

Marylhurst Neighborhood Association

Meeting Minutes
April 22nd, 2008

OPENING:

The regular meeting of the Marylhurst Neighborhood Association was called to order at 7:06 pm on Tuesday, April 22nd, 2008 at the West Linn Adult Community Center by President Jeff Treece

Present:

5 association members were present. Their being no quorum, President Treece declared an informal meeting.

City Councilor Jody Carson was also present

Approval of Minutes:

As the membership was functioning without a quorum, approval of the March minutes was deferred to the May 27, 2008 meeting.

COMMITTEE REPORTS:

Treasurer's Report:

Treasurer Jim Koll stated there was not change to the association balance of \$1461.22.

Mr. Koll also had a catalog of trees that could potentially be purchased with NA funds and planted in the future park site. It was recommended that a mailing be sent to the neighborhood inviting participation in this decision at the next meeting in May.

Neighborhood Representative to Land Use Pre-Applications Conference Report

Karie Oakes reported there were no new land use applications in the neighborhood.

GUEST PRESENTATION

Ron Adams, candidate for the Clackamas Board of Commissioners, position 5 asked if he could speak to the membership. President Treece granted him this opportunity.

OLD BUSINESS:

Marylhurst Neighborhood Plan

President Jeff Treece informed the membership that he had received a written response from Bryan Brown, Planning Director of West Linn regarding the neighborhood's request to amend the Neighborhood Plan and strike some language that had been altered by the city council to be in direct contrast with the goals of the neighborhood. He explained in

summary that Mr. Brown did some research on the topic and found the language changes to be "scriveners errors", meaning the proposed change to the text was not accurately reflected in the document and the qualifying word "only" was left out in both instances. With the word "only", the city could accomplish its goal of keeping the Neighborhood Plan in conformance with the CDC and Comprehensive Plan to allow flag lots and subdivision, while still trying to honor the intent of the original Neighborhood Plan. Since this was a scriveners error, if the neighborhood association were to approve the language with the word "only" added, there would be no need for an amendment process to update the neighborhood plan.

With the lack of a quorum, President Treece opted to keep this matter open until the next meeting in May. He stated that he would communicate to Mr. Brown that the association would not be able to respond until after the May meeting.

A copy of the letter from Mr. Brown is included as an appendix to this document.

Neighborhood Cleanup Day

There was some additional discussion on the topic of a neighborhood cleanup day. Mr. Treece had contacted the city and learned that we simply need to schedule a date and provide the city enough lead time to work with Metro on obtaining dumpsters. It was decided to wait until the May meeting to pick a date.

Marylhurst Park Status

Secretary Brian Eastman provided an update on the status of the development of Marylhurst Park. He reported that he had spoken with Parks Director Ken Worcester and learned that the project was on hold pending legal discussion between the city and the Peterson family that sold the land to the city. Apparently, there is land to the SW of the park that is still owned by the Peterson family. They expected to have access to this land via the region where there is currently a walkway between Carriage Way and Kapteyns St. This region had been dedicated for access back when Kapteyns Crest Subdivision was platted in the 1970s. Such access was, unfortunately, not recorded as part of the sales transaction, and now the region has since been designated as park land. There is question whether the city can legally re-change the designation of the land away from that of park without a vote of the public, which is a process not desired by the Peterson family or the city. Both sides are working with the state court to determine if there is a means by which the city can correct this minor issue without having to hold a public referendum. As a way to retain leverage, the Peterson family has appealed the park development plan, and agreed to defer that appeal pending a resolution of this issue.

Amendments to CDC Chapter 99

Karie Oakes reported that the City Council, at their April 21st meeting, had reviewed the changes to CDC Chapter 99 regarding the quasi-judicial decision making process for land use cases. The key element that the neighborhood association had been following was proposed changes to the structure of the Planning Commission. The Planning Commission had opted not to recommend a structural change and the City Council accepted this recommendation. There were however several other "minor changes" to the CDC language relating to the decision making authorities, notification rules and key elements of citizen participation such as the ability to attend pre-application conferences

and appeal quasi-judicial decisions. Mrs. Oakes stated that many of these changes were not at all minor, and could limit the ability of the public to be informed and participate as guaranteed by Oregon Land Use Goal One. Mrs. Oakes also noted that this particular issue was heard over many months in the Planning Commission, and then kind of rushed onto the City Council agenda without much notice. As such, and combined with the staff mis-characterization of "minor" changes, there was little public testimony at the City Council hearing on this matter.

A board decision was made to send a letter to the city council asking that this issue be remanded to the Planning Commission for further review and public participation. Secretary Brian Eastman was asked to draft such a letter and submit it to the City Council by Friday, April 25th, when written testimony would be closed on this matter.

