



PLANNING COMMISSION
Meeting Notes of August 4, 2021

<u>Commissioners present:</u>	Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, and Scott Erwin
<u>Commissioners absent:</u>	John Carr
<u>Applicant Representatives:</u>	Remo Douglas, Mercedes Serra, Mercedes Serra, Angela Caffrey, Pat McGough, Kathy Ludwig, Carrie Richter, Rebecca Stuecker, Rebecca Grant, Scott Mansur, Jenna Bogert, Matt Manzer, Danielle Pruett, Mark Wharry, Ian Holzworth, Shawn Dimke, and Greg Parthemer
<u>Public Present:</u>	John McCabe and Karie Oakes
<u>Staff present:</u>	Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; Lance Calvert, Public Works Director

The meeting [video](#) is available on the meeting page.

1. Call To Order and Roll Call

Chair Walvatne called the virtual meeting to order at 6:49 pm.

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

John McCabe testified about the hazardous transition from the bike path to the pedestrian path along Willamette Falls Drive.

3. Continued Public Hearing from July 7, 2021: [CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02, a proposal to construct a new middle school at 849/945 Dollar Street](#)

Chair Walvatne called the continued public hearing for CUP-21-02 to order. City Attorney Ramis reviewed the legal matters related to quasi-judicial hearings and the criteria for consideration of CUP-21-02. No Commissioner declared a conflict of interest, bias, or ex parte contact since the previous hearing on the matter. Chair Walvatne stated that he visited on July 29, 2021 to view the Willamette Falls Drive and a Fields Bridge area. He stated that the visit confirmed that the guard rail obscured the sightline to the bridge leaving the park. There were no challenges to the Commissioners' jurisdiction or impartiality on the application.

The West Linn Planning Commission held an initial evidentiary hearing for the proposed new school on July 7, 2021. The Commission continued the hearing to August 4, 2021 and left the record open but limited to submitting the correct geotechnical report for the Dollar Street location. The applicant was given until July 14, 2021 at 5pm to produce the report. An additional seven days through July 21, 2021 at 5pm were granted for review and comment on the geotechnical report. Last, the applicant was given seven more days to submit a final written rebuttal.

Chair Walvatne closed the public hearing. The Planning Commission deliberated.

Vice-Chair Mathews proposed three additional conditions of approval to address his concerns about trip generation and pedestrian safety.

Commissioner King commented on the geotechnical report and the potential for landslides and earthquakes at the site. He questioned if the site was satisfactory for a school given that the WLWVSD School Board determined that it was not acceptable in early 2000. The City Council denied a previous application to build a middle school on the site. He stated that just because voters approved the bond measure to build a new Athey Creek Middle School in West Linn does not mean the Planning Commission should automatically approve it. He noted that 62% of the students who currently attend the Athey Creek Middle are not West Linn residents. He stated that conditional use approvals are based on the overall benefit to the City. He stated that the new Athey Creek School would not benefit the City. He stated that the trees should be considered.

Commissioner Metlen noted that neighbors have been using the site as a public space. He stated that, if approved, the site would continue to be used as a public space. He considered that to be a benefit to neighbors and the City. He was concerned about adequate public facilities related to through-traffic and pedestrian safety. He agreed with Vice-Chair Mathews's proposed conditions of approval.

Commissioner Erwin also agreed with the pedestrian safety conditions proposed by Mathews. He noted that a through-street is needed at Brandon Place to allow for proper traffic flow through the area. He stated that drivers going to the middle school would need to turn around and go back down Dollar Street without a through street, resulting in two trips on Dollar Street instead of one.

Chair Walvatne stated that the code requires that schools be centrally located to the students they serve and be serviceable by bikes and sidewalks. He did not think that the school district demonstrated that the school would be centrally located to the student body. He stated that the current Athey Creek school is larger than the proposed Dollar Street location and does not have the seismic and landslide issues that the Dollar Street location has. Further, the current Athey Creek School has adequate transportation infrastructure while the Dollar Street location does not. He stated that the current Athey Creek school location could be updated substantially lower than building the Dollar Street location. He said that there was no compelling reason to relocate the Athey Creek Middle School from its current location to the Dollar Street location.

Commissioner Pellett was not convinced that enough residents had input into the process despite the public outreach by the School District. She noted that Commissioner King's comments about the school bond measure passing by only 51% with a 45% voter turnout supported her position that there was insufficient public input on the process. Last, she stated that the proposed school would not be centrally located for most students that it would serve.

Erwin noted that West Linn has a challenging topography for siting a school. He stated that the proposed Dollar Street site is adequately sized and provides athletic facilities and required parking. He wanted to be mindful of the long-term needs of the district and West Lin residents. He noted that Rosemont Middle School is already overpopulated. He stated that anticipated new middle housing in West Linn would increase density in the City. He pointed out that a majority of voters supported building a new school, demonstrating community support.

Chair Walvatne stated that the support for the general obligation bond is not a consideration for the Planning Commission. He said that Athey Creek school is a functioning school that could be doubled in size without impact because there is adequate room.

Vice-Chair Mathews moved to approve CUP-21-02 with three additional conditions of approval:

- Brandon Place and Willamette Falls Drive be appropriately marked to facilitate safe pedestrian crossing at the proposed roundabout;
- Willamette Falls Drive near Field Bridge Park be designated a School Speed Zone with a 20 mph speed limit and flashing beacon indicators; and
- Brandon Place extension only be utilized for emergency vehicle access and not as a public through-street.

Commissioner Metlen seconded. **Ayes: Commissioners Metlen, Erwin, and Mathews. Nays: Commissioner King, Pellett, and Walvatne. Abstentions: None. The motion failed 3-3-0.**

Commissioner Pellett moved to deny the application. Commissioner King seconded. **Ayes: Commissioners King, Pellett, and Walvatne. Nays: Commissioner Metlen, Erwin, and Mathews. Abstentions: None. The motion failed 3-3-0.**

Chair Walvatne move to continue deliberation of CUP-21-02 until August 18, 2021 Planning Commission meeting. Commissioner Erwin seconded. Chair Walvatne withdrew the motion.

Chair Walvatne moved to continue the final deliberation of CUP-21-02 until the August 18, 2021 Planning Commission meeting. Commissioner Pellett seconded. **Ayes: Commissioners Metlen, Erwin, Mathews, Pellett, and Walvatne. Nays: Commissioner King. Abstentions: None. The motion passed 5-1-0.**

4. Items Of Interest From The Planning Commission

Chair Walvatne commented about the August 2, 2021 City Council meeting. Walvatne thanked Danny Schreiber, Historic Review Board Chair, for his comments on the Willamette Falls Drive Concept Plan.

He noted that the City Council also discussed Resolution 2021-11 relating to selling a City-owned property at 3955 Cedar Oak Drive. He stated his concern about the city selling a property that water resource issues on it. He expressed his desire to have any development proposal for the property come to the Planning Commission for consideration.

He expressed his concern about the speed limit on a portion of Parker Road. He would like city staff to reconsider the speed limit.

5. Items Of Interest From Staff

Planning Manager Wyss discussed the transition to in-person meetings and the upcoming meeting schedule.

6. Adjourn

Chair Walvatne adjourned the meeting at approximately 8:21 pm.