CITY OF
West Linn

PLANNING COMMISSION

WORK SESSION

Minutes of June 20, 2012

Members present:	Vice Chair Gail Holmes, Russell Axelrod, Thomas Frank, Robert Martin, Holly Miller and Christine Steel
Members absent:	Chair Michael Babbitt
Staff present:	John Sonnen, Planning Director

CALL TO ORDER

Vice Chair Holmes called the meeting to order in the Council Chambers of City Hall at 6:45 p.m.

PUBLIC COMMENTS

Kari Oaks asked for more timely minutes.

APPROVAL OF MINUTES

Commissioner Martin **moved** **to approve the minutes of Minutes of April 18** with one correction. Commissioner Miller **seconded** the motion and it **passed** 4:0:1. Commissioner Steel abstained. Commissioner Miller **moved** **to approve the Minutes of April 25, 2012** with a correction and a revision. Commissioner Martin **seconded** the motion and it **passed** 4:1:0. Commissioner Steel voted against and Commissioner Martin abstained. The Commission discussed timing and level of detail of minutes. Mr. Sonnen reported the Council had directed briefer minutes.

COMBINED WORK SESSION:

- **REGULATION OF OUTDOOR LIGHTING IN RESIDENTIAL AREAS**
- **DISCUSS REQUEST TO REGULATE SPORTS COURTS IN RESIDENTIAL AREAS**

Staff report

34:45

The McGill and Swanson families each had issues with a neighbor's lighting and sport court. Council had directed staff to address lighting issues between residences in residential neighborhoods. A vote to direct staff to also address noise had not passed. Noise was addressed in the Municipal Code. Municipal Code changes were not within the prevue of the Commission.

Public Comment

Mary and Bruce Swanson, 2071 Fields Dr., submitted letters dated June 10 and June 20, 2012.

- They were concerned about projectile equipment (balls and safety). Projectiles negatively impacted landscaping, life inside and outside of the house and how they conducted a home based business. No windows had been broken yet.
- They documented noise readings. The noise level easily surpassed the old noise ordinance decibel levels.

- They advised there were appropriate locations for playing basketball, but the neighbors' location was not appropriate. When the Swansons' kids played basketball in their front driveway the noise level peaked at 60 decibels.
- They attached a copy of their version of the draft lighting proposal, expanded to include sport courts. They had researched what some other jurisdictions did. They suggested 25 feet was a reasonable start for a setback.

During the questioning period, the Swansons clarified that:

- For a time the neighbors had played basketball in their front driveway and the situation had been 'livable,' but then they moved play to the back again.
- They were unable to talk with their neighbors.
- They did not have an active homeowners association.
- They had asked the City for enforcement under a new ordinance related to "any individual or group making noise" and had been told it only applied to noisy parties.

1:01

Mindi and Tim McGill, 3020 Remington Dr., related they were in a similar situation.

- They were experiencing more types of balls, including balls coming from a batting machine, and thrown rocks and can lids. It was unsafe to be in the backyard. Balls had broken trees.
- They thanked staff for proposing lighting regulations. They suggested the allowed height of back yard lighting should not be higher than the fencing. The time limit on lighting should be correlated with the 7:00 p.m. noise limit. The kids next door played until as late as 10:30 p.m.
- The noise ordinance was a "band aid." The noise affected them even with the windows closed. Their only recourse was to call the police. The neighbors had been warned and cited and gotten the fine waived.
- The McGills had seen balls hitting another neighbor's shed, but that neighbor was not saying anything about it.
- They suggested making sport courts a nuisance and not allowing them in the City limits. They asked the City to differentiate between public and residential use and to have different standards for back yard lighting. They asked for a process that called for input from neighbors; 5-acre minimum lot size, and a determination of whether a court was appropriately located on a lot.
- They had learned the City would allow a resident to cement his entire back yard if he wanted to.
- They reported that mediation had not worked.

During questioning the McGills clarified that the Savannah Oaks Neighborhood Association was inactive and its president did seem to want to get involved. There were no homeowners association covenants to apply.

