



**PLANNING COMMISSION**  
**Draft Meeting Notes of November 4, 2020**

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

Applicant Representatives: Richard Givens, Applicant consultant, Roger Smith, Beth Rapp, Senior Engineering Geologist, Michael Robinson, Applicant attorney, Micheal Ard, Ard Engineering, Jim Imbrie, Principal Geotechnical Engineer, Mark Handris, Icon Construction, Darren Gusdorf, Icon construction

Public: Bob Mendel, William House, Pia Synder, Christine Henry, and Pam Yokubaitis

Staff present: Darren Wyss, Acting Planning Manager, Jennifer Arnold, Associate Planner, Lynn Schroder, Administrative Assistant, City Attorney Bill Monahan

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**1. Call To Order**

Chair Walvatne called the meeting to order at 6:30 pm.

**2. Public Comment Related To Land Use Items Not On The Agenda**

None.

**3. Continued Public Hearing: SUB-20-01, a request for approval of a six-lot subdivision on Cornwall Street**

Chair Walvatne called the continued public hearing to order for SUB-20-01, a request for approval of a six-lot subdivision at 4096 Cornwall Street. City Attorney Monahan reviewed the legal matters related to quasi-judicial hearings and the criteria for consideration of SUB-20-01. Commissioner Pellett did not view the October 7, 2020 meeting video, but she stated that she was up-to-date on the hearing's written materials. She also noted that she was familiar with the property as a Planning Commission member that consider two previous applications for development on this site. Chair Walvatne stated that he viewed the video from the October 7, 2020 Planning Commission meeting and all of the written materials that have been provided for this application. No Commissioner declared a conflict of interest, bias, or ex parte contact. There were no challenges to Commissioners' jurisdiction or impartiality on the application.

The West Linn Planning Commission held an initial public hearing for a 6-lot subdivision proposal at 4096 Cornwall Street (SUB-20-01) on October 7, 2020. The Commission continued the hearing to November 4, 2020 and left the record open but limited the record to the stormwater report, the traffic analysis, geotechnical report, and the gated access as proposed. The Commission requested that Staff reexamine Staff Finding 44 and Condition of Approval 8 to address any additional stormwater report submitted by the Applicant. Staff was also asked to review the Code regarding standards for the proposed gate.

Jennifer Arnold, Associate Planner, gave a brief presentation of the revised Staff Finding 44. The Applicant has proposed the storm runoff from the southern portion of Landis Street will be directed into water quality planters, which have capacity to detain and improve the quality of the stormwater before flowing to the Tanner's Stonegate stormwater system. The Applicant also proposes lined rain gardens on each lot for stormwater management on each residential lot. The Engineering Department reviewed the Theta Engineering Drainage Analysis dated October 2020. The revised drainage analysis used the correct stormwater manual for reference. Overall, the approach to manage stormwater is compliant with the *City of West Linn Public Works Construction Standard*. A formal technical review, including review of the

calculations to finalize the size of the proposed facilities will be performed by City staff during the review of construction drawings for the subdivision.

Ms. Arnold also addressed the gated access. The Tentative Plan also shows a turnaround at the end of Cornwall Street that uses a gated emergency access easement in front of lot 6. The proposed gate is over a shared residential access easement and an emergency vehicle easement. The proposed gate is not in the driveway for one single-family home and thus not permitted as proposed.

*CDC Chapter 85.200.A (20) Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.*

The Staff recommendation for a public street connecting the Landis Street extension with Cornwall Street was reaffirmed. A gate is not permitted as proposed on the emergency access easement, nor is one allowed on a public street. Therefore, the recommended public street connection between Landis and Cornwall cannot be gated per condition of approval 4.

Rick Givens presented for the Applicant. Mike Ard addressed traffic. Roger Smith addressed the geotechnical report. James Imbrie and Beth Rath addressed William House's testimony and groundwater issues. Darren Gusdorf also responded to stormwater concerns. Rick Givens disagreed with the CDC interpretation about gated access. He stated that the Code does not address gates for emergency access. He stated that the geotechnical site evaluation conducted in October 2020 did not find any evidence of a perched water table on the property. He stated that the stormwater improvements to the property would improve the drainage in the area. Mike Ard presented his traffic analysis. He concluded that the tentative site plan could be implemented while maintaining traffic volumes within acceptable levels for the affected local streets and intersections.

Oral testimony was given by William House, Ed Turkisher, Bob Mendel, Pam Yokubaitis, Pia Snyder, and Christine Henry. Additionally, Alice Richmond, Robert Jester (on behalf of Barrington Heights Neighborhood Association), William House, Darin Stegemoller, Bob Mendel, and Pam Yokubaitis submitted written testimony. All written and oral testimony submitted for the continued hearing abided by the four topics of the limited open record:

- Traffic
- Gated access
- Stormwater
- Geotechnical Report

The hearing was closed. The Planning Commission deliberated, including a discussion on additional conditions of approval imposed on a recently approved subdivision in the area.

The Commission adopts the Staff Report for October 7, 2020 and supplemental Staff memo dated October 28, 2020, with attachments as its findings. The Commission modified the conditions by accepting a portion of the Applicant's proposed access plan submitted to address neighbor's concerns. That plan showing the Neighborhood Association's preferred street alignment does not provide a Landis Street extension through to Cornwall Street. Instead, a 25-foot shared access for Lots 5 and 6 to provide emergency vehicle access with a turnaround easement area off Cornwall, controlled through the installation of bollards, is approved. Responsibility for the maintenance of the shared access and bollards shall be shared by the property owners of Lots 5 and 6. The shared access is required to provide pedestrian and bicycle access by recording a public access easement. The Commission approved this plan upon finding that a Landis Street's

connection through to Cornwall is not feasible or desirable. The Commission concludes that all of the required approval criteria are met subject to the conditions of approval.

Vice Chair Mathews moved to approve the application SUB-20-01 with modified conditions of approval to require:

- public, non-vehicular access to the emergency accessway,
- installation and maintenance of bollards on the emergency accessway, and
- record covenants, conditions, and restrictions (CCRs) for maintenance of the private, shared accessway, emergency vehicle easement and bollards.

Commissioner Kelly seconded. **Ayes: Commissioners Pellett, Metlen, Kelly, Mathews, and Walvatne. Nays: Commissioner King. Abstentions: None. The motion passed 5-1-0.**

#### 4. **Items Of Interest From The Planning Commission**

Chair Walvatne stated his frustration with the Engineering Department not attending the Planning Commission meetings or providing a staff report for land use applications. Vice Chair Mathews agreed.

Chair Walvatne stated his concern with the speed limit on Salamo Drive.

#### 5. **Items Of Interest From Staff**

Acting Planning Manager Wyss provided the following updates:

- The joint work session with the City Council to discuss the Planning Docket will be Monday, November 16, 2020.
- The November 18, 2020 Planning Commission meeting will be a work session to discuss the year-end report.
- The December 2, 2020 Planning Commission meeting will be a quasi-judicial hearing on a Class 2 Design Review for the post office property.

#### 6. **Adjourn**

Chair Walvatne adjourned the meeting at approximately 10:00 pm.