



CITY OF West Linn

PLANNING COMMISSION

Meeting Notes of August 21, 2019

Members present: Gary Walvatne, Charles Mathews, Carrie Pellett, Jim Farrell, Lamont King and Margot Kelly

Members absent: Joel Metlen

Staff present: John Boyd Planning Manager, Matt Kahl City Attorney and Jennifer Arnold Associate Planner

Guests: Steve Miller Principal Planner Emerio Design LLC, Eric Evans Engineer Emerio Design LLC

Meeting video is available at this hyperlink [PC Video link](#). The meeting notes have a video time index. Each time index is provided in brackets and red text as shown in this example: (00:00:00)

REGULAR MEETING - CALL TO ORDER (00:0:10)

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

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA (00:0:16)

Mary Baumgardner and her son Henry (1855 Joseph Fields Street) asked the Commission to consider environmental preservation when making land use decisions. She felt that environmental protection was important when considering livability. She noted she is a member of the Sustainability Advisory Board, the Transportation Advisory Board and the Willamette Neighborhood Association Board. In particular, she addressed Bernert Creek where it feeds into the Willamette River near the settlement ponds. Her concern was leaching toxins impacting the flora, fauna and potential impacts as chemicals leached into the river. Commissioners Walvatne and Mathews made note the City is currently working on the Storm Drainage Master Plan and encouraged her to make her comments known on that project. In addition, they noted the West Linn Waterfront project is underway and she has the option to provide input on that project.

(00:12:47)

PUBLIC HEARING: (QUASI JUDICIAL HEARING) TO CONSIDER A REQUEST FOR A 12 LOT SUBDIVISION AND WATER RESOURCE AREA PERMIT AT 22870 WEATHERHILL ROAD. SUB-18-04/WAP-18-05 (STAFF: JENNIFER ARNOLD)

Chair Walvatne explained this is a quasi-judicial decision and unlike in legislative hearings, where personal opinion may come into play, quasi-judicial hearings must be grounded in the relevant code, and if the application meets the code, the Commission must approve it. Chair Walvatne then outlined the procedure for the hearing. After the preliminary legal matters, staff will make a presentation, followed by the applicant, then any citizens who wish to address the issue will be given the opportunity. Finally there will be time for rebuttal by the applicant. The applicant will have 20 minutes initially, plus ten minutes for rebuttal. Any members of the audience that wish to speak must complete a "Sign In/Testimony Form" and turn it into staff in order to testify. Commission members may ask questions of the applicant, staff, or anyone else who testifies.

Chair Walvatne opened the public hearing.

Mr. Kahl provided the preliminary legal matters. Responding to the questions on conflict of interest and exparte contacts Commissioner Kelly noted she attended a pre-application conference for the project, lives in the notice area of the subdivision, had never been on the property and felt she had no bias or conflict of interest on the issue.

Commissioners Mathews noted he had completed approximately three site visits. Commissioners Walvatne, Farrell and King also noted they had each individually completed site visits. There were no challenges to the PC Members hearing this matter, nor was there any challenges to impartiality of the members of the Commission. That being concluded the Chair continued on with the presentation of the staff report.

(00:22:22)

The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Following the presentation, Commissioner Farrell asked about the timing of potential development on adjacent properties, transportation circulation across the site and onto Salamo Road and improvements for Weatherhill Road. Staff that transportation improvements will occur as adjacent properties develop and summarized the timing of each development is only known by each property owner.

Commissioner Mathews asked about the designation of Weatherhill Road. Staff reported it is designated as a local road. He asked for a definition of a local road and the road condition. Planner Arnold provided the eventual right of way and then noted the road has differing widths based upon previous designs. Weatherhill Road was not determined to be failing by the Director of Public Works. Commissioner Mathews then noted the access and egress to the subdivision is limited to Weatherhill Road. He discuss the existing and additional trips that are potential for the area. His concern related to the condition of Weatherhill Road, the need for a traffic impact analysis to assist them in evaluating the safety of the roadway and to provide information that clarified road conditions to assist their review of the project. Commissioner Walvatne expressed concerns about the condition of Weatherhill Road and the ability of that road to serve the existing and future development.