Discussion

Mr. Sonnen confirmed the City did not control the amount of impervious surface on a lot, nor the lighting fixtures or poles. The neighborhood association had been fairly active when it came to land use cases. The question was how much authority it had to resolve this kind of issue.

Commissioner Martin recalled neighbors had the ability to veto a Montessori School playground or a dock.

Mr. Hall advised the question of whether the projectiles were a form of trespass was up to a judge.

The Commissioners discussed the suggestion of utilizing a task force to work on back yard lighting and recreation structures and if its scope should be expanded to other issues. Mr. Sonnen advised the Council had authorized staff to work on lighting, but not noise.

Mr. Sonnen circulated a copy of Municipal Code nuisance regulations and pointed out it had a long list of things that people might find objectionable but it did not list 'sport courts.' Mr. Hall advised that the Commission did not have the authority to initiate changes to the Municipal Code. The Commissioners agreed to ask staff to look at what other jurisdictions did and report back about what kinds of nuisances could be successfully addressed in the development code. Then they would determine what their next step was.

Staff had looked at the regulations of some other municipalities. None of them dealt with sports courts to any great extent. Some imposed a setback of as much as 50 feet or limited the allowed amount of impervious surface on a lot. Both of those requirements had the effect of limiting sport courts.

Noise measurements and a noise limit had been taken out of the CDC, but the draft lighting code referred to 'lumens' measurements. Light output was printed on light bulb packaging. Some jurisdictions determined light trespass by measuring foot candles at the property line. Another approach was to presume that if one could not see the bulb at a certain height limit it was deemed to be acceptable.

The Commissioners asked staff to look at how other jurisdictions handled the issues of safety, noise, stormwater (impervious surface), nuisance light, setbacks for sport courts, and dispute resolution solutions and report back at the July 18th meeting.

WORK SESSION: EMERGENCY GENERATORS AT WATER PUMP STATIONS
2:30

The Commissioners had been concerned that there was no emergency generator at the Bland Pump Station. Public Works had explained the Water Master Plan set up a redundant water system which did not require an emergency pump at every station. The Horton Pump Station was the key pump station of the three that served the Rosemont Pressure Zone and it has an emergency generator. In an emergency it would supply the water until the other two had power again. The issue of an emergency generator had come up during the appeal and staff had advised the Council it was not a legal issue because there was no approval criteria connected with it. Vice Chair Holmes observed consensus to drop the matter.

WORK SESSION: DISCUSS PLANNING COMMISSION DECISIONS AND ASSOCIATED FINDINGS
2:37

This discussion was rescheduled for June 27 when Chair Babbitt would be present.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None.

ITEMS OF INTEREST PERTAINING TO THE COMMISSION FOR CITIZEN INVOLVEMENT
2:40

Different Commissioners had differing perspectives on whether the outreach efforts related to the Trails Master Plan and the water treatment plant application had worked. Mr. Sonnen advised the quasi-judicial process only obliged the applicant to hold one meeting with the

affected neighborhood. Commissioner Martin suggested inviting Ken Worcester and a representative from Lake Oswego to talk about each process. Mr. Hall advised the CCI to wait to discuss the WTP process until that decision was made.

Staff was to provide the newest Commissioners with a copy of the CCI Memorandum to the Council regarding public involvement.

Mr. Sonnen clarified that no update to the Trails Master Planning process was available. The Transportation Advisory Board was going to look at pathways to schools and trails in the right-of-way and fold that into the Transportation System Plan Update. The Council had hired someone to facilitate three meetings with the neighborhood and Lake Oswego.

ITEMS OF INTEREST FROM STAFF

Chase Bank and ODOT had met to discuss Highway 43 related issues and staff expected to get the revised proposal the following week. The Commissioners agreed that staff could email an electronic version to them prior to the continued hearing. It should be made clear to the public that they would move to the Rosemont Room for the work session part of that evening.

ADJOURNMENT

There being no other business, Vice Chair Holmes adjourned the meeting at 10:05 p.m.

APPROVED:

Gail P. Holmes

Gail Holmes Vice, Chair

8-1-12

Date