



PLANNING COMMISSION

Minutes of February 20, 2013

Members present: Chair Michael Babbitt, Russell Axelrod, Lorie Griffith, Nancy King, and Christine Steel

Members absent: Robert Martin and Holly Miller

Staff present: John Sonnen, Planning Director; Tom Soppe, Associate Planner; Khoi Le, Engineering Department; and Megan Thornton, Assistant City Attorney

PREHEARING WORK SESSION

Chair Babbitt convened the work session in the Rosemont Room of City Hall at 6:30 p.m. The Commissioners and staff discussed hearings procedure. Staff updated the Commissioners on the water treatment plant appeal.

CALL TO ORDER – REGULAR MEETING

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 7:00 p.m.

PUBLIC COMMENT

None.

PUBLIC HEARING

CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04, Requested Conditional Use and Class II Design Review for a proposed police station at 1800-1950 8th Avenue and 1819-1849 13th Street; Class II Variance to encroach into the protected area for a significant tree; and a Lot Line Adjustment to combine the four lots comprising the site into one lot.

Chair Babbitt opened the hearing. Each of the Commissioners present reported a site visit. Commissioner King declared she had participated in the campaign to pass the bond measure but had not been involved in and had no opinion regarding siting or design. No one challenged the authority of the Commission or any commissioner to hear the matter.

Staff Report

Mr. Soppe presented the staff report (see the February 20, 2013 Staff Report). He offered various perspectives of the site, including one that showed the significant walnut tree with an outline around the protected area which is trunk to drip line, plus 10 feet. The applicant was asking for a variance that would allow some of the front entrance plaza to overlap the protected area. He discussed the site plan; building elevations; proposed fences and retaining walls; proposed landscaping; and proposed half street improvements, which included installation of sidewalks along 8th and 13th Streets. He noted the applicant's traffic study recommended traffic mitigation measures at the 8th/10th and 12th/Willamette Falls Drive intersections. He discussed the proposed conditions of approval. He also summarized the contents of a letter from Cheryl Cropper that had just been submitted to the record. He advised that ODOT would not allow a signal at the 8th/10th intersection. He reported that staff found the application could meet the applicable criteria with the staff-recommended conditions of approval.

Questions of Staff

During questioning Mr. Soppe confirmed the Commissioners could add a condition related to what was to happen if the significant tree did not survive construction. It might say that if it did not survive, another substantial, mature, focal-point-type tree was to be planted in its place.

He clarified that the City Arborist had only identified one significant tree on site. The Arborist had not identified a second walnut tree as significant.

Commissioner Axelrod inquired why the applicant was not being asked to improve a missing sidewalk segment on 12th between 8th and Willamette Falls Drive. Ms. Thornton advised there had to be a nexus between the impacts of a proposed development and the exaction. She explained the nexus for the requirement to make intersection improvements was related to the additional traffic the site would generate. There was no nexus for requiring sidewalk improvements that were not along the site.

33:30

Applicant

Robert Galante spoke on behalf of the City of West Linn. He noted voters had approved the bond measure funding the proposed police station. He discussed citizen involvement in the process. He related the project goals to build to LEED Silver standards; utilize local resources as much as possible in design and construction; and design a building that worked well with the surrounding residential and commercial neighborhood. He noted that City Hall and the new fire station were brick buildings similar to the proposed police station. He pointed out the only variance the applicant was asking for was the minimum necessary to make reasonable use of the property. They believed the tree worked well with the building entry. The application listed some measures they would take in advance and during construction to preserve it. If the tree declined for some reason in future years they would replace it with a specimen tree. Mr. Galante offered answers to a number of community questions. There would not be a signal at the 8th/10th intersection. It was not typical to hear sirens coming from a police station, since officers are dispatched from where they are at the time. The 13th Street access was for emergency access only. The building would not fit the surrounding neighborhood and it would not look good if the designers tried to put an historic façade on it. The Engineering Department planned to finish the other half of the streets when the applicant made improvements to their half. He held the proposed design met the applicable criteria.