(00:56:00)

Steve Miller Principal Planner and Eric Evans Engineer from Emerio Design LLC presented as the applicant and consultant for the owner.

Following the presentation, Commissioner Farrell asked questions about the use of Local Improvement Districts (LID) to complete improvements for the area. He asked if the applicant had considered coordinating with adjacent properties. Mr. Miller noted a LID is a difficult process that was often not successful. He also responded that each property has differing timelines to develop, and achieving a coordinated improvement by all adjacent owners at one time is not feasible. He also explained that outreach was completed, there were multiple meetings with the city to resolve issues. He concluded the project review was thorough and met all requirements of the code.

Commissioner Mathews congratulated the applicant for both working with Staff to remove the flag lots and supporting increased street width of Satter Street. He noted a main concern of the traffic impact on Weatherhill along with addressing traffic safety and that a traffic impact analysis was not required. He asserted that his estimation of the existing development was 401 daily trips existed; he felt that outcome should have supported a study.

He concluded his statement by referring to a narrow section of Weatherhill as being substandard, and considering the current and proposed development does not address safety issues.

Steve Miller responded by referring to the City's Transportation Plan that includes street classifications. He noted the plans are designed to consider existing conditions and future conditions based upon the comprehensive plan designation. This addresses the entire network demands.

Commissioner Kelly asked questions about properties that will annex and how that newer demand will add a burden to the local system. She also had questions on the Alpha Environmental Study, a reference to the property as flat. Mr. Miller responded the area near the stream is more flat than other portions of the

property. Regarding the report conclusion, he noted it has a review process that includes the Division of State Lands. He noted this report is a detailed study that has been reviewed by the state.

Chair Walvatne reviewed two supplemental memos: one from Erich Lais, Public Works and one from Jennifer Arnold about supplemental written testimony from the public (Amber Carver, Rob & Kristy Musalo and a submittal from the applicant updating the status of the corporation from the Secretary of State's Office). Chair Walvatne noted these items are entered into the record. He then spoke to issues of concern regarding the location of the WRA boundary. Chair Walvatne spoke to significant and non-significant trees. He noted that with the adjustment of property lines additional trees could be saved. He encouraged additional tree protection be required. Mr. Miller noted the trees facing Weatherhill Road and the trees in Satter Street proposed street route are required to be removed to build those routes or to address grade issues to support the construction of those routes. He addressed the ephemeral stream buffer included a necessary utility in this protected area. The construction will create a temporary impact but and the area will be mitigated to address disturbed areas in the long term.

(01:41:30)

Chair Walvatne provided an opportunity for the public to testify.

Joe Lockridge 2479 Satter Street commented that he lives on Satter Street noted the traffic safety should be assessed in a larger context and asked the Commission to look beyond the single development and consider the impact on the area. His concern was the wider road width could change Satter Street to the main east/west route.

Steve Kelly 2467 Satter Street noted development should be supported after a detailed review of the information is completed. His focus was on traffic safety, street width and protection of trees.

(01:53:30)

The Applicant was provided an opportunity for rebuttal. Mr. Miller noted there is not adequate distance to design a street to provide another connection north to Weatherhill Road. He clarified the applicants design does widen Satter Street. The intent is to address concerns expressed by the neighborhood and to consider design concerns expressed by the Planning Commission in prior issues. He concluded the applicant's team have met with the community, completed a design that met those needs and saved as many trees as possible while still meeting city standards. On the issue of road improvements and the offsite issues, they expressed a concern about the rough proportionality analysis and nexus of the improvements that are related to the impacts from their development. He noted that each home will pay an SDC for transportation impacts, those payments could pay for needed and designated improvements in the area.

