



PLANNING COMMISSION

Meeting Notes of December 6, 2017

Members present: Jim Farrell, Lamont King, Charles Mathews, Joel Metlen, Carrie Pellett, Bill Relyea and Gary Walvatne.

Members absent:

Staff present: John Boyd, Planning Manager and Dan Olsen, City Attorney

(00:00:34)

WORK SESSION - CALL TO ORDER

Chair Walvatne called the meeting to order in the Council Chambers at City Hall.

(00:00:35)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

Tracy Taylor spoke about the difference between the State of Oregon regulations on Family Day Care and the City of West Linn's regulations.

(00:06:07)

APPROVAL OF MEETING NOTES: November 1, and November 15, 2017

Commissioner Carrie Pellett **moved** to approve the meeting notes of November 1, and November 15, 2017.

Commissioner Joel Metlen **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Vice Chair Charles Mathews, Commissioner Lamont King and Chair Gary Walvatne

Nays: None

Abstentions: Commissioner Bill Relyea

The motion passed 6-1-0

(00:07:21)

DISCUSSION: ZONING OF STORMWATER DETENTION FACILITIES/DEFINITIONS OF MAJOR AND MINOR UTILITIES

Chair Walvatne asked if someone from Public Works would be attending. Mr. Boyd confirmed there would not. But that the Public Works director will schedule a training with the Commissioners and a representative from Brown and Caldwell, stormwater consultant for the city in the near future.

Vice Chair Mathews clarified his reading of the code is that a major utility serves multiple homes (requiring a conditional use permit) and a minor utility serves a single home.

Mr. Boyd noted that major and minor utility has been in the code since 1983 and listed the major utility projects since then.

Chair Walvatne stated he believes if there is a need for an engineer to design an infiltration or treatment facility that is what makes it a major facility. That is the distinction. He also, for the record, provided information that the city is covered under a NPDES Permit (a federal program under the Clean Water Act) MS4 Discharge Permit (Municipal Separate Storm Sewer System) along with portions of Clackamas County, the City of Gladstone, Happy Valley, Johnson City, Lake Oswego, Milwaukie, Oregon City, Rivergrove, Wilsonville, Oak Lodge Sanitary District, Clackamas County Service District, and the Surface Water Management Agency of Clackamas

County. This permit has requirements for all the discharges going out to the rivers along with sampling and analysis requirements. The concern is how the city is complying with the permit. Commissioner Relyea expressed the need for a change from minor to major utility based on West Linn's density and development's close proximity to creeks. Vice Chair Mathews disagrees. The code is there it just hasn't been applied correctly. To move forward, he believes that a water detention facility that services multiple homes should be considered a major utility, requiring a conditional use permit.

Commissioner Pellett sees the detention ponds as a management system for adding capacity in increments to a larger system.

Commissioner King asked about the implications of a Conditional Use Permit. Mr. Boyd explained there is an additional fee, it must meet quasi-judicial noticing requirements and requires some specific studies. Mr. Olsen clarified that conditional use requirements are more discretionary rather than clear and objective as would be required in a subdivision.

Chair Walvatne inquired if the reintroduction of the stormwater chapter into the CDC would provide the needed technical requirements. Mr. Olsen noted it could but would need to be made clear to the applicant, and that the Planning Commission ties the application to the non-discretionary criteria.

Chair Walvatne noted that the Public Works department has stormwater requirements in place because they have adopted the Portland Stormwater Management Plan (with some changes specific to West Linn) so he believes everything required is there. The issue is that when an application comes to the Planning Commission there is no stormwater information presented. He suggests that with the stormwater chapter back in place that there will be a staff report or presentation from Public Works.

Commissioner Farrell concluded that with changing Planning Commission members that it might be better to make clear changes to the code so it is not left up to interpretation.

Commissioner Metlen pointed out the significantly different opinions within the group and staff on what is written in the code, and therefore believes the definitions need clarification.

Commissioner Relyea asked for clarification of distribution lines and transmission lines because there isn't enough information to make a determination.

Councilor Martin explained that the newly adopted stormwater chapter specifies that the applicant cannot cause problems upstream or downstream, something that needs to be demonstrated in the application. This empowers the commission to ensure the issue has been satisfied.

Chair Walvatne reiterated that when the stormwater chapter was removed, any discussion regarding stormwater took place between the applicant and Public Works and was not included in the staff report. He still believes major and minor should be clarified in the code.

Councilor Martin reminded the commissioners that they have the right to ask for information or clarification from the city in order to make their decisions.

Chair Walvatne would like Public Works suggestions to clarify major and minor utilities so they are workable within the city's design standards. The result would be that anyone who looks at it will come to the same conclusion. He also believes that if there is a technical document within an application, that Public Works has a responsibility to the commission and the public to explain (in layman's terms) what they guided the applicant to do, and why and how they have to do it.

Vice Chair Mathews expects that the next hearing that comes before them will address some concerns. But he doesn't believe the stormwater chapter addresses the majority of his concerns.

Councilor Martin suggested the commissioners become familiar with the Public Works Design Standards.

Commissioner Relyea verified that if the previously withdrawn Cornwall Subdivision should come back before them that the previous record is still available. Chair Walvatne confirmed that was what they learned from Mr. Ramis.

(01:30:41)

DISCUSSION: ANNUAL REPORT TO COUNCIL

The commissioners reviewed the list of accomplishments provided by Mr. Boyd. But it doesn't address the goals for 2018.

Suggestions for 2018 goals: clarify definitions, miscellaneous code changes, mixed use areas (a work group has been assigned), training in public works standards, PUD's, what is historic and a joint work session with the Historic Review Board, community centers, adequate public facilities (CDC 85.200A), trip generation when connecting streets (counts to include trip through not just from the number of new homes), affordable housing with zoning changes, buildable lands analysis, zoning of Highway 43 and Willamette Falls Drive, meet with Oregon City on the waterfront project, family day care and parking in the historic district.

Mr. Boyd will submit the list of goals to the PC for review, then provide Chair Walvatne with the reviewed final list that can be incorporated into the annual report.

Commissioner Relyea shared ODOT presented information on I-205 at a Neighborhood Association Presidents meeting. He will forward the contact information to Mr. Boyd for dissemination

(02:08:50)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None

(02:09:01)

ITEMS OF INTEREST FROM STAFF

None

(02:09:06)

ADJOURNMENT

There being no further business, Chair Walvatne adjourned the meeting.