

PLANNING COMMISSION

Meeting Notes of September 18, 2019

Members present: Gary Walvatne, Charles Mathews, Joel Metlin, Carrie Pellett, Jim Farrell, Lamont King and Margot Kelly
Members absent: None
Staff present: John Boyd Planning Manager and Tim Ramis City Attorney

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)

Guests: None

(00:30)

REGULAR MEETING - CALL TO ORDER

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

(00:00:54)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

Steve Kelly provided comments regarding the topic street width. He wanted to assure that the the minimum street width was 28 feet. He requested that the 28-foot street width standard be codified as soon as possible. Chair Walvatne noted Public Works had agreed to restrict the use of the 24' standards to limited situations and to use the 28' road standard as a minimum. Steve Kelly also noted the narrow streets do not provide opportunities for on-street parking, he felt the community could have a better road design. He urged the Commission to consider the request to update code.

(00:13:59)

APPROVAL OF MEETING NOTES: AUGUST 21, 2019

Commissioner Margot Kelly **moved** to approve the (August 21, 2019) meeting notes.

Commissioner Carrie Pellett **seconded** the motion.

Ayes: Commissioner Joel Metlin, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Mathews, Commissioner Lamont King, Commissioner Margot Kelly and Chair Gary Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.

(00:15:25)

PUBLIC HEARING: CONTINUED FROM AUGUST 21, 2019 – A 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 this continued public hearing.

Mr. Ramis provided the preliminary legal matters. Responding to the questions from the applicant to re-open the public hearing and the record. He discussed the differing options the Planning Commission could consider when reviewing the applicant's request submitted by the September 11, 2019 deadline. He noted that the applicant requested that the record be opened to accept information provided after the record had closed, that the Planning Commission had questions they wished to be considered. Mr. Ramis noted there are potentially three options, 1) accept public comment tonight and enter new information in the record. Allow for a continuance to allow the public to review and respond (either in person or in writing) to this information; 2) proceed as intended and deliberate and not accept any additional information into the record; 3) Continue the hearing tonight, provide time for the public to submit information and set a date to deliberate at a future date. He concluded by saying staff recommended before considering any option that would involve reopening the record or hearing, to find out from the applicant to provide an additional waiver to extend the 120 day clock period.

(00:19:50)

The Planning Commission opened the record for the sole purpose of discussing the additional waiver of the 120 day clock with the applicant. Applicant representative Steve Miller of Emerio Design LLC discussed the extension issue with the Planning Commission.

The Planning Commission discussed the listed deadlines, how the applicant provided a memo by the assigned deadline, and then after the deadline expired provided a second submitted (a traffic impact study). In addition, the Planning Commission considered how an extension was required to address the differing options under consideration by the Planning Commission. When asked by the Planning Commission, Staff Arnold noted the existing extended deadline was October 20, 2019 and additional extension time was required to November 19, 2019 to allow time for the Planning Commission take action on any option to open the record or continue the hearing, to make a decision and to allow for processing of any potential appeal.

(00:44:35)

Planning Commissioner Metlin asked the applicant to confirm they would grant an additional 30 day extension to November 19, 2019. Steve Miller, Emerio Design LLC applicant/representative for the property owner responded "Absolutely". With that extension, the Planning Commission chose to move forward with the deliberation on option analysis.

(00:50:30)

Commissioner Jim Farrell **moved** to re-open the hearing to allow oral testimony and accept written testimony tonight and continue the public hearing to October 16, 2019 leaving the record open for anyone to submit written comments by close of business September 25, 2019, anyone can provide comments to submitted material by close of business on October 2, 2019 allowing a 14 day period to comment on the Traffic Impact Study and allow only the applicant to respond to all submitted comments by close of business October 9, 2019. Commissioner Margot Kelly **seconded** the motion.

Ayes: Commissioner Joel Metlin, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Mathews, Commissioner Lamont King, Commissioner Margot Kelly and Chair Gary Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.

(01:05:45)

The public hearing was called to Order with a summary of legal issues. Attorney Ramis reviewed applicable legal matters (also discussed at the August 21, 2019 hearing). The Planning Commission was previously qualified, there were no additional site visits. The Planning Commission had received the Traffic Impact Study with a cover memo noting that it was received after the record close. In response to a question from Commissioner Metlin, Attorney Ramis noted with the opening of the hearing and the allowing written traffic study into the record there would be no exparte issue. 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 traffic impact study by the applicant.

(01:09:15)

Steve Miller Principal Planner Emerio Design LLC presented as the applicant and consultant for the owner and submitted the Traffic Impact Study into the record along with a letter from Tanner Springs Assisted Living dated September 18, 2019.

Steve Miller summarized the coordination with Tanner Springs and the road improvements they are proposing based upon that coordination. He then introduced Dana M. Beckwith, P.E. / P.T.O.E Global Transportation. Mr. Beckwith provided a summary of the submitted report entitled "West Linn Weatherhill Subdivision Trip Generation and Safety Review." Steve Miller concluded with a summary of street widening along Weatherhill Drive that is program along with improvements required by an adjacent owner at 22844 Weatherhill to complete street improvements.

