaned money to owners to restore windows of historic homes. It had to be paid back when the house was sold. He said the old code allowed people to replace windows with just about anything except aluminum. But another section of that code required in kind replacements, and there were no original vinyl windows, so the replacements could not be vinyl. He explained historic preservation and sustainability efforts complemented each other. Insulating the attic had greater energy savings than changing windows. Oregon City offered a window clinic to show people how to treat their windows.

Jones **moved** to continue CDC-09-09 to allow the staff to incorporate the proposed amendments; the changes related to windows and tables; and a statement of intent to avoid conflict with National Secretary of Interior Standards (if the staff agreed to that) into Chapter 25. The Commissioners would then examine the code at their February 3, 2010 work session. Wood **seconded** the motion and it **passed** 7:0. Spir asked the Commissioners to clarify whether a 6-foot or a 5-foot porch encroachment was to be allowed. Martin observed the proponents of the changes in the audience were indicating to him they could agree to six feet.

ITEMS OF INTEREST FROM STAFF (None)

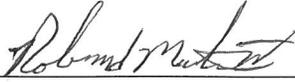
ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Horsey thanked students for gracing the room with their artwork.

ADJOURNMENT OF PLANNING COMMISSION

There being no other business, Chair Martin adjourned the Planning Commission meeting at 9:55 p.m.

APPROVED:



Robert Martin, Chair

4/17/2010

Date