

**CITY OF WEST LINN
PLANNING COMMISSION MINUTES**

Wednesday, January 21, 2009

Draft

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

Staff present: Bryan Brown, Planning Director; Tom Soppe, Associate Planner; Kirsten Wyatt, City Manager's Office; and William Monahan, City Attorney

Members absent: Valerie Baker

CALL TO ORDER

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

MINUTES (None)

PUBLIC COMMENTS (None)

BUSINESS ITEMS

City Web Site Training Staff presentation on the best ways to get land use project information and agenda items.

Kirsten Wyatt reported that the city website had been redesigned. She explained how to use it to find a land use case file folder; all the documents associated with it; and the meetings in which it would be considered. She said all files would be constantly updated. She explained how interested persons could sign up for enotifications to they would received automatic emailed updates about the cases and topics they were interested in. All city events and meetings were posted on one central calendar. Interested persons could sign up to receive Really Simple Syndication (RSS) feeds notifying the reader there was new content on the site. Searches could be conducted by typing key words into the Search bar. The site featured an interactive land use application map that identified projects. She said an interested party could opt to call Planning Department staff and they would send a link to the material the inquirer was interested in. She said the site now offered ecommerce service that allowed people to buy a dog license online. She anticipated that service would be expanded. She said the new mayor had started a blog to discuss new ideas and she invited citizens to participate. She encouraged site users to send their feedback to the web master, so the city could continue to improve the site.

Vice Chair Martin said people should know that offering feedback via the site did not establish their standing in a land use case, and they still needed to come and testify at the hearing. The Commissioners anticipated they would receive ideas via the website they could discuss at the next CCI meeting.

PUBLIC HEARINGS

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

DR-08-01/VAR-08-01/VAR-08-09/WAP-08-01, Design Review Variances and Water Resource Area Protection for Holiday Inn Express, 2400 Willamette Falls Drive (Continued from December 3, 2008 and January 7, 2008)

Chair Babbitt opened the hearing. He recalled the Commissioners had previously left the hearing open to only written testimony and rebuttal. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact (including site visits) since the previous hearing. New Commissioners Jones and Steel recused themselves. Vice Chair Martin reported that he had visited the site that day and observed that the sidewalk and highway would be very close to the stream.

Staff Report

Tom Soppe, Associate Planner, listed and summarized written testimony and rebuttal that had been submitted since the previous hearing. He reported the Willamette Neighborhood Association had voted in favor of the project at a recent meeting. He reported that Karie Oaks and others questioned whether variance issues had been addressed; whether the applicant had to get a permit from the Army Corps of Engineers and the Department of State Lands; and she held that the wetland was on the city's Wildlife Habitat Inventory. He recalled the original staff report had accepted the applicant's statement that the area was too small to require a permit. He said others had written to contend the economic issue was not proven. He said the Engineering Department staff had advised that the culvert had to be replaced with a larger one. Recommended Condition 4 called for it to be replaced to the satisfaction of the Public Works Department. He reported that Gary Hitesman had written to express his concern regarding traffic issues, soil erosion, and emergency access. Mr. Hitesman had suggested reconfiguring the site so the applicant's development and the neighbors shared a driveway, and so the creek could be restored at the location of the existing driveway. Mr. Soppe reported the applicant had submitted his rebuttal that day. In it he explained the Hitesman proposal would put the building even closer to the creek and it was not feasible to get access to the site through the adjacent property.

During the questioning period, Mr. Soppe confirmed that the applicant had not presented any additional evidence in his rebuttal. He confirmed that Tualatin Valley Fire & Rescue still had issues related to access, but they had agreed that alternative construction methods could be used to address them. He pointed out that Condition 9 said the access had to be to the satisfaction of TVFR. Mr. Soppe confirmed to Vice Chair Martin that the sidewalk would be the standard, impervious pavement type sidewalk, and there would be a rain garden in the planter strip between the sidewalk and Willamette Falls Drive to treat runoff. Vice Chair Martin explained that he wanted to ensure runoff from the sidewalk did not flow directly into the creek by applying a new condition of approval that would require the sidewalk to be some pervious material, such as grasscrete, so the water would be absorbed into the soil. Chair Babbitt recalled city policy was to have sidewalks that were consistent and continuous. So he suggested the new condition of approval could call for sloping the sidewalk toward the road and planter strip to direct runoff. Vice Chair Martin said he could agree to that if the Engineering staff agreed that would work. Chair Babbitt asked the staff to draft such a condition, and he invited the applicant to respond to a new condition of approval that the sidewalk was to be designed to channel water that fell on it to the rain garden for treatment.

Applicant

Jay Patel, 11790 SE Katrina Place Happy Valley, Oregon, 97086; and Menish Patel, 2724 SE 82 Ave., Portland Oregon 97266, explained that the applicant could not agreed to the new condition of approval until his architect and engineer examined and agreed to it.

Commissioner Andreas suggested the new condition could call for the applicant to provide the City Engineer with a drainage plan that showed the design adequately directed all stormwater that fell on the sidewalk into the proper drainage and filtering system to the satisfaction of the City Engineer. The applicant agreed that made sense and said he would work with the Engineering Department staff. Vice Chair Martin agreed to that condition.

Vice Chair Martin asked how the staff knew the applicant did not need to obtain an Army Corps of Engineers permit. Mr. Soppe recalled the original staff report said the actual wetland area (not including the transition area) was so small such a permit was not required. He added that state and federal agencies had been notified of the application. He clarified that it was the applicant's wetlands consultant who had determined the area was less than one-tenth of an acre, and the staff had adopted his findings.

Vice Chair Martin **moved** to approve DR-08-01/VAR-08-01/VAR-08-09/WAP-08-01 subject to the ten conditions of approval listed in the staff report dated January 15, 2009, and new Condition 11 that called for the applicant to work with the City Engineer to provide a drainage plan that directed water from the sidewalk along Willamette Falls Drive into the street collector. Commissioner Andreas **seconded** the motion and discussion followed.

Vice Chair Martin related that the applicant's in-depth presentation at the second hearing had helped him make up his mind about the application. He recalled the record contained a letter that claimed a variance provision had been retained in error after the code had been rewritten. He observed that if that had not happened, the code would not have allowed the current application. He indicated that the Planning Commission should ask the City Council to allow them to revisit Chapter 32 and Chapter 28 to resolve the problematic provisions. He said he could support the application because that would be in the spirit of Chapter 32, which protected the stream and riparian area. Chair Babbitt agreed with Vice Chair Martin. **The vote was conducted and the motion passed 4:0.**

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ITEMS OF INTEREST FROM STAFF

Mr. Brown explained that Metro had asked its underlying jurisdictions to offer their local aspirations regarding urban growth over the next 40 to 50 years, and the City Council had reviewed the draft prepared by the staff the previous evening and offered their comments. He said the Metro urban growth report was mandated by state statute and it would help Metro determine if and how much the urban growth boundary needed to be expanded. He asked for Planning Commissioners' comments so he could incorporate them and the City Council's comments into the final draft. The City Council was to review it on February 2, 2009. The

Commissioners indicated they preferred to do that via email. Each Commissioners would email his comments to the staff and copy the other Commissioners by the following Tuesday.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at 8:10 p.m.

APPROVED:

Michael Babbitt, Chair

Date