



**PLANNING COMMISSION  
Meeting Notes of December 7, 2022**

Commissioners present: Charles Mathews, Scott Erwin, John Carr, Joel Metlen, Bayley Boggess, and Gary Walvatne  
Commissioners absent: Carrie Pellett  
Public Present: Gary Henin, applicant for MISC-22-10 and Ed Schwarz  
Staff present: Planning Manager Darren Wyss, Associate Planner John Floyd, City Attorney Bill Monahan, and Administrative Assistant Lynn Schroder

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

**1. Pre-Meeting Work Session**

Associate Planner John Floyd noted that the quasi-judicial hearing was continued from November 2, 2022. Chair Mathews asked about the timeline for the legislative hearing for the Urban Renewal Project.

**2. Call To Order and Roll Call**

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

**3. Public Comment Related to Land Use Items Not on The Agenda**

None.

**4. Public Hearing: [MISC-22-10, a request for a two-year extension to a previously approved 12-lot subdivision and WRA permit at 22870 Weatherhill Road \(SUB-18-04/WAP-18-05\)](#)**

Chair Walvatne introduced application MISC-22-10, a request for a two-year extension to a previously approved 12-lot subdivision and WRA permit at 22870 Weatherhill Road (SUB-18-04/WAP-18-05). Walvatne explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to the application are contained in Community Development Code (CDC) Section 99.325 (Extensions of Approval).

City Attorney Monahan addressed Planning Commission conflicts of interest, ex parte contacts, jurisdiction, and bias challenges. Commissioner Walvatne declared a site visit. Commissioner Mathews declared that he served on the Planning Commission for an earlier decision on the project. Mathews visited the site at that time. Walvatne and Mathews stated that they could decide based on the evidence presented at this hearing. No other Commissioner declared any potential bias. Monahan asked if any audience member wished to challenge the Planning Commission's jurisdiction or the impartiality or ex parte disclosures of any members of the Planning Commission. There were none.

Associate Planner John Floyd presented the staff report. The applicant requests a two-year extension of a 2018 Planning Commission decision to approve a 12-lot Subdivision at 22870 Weatherhill Drive (SUB-18-04/WAP-18-05). The applicant was grading the site under Private Improvement Permit PI-21-04 and requested an extension to complete their proposed project that will expire on November 1, 2022. CDC Chapter 85.090 requires subdivision approval to record a final plat within three years or obtain an

extension. The applicant did not request any modifications to the original approval.

Floyd concluded his staff report. Staff recommends approval of MISC-22-10 based on the following:

- 1) the findings submitted by the applicant,
- 2) supplementary staff findings, and
- 3) the addition of conditions of approval, including no flag lot, completion of public improvements and Weatherhill Road improvements, recording a sewer easement, re-vegetation of the property, dedicated water quality tract, and construction parking and access restrictions.

Gary Henin presented on behalf of the applicant and answered follow-up questions. He discussed the project status and timeline and weather-related setbacks.

Chair Walvatne asked for public testimony. Ed Schwarz testified about the construction accident in West Linn in 2022. He requested that the Planning Commission condition the extension approval to require additional workplace safety requirements. He objected to the reason for the extension request stating that a rainy construction season is insufficient to allow an approval extension.

There were no requests for continuances.

Chair Walvatne closed the public hearing and opened deliberations. Commissioners discussed the applicant's ability to complete the project within two years, compliance with conditions of approval, and the appropriateness of conditions of approval related to contractor licensing and workplace safety.

Commissioner Carr moved to approve MISC-22-10, and directed staff to prepare a Final Decision and Order based on the findings in the December 7, 2022 hearing staff report. Commissioner Mathews seconded. Ayes: Metlen, Erwin, Carr, Boggess, Mathews, and Walvatne. **Nays: None. Abstentions: None. The motion passed 6-0-0.**

#### **5. Discussion: Planning Commission Annual Report to City Council**

Planning Manager Darren Wyss reviewed the requested changes to the 2022 Annual Report to City Council from the 11/16/22 meeting. He noted that the City Council has approved a new in-house attorney position. Commissioners approved the annual report.

#### **6. Planning Commission Announcements**

Chair Walvatne followed up on the request for a training presentation on the Chapter 80 process. He requested that a discussion on how to apply it should be scheduled for the December 21, 2022 PC meeting. Commissioner Boggess did not support the request for a discussion at the next meeting citing the heavy upcoming agenda. Commissioner Carr was not clear on what needed to be discussed about the process. Commissioner Mathews stated that food carts are not expressly listed in the Development Code and need to be formally address. Commissioner Erwin agreed that the food cart issue should be address at some point in the future but is not urgent. Wyss will send a request to the City Manager to determine the request.

#### **7. Staff Announcements**

Planning Manager Wyss noted the upcoming quasi-judicial hearing for MISC-22-012 on 12/21/22.

#### **8. Adjourn**

Chair Walvatne adjourned the meeting at approximately 7:44 pm.