Commissioner Pellett expressed a concern on the differing width of Satter Street and asked if a narrow street could save more trees. Mr. Miller noted they provided a street transition to allow for the differences in width. Further he reported the change to the street width would not decrease the number of trees required to be removed.

Commissioner Mathews noted he was pleased to see the flag lots were eliminated and thought the Satter Street width was appropriate. He had a concern on Weatherhill Road and asked for consideration of an additional extension of time to allow for a study of Weatherhill Road based upon the two prior subdivisions and the applicant's proposed division.

Mr. Miller responded that an analysis would show no impact was caused by this development. He noted there is no proportionality or nexus that supports the completion of a study for a larger area. He noted that was completed in the past and a decision to approve development was completed. He concluded that the applicant's improvements would make the roadway safer and lead to improvements in the long term that would serve the greater area.

Commissioner Farrell asked if the applicant would be representing other applicants in the area. Mr. Miller noted they represent the Sloop property. Regarding the discussion of improvements, the applicant noted one developer cannot solve the issues in the area.

(02:16:20)

Chair Walvatne asked if there were any final comments from Staff. Planning Manager Boyd noted from the City's perspective, the project was reviewed by Public Works and the applicant was required to complete road improvements. He clarified issues raised by Commissioners on prior land use approvals are not criteria applicable to the current applicant. Those prior decisions were reviewed and found to meet the applicable code. The Planning Commission should not consider this project as responsible to address perceived needs that arose from past decisions. Asking the applicant to meet broader requirements to analyze or mitigate prior developments could be determined as going too far, and that was a concern. He clarified that if Public Works had provided information that offsite improvements were not being met, that could be a basis for improvements and would be a different scenario; he noted the applicant has met all requirements.

Commissioner King asked about local street studies in the Transportation System Plan. And Commissioner Kelly asked when the last study was completed and noted her concern was the criteria in the CDC was too high and thought a study should have been required. Planner Arnold noted the last Transportation System Plan was completed in 2016. There was a discussion on the evolution of the Transportation System Plan and Highway 43 Corridor Plan.

Chair Walvatne asked if the City has initiated a traffic study or do they typically choose to review analysis completed by applicants. Planning Manager Boyd noted the Upper Midhill development was in the vicinity of Hwy 43 and a separate traffic analysis was completed by the city. That is not a typical example. Mr. Boyd concluded by noting the smaller street standards were applied in mistake, that decision was made based upon the latest update of the TSP and implemented correctly. The concern from the neighborhood regarding these smaller streets is the reason wider street widths are provided in the current proposal.

(02:29:110)

Chair Walvatne closed the hearing and entered deliberations.

Commissioner Mathews (3:26:01) summarized the expectation from Public Works, the Planning Commission is interested in hearing about the safety of Weatherhill Road for traffic generated by the two current (existing) subdivisions off of Weatherhill Road and after establishment of the proposed subdivision which by my count generates 401 daily trips. That would include considering the improvements to Weatherhill (Road) that the applicant plans on making contiguous to his development. Assess Weatherhill in the state it is now with those improvements, against the traffic that will be generated and currently exists if this proposal was approved.

Commissioner King **moved** to allow a limited opening of the public record until September 4, 2019, to allow Public Works to provide an answer to the Planning Commission questions. Then the applicant will have until September 11, to provide any response to the Public Works comments to the Planning Commission. The Planning Commission will reconvene on September 18, 2019 to review the material and deliberate to a decision. If there is a need for additional time on September 18, 2019 that would be determined at that date. Commissioner Farrell **seconded** the motion.

Ayes: Commissioner Pellett, Commissioner Farrell, Commissioner Mathews, Commissioner King, Commissioner Kelly and Chair Walvatne. Nays: None. Abstentions: None. Motion passed 6-0-0.

(03:28:45)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

The Planning Commission spoke about the work session for the Storm Drainage Master Plan (PLN-19-02) and confirmed there would be a quorum for that meeting.

(03:29:55)

ITEMS OF INTEREST FROM STAFF

There were none.

(03:30.10)

ADJOURNMENT

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