Agenda Items for Next Meeting:

- Approval of March 25th minutes
- Selection of a "gathering tree" for Marylhurst Park
- Request by Phil Gentemann and neighbors on Mountain View Ct. to change the boundaries of the Marylhurst Neighborhood Association and move Mountain View Ct. to the Skyline Ridge Neighborhood Association.
- Neighborhood Cleanup Day
- Marylhurst Neighborhood Plan.
- CDC Chapter 99 Revisions

Adjourn

President Treece adjourned the meeting at 8:25pm. The next regular association meeting will be at 7:00pm on Tuesday, May 27th, 2008 at the West Linn Adult Community Center.

Minutes submitted by:

Brian Eastman, Secretary



Planning and Building

April 4, 2008

Jeff Treece, President
Marylhurst Neighborhood Association
1880 Hillcrest Drive
West Linn, OR 97068

Dear Mr. Treece,

I am in receipt of your letter dated March 21 on be-half of the Marylhurst Neighborhood Association voicing concern about certain wording changes that were made to the Neighborhood Plan in the adoption process. Thank you for formally informing me of the concerns of you and many of your neighbors. I regret that you feel the approval process was not transparent and that the MNA was not afforded an opportunity to comment on the edits made to the Planning document.

It is very clear in the approval record that staff, the Planning Commission and the City Council was aware of and discussed the issues that revolve around the wording edits that you have voiced concern about. A representative of the neighborhood association was present at the meeting at which the Plan was adopted. The formation and drafting of the neighborhood plan was a grass roots effort rightfully incorporating the hopes and desires of the residents that were willing to participate in the planning process. It is also equally important that the Plan reflect a consensus between the residents and the City on as many goals, policies, and action measures as possible.

In our review of the language for Goal 3, Policy 2, Action Item 2 & 3 it appears from the minutes of the City Council hearing that the intent in their wording change was to include the following wording: Action Item #2 "Support only the creation of flag lots that provide the best design that is most compatible with the existing neighborhood." Action Item #3 "Support subdivision of existing lots only to the extent that is compatible with the atmosphere of the neighborhood." The word "only" failed to get incorporated into the published version of the Plan. Staff, and the Council as a whole is supportive of adding this additional clarifying language to these action items. This change is merely a scrivener's error and would not require a new hearing to correct. Staff believes maintaining these modified statements with the word "only" would better highlight and promote the position taken by the neighborhood originally than would completely deleting reference to these two issues. I would ask that you give this some consideration and let me know if this would be considered an improvement or not.

We could explore deleting reference to the two policy items completely as requested, but this will likely involve a new public hearing with the associated cost of notice with staff and Council time and no consensus that it would be agreed upon and approved.

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I will take this opportunity to make it clear that with adoption the Marylhurst Neighborhood Plan becomes an official City document. As a legislative policy guide it is incumbent upon the City decision makers to assure that the Plan is fully aligned with and does not conflict with overall City policies and regulations. It was staff's responsibility in review of the proposed neighborhood plan to point out that the neighborhood's desire to prohibit the use of flag lots and further partitioning of existing lots was a legitimate response to preserve the "open space" feel of the neighborhood but to also share that this proposal was in fact a fairly extreme measure impacting overall City policy, the possible value and configuration of an untold number of lots, and represented removal of standard conventional land development tools not known to be "prohibited" altogether anywhere else in the region.

Staff and your elected officials took it upon themselves to weigh and balance the ramifications of the wording proposed and sought to address the neighborhood's concerns to the degree possible by maintaining the use of the action items within the Plan for emphasis while modifying the wording to "not prohibit" but direct staff and future decision makers to explore possible ways to further restrict the use of these land development techniques to situations where adverse compatibility impacts will be lessened. It has been clearly communicated to the City that residents in many areas of the city desire additional restrictions on the use of flag lots. Staff's current position is that looking at possible modifications or restrictions to our flag lot ordinance provisions on a city-wide basis may be more suitable than addressing this issue on an individual neighborhood approach. Limiting further straight partitioning or subdivision of suitable property is not likely to gain any traction politically or legally in my opinion. The key here is to explore and look for further complimentary regulatory techniques such as improved residential design guidelines that might help with the compatibility concerns that further subdivision and increased density brings about.

I encourage that you continue to utilize the neighborhood association as a conduit to maintain a dialogue with planning staff on moving forward with addressing those items within the Plan that we all do see as a priority to implement. Also let me remind you how fortunate residents in West Linn have been to have a Council and City Manager that has seen fit to fund neighborhood planning efforts in the past and present considering they are not required nor considered necessary in many jurisdictions. The ownership of the Plans by residents in each individual neighborhood is admirable as was shown by your neighbors past involvement and the concerns pointed out by your letter. It may just be my belief, but in the end, the most beneficial aspect of any neighborhood planning process is not necessarily the document so much itself but providing residents the opportunity to freely communicate what is important to them so those concerns gravitate to a place of elevated awareness where hopefully they can be looked at with possible solutions.

Sincerely,



Bryan C. Brown
Planning Director