



CITY OF West Linn

PLANNING COMMISSION

Minutes of October 6, 2010

Members present: Chair Robert Martin and Commissioners Michael Babbitt, Laura Horsey, Christine Steel and Dean Wood

Members absent: Vice Chair Michael Jones and Commissioner Jennifer Tan

Staff present: John Sonnen, Planning Director; Tom Soppe, Associate Planner; Khoi Le, Civil Engineer; and Sam Foxworthy, Transportation Supervisor, Public Works Department

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:30 p.m.

APPROVAL OF MINUTES

Commissioner Steel **moved** to approve the Minutes of July 21, 2009. Commissioner Horsey **seconded** the motion and it **passed** 4:0:1. Chair Martin abstained.

PUBLIC COMMENTS (None)

PUBLIC HEARING

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

CUP-10-04, Conditional Use approval for construction of a parking enclosure at City of West Linn Public Works Building.

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. Commissioners Horsey and Wood each declared she/he had made a site visit. When invited, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Tom Soppe, Associate Planner, had distributed the October 6, 2010 Planning & Building Department Staff Memorandum. A City-owned Operations Facility had been located on the site since 1977. It was in the R-10 zone and surrounded by single family residential use. The site was nonconforming to a number of City standards regarding access, clear vision and

landscaping. But the staff had found that no improvement in nonconformity should be required because the carport-like new structure was in itself a conforming Accessory Structure and because it would be used to cover an area that was already graveled and used to store vehicles and equipment and would not increase the degree of nonconformity of the entire site.

Soppe referred to the site plan and an aerial view and pointed out the proposed structure would be located in the southeast corner of the site. It would be painted a neutral color to match the other buildings on the site and obscured by a vegetative buffer. There was already a vegetated buffer along the Norfolk Street side of the proposed building and the applicant proposed to extend it around the corner to buffer the south side of the building. No landscaping would be removed, because the building would cover a currently graveled area. Soppe showed photographs of views of the site and the vehicles and equipment on it. The view from the adjacent residence was over some cement blocks and a fence. The 15' tall building was to be behind the fence and the new vegetative buffer. The staff recommended approval of the application subject to the three conditions of approval listed in the staff report, which required the project to conform to the site plan in Exhibit PC-3 (dated 9/22/2010); have stormwater detention and treatment facilities that met Public Works Design Standards and were approved by the City Engineer; and specified that the planting strip for the proposed buffer was to be at least five feet wide.

During the questioning period, Khoi Le clarified that the applicant planned locate a rain garden in front of the Public Works office to collect runoff from the parking lot instead of collecting runoff at the new building. Babbitt wanted to know what section of the code gave the applicant relief from having to bring the entire site as close to conformity as possible. He recalled that the Planning Commission had asked other applicants to do that. Soppe advised that the proposed new structure in itself met the code and the proposed change would not intensify the use of the site or take out any landscaping. CDC 66.080(B) addressed nonconforming structures and allowed enlargement or alteration if the proposed change in itself met the code and did not change the nonconformity of the entire site. He noted nonconformities of the applicant's site related to clear vision, access and landscaping. He said the proposed change would not intensify the use of the site or take out any existing landscaping. Horsey advised that an application should show exactly how it would address stormwater detention and treatment before it was deemed "complete." Le explained the applicant had not yet determined which type of treatment was the most appropriate. But they did know that treating the parking lot was more efficient than treating the roof. Sonnen agreed that in the future the staff should require an applicant to show stormwater facilities on the site plan to ensure they could be physically accommodated. Horsey welcomed that change. Le confirmed for Wood that the rain garden would allow runoff and the contamination in it to soak into the ground so it would be treated before it was piped to the public system and eventually into the river.

Public Testimony

Dwaine Rhea, 2484 South Slope Way, stressed that even with the vegetative buffer the new building would impact the residential neighborhood because it was an industrial-looking, building very close to the street in a residential area. He was concerned about the impact of night lighting and that the applicant would be tempted to expand the amount of use of the site and generate more noise and truck traffic. He agreed that the City should use this as an opportunity to address some of the nonconformities and improve the site. He held that covering the existing graveled open space was reducing landscape-able area. He wanted to know if the applicant had alternatives sites for the proposed building.

Rebuttal

Sam Foxworthy, Transportation Supervisor, Public Works Department, said the proposed building and vegetative buffer would buffer the neighbors from the view and noise. He clarified that the applicant had no other site to put the building on and they would not expand the use. The four-bay building would be used to cover two trucks, a street sweeper, two backhoes and a loader that were on site now, plus a snow plow. It would help Public Works respond more quickly in bad weather because they would not have to thaw equipment out first.

The Commissioners examined the photograph taken from the adjacent neighbor's property. Horsey noted the residence was fairly close to the site and the new structure would have to be tall enough to park a truck in. Sam Foxworthy pointed out the top of a white PCV pole was the height of the lower two-bays of the proposed stepped-height building. He clarified for Wood that the cement blocks in the photograph would remain there because they served as a retaining wall to help level the parking lot. The landscaping would start on the other side of the cement blocks so the blocks themselves would not be screened. Soppe clarified the building would sit on the grade that was two to three blocks high. The existing tree would help block part of the view of the building and a shrubbery wall would be planted along the building but it would be on the site side of the blocks. Horsey observed the cement block retaining wall was not a "good neighbor fence." Soppe confirmed the Commissioners could require a fence. The code limited front yard fence height to three feet for the first 20 feet and then it could go to six feet tall. A combination retaining wall/fence could not exceed 8.5 feet high.

Deliberations

Chair Martin closed the public hearing and polled the Commissioners. Steel was inclined to approve the application because adding the proposed structure did not worsen the existing nonconformities. She suggested using arborvitae to screen it. Horsey noted the degree of landscaping nonconformity was significant. She asked the City to do its best to be a good neighbor and improve the landscaping and screening of the entire site, including screening Sussex Street. Babbitt agreed it was in the City's best interest to cover equipment and improve bad weather response time and he said he understood the budget constraints. But he recalled the City had been pushing for better development applications and had asked other applicants to show how stormwater was to be treated on the site plan rather than just making stormwater treatment a condition of approval. For that reason he questioned whether the application was

complete. He questioned whether CDC 66.080(B) applied to the application and gave the applicant a "free pass." He was inclined to either deny the application or continue the hearing so the applicant could come back with a more appropriate plan. Le clarified that the applicant did show the rain garden on the Site Plan on page 83 of the application, but at this point they did not think that was the right location. Wood agreed that if the City wanted better development it should ensure its own buildings met the code. But he differentiated between nonconformance related to the current application and related to the entire site. The proposed building did not necessarily add to the site's nonconformance. Equipment and lots of industrial-looking materials were already there. The applicant had testified there were no other sites it could use and it would not expand the use of the subject site. Wood was inclined to support the application, but he wanted to try to screen the view and the noise from existing homes. Chair Martin agreed the application was not complete. He held the City should meet the same standards that it required its citizens to meet. The application should specify how it was going to address runoff. He sympathized with testimony about the impact on the neighborhood. He hoped screening would reduce the impact of the view and noise. He would support a motion to continue the hearing so the applicant could submit a more complete plan that explained how the reduction in impervious surface was addressed; how runoff would be treated, and where it would be routed to; and how the impact of security lighting would be addressed. Wood agreed that lighting should be addressed. He recalled the staff had advised that treating runoff from the parking lot was more beneficial; they were creating a rain garden to do that; and the rain garden was shown on the site plan. But because they had not yet established that was the best location for it, perhaps the Planning Commission should allow them the flexibility to determine the best location.

Babbitt recalled that the staff had advised the application would not make nonconformance of the site any worse and they were relying on CDC 66.080(B) to give them a "free pass" from having to address the eleven nonconforming aspects of the site. He said there was nothing in the code that gave them relief from having to make it better or dictated they should make it better, but the City had a goal to make its developments better, so the Planning Commission had a little bit of leeway to ask the applicant to reduce the number of nonconforming aspects in order to have better development. Horsey suggested the degree of landscaping was significantly nonconforming and they should improve that. Steel questioned whether that was being overzealous. She recalled Le had explained that runoff from the new machine shed would eventually be directed into the stormwater system. She agreed that the City should set a good example when it got a chance, but she was inclined to approve this application

Commissioner Babbitt **moved** to continue CUP-10-04 to October 20, 2010. Horsey **seconded** the motion. Babbitt clarified that he did not want to deny the application and he hoped the applicant would address the issues the Commissioners had raised regarding stormwater treatment and the amount of landscaping and work to alleviate some of the other nonconformities. The motion **passed** 4:1. Steel voted against. When Chair Martin asked the Commissioners to clarify what they wanted from the applicant, Babbitt asked the applicant to submit a site plan with a specific stormwater facility plan; address lighting; and do anything they could to improve the application. Horsey wanted the applicant to improve the visual

impact on the neighborhood by improving the landscaped screening of the cement block wall and along Sussex Street.

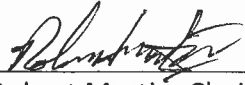
ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

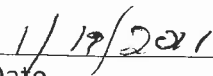
ADJOURNMENT

Chair Martin adjourned the Planning Commission meeting at approximately 9:00 p.m. in order to allow the Commissioners to move to a separate Work Session to hear the Residential Infill/PUD Task Force update.

APPROVED:



Robert Martin, Chair



Date