



CITY OF
West Linn

PLANNING COMMISSION

Minutes of July 16, 2014

Members present: Chair Christine Steel, Lorie Griffith, Nancy King and Jesse Knight
Members absent: Vice Chair Russell Axelrod, and Ryerson Schwark
Staff present: John Boyd, Planning Manager; Tom Soppe, Associate Planner; Khoi Le, Engineering Department; and Megan Thornton, Assