

PLANNING COMMISSION

Meeting Notes of November 6, 2019

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

Staff present: Jennifer Arnold, Planner; Lynn Schroder, Administrative Assistant; and Tim Ramis, City Attorney

The [meeting video](#) is available on the City's website. The meeting notes have a video time index. Each time index is provided in red text above the upcoming agenda item (i.e. (00:00:00)).

(00:00:06)

1. REGULAR MEETING - CALL TO ORDER

Chair Walvatne called the meeting to order at 6:30 pm in the Council Chambers in City Hall.

(00:00:21)

2. PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Shirley Weiss of West Linn asked the City to review System Developments Charges for Accessory Dwelling Units. She noted that the State recently passed legislation to facilitate affordable housing. She stated that she and her husband currently live in a house that is too big for them. She would prefer to build an ADU on her property so she and her husband can stay in their home. She considers SDCs for ADUs to be cost-prohibitive. She urged the City to follow the lead of cities like Portland and Lake Oswego to waive or reduce SDCs for ADUs. She stated that multi-generational housing offers stability for a community. Chair Walvatne noted that the Planning Commission and the City Council discussed the State's affordable housing legislation at a recent joint meeting. ADUs and SDCs were briefly mentioned. He stated that the Planning Commission does not set SDC rates but that her request will be communicated to the City Council.

(00:06:30)

3. APPROVAL OF MEETING NOTES FOR OCTOBER 16, 2019

Vice Chair Mathews clarified his comment on parking on Satter Street. Chair Walvatne requested minor edits. Commissioner Farrell **moved** to approve the October 16, 2019 meeting notes as corrected. Commissioner Kelly **seconded**.

Ayes: Commissioners Metlen, Pellett, Farrell, Mathews, King, Kelly, and Walvatne. Nays: None.

Abstentions: None. The motion passed 7-0-0.

(00:10:40)

4. PUBLIC HEARING: A QUASI JUDICIAL HEARING TO CONSIDER A REQUEST FOR A 25 LOT SUBDIVISION WITH WATER RESOURCE AREA AND WILLAMETTE RIVER GREENWAY PERMITS AT 23190 BLAND CIRCLE - SUB-19-01, WAP-19-02, and WRG-19-01.

Chair Walvatne called the public hearing for SUB-19-01 to order. City Attorney Ramis reviewed the legal matters related to quasi-judicial hearings. Responding to the questions on conflict of interest and ex parte contacts, Commissioner Kelly noted she attended a pre-application conference for the project, lives in the notification area of the subdivision, but has never been on the property. Additionally, she stated that a neighbor called her about the project, but she did not discuss the project with her. She said that she did not have any bias or conflict of interest regarding the proposal. Vice Chair Mathews visited the property and made two observations that were not in the record. He stated that there are 34 existing homes south of Weatherhill Road. Additionally, he noted that drivers from the proposed subdivision who want to go to the shopping center, middle school, or Highway 43 would need to egress on Weatherhill Road. Commissioner

Metlen noted that he visited the site. There were no challenges to Planning Commissioners hearing the proposal.

(00:17:30)

Associate Planner Arnold provided a staff report. Commissioner Metlen asked for clarification about the proposed flag lots. Arnold confirmed that lots 16 and 17 are flag lots. Tract C is accessed by a private street. The CDC requires that private streets be deeded to the properties they serve and must meet street width standards. Curb cuts must match the requirements for a shared driveway. Vice Chair Mathews asked who will own Tracts A and B. Arnold reported that both tracts would be deeded to the City. Commissioner Farrell asked for clarification of the habitat conversation area. Arnold reported that the applicant submitted a wetland delineation report for the site that concluded that there were no wetlands on the property.

