



PLANNING COMMISSION

**SPECIAL MEETING**

Minutes of March 13, 2013

Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Nancy King, Robert Martin and Holly Miller

Members absent: None

Staff present: John Sonnen, Planning Director; Tom Soppe, Associate Planner; and Megan Thornton, Assistant City Attorney

**PREMEETING WORK SESSION**

Chair Babbitt convened the work session at 6:30 p.m. in the Rosemont Room of City Hall. Staff prepared the Commissioners for the upcoming hearing. They pointed out recently received submittals and suggested a potential continuation date if needed. Chair Babbitt noted the Mayor had issued a memorandum listing areas for the Commission to focus on.

**CALL TO ORDER**

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 7:00 p.m.

**PUBLIC COMMENTS**

Alice Richmond commended the Planning Commission for their good work in representing the citizens of the community.

**PUBLIC HEARING**

DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01, Class II Design Review, Water Resource Area approval, approval to Expand/Alter a Non-Conforming Structure, and four Class II Variances for construction of a parking lot for the West Linn Public Library and a path between the parking lot and library, at 1595 Burns Street and 5750 Hood Street.

Chair Babbitt opened the public hearing. Each of the Commissioners present reported making a site visit. Commissioner Axelrod reported an *ex parte* contact with Alma Coston, and declared that he provided technical advice to the Water Resources Advisory Committee. No one challenged the ability of any individual Commissioner or the Commission to hear the matter.

**Staff Report**

Mr. Soppe described the proposal to build a new 12-space parking lot on the Hood Street parcel next to the Library parcel and install a path to connect it to the Library building. He pointed out the locations of existing and proposed development and the creek and the transition area

while he explained why each permit and approval was necessary. He discussed the requested variances related to development of the new parking lot and path. He found that adding 12 more spaces to the existing 35 spaces would make the Library less nonconforming to parking standards than it already was. The code required 53 spaces and the result would be 47 spaces. Staff had compared the proposed parking scenario featuring 12 new, full sized, spaces with potential alternative scenarios. They found the amount of disturbance would be similar between scenarios. They concurred that 12 spaces were needed for economic viability of the Hood Property. They did not offer any recommendation regarding the variance related to the amount of WRA disturbance on the Hood St parcel.

Staff found the proposed path on the Library parcel would offer a convenient route from the new lot to the rear entrance of the Library. It would be 280 feet shorter than a route around to the front entrance of the building. Mr. Soppe advised the crux of the hardship provision was economic viability. Staff did not offer a recommendation regarding the variance related to WRA disturbance on the Library parcel. They suggested the Commissioners listen to the public testimony to determine if it was important for economic viability. Staff found the variance to internal parking lot landscaping requirements would allow room for 12 spaces and meet code that called for compacting development as much as possible to protect WRAs. Staff found the driveway separation requirement variance met variance criteria. Without it the driveway would have to be located along the steep, wooded slope of the creek. Staff found the proposed mitigation, re-vegetation, pavement and landscaping plans met Chapter 32 criteria. Mitigation was proposed for Fields Bridge Park. Use of pervious pavers in the lot would eliminate the need for a separate stormwater facility.

Mr. Soppe presented the list of recommended conditions of approval. He corrected the reference to the site plan to the site plan on page 167 of Exhibit PC-4. He also corrected a reference in Condition 2. He clarified that staff recommended two of the four requested variances. They would leave it up to the Commission to decide whether to approve the two variances related to the amount of disturbance in the WRA on each parcel. There were two alternatives for Condition 2.b., depending on whether or not the Commission approved the variance to square footage on the Library parcel. If the path was approved it was to be permeable material and done using low impact development. If not, the associated retaining walls had to be reconfigured to have as little impact as possible.

33:15

#### **Questions of staff**

Mr. Soppe agreed that Condition 2 did not need to call for pervious pathway material if the application already proposed that. He confirmed that both lots had been created before the existing WRA code was adopted.

38:46

#### **Public Testimony**

Patrick Duke, Interim Director of the West Linn Public Library, testified that the Library needed the additional 12 parking spaces. 600 people used the library each day and *Imagine West Linn*

anticipated the Library would experience greatly increased use. A recent survey and patron comment cards indicated that parking was a problem. Use of the Library was not at the level it could be due to the parking problem. The Council had recognized the need for parking and purchased the lot. The number of spaces had to be scaled back because the lot was next to a creek. The proposed path would give people with kids and strollers and the handicapped easier access and emergency access. The project would be funded by a \$1 million capital fund the City received from the Library District. He asked the Commission to approve the project.

Lance Calvert, Public Works Director, testified that the applicant concurred with the staff recommended conditions of approval, except for alternative 2.b. The applicant wanted to have a 8-foot wide, permeable paver path from the Library to the parking lot. He asked the Commission to approve the two variances related to the additional disturbance of the WRA. He addressed the related criteria. He held the disturbance was necessary on both lots to maintain economically viable use of the property. The applicant proposed the minimum necessary intrusion. The area on the Library site that was proposed to be disturbed had already been disturbed as part of a prior approval. He discussed the details of retaining walls, topography, and existing sewer line. The applicant wanted to continue to use segmental blocks and keep wall heights under three feet to avoid having to install safety rails. Permeable pavers would provide comparable infiltration to existing conditions while allowing safe access from the parking lot. Most of the proposed parking lot was in the WRA. The applicant proposed 12 spaces as their minimum economically viable use although they really needed 18 spaces. Permeable pavers eliminated the need for an expensive drainage facility that would further impact the WRA. He advised the per space cost greatly exceeded that of a typical parking lot space due to the cost of grading, retaining walls, offsite improvements, and offsite mitigation. He reported the applicant had found that using compact size parking spaces would not result in any additional reduction in the amount of 'disturbed area' (as defined in the hardship provision). Full-sized spaces were important because of the type of users of the facility. The applicant was committed to using all native landscaping. They would plant over 1,500 native species at Fields Bridge Park. Mr. Calvert concluded that the variances were necessary to meet the hardship. What the applicant proposed would meet the goals of the Comprehensive Plan and accomplish what the Library wanted to accomplish while being the least impactful to the WRA. He asked for approval.

59:00

#### **Questions of the Applicant**

During questioning Mr. Calvert clarified the applicant did not yet have a particular brand of pavers in mind. The surface had to have small enough openings that people could safely walk on them, but still allow the required level of infiltration. Staff clarified that the two on-street spaces in front of the Library could not be counted. Commissioner Miller inquired whether another 12 spaces would be enough. Mr. Duke indicated it would be making progress on parking and it would make adjacent property owners more receptive to allowing the Library to use their parking at night and on weekends.

Commissioner Axelrod was concerned that drivers would not be able to tell the new lot was full until they were in a tight spot where it was hard to turn around. He also inquired about the rain garden and if the applicant had done percolation tests. Mr. Calvert indicated the applicant would widen the street and provide the required width driveway entrance to the lot. He pointed out the location of the small rain garden. He confirmed percolation testing had been done. The applicant had determined that permeable pavers would work fine. He discussed details related to grading, backfill material and retaining walls that meant there would not be any structural issues related to the retaining walls.

Commissioner Martin inquired how close the development would get to the creek. He asked whether the path could be narrower so the retaining walls could be moved back four feet. Mr. Calvert advised the development would be 60 feet from the creek. The applicant proposed an 8-foot wide path to maximize usability and emergency ingress/egress. Permeable pavers would mimic the function of the existing gravel there. There were constraints on both ends that influenced where the wall could be located: a manhole and necessary space to access parking spaces. Terracing helped avoid having to put safety rails on them. Aesthetics of the view into the WRA was a factor too.

Mr. Calvert clarified that the only rain garden being proposed was off site. He explained that the applicant would not remove the four parking spaces at the top of the slope on the south edge of the parcel because that area had already been disturbed; the applicant was trying to maximize the number of spaces; and removing those four would mean the cost per space of the lot would escalate from the current cost of \$37,000 per space. It would be hard to justify that expense. He noted the hardship provision referred to economic viability. He clarified that the applicant was cutting to match the lowest slope and would not add to the steepness of the slope.

Commissioner Axelrod suggested that moving the rain garden to the area where the sidewalk was proposed to be extended north would improve the functionality of the rain garden and minimize the impacts of a sidewalk that was a "sidewalk to nowhere." Mr. Calvert agreed that was feasible and would require further staff review. Commissioner Axelrod inquired about ground cover on the slopes after invasives were removed. Mr. Calvert deferred to the City arborist and Parks and Recreation Department staff.

Commissioner Martin inquired about having compact spaces in the new lot. Mr. Calvert responded that typical users of the children's wing of the Library needed the additional room offered by a full size space. Proposing compact spaces would trigger the need for another variance. The existing lot was compact spaces. It was tight and a challenge to go in and out of them with larger sized vehicles.

Mr. Calvert and Mr. Soppe clarified that the existing lot had the three ADA spaces the code required. There were none in the proposed lot. The code required the path to be accessible in order to provide emergency ingress/egress. Vice Chair Steel asked where the staff parked and

how many there were. Mr. Duke said there were 8 to 10 employees a day. They parked in the Library lot weekdays. Nights and weekends they used nearby lots. Mr. Duke submitted a letter in support from the Library staff.

1:41

### Proponents

Doug Erickson, 1542 Holly St., Chair of the West Linn Library Advisory Board, endorsed the proposal. He testified it would help to alleviate a parking problem. Local business owners favored it. It was expensive, but worth doing.

Mike Jones, 22860 Oregon City Loop, related that area property owners saw the application as a good faith effort by the City and that made them more willing to cooperate with the Library regarding parking. As soon as the City purchased the property for the new lot Central Village had taken its "No Library Parking" sign down. He cited the CDC Purpose statement which explained the CDC was to provide for the natural and cultural resources of the community. He observed that when City policy makers purchased the property with the knowledge it was constrained property they were weighing on the side of cultural, because the Library was West Linn's cultural institution. The proposal would make a nonconforming use less nonconforming and an essentially degraded site more attractive and useful to the community. During questioning he was asked if there had been any discussions about parking agreements. He related he had been told that a former Library director had talked with Central Village and learned there could be an agreement once the parking lot was done.

Gregory Williams, 5550 Sinclair St., was on the Library staff but testified as a resident of the neighborhood. He indicated that the current Library parking lot was congested and a dangerous place to walk in. The proposal would not be a complete solution, but it would improve safety. He supported having full sized parking spaces and an 8-foot wide pathway because the rear lot would primarily serve the children's area of the Library. Parents would have strollers and larger vehicles.

Alan Lewis, 2700 Rainier Pl., recounted the history of parking for the Library. He asked the Commission to approve the application so there could be more parking.

Sherry Sheng, 5725 River St., Chair of the West Linn Library Foundation, indicated they supported the application because the Library was an important cultural center for the City. Keeping it viable was in the best interest of the citizens who had voted for two bond measures and the Clackamas County Library District. It was time for the City to address the parking shortage. She talked about what the Library provided. Access to it was important.

Alice Richmond, 3939 Parker Rd., recalled the history of the Library and the Central Village sign. She suggested using the new lot for staff parking would have less impact on the resource. She did not favor having any steps along the path. She wanted the rain garden to be up at the corner.

### **Opponent**

Karie Oakes, 1125 Marylhurst Dr., testified she opposed the application because the lot was not appropriate for a parking lot. Most of it was in a water resource area that should be protected to the fullest extent. She talked about the applicable criteria. She contrasted the need for a parking lot with the need for a WRA, which was vital for their lives. The pathway was not vital for use of the Library because people could use the sidewalk. She anticipated permeable pavers would allow oil to drain into the area next to the creek. That did not meet the Comprehensive Plan goal to protect water resource areas. She anticipated the new lot would not be any easier to access than the existing lot. She questioned granting the variances based on economic hardship when the City had purchased the property with the knowledge that it was constrained. She asked the Commissioners to apply the code. She advised they did not have to grant the variances.

