



PLANNING COMMISSION
Meeting Notes of August 18, 2021

<u>Commissioners present:</u>	Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, Scott Erwin, and John Carr
<u>Council Liaison:</u>	Bill Relyea
<u>Applicant Representatives:</u>	Remo Douglas, Carrie Richter, Rebecca Stuecker, Pat McGough, Mercedes Serra, Scott Mansur, Shawn Dimkle, Mark Wharry, Angela Caffrey
<u>Public Present:</u>	John McCabe, Karie Oakes, and Kathy Ludwig
<u>Staff present:</u>	Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; and Lynn Schroder, Administrative Assistant

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

None.

3. Continued Public Hearing from August 4, 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. He noted that the record was closed, and no additional public testimony would be taken. No Commissioner declared a conflict of interest, bias, or ex parte contact since the previous hearing on the matter.

When asked if there were any challenges to the Commissioners' jurisdiction or impartiality on the application, Rebecca Regello challenged the authority and impartiality of the Planning Commission to continue to deliberate at a hearing on August 18, 2021 after votes on the proposal failed at the August 4, 2021 meeting. She stated that allowing Commissioner Carr to vote at this hearing after being absent on August 4 raised fairness, objectivity, and transparency issues. Ramis responded that the CDC does not limit the Commission's deliberations. He stated that deliberations could include offering motions that fail, but failed motions do not preclude further deliberations or a final decision.

John McCabe challenged the impartiality of a Planning Commissioner based on the comment made at the August 4 meeting. McCabe stated that the Commissioner said that the Planning Commission should approve the proposal because voters approved the bond measure to fund a new school. He could not identify which Commissioner made the statement because he attended the meeting by phone and could not see the speaker. He stated the comment was a pre-judgment of the proposal. He asked that the Commissioner remove themselves from voting.

Ramis asked Commissioners to state whether they pre-judged the proposal based on the school

bond measure. Commissioners Mathews, Metlen, Erwin, Walvatne, King, Pellett, and Carr stated that they did not have pre-judgment or bias on the proposal and based their decision on the record.

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. At the August 4, 2021 meeting, the Planning Commission voted to continue the final deliberation of CUP-21-02 to the August 18, 2021 meeting.

Chair Walvatne noted that public comments were closed. The Planning Commission continued to deliberate CUP-21-02.

Vice-Chair Mathews reiterated his proposed conditions of approval.

Commissioner Metlen stated that traffic capacity and safety need to be mitigated. He supported the conditions of approval proposed by Vice-Chair Mathews.

Commissioner Pellett supported the proposed conditions of approval but disagreed that this was the only location for the new school. She did not think the proposal met the criteria to be centrally located to the majority of the population that they will serve.

Commissioner King did not think that the applicant proved that the proposal provided a primary benefit to the City of West Linn. He stated that the school district's population forecast demonstrates growth in Wilsonville and not West Linn. He noted the geotechnical challenges of the site.

Commissioner Erwin agreed with two of the conditions of approval proposed by Vice-Chair Mathews. He stated that the Planning Commission needs to be mindful of the long-term needs of the school district.

Commissioner Carr stated that he read the record. He said that he supported the proposal with the proposed conditions. Commissioner moved to approve CUP-21-02 with three additional conditions of approval. The motion was not seconded.

Chair Walvatne reiterated that he did not believe that the proposal met the approval criteria for a conditional use in CDC 60.070 and 60.100.

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 Carr seconded. **Ayes: Commissioners Metlen, Erwin, Mathews, and Carr. Nays:**

Commissioner King, Pellett, and Walvatne. Abstentions: None. The motion passed 4-3-0.

4. Work Session: [Housing Needs Analysis \(HB2003\)](#) Adoption

Planning Manager Wyss presented the Housing Needs Analysis completed in June 2021. The City must adopt the HNA by June 2023 with changes to the zoning code to address deficiencies. The City needs to address the 5-acre shortage in multi-family zoned land and the deficiency in meeting the Metro Housing Rule of 8 units/developable acre. The options to address the shortages are:

- rezone SFR land, possibly property not yet annexed into the City;
- Create new MU zoned lands that require residential components;
- Change zoning rules for commercial land to require residential component; and
- Rezone commercial/industrial land.

Staff will request that the City Council appoint the Planning Commission as the advisory board for the effort and begin putting together materials/maps for options discussion to begin work sessions in November 2021.

5. Items Of Interest From The Planning Commission

Chair Walvatne requested information about WAP-21-01 and the Notice of Upcoming Planning Manager Decision. Vice-Chair Mathews asked for information on how the PC can call up a Planning Manager decision for consideration.

6. Items Of Interest From Staff

Planning Manager Wyss discussed the upcoming Planning Commission schedule.

7. Adjourn

Chair Walvatne adjourned the meeting at approximately 8:38 pm.