(00:33:35)

Phil Grillo, attorney with Davis Wright Tremaine, presented the applicant's proposal. He submitted a copy of the 2018 Sloop Property Annexation Findings into the record. He noted that the City's staff report for the annexation of the property show Satter Street connecting to Salamo Road through the applicant's property. The 2018 Annexation staff report concluded that there were no utility or infrastructure deficiencies at the location. He noted that the City's findings classify Salamo Road as a Minor Arterial on the east of the property and has a level of service of "A". There are not no utility or infrastructure deficiencies at this location. Additionally, Mr. Grillo noted the Annexation findings concluded that the maximum potential new trips per day from this property would not modify programmed or future capital upgrades to facilities since the additional trips have already been anticipated. Last, he noted that estimated tax revenue from the proposed development was anticipated to be approximately \$1.23 million in 2018. Mr. Grillo submitted a paper that outlined the Oregon Court of Appeals decision requiring local governments to apply only "clear and objective" standards, conditions, and procedures to regulated housing development.

Commissioner Kelly noted her primary concern about construction traffic on Weatherhill Road. She wanted to limit the construction traffic through a construction access road off Salamo Road.

Commissioner Metlen asked about the road layout. Mr. Grillo explained that connecting Satter Street to Salamo Road on the adjacent property to the north creates a 4-way intersection with Ponderay Drive. The applicant added Dahlia Court based on neighborhood comments requesting access to Salamo Road in the interim before the adjacent property develops. Commissioner Metlen also wanted to know why the tree 51378, identified as a significant tree on Tract B, would be removed while nearby trees remain. The applicant replied that removing the tree was necessary to widen the swale that drains to the stormwater pond.

Commissioner Farrell asked how the traffic from the proposed development will impact Weatherhill Road. He stated that the cumulative impact of development is impacting Weatherhill Road. He stated that a traffic analysis is needed to evaluate the traffic impact of the proposed development.

(00:33:35)

Mr. Grillo replied that a traffic analysis would assess the level of service intersections. He stated that there no evidence in the record that indicates that any of the relevant intersections are failing or would fail because of the proposed development. He stated that the 2018 Annexation staff report concluded that the intersection is essentially operating at a level of service "A". Mr. Grillo stated that the Weatherhill/Salamo intersection is not a failing intersection in terms of capacity. Further, he stated that the average daily trips that would be generated from the proposed development are under the City's threshold for requiring a TIA. He noted that the nature of infill development prevents roads from being completed all at once. He stated that the City had not provided a clear and objective standard for requiring a traffic analysis. Commissioner Farrell replied that he would like the applicant to submit a TIA to address his concerns.

Commissioner Mathews stated that during his site visit, he counted 34 homes that can only ingress and egress on Weatherhill Road. Additionally, the Planning Commission recently approved twelve new homes that can only egress on Weatherhill Road. These existing and approved homes generate 437 average daily trips. The proposed development will add 238 more trips on Weatherhill Road. He stated that an objective traffic analysis is necessary to evaluate the proposed development's impact on the Weatherhill/Salamo Road intersection.

Mr. Grillo reiterated that there was not any evidence in the record that showed that the ADTs from the proposed development would materially change the level of service at Weatherhill/Salamo intersection. To address the concerns of Commissioner, he asked for clarification regarding the specific CDC standard that is being referred to request for a TIA.

Mathews asked for an overview of Tract B. The applicant confirmed that portion of the existing stormwater pond is located on Tract B. The water quality swale is on Tract B. Grading in Tract B would be limited to widening the swale. The existing pond will not be modified. Chair Walvatne asked if the applicant has obtained a permit from the US Army Corps of Engineers for any construction on the stormwater detention facility. City Planner Arnold clarified that when the Tracts are deeded to the City, it would be the City Engineering Department's responsibility to obtain all necessary permits. David Sloop, property owner, stated that the stormwater facility was originally built to collect water from the Cascade Summit development and Salamo Road. He said that before the construction of the Cascade Summit Development, there were no stream channels on the property.

Chair Walvatne asked that it be made clear to purchasers of lots 16 and 17 that they are responsible for maintenance of their private driveway. The applicant stated that they would establish a homeowners association for the development with declarations and Covenants, Conditions, and Restrictions to inform property owners. Walvatne asked for an overview of the lot configuration. The applicant evaluated several potential configurations, but the proposed layout was the most efficient layout with the least impact on the private Tracts and flag lots.

(01:31:59)

The Chair opened the hearing to public testimony. Roberta Schwarz, with the Savanna Oaks Neighborhood Association, noted that the applicant is proposing to retain 23% of the trees, which is above the 20% standard. Still, she encouraged the applicant to retain more trees to offset carbon emissions from households. She noted that trees increase the value of the lot. She asked the Water Resource Area on the property be treated respectfully.

Michel Romanino, a property owner on Weatherhill Road, requested a traffic analysis for the development. He asked that construction parking and traffic be prohibited on Weatherhill Road during development.

Mary Ann Madjecheck, a property owner on Greene Street, testified about the traffic impact at the intersection of Tannler Drive and Blakenship Road. She stated that this intersection is rated F. She noted that traffic often detours from Tannler Drive to Greene Street. She asked the speed be abated.

David Sloop, property owner, stated that the City's TSP shows Satter Street connecting to Salamo Road at Ponderay Road. He stated that his northern neighbor is not interested in selling his property at this time. He stated that he chose Toll Brothers to develop his property because he believes they have the best street design that provides for traffic flow and safety.

Jim McKune, adjacent northern property owner, supported the proposed development. He stated that there is a stormwater pipe through his property that connects to the detention pond. He stated that the

stormwater connection needs to be maintained. He asked how the elevation change from his property to the development will be addressed. He wanted to ensure that his right-turn-only egress would not be obstructed by the proposed Dahlia Court. He constructed his fence based on a 1994 survey that he commissioned. He stated that the survey stakes have since been moved. The development should not intrude on his property.

The applicant did not think that there would not be any conflicting traffic patterns related to the driveway and Dahlia Court since they are both right-turn-only egress and the distance between the driveway and Dahlia Street would be more than 120 feet. The elevation changes from the McKune property will made up on the subject property. The applicant stated that the stormwater connection would be maintained.

Commissioner Metlen asked the consultant if they would provide a traffic analysis to show that there are adequate public facilities to serve the development. Commissioner King stated that the impact on Satter Street from the proposed development is a problem. Vice Chair Mathews generally supported the proposal but noted that the potential impact on Weatherhill Road/Salamo Road intersection concerns him. He stated that Section 85.200 of the CDC requires that the applicant demonstrate that there are adequate public facilities to serve the proposed subdivision. He recommended that the applicant provide a traffic analysis to provide information on the adequacy of Weatherhill/Salamo Road intersection. Chair Walvatne stated that the 2018 Annexation Report for the property did not consider the cumulative impact of development.

Dana Beckwith, Global Transportation Engineering, responded that the City's Transportation System Plan assesses current conditions and factors in the additional trips from development. Mr. Grillo reiterated that the 2018 Annexation staff report concluded that the intersection is essentially operating at a level of service "A".

Commissioner Farrell corrected Mr. Grillo's misinterpretation of the 2018 Annexation staff report. Farrell stated that report rated Salamo Road as a level of service "A". The report did not rate the Weatherhill/Salamo intersection as a level of service "A".

(02:54:35)

The applicant requested a recess. After returning from the recess, the applicant agreed to complete a limited traffic analysis on the Weatherhill/Salamo and proposed Dahlia/Salamo intersections. The analysis will include an existing traffic count and a future year capacity analysis that will include trips from developments that have already been approved but are not yet generating traffic. They requested that the 120-day clock continue.

(03:06:30)

Commissioner Farrell **moved to continue the hearing to December 4, 2019, with the record open** for SUB-19-01, a 25-lot subdivision at 23190 Bland Circle. Commissioner King **seconded** the motion. There was no further discussion.

Ayes: Commissioners Metlen, Pellett, Farrell, Mathews, King, Kelly, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.

(03:07:48)

5. ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Vice Chair Mathews provided excerpts from the CDC regarding major and minor utilities. Chair Walvatne suggested that the City host a leadership academy to training people to volunteer to serve on various committees. Commissioner Pellet asked for a status report on the Code update. City Councilor Relyea suggested that the Commission include their recommendations in the annual report to the City Council.

(03:16:41)

6. ITEMS OF INTEREST FROM STAFF

Associate Planner Arnold provided an overview of the November 20, 2019 Planning Commission work session.

(03:19.22)

7. ADJOURNMENT

There being no further business, Chair Walvatne adjourned the meeting at 10:09 pm.