



CITY OF West Linn

PLANNING COMMISSION

Meeting Notes of April 17, 2019

Members present: Charles Mathews, Joel Metlen, Carrie Pellett, Jim Farrell, Lamont King and Margot Kelly
Members absent: Gary Walvatne
Staff present: John Boyd, Planning Manager; Darren Wyss, Associate Planner and Dan Olsen, City Attorney
Guests: Bill Relyea, City Council Liaison

(00:0:47)

REGULAR MEETING - CALL TO ORDER

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

(00:00:57)

APPROVAL OF MEETING NOTES: FEBRUARY 8, MARCH 6, APRIL 3, 2019

Commissioner Jim Farrell **moved** to approve the three sets (February 8, March 6 and April 3, 2019) of meeting notes as presented. Commissioner Lamont King **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Lamont King, Commissioner Margot Kelly and Chair Charles Mathews

Nays: None. Abstentions: None. The motion passed 6-0-0.

(00:02:33)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

None

(00:02:45)

PUBLIC HEARING: 6-LOT SUBDIVISION, WATER RESOURCE AREA PERMIT AND HABITAT CONSERVATION AREA REVIEW AT 3841/3843 MAPLETON DRIVE, SUB-18-03/WAP-18-04/WRG-18-03 (STAFF: DARREN WYSS)

Chair Mathews opened the public hearing and noted the matter was continued from the April 3, 2019 meeting. He verified there were no new written materials. Staff Wyss noted there were no new public materials with the exception of a submittal by the applicant who provided a written request for waiver of street improvements along with an estimate of the costs for the waiver. Chair Mathews then clarified the Planning Commission requested the applicant to consider the "fee-in-lieu" request and to provide the written material submitted tonight by the applicant.

City Attorney Dan Olsen review preliminary legal matters.

Chair Mathews noted that any citizens who wish to address the issue will be given the opportunity to speak, followed by the applicant being offered time for rebuttal.

Samuel Murphy testified on his concerns with ongoing construction in the area. He discussed how water flows from the redirected creek could cause issues with bank erosion near his property.

Mary Robinson testified expressing concerns about a road shoulder with loose gravel that makes it difficult to push a wheel chair or stroller, proposed driveways on Mapleton Road is a safety issue for pedestrians, daylighting the creek should have more than a 15 foot buffer and the culvert bridge may impact properties off site.

Stephen McClure also testified expressing concerns about offsite impacts, length of monitoring of improvements after completion, and who addresses needed corrections.

Steve Hopkins reviewed issues raised on April 3, 2019, noted answers he received were insufficient or not addressed. His concern was the time to construct homes could be longer than proposed.

Cindy Kauffman provided testimony expressing concerns on storm drainage, impacts to downstream properties due to “daylighting” the creek, runoff during storms, potential runoff if a large water main breaks on Mapleton Road and supported PC action for pedestrian safety.

Lisa Ledson testified she was not aware her property was subject to flooding. She expressed concerns about safety issues on traffic speed, no sidewalks and gravel shoulders.

Chair Mathews ask the applicant to explain why there was no sidewalk required on the adjacent property. Rick Givens and Bruce Goldson presented rebuttal for the applicant. He noted that ICON Development had completed the partition for that site in a previous development. The applicant was not a party to that decision.

Rick Givens noted the area is not in the identified 100 year floodplain; but recognized during the 1996 flood the area was inundated. He discussed historic development patterns, how past stream realignment attempts have aged or were failing. He asserted the applicant’s design improves the existing conditions and provides enhancements for the natural creek settings. He cited Development Code requirements for daylighting creek has a setback of 15 feet from that creek bank. He noted the required plantings will restore the natural setting along the creek.

Bruce Goldson engineer for the applicant, responded to concerns on the design and addressed existing standards either are met or exceeded by the applicant’s design. For the sidewalks, he noted hearing competing opinions and concluded the application as submitted addressed a full half street improvement. On the length of construction; the subdivision review and approval could be done in three to six months from approval. Once reviewed and completed the construction of homes could be completed in about a year.

Rick Givens noted on questions of fish passage, they don’t discount that some fish species may be found in the water. They noted the existing and substantial off site physical drops in the flow of water are challenging fish passages or are an impediment to the passage of fish. On the questions of lots accessing Mapleton Drive, he noted that was due to city code limiting the number of units accessing a private drive. They considered the creation of public streets and noted widening the road would create more impervious surface would could create more storm water runoff.

Commissioner Farrell inquired where the 15 foot setback requirement for daylighting streams was addressed. Staff Wyss pointed to the staff report and the CDC sections with the fifteen foot setback requirement for day lighted streams.

Commissioner Pellett asked about the verification of designs. Mr. Goldson noted his plan is submitted and reviewed by the City Engineers. For the stormwater, he clarified that the approved design does not exceed the pre-construction rate. During construction, there is inspections of city infrastructure by the project and City Engineer for compliance with city standards.

Commissioner Kelly asked about the transitions for the sidewalks that would allow for people with disabilities to access and use the new sidewalks sections. The applicant noted they would complete whatever option the City required. The Planning Commission would need to make a decision on the use of the Fee-in-Lieu or to construct the frontage sidewalks.

Chair Mathews noted during the April 3, 2019 hearing there was discussion of a maintenance agreement for both the road and was extended to the creek. He noted that if approved there would be a condition for maintenance either via an agreement or through the use of the home owners association. In addition, Chair Mathews discussed a condition for streets and signs for no parking on one side of the street. Rick Givens noted the private road already exceeds the standards and agreed to provide no parking signs.

Chair Mathews concluded that based upon the testimony received, sidewalks should be required. He also asked how the adjacent property was approved without completing street improvements. Staff Wyss noted that a fee-in-lieu was paid and suggested the applicant could work with the City to use those payments to construct additional sidewalks and street improvements.

Commissioner King asked a clarifying question. Would the relocation of the creek reduce design flows? In addition, would the revegetation have natural design to slow the stream flows. To both questions Rick Givens and Bruce Goldson both agreed their design would correct failing infrastructure, reduce stream flows that should mitigate or reduce off site impacts.

(01:52:30)

Vice Chair Mathews closed the hearing and entered deliberations.

The Planning Commission considered additional conditions of approval.

7. Stormwater and Creek Maintenance. The applicant shall record a mutual maintenance agreement or other mechanism for all six lots:

- a. to maintain and make necessary repairs to the private stormwater system; and
- b. to make necessary repairs to the “day lighted” Trillium Creek in case of failure that impedes or reroutes the flow from the approved plans.

8. No Parking Signs. The applicant shall place no parking signs on one-side of the private access drive according to TVF&R spacing and design standards.

Commissioner Kelly **moved** to approve SUB-18-03/WAP-18-04/WRG-18-03 based upon the record of the hearing, the submitted conditions of approval as modified as modified by the addition of Conditions 7. and 8. Commissioner Lamont King **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Lamont King, Commissioner Margot Kelly and Chair Charles Mathews. Nays: Commissioner Farrell.

Abstentions: None. The motion passed 5-1-0

(02:21:20)

After reaching a decision for SUB-18-03, the Planning Commission discussed the status of sidewalks adjacent to 3841/3843 Mapleton Drive [SUB-18-03]. The Planning Commission considered options to request additional sidewalks from Public Works using “fee-in-lieu” funds to fund the extension of sidewalks.

Commissioner Kelly **moved** to Request the Public Works Department use the fee-in-lieu collected [MIP-14-05], to construct, in conjunction with SUB-18-03, half street improvements that provide a continued sidewalk along both site frontages. Commissioner Farrell **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Lamont King, Commissioner Margot Kelly and Chair Charles Mathews

Nays: None. Abstentions: None. The motion passed 6-0-0.

(02:28:30)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

There were none

(02:29:10)

ITEMS OF INTEREST FROM STAFF

Mr. Boyd provided a memo and read it into the record. The memo summarized a worksession may be held on June 3rd and a hearing on June 10th. When Council is expected either to adopt the document or disclose what options they wish to take. The Planning Commission noted the Parks Plan as far as the Planning Commission was concerned was concluded.

(02:35:09)

ADJOURNMENT

There being no further business, Acting Chair Mathews adjourned the meeting.