Commissioner Farrell asked questions about the timing of improvements and asked about the participation of Tanner Spring required improvement when they develop. His goal was to promote a coordinated improvement effort. Mr. Miller responded that the timing of the project was so different it removed any option to complete a joint improvement project.

Commissioner Mathews spoke to subdivision criteria approval from 85.200 and the definition of adequate public facilities. There was a discussion on the definition of adequate public facility ". . . level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, . . ." The failing to meet a standard (LOS or V/C) is subject to standards in the Transportation Planning Rule. Commissioner Mathews asked if this was a term of art or if this was a failed road. Mr. Beckwith addressed the question on the capacity of the road to serve traffic and discussed peak hour loads. Mr. Boyd noted that staff did not provide answers to those questions as they were submitted after the record was closed. Commissioner Mathews asked that all Commissioner submitted questions should be provided to Public Works for their consideration. Staff Boyd noted that all information will be provided to Public Works immediately to allow them time to respond.

Commissioner Kelly asked about the extent of the road improvements at the curve. Mr. Miller noted that additional right of way will be granted by Tanner Springs Assisted Living to allow them to do some minor grading, vegetation removal and a minor amount of paving to bring the road near a 20 foot width at that point.

Commissioner Farrell asked if the traffic study included the Satter Street impact. Mr. Beckwith noted that those trips were included and discussed aspects of the submitted report.

Commissioner Metlin asked if the width of existing Satter Street was considered. Mr. Beckwith noted this was a recently approved subdivision so they did not consider any safety issues. They did consider the trips generated. Commissioner Metlin asked about the liability from narrow streets and the parking that further reduces the width. Staff Boyd spoke to the minimum road widths are standards promoted in statewide transportation planning rule, the road was reviewed and approved by the city. For Weatherhill Road, the LOS and V/C ratio are capacity standards and not condition indices. Commissioner Metlin and Mathews wanted to know if the road was safe. Staff Boyd read from the definition of adequate public facilities and noted the term did not relate to a general term about a road failing and related more to the definition term, failing to meet standards (V/C or LOS).

Chair Walvatne noted that the programmed improvements discussed tonight and those programmed improvement by the city in the fall could address some of the issues. He noted that with that in mind, the question then becomes if those additional trips created by the development would cause further degradation.

Commissioner Farrell noted he submitted questions that were outside of the record. Staff Arnold reported some of the known development in the process. When asked, Staff Boyd suggest the best method was to submit the questions to public works and post the replies. Commissioner Farrell agreed and noted that the response to 22844 Weatherhill Road should be addressed. Staff Arnold addressed preliminary information and Staff Boyd noted the best method would be to respond to the questions raised in writing and provide a written response available to all.

Commissioner Kelly asked about the impact to Satter Street due to construction traffic routes. The concern was construction traffic going through the neighborhood. She asked if there would be a separate entrance for the development in order to not use that neighborhood as a construction path. Mr. Miller agreed to look at that issue. He noted initially it may not be possible, as grading of the hill would be required to make it accessible. He stated we might have to initially punch in to Satter Street to open that area up. Then it would be graded down, after that is done they will direct traffic through the future lots until the improvements are made. Once we start putting in utility lines, no heavy equipment will come into the area. He concluded it is possible there will be construction traffic but only for a short duration. Commissioner Kelly noted the neighborhood concerns of construction traffic on the 24 foot wide roads with residents parking on the street, keeping the road open will be a concern. She concluded that the neighborhood does not want construction traffic on that street.

Commissioner Kelly clarified her request, she asked to find another way in and out without using that existing neighborhood. Mr. Miller concluded that he will work with the city and his contractors to assure that there was an alternative. Chair Walvatne asked how the transition on Satter Street will be managed. Mr. Miller noted they will hold the center line and work for a smooth transition of the route. Similar tapers will have to occur as the remaining developments complete Satter Street.

No one from the public signed up to submit comments on this matter. Staff requested that any questions that Commissioners had of staff be provided now to allow staff time to comment.

(01:53:50)

Chair Walvatne closed the hearing. The record was left open to allow any written comments by September 25, and responses by October 2, and final rebuttal by October 9, 2019.

(00:52:54)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Commissioner Kelly complimented the West Linn Police Department and thanked them for their response to an issue near Willamette Elementary School.

Commissioner Mathews asked staff to consider traffic impact studies for the Commission. There are mandatory requirements and optional requirements. Where it seems reasonable to provide a traffic impact study in these options, the Planning Commission would appreciate that information. Mr. Boyd noted he meets weekly with the Director and would pass along that request.

Chair Walvatne thanked Director Calvert for his outreach to the Neighborhood Association Presidents. The information on METRO survey on the second phase of Hwy. 43 and noted this survey assists in supporting funding and thought the community should participate in the survey.

(02:03:00)

ITEMS OF INTEREST FROM STAFF

Staff Boyd summarized upcoming meetings and asked members contact him if their availability changes. He reminded Commissioners of the Joint City Council and Planning Commission meeting on October 21, 2019. Mr. Boyd will confirm the meeting details and update the Commissioners.

(02:04.30)

ADJOURNMENT

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