### **Neither for nor Against**

Eric Kunrath, 5725 Hood St., commented that past decisions did not justify future variances. He listed his concerns:

1. He wanted to know how the City would maintain the buffer zone between his property and Hood Street that separated residential from commercial properties. He wanted to know if there were any other proposed changes there besides the rain garden. He explained he maintained the vegetation and a safety light strip there. There was no curb.
2. He wanted to know how the applicant would minimize parking area light shining into the residential and natural resource areas. He had just learned the lot would feature a 20-foot light pole. He proposed limiting lighting height to 7 feet.
3. He was concerned that drivers would use Tax Lot 2300 driveway to turn around because the street was wider there. He was concerned that exiting drivers would not be able to see down Hood Street because it sloped downward and narrowed to a one way street. He reported the mailbox to be removed for the rain garden had been hit multiple times. He wanted to know how the applicant would provide access to the two properties to the north during construction.

2:23

### **Rebuttal**

Mr. Calvert addressed questions raised in testimony. He said the path would have no steps. He advised water was treated as it moved through permeable pavers and the sub base and they were nationally recognized as an alternative to rain gardens. He clarified the proposed rain garden would be completely within a City right-of-way. It had been configured to minimize impacts to the vegetative screen. The City typically worked with adjacent residents to avoid impacting low voltage lighting they might have put in the right-of-way. During construction the applicant would maintain access for residents as best it could. On paving days they would coordinate with the affected residents. They were going to widen the street and add the sidewalk along the parking lot side. They would grade the site with driver sightlines in mind.

The lighting plan showed the proposed lighting met the code requirement for lights at the street, at the retaining walls, and along the path. All of those lights would be shielded to prevent spillover light from entering the natural resource area and into adjacent yards.

#### **Questions of Staff**

Commissioner Axelrod observed the 'buffer' was City right-of-way. He asked what would happen to it when the street was widened. Mr. Calvert clarified street widening would be on the parking lot side and not on the residential side. Commissioner Axelrod asked if light poles had to be 20 feet. Mr. Calvert clarified where the poles would be and that there would be no poles on top of walls or mounds or on the south line. They would be 20 feet high relative to the parking lot level. They would be the same fixtures as were in the existing parking lot. They would be positioned and shielded to avoid spillover light. What was proposed was the typical height for poles. If they were lower there might need to be more poles to have continuity of lighting. It would depend on what kind of lighting was available. Commissioner Martin wanted to assure residents the parking lot lights would not shine into their windows. Mr. Calvert said that was the plan and the intent. The applicant could add a shield plate on that side if there was an issue.

The Commission recessed and subsequently reconvened at 9:50 p.m. Chair Babbitt confirmed that Alma Coston's written testimony had been included into the hearing record. He announced there had been a request for a continuance.

Commissioner Martin **moved** to continue DR-13-01/WAP-13-01/VAR-13-01/VAR-13-02/VAR-13-03/VAR-13-04/MISC-13-01 to April 3, 2013 and leave the record open for additional written testimony, which was to be submitted by 5:00 p.m. on March 20, 2013. The applicant had until 5:00 p.m. on March 27, 2013 to provide written rebuttal. Commissioner Miller **seconded** the motion and it **passed** 7:0.

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Commissioner Martin advised the Commissioners to think about their experience with the Library application when they considered revising Chapter 32 code related to economic viability.

#### **ITEMS OF INTEREST FROM STAFF**

None.

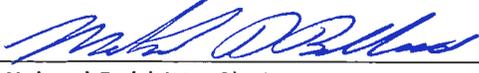
#### **ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

Chair Babbitt advised that state law provided that a request for continuance during the first evidentiary hearing had to be granted. He and Commissioner Martin asked staff to clarify whether the request had to be made during public testimony.

#### **ADJOURNMENT**

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at approximately 10:00 p.m.

APPROVED:

  
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Michael Babbitt, Chair

5-3-13  
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Date