

**CITY OF WEST LINN
PLANNING COMMISSION MINUTES**

Wednesday, November 19, 2008

Draft

Members present: Chair Michael Babbitt, Vice Chair John Kovash and Commissioners Shawn Andreas, Valerie Baker, Robert Martin, Dean Wood and Ron Whitehead.

Staff present: Bryan Brown, Planning Director; Peter Spir, Associate Planner; Tom Soppe, Associate Planner; Gordon Howard, Staff Attorney; and Khoi Le, Civil Engineer

Members absent: None

CALL TO ORDER

Chair Michael Babbitt called the Planning Commission meeting to order at 7:09 p.m.

APPROVAL OF MINUTES

Commissioner Martin **moved** to approve the Minutes of October 15, 2008. Vice Chair Kovash **seconded** the motion and it **passed** 5:0. Commissioner Baker and Vice Chair Kovash abstained.

PUBLIC COMMENTS

David Rittenhouse, 2101 Greene St., President of the Tanner Basin Neighborhood Association, said there was so much public interest in the density aspect of the Transportation System Plan update that the city should televise the upcoming work session and hold the meeting in a bigger room than the Bolton Room of City Hall. The staff related that was the only room available for the meeting, and it could not be televised, but they had alerted all neighborhood association chairs and people who had expressed interest in the proposed update that the Planning Commission would invite public testimony at the work session.

Tom Stiglich, 6591 Failing St., alleged planning department staff had known that boathouses had historically been allowed in the city and that the state controlled Preference Rights at the time of his boat dock application hearing. He reported finding records that showed 15 approvals of boathouses since 1991. Mr. Stiglich alleged the planning staff based their report in his case on an imaginary property line and the expectation of a future change in the code, when the decision should have been based on the existing code. He asked the Planning Commission to look into the matter.

PUBLIC HEARINGS

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

CUP-08-02/DR-08-09/DR-08-10/VAR-08-06/VAR-08-07/VAR-08-08, Conditional Use, Design Review and (3) Variances for Fire Station #58 at 6050 Failing Street

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 Martin related that he owned a business across the street from the site and had visited the site. Chair Babbitt and

Commissioner Whitehead each reported they had visited the site. Vice Chair Kovash and Commissioners Baker, Wood and Andreas each reported he or she had visited both proposed fire station locations. 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 November 19, 2008). He said the applicant was seeking a Conditional Use Permit for a fire station that would be 100 feet south of where the existing station had been for decades and where it was well positioned to respond to emergencies. He said the applicant was seeking variances to allow them to remove trees for a parking lot; install a wider curb cut to accommodate emergency exits onto Eliot Street; and have less than the 10% landscaping the code required at the south parking lot. He said the applicant's position was that should be allowed because 31% of the entire site was to be landscaped. Mr. Spir said the staff recommended approval of the application subject to the conditions of approval recommended by the staff.

Applicant

Frank Angelo, Angelo Planning Group, 921 SW Washington Ste 468, Portland, Oregon, 97205, testified for the applicant, Tualatin Valley Fire & Rescue. He said the proposal conformed to all applicable standards and criteria. He said they had worked out all issues raised about the historic value of houses on the site with the State Historic Preservation Office (SHPO) and were scheduled to present their demolition permit application to the Historic Review Advisory Board the next evening.

Hans Ettl, Peck Smiley Ettl Architects, 4412 SW Corbett, Portland, Oregon 97201, said his firm had designed the 2-story, 3-bay fire station so it would qualify for Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ Gold certification. He said the second story would be stepped back to reduce perceived mass. He said it would have an architectural style and features similar to many historic houses in the neighborhood. He said the historic old bell would be positioned at the entry. He said design of the front elevation had been worked out with the Bolton neighborhood, and the neighborhood association would use the new community room for meetings. He said the exit was onto Eliot Street at an opticon-controlled intersection. He explained how the topography influenced site circulation. He said rainwater would be treated in rain gardens and used for truck washing. He explained the applicant wanted to change staff recommended Condition 5 from requiring eight-foot wide internal sidewalks to requiring 6-foot wide sidewalks. He explained the sidewalk did not need to be eight feet wide because adjacent parking would have wheel stops to prevent cars from overhanging the sidewalk. The applicant's electrical consultant explained that power to the new structure would be undergrounded, but the applicant had to leave a power pole standing on Eliot Street that served the Chamber of Commerce building across the street and was an important guying pole in the PGE system. He asked that related Conditions 10 and 11 be modified to specify that only power to serve the site was to be undergrounded.

Cassandra Alden, Public Information Officer, Tualatin Valley Fire & Rescue, recounted the many meetings the applicant had held with the Bolton Neighborhood Association and the Historic Review Advisory Board and the updates they had mailed to nearby residents, the Sustainability Advisory Board, the local police advisory committee, local community service organizations and the local newspaper.

During the questioning period the applicant's representatives said they would agree to a modified Condition 4 that would require them to maintain the required fence. Vice Chair Kovash asked staff if they would agree to let the existing power pole remain. **Khoi Le, Civil Engineer**, had many questions to ask the applicant, so Chair Babbitt directed the staff to meet with the applicant to see if they could work that out before the next hearing.

Commissioner Martin asked if the number of required parking spaces could be reduced from 24 to 21 or 22 in order to save the two significant trees to be removed from the parking lot. He had read in the staff report that 24 spaces were required in order to have enough to serve the 639 sq. ft. community room. However, the blueprints said that room was 572 sq. ft. He thought meeting attendees could likely park on the street during meetings. The applicant's representatives explained the meeting room and a vestibule were counted as contiguous space, so they could not reduce the number of parking spaces required by code, but if the city allowed them to they might agree to install 22 parking spaces. They related the two subject trees were relatively hardy maple trees, but they were not certain they could save the trees if grading impacted them. The staff clarified that the applicant was asking for a variance to the code requirement to preserve up to 20% of site area occupied by significant trees. They said they would consult with the City Arborist. The applicant's representatives said they would work with the City Arborist to find a way to save the trees.

When asked, Mr. Ettlín explained site access had been configured to allow a long truck to use the steep grade. He pointed out the route a pedestrian could use from the street to the community meeting room. He described many "green" features necessary to qualify for LEED Gold certification. Commissioner Whitehead was concerned that leaving the two maple trees would impact firefighters' response time if they fell during an earthquake. Commissioner Andreas was concerned about the long-term maintenance implications of leaving them standing. Commissioner Baker asked if brick veneer was safe during an earthquake. Mr. Ettlín confirmed the parking to square feet. ratio was 1:28 and he pointed out the two subject trees were not near emergency apparatus. He explained how the brick veneer was anchored and supported according to seismic standards for facilities such as fire stations and hospitals.

Chair Babbitt observed state law required the hearing to be continued because Charles Awalt had written to request that. He noted that the applicant's demolition permit request was to be heard by the HRAB the next evening and he said that body might take a position on whether the Greaves House could be moved. Mr. Ettlín pointed out SHPO had written that the other houses on the site did not qualify for historic status; that the applicant had completed the process to that agency's satisfaction; and SHPO had also recommended they continue to work with the HRAB to move the Greaves House. He said the agency was aware that the applicant was working to find another lot in the neighborhood to move the Greaves House to but SHPO compliance specialists had not raised that as an issue.

Proponents

Sally McLarty, President of the Bolton Neighborhood Association, 19575 River Road, #64, Gladstone, Oregon, recalled that voters had mandated TVFR to rebuild or remodel the fire station. She said the applicants had worked patiently with the neighborhood association to design a new structure in the style of the existing building, with brick facing and the bell from the first Bolton Fire Station. She said the proposed six-foot wide sidewalk would likely blend better with existing, older, narrow sidewalks in the area.

Dennis Richey, 2311 Jolie Point Rd., Chair of the West Linn Public Safety Advisory Board, said the Board recommended granting the variances the applicant asked for because they were reasonable requests. He opined that to lose the two leaf-dropping maple species trees would not be a “major loss.”

Alice Richmond, 3939 Parker Rd., said ensuring timely fire response was more important than saving the two trees, which dropped leaves and would eventually fall down. She suggested planting a different species of trees there. She said it would be very nice to have a rain garden. She confirmed there was active seismic activity between the river and Highway 43. She contended the historic value of the house was related to the building, not the lot it was on.

Neither for nor Against

Charles Awalt, 1847 5th Avenue, said the historic house on the site was important for its architecturally significant structure and because it had established the character of Buck Street. He indicated it would be appropriate to move it to another lot on Buck Street. He said state law required public organizations to conserve property of historic significance and his experience was those organizations always found the right place to move the structure. He asked the Commissioners to continue the Planning Commission hearing until after the HRAB hearing. Chair Babbitt announced a five-minute recess and thereafter reconvened the hearing.

Rebuttal

Mr. Angelo said the applicant would work with the staff to resolve the issues of the power pole and reducing the number of parking spaces to save the two trees. He reiterated that the applicant was asking for six-foot sidewalks. He said they would function at the same level as eight-foot sidewalks because there would be wheel stops to prevent cars from overhanging them. He said the applicant was to present their demolition request at the HRAB hearing the next evening and was working closely with a property owner in the Bolton Neighborhood to arrange to move the house there, even if they were granted a demolition permit.

Questions of Staff

Chair Babbitt asked the staff if the Planning Commission could approve six-foot wide sidewalks. Mr. Spir advised the code called for an eight-foot sidewalk, and he reasoned that was an appropriate width sidewalk up to the main entrance, where groups of people might congregate

before or after meetings. However, he advised that if the Commissioners found the intent of the code was to have a wide enough sidewalk to accommodate overhanging cars, but there would be no cars overhanging it, that might be a basis for allowing narrower sidewalks. The staff asked to discuss reduction in the number of parking spaces at the next hearing. Mr. Spir explained the required number of spaces was based on the calculated need during peak periods, but that number of spaces might not be as critical at the site because neighborhood residents could walk to meetings there. He recalled the applicant had testified they would use opticon-controlled devices at signals to clear the way for emergency vehicles leaving the site. Chair Babbitt asked the staff to provide the Commissioners with a copy of the HRAB decision at the next hearing. When asked, the applicant agreed to extend the 120-day rule by seven days and said they could accept December 3rd as the next hearing date. .

Vice Chair Kovash **moved** to continue CUP-08-02/DR-08-09/DR-08-10/VAR-08-06/VAR-08-07/VAR-08-08 to December 3, 2008; allowing written testimony for the next seven days and oral testimony at the continued hearing, but limiting it to the issues of tree removal, the number of parking spaces, the electric pole, and the HRAB decision. Commissioner Whitehead **seconded** the motion and it **passed** 7:0.

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CUP-08-01/DR-08-08/VAR-08-08, Conditional Use, Design Review and Variance for Fire Station #59 at 1860 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). Vice Chair Kovash, Commissioners Andreas, Baker and Wood and Chair Babbitt each declared they had made a site visit. 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 November 5, 2008). He said the applicant proposed a new fire station to replace the old one. He showed the site plan and pointed out the circulation pattern. He showed elevation drawings and advised the front of the site and most of the proposed building was in the General Commercial (GC) zone and in the commercial design overlay zone, but the overlay applied to commercial buildings, not a fire station. He reported the Clackamas County Historic Review Board supported the application and liked its historic style and use of brick. . He said the staff agreed with the applicant's request for a variance that would allow them to set the building further back than the GC zone's 20 feet maximum building setback in order to meet the Clear Vision provision of the code. He explained the staff recommended approval subject to the four conditions of approval listed in the staff report. He explained that Condition 4 would require internal sidewalk width to be eight feet, useable water to be metered, and an analysis of the existing streetlight along the frontage.

Applicant

Frank Angelo, Angelo Planning Group, 921 SW Washington Ste 468, Portland, Oregon, 97205, testified for the applicant, Tualatin Valley Fire & Rescue. He recalled voters had approved a bond measure to fund both the Failing Street and the Willamette Falls Drive fire stations. He explained the applicant proposed a civic building, which was exempt from the design district's requirement that a building had to be all wood. He said the applicant had incorporated materials and colors suggested by the HRAB and that Board had endorsed the currently proposed design.

Hans Ettlin, Peck Smiley Ettlin Architects, 4412 SW Corbett, Portland, Oregon 97201, said his firm designed the structure so it could qualify for Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ Gold certification. He said roof and parking lot runoff would be treated onsite, stored and used to wash trucks. He explained the building had to be 80 feet long to accommodate the Water Rescue Team's apparatus. He said the site would have about 30% landscaping. He said the design would incorporate the old bell and use brick similar to that on the existing fire station. He said all window and door openings would feature dark bronze material to give the building the turn-of-the-century look the HRAB wanted to see. He asked to be allowed to have six-foot wide sidewalks instead of the eight-foot wide sidewalks the code required. He justified that request on the basis it was a "tight" site and cars would not overhang the sidewalk. The applicant's electrical consultant asked the Commissioners to modify Condition 4. He explained the applicant would underground all power serving the site, but they could not remove two utility poles because they were part of an offsite PGE system that served an adjacent house.

Cassandra Alden, Public Information Officer, Tualatin Valley Fire & Rescue, testified the applicant had not only met with the neighborhood association, but they had sent mailers to 100 nearby homes, and provided information and updates to several other neighborhood associations, civic organizations, city boards, the Clackamas County Historical Resource Advisory Board, the local newspaper and via their website.

During the questioning period, Commissioner Martin asked the applicant to suggest alternate language for Condition 4. Mr. Ettlin suggested it read, "All utilities serving this building shall be undergrounded." The applicant's electrical consultant clarified that one pole the applicant wanted to leave up not only served the adjacent house, but also held a street light fixture, so a pole there would be necessary anyway. He said the house was old enough that if the power through the pole was undergrounded much of its electrical system would have to be replaced because it had been installed according to different electrical ratings than those used today. The applicant's representatives confirmed that the fire station was designed to offer gender-equal facilities.

Proponents

Alice Richman, 3939 Parker Rd., said a new fire station was overdue to serve a larger population.

Gail P. Holmes, 801 Wendy Ct., Chair of the West Linn Historic Resources Advisory Board, explained the existing, 1950's vintage fire station did not have the same historic value as the other circa 1800 - 1929 houses in that National Historic District. She said the HRAB had asked for the proposed changes to the front of the building and incorporation of the old bell, which could be rung during certain events and would give the area an "old town" feeling. She stressed that public safety should be the priority consideration and firefighters should have room to store the apparatus they needed in a manner that would allow it to be used immediately upon receipt of an emergency call.

Dennis Richey, 2311 Jolie Point Rd., Chair of the West Linn Public Safety Advisory Board, did not come forward when called.

Charles Awalt, 1847 5th Avenue, expressed his concern that some people were suggesting the proposed project might not need to comply with the code. He stressed that CDC Chapter 58 specifically said the standards in that chapter were to apply to all uses, even public safety facilities. He said a parking and traffic study was necessary to ensure the project would not hurt the surrounding area. He indicated there was a "parking crisis" in the downtown Willamette district. He worried that if density was to be increased there and medians were installed in the street they might constrain a ladder truck. He stressed the proposed project was an increase of a conditional use permit that had originally been issued for a "cute little fire department." He said it triggered ORS 358.653. He said the code specified that the HRAB was to review all new commercial structures in the district, and he held that body should have heard the application.

Ruth Offer, 1831 Fifth Ave., President of the Willamette Neighborhood Association, advised the existing fire station had been built in 1947 and the code provided that a structure that old could be nominated for local historic status by two persons. She reasoned that no one had done that because it was not the typical "cute" structure people seemed more inclined to save. She said she felt the loss of any historic structure, but she would not nominate it for historic status herself because she did not want to interfere in the process and she felt it was important to gain a new fire station that housed a water rescue team. She said if the HRAB reviewed the design they would likely look at how it fit the neighborhood and the little house next door and find ways to mitigate its mass. She asked the Planning Commission to look at that. She said an eight foot wide sidewalk to the parking in back was appropriate because that lot would be available for neighborhood parking and a wider sidewalk would be more secure. During the questioning period, she confirmed that neighborhood residents were aware that two people could ask the city to designate the structure as an historic structure, but two persons had not done that. Ms. Holmes then clarified that the HRAB had endorsed the proposal after the applicant made the changes they suggested.

Rebuttal

Mr. Angelo pointed out the record showed that the Clackamas County Historic Review Board had also endorsed the proposal. He recalled Mr. Awalt's testimony and stressed that the applicant had fully addressed all applicable zoning, conditional use, design review and variance criteria. Mr. Ettlil confirmed that the proposed turning radius would allow the apparatus to turn either direction on exiting the site, and that the applicant was not proposing any parking changes

along the street. Mr. Angelo said they assumed if medians were to be installed in the future they would be configured with the functionality of the fire station in mind. When asked if the applicant had considered siting the facility at some other location due to the difficulty of getting through 10th Street corridor congestion, he said an intergovernmental agreement mandated that the station be located where it was proposed and that was a good spot based on 15 years of response data. He said the responders would drive through the congestion using their lights and sirens to warn other drivers to get out of the way. Mr. Ettlin explained that the applicant sought a variance to the code-required front setback in order to comply with a statute that called for a cone of vision triangle that allowed responders to better see oncoming traffic in any direction.

Mr. Soppe clarified that the HRAB knew they did not have jurisdiction over the project's design because it was not a commercial building, but because it was in the historic district the applicant sought and received their opinion about massing and other design issues.

Deliberations/Motions

Chair Babbitt closed the public hearing. Commissioner Andreas observed the Willamette area was a unique commercial area and the applicant had worked with the historic review board to fashion a building that would enhance it. He acknowledged the concern about parking, but he also noted there was an existing fire station there.

Vice Chair Kovash **moved** to approve CUP-08-01/DR-08-08/VAR-08-08 subject to the conditions of approval listed in the staff report, but with Condition 4 modified to read, "All designs, materials, workmanships and construction and all utilities serving the site shall be done per existing City of West Linn Public Works design and Construction Standards." Commissioner Whitehead **seconded** the motion discussion followed. Mr. Soppe explained that Condition 1 only called for the pedestrian path along the east side of the rear parking lot to be eight feet wide because all other proposed sidewalks complied with the code. Vice Chair Kovash explained that he had not moved to allow a narrower sidewalk due to safety concerns. The vote was conducted and the motion **passed** 7:0.

ITEMS OF INTEREST FROM STAFF

The Commissioners examined the December 3rd agenda and agreed not to hold a work session that evening and to start the Planning Commission meeting at 6:30 p.m.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

The Commissioners asked the staff to respond to the concerns Mr. Stiglich listed during the public comment period because his comments might leave the public feeling he was not treated fairly and they might not be treated fairly. They said if the problem was due to a simple mistake or forgetfulness a letter of apology might be in order. Mr. Brown confirmed the staff had sent him such a letter and offered to reduce his application fees. He said the staff would share the letter with the Commissioners. When asked, he clarified that Mr. Stiglich had been allowed to build, but not exactly what he originally proposed to build, and the City Council had encouraged him to reapply if he wanted something different.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at 10:09 p.m.

APPROVED:

Michael Babbitt, Chair

Date