Brett Hanson, Group Mackenzie, pointed out the design placed public commercial elements closer to the commercial neighbors than residential neighbors. It created a separated, secure parking area. The building was pulled back from the front to provide a buffer and preserve the tree there. The proposed materials and colors reflected those on City Hall and the Fire Station.

Brian Dunn, and Christine McKelvey, Group Mackenzie, stated that the applicant would agree to all of the conditions of approval. Mr. Dunn reported the traffic study found there would be impacts on the 8th/10th and 12th/Willamette Falls Drive intersections. He described how the applicant proposed to address them. It included restricting northbound left turns during weekday peak hours at 8th/10th and adding left turn pockets and crosswalks at 12th/Willamette Falls Drive.

54:03

Questions of the applicant

During questioning Mr. Dunn clarified that the proposed left turn solution would not impact existing on-street parking. He explained that the applicant had not studied the 8th/Dollar Street intersection because the development would not generate enough traffic to impact it.

Vice Chair Steel and Commissioner Axelrod each recalled being concerned about the risk of walking across the street at the 8th/10th intersection during their site visits. Mr. Dunn explained that the applicant had considered installing a raised pedestrian median until they learned it would have to be torn out when the 10th Street corridor was widened. They could look at

having something more there than just hatched striping. That could be reflectors or some other kind of marker.

Commissioner Axelrod inquired whether the applicant had looked at whether there was enough space for larger vehicles to turn at 12th /Willamette Falls Drive. Mr. Dunn indicated the applicant had not looked at that but they could simulate it and make related adjustments to the intersection design if needed.

Vice Chair Steel and Commissioner Axelrod each inquired about the amount of public access to the station. He asked about parking stalls and she asked if the applicant had researched whether TriMet planned to eliminate the bus line that served nearby transit stops. The applicant's representatives related they had not researched TriMet plans. They proposed 19 public parking spaces. They expected an average of five to ten visitors per day. However, the site featured a community multipurpose space that could accommodate more than 50 persons. It might be used by the public or for training. They discussed the factors they had considered before they proposed 19 stalls. Those included that LEED certification meant reducing parking and anticipating that people would walk, bike and use public transit. They confirmed they anticipated some on-street parking when 50 people came to use the multipurpose space. When West Linn police hosted training events visiting officers could use the secure parking lot. They clarified that the applicant expected both the police and the public to use the main entrance. The 13th Avenue access was for emergency use only. They confirmed there was a cross-hatched area of the lot to use to turn around when the lot was full.

Commissioner Axelrod inquired about the refuge and recycling area. Mr. Hanson pointed out it would be accessed from 13th Avenue. It was enclosed, gated and pulled back from the street so it was not so visible to residents. The applicant would try to reduce how often trash was picked up.

Commissioner Axelrod inquired about the decision to use brick. Mr. Hanson clarified that all of the masonry was structural brick and there was no brick veneer. He said brick could be quite ductile and absorb earthquake motions. It had a long life span. He confirmed that the applicant had considered the maintenance costs before they proposed brick.

Chair Babbitt indicated he favored having a permanent, raised, median at 8th/10th. He inquired how soon the City expected to be able to improve the 10th Street corridor. He asked if the applicant thought a sign that said there was to be no left turn between certain hours was an effective thing to do. He related his experience was that intersection was always bad - not just between 4 and 6 p.m. Mr. Dunn explained the 4 to 6 p.m. time window framed peak hours, which were 4:30 to 5:30 p.m. The turn would be allowed during off-peak times when traffic demand was lower. The traffic engineer's solution was to use the through-lane for turning; limit turns according to time of day; and place the sign where drivers would see it. Mr. Le reported that the City had applied for an ODOT grant to use 2016-2018 to improve the 10th Street corridor. The improvements would include raised medians. Mr. Dunn agreed that anything permanent and raised would be effective. It might be effective to use something like tubular markers.

Commissioner Axelrod inquired about the fences and walls along the east and north elevations. Mr. Hanson explained the applicant had to have a secure, sight-obscuring, wall for the parking lot; they needed retaining walls along the north edge due to the slope; and the code required some guardrail protection to prevent falls. They wanted the walls to offer a softer appearance to the neighbors. They had two options to either pull the fence off the retaining wall and place it two feet back from the wall or reduce the fence/wall so the combined height was 8.5'.

Commissioner Axelrod questioned whether it was necessary to have a fence around the stormwater facility. He cited Public Works Design Standards Section 2.0053 (b) Facility design, which called for stormwater facilities to be aesthetically blended into surrounding landscape to

the greatest possible extent. Staff advised the code required a fence around a detention pond if it was four feet deep or deeper. They had tried to encourage the developer to design a shallower pond that did not have to be fenced. If no fence was required staff could work with the applicant to plan some sort of vegetated barrier that offered public safety and was less visually intrusive. The applicant's representatives indicated they would be willing to look at that.

Vice Chair Steel asked if the applicant had talked to the neighbors - specifically Morton's and the adjacent neighbor to the north - regarding the fencing. Mr. Galante related they had talked to the neighborhood association and some neighbors but had not been able to talk with the neighbor to the north; and Morton's had indicated that what the applicant was doing with regard to landscaping and fencing was acceptable.

Commissioner Axelrod asked what the applicant had done to utilize local resources. The applicant's team indicated that the applicant had solicited architectural firms within a 100 mile radius. They would get things like brick, wood, cast-in-place concrete, landscaping materials and public art from local or regional sources.

1:46

Proponents

Dennis Richey, 2311 Jolie Pointe, testified that the proposed design would be less intrusive than the Les Schwab development. He recommended against requiring a replacement tree to be another walnut tree. He advised that police stations needed a good line of sight and police cars needed the security of the 8' fence.

Cheryl Cropper, 1816 13th St., indicated her concern that the left turn limitation meant she would not be able to get out of her neighborhood between 4 and 6 p.m. Chair Babbitt clarified that the left turn restriction restricted traffic from turning into the neighborhood. Ms. Cropper advised that 12th was a 'blind corner' and that something needed to be done to make more room for cars to pass where Morton's Tree Service property jutted out into 8th Street. Chair Babbitt explained the Commission could only address the current application.

Scott Huskey, 2011 13th St., related that he liked the building and was glad to have a police station on the site, but he had several concerns. He wanted a fence around the pond so children would not play in it. He questioned the traffic study. He explained he found it challenging to use 8th to get out of his neighborhood with his trailer at many times of day. He suggested making 8th a one-way street and connecting it to Dollar Street. He inquired what the applicant was doing environmentally and if they planned to use solar power. He opined that four contractors was not enough local resources and the applicant should try harder to find more. He related he had an ongoing problem with runoff coming down 13th Street to the cul-de-sac at the end and flooding his basement. There was no storm drain on one side of the street to catch it and the facility on the other side did not catch it. He had talked with the applicant about that and understood something was going to happen there. He asked the Commission to ensure it got done. He explained that he was a bit irritated that he could not change his own zoning to commercial, but the applicant could change R-10 to commercial.

Mr. Soppe clarified that no zone change was being proposed. The applicant was asking for a conditional use permit.

2:00

Rebuttal

The applicant's representatives addressed issues raised in public testimony. The traffic consultant agreed traffic volume was heavy at the 8th/10th intersection during PM Peak Hour. He advised that site traffic would make it a little bit heavier, but the proposed solution more

than mitigated for site traffic. It would make the eastbound 8th turn to north on 10th easier during the PM Peak Hour. The analysis showed that they were in compliance with the City's standard in the morning peak. They had not looked at the mid-day period because that was not required. The applicants had captured the two most critical periods of morning and afternoon commute and were mitigating for that impact. He advised the question of connecting 8th to Dollar Street was a long range planning question and not specific to the site. He addressed the testimony that 12th was a 'blind corner.' He advised the curb extensions and four-way stop would help.

Mr. Galante addressed Mr. Huskey's concern about runoff. He advised the applicant would meet the requirements to detain and clean water on site, release it, and install off-site improvements to deal with that runoff all the way down 13th Street to an existing swale on the far side of Mr. Huskey's property. He recalled talk of an 8-foot high fence and clarified it was really a six-foot high fence, which was allowed in a residential area. It might appear to be higher on the downhill side because of the retaining wall. The applicant's team indicated that use of solar was not relevant approval criteria, but the applicant was proud of what they were doing to build a sustainable building. That included use of local contractors and materials; photo voltaic panels; native vegetation; low-volatile materials inside; Forest Stewardship Council products; bike parking; LED lighting; and products that could be serviced by local companies.

Vice Chair Steel inquired about the warranty period. Mr. Hanson indicated it varied and cited the examples of roof (20-30 years) and landscaping (one year).

Mr. Le responded to the testimony about runoff on 13th. Public Works was working with the development team to improve all of the pavement on 13th street. They would install missing curbing and catch basins to resolve the runoff issue. Chair Babbitt closed the public hearing and announced a five-minute recess prior to reopening for deliberations.

2:12

Deliberations

Chair Babbitt observed that traffic was a concern, but that was not really the applicant's fault and they could likely not fix it. He indicated he believed the best way to address 8th/10th was by using a permanent, raised, median instead of some yellow poles.

Vice Chair Steel suggested tubular markers might help. She suggested a new condition that would call for the applicant to work with the City Arborist to identify a large specimen tree to replace the existing significant tree if the existing tree did not survive and had to be removed within a specified time after completion of the project. She agreed that a year would be a reasonable amount of time.

Commissioner Axelrod indicated he liked the design but would prefer to see less brick. He indicated he liked the proposed improvements at 12th, but was still skeptical there was really enough room for vehicles to turn there. He suggested the City look into installing a sidewalk on 12th. He agreed that hatching would not offer enough comfort to pedestrians trying to cross and it would not keep drivers from turning at 8th/10th. He opined that temporary posts would look cheap. He suggested using some kind of slightly elevated strip berm with reflective material on it might work. He noted the drainage proposal would not increase and might even reduce the amount of runoff on 13th Street. He indicated he would like to see the fencing removed from around the pond. He suggested the open drain at the end of 13th Street was more hazardous and more of a draw for kids than the site's stormwater facility. He supported having a new condition related to replacement of the significant tree because it was an important part of the design. He suggested asking the City Arborist what a reasonable period of time would be.

Commissioner Steel explained she had suggested one year even though she would prefer a longer period because that was practical. Beyond a year most contractors would have moved on and there was a statutory requirement that they warranty all work including landscaping for a year. Commissioner Axelrod indicated he could agree to that.

Commissioner Griffith indicated she liked the proposed design. As a master gardener she recommended a five-year period to replace the tree.

Commissioner King indicated she liked the proposed design. She agreed with adding a new condition regarding the tree. She agreed with Commissioner Axelrod about fencing and she felt 'the more natural the better.' She questioned whether cross-hatching would really work at the intersection. She suggested seeing if cones would work before considering putting in a permanent median.

Commissioner Axelrod inquired about the curb alignment at the Morton property. Mr. Le advised the pull-in and pull-out might have been designed for a bus. The outer curb alignment was pretty much in line with the current street cross section for a local street.

The Commissioners then fine-tuned the conditions of approval.

- New Condition 6 regarding significant tree replacement.

Chair Babbitt observed that if this condition specified a one year period it would be consistent with past decisions and the decline of the tree could be more directly related to construction. The other Commissioners agreed it should specify one year. Mr. Galante indicated that was acceptable to the applicant.

- New Condition 7 regarding fencing of the pond.

Chair Babbitt recalled no one present had been exactly sure what the depth and slopes around the detention pond were. He directed staff to craft a condition that provided that if the code did not require fencing it would not be installed. Mr. Soppe suggested, 'Fencing on the northeast side of the stormwater pond shall not be installed unless it is required by Building or Engineering code regulations.' Commissioner Axelrod agreed with that and envisioned that natural vegetation could be used instead and would serve as a natural barrier. Vice Chair Steel explained she would agree to it in this case, although she would otherwise prefer to have a fence along a property line. Commissioners King and Griffith agreed with the new condition. Mr. Galante indicated the applicant would agree to it.

- Condition 4. Traffic Effects Mitigation

Commissioner Axelrod questioned whether 4.a. language made it clear enough that the left turn lane was entirely eliminated and drivers would turn from the main through lane. Chair Babbitt indicated he thought it was clear enough. The area that had been used as a left turn lane would be filled in with striping or a raised median, or something else. Vice Chair Steel suggested adding 'and tubular markers to prevent vehicles from using that area as a left turn refuge.' Commissioner King asked if the process would allow the applicant to try using hatch marks first to see if that worked. If it did not work then they could try tubes or a permanent fixture. Chair Babbitt and Commissioner Axelrod each indicated they did not want to see tubes. Commissioner Axelrod indicated that hatch marks were not enough. He suggested using some kind of raised reflective markers. Vice Chair Steel questioned how effective they would be. She indicated she was not as concerned about how tubes would look because they would be so close to the entrance to I-205 and they might offer a little more protection for pedestrians crossing the street.

Mr. Le advised that the applicant had addressed the traffic issues created by their development. He thought striping would work. If the Commissioners were concerned about it they could draft a condition that would allow the City Engineer to install something permanent

if there were issues. Chair Babbitt asked Ms. Thornton for advice regarding trying little reflective bumps for a year and then requiring a permanent median if the bumps did not work. She advised against going too far past installation. She suggested the Commissioners keep in mind that the City was not only the applicant, it owned the right-of-way and could re-evaluate and adjust its right-of-way any time that was necessary. If they wanted to craft a related condition of approval she suggested a time period of within six months of installation and calling for approval of the City Engineer.

Commissioner King and Chair Babbitt each indicated they would prefer a permanent prohibition against left turns – not just between 4 and 6 p.m.

Commissioner Axelrod related that his understanding was that there would be no separate left turn any more. He inquired about the cost of installing a very simple, lightly curbed, vegetated median in that area. Mr. Le estimated a pedestrian refuge would cost around \$10,000. Chair Babbitt indicated he still liked the original concept of a pedestrian island. He noted the project had the money to put it in now, but the City might not have the funds for it later after it was determined the striping did not work and a median was needed. He indicated he did not favor using yellow tubular cones.

Terry Timeus, Chief of Police, advised that tubular markers or a permanent barrier would create a public safety issue because they would slow TVF&R trucks, which needed a wide swath to turn down 8th Court. He doubted TVF&R would support such a condition of approval.

Commissioner Steel suggested it was better to leave 4.a. as drafted by staff than for the Commissioners to try to determine traffic engineering options. If the City got the ODOT grant it could make the changes. Chair Babbitt then observed a consensus to just leave 4a exactly as it was drafted in the staff report.

Commissioner Steel **moved** to approve CUP-12-06/DR-12-20/VAR-12-08/LLA-12-04 with two additional Conditions 6 and 7 as discussed during deliberations. Commissioner Axelrod **seconded** the motion, which **passed** 5:0.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT

ITEMS OF INTEREST FROM STAFF

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the meeting at 10:15 p.m.

APPROVED:



Michael Babbitt, Chair

5-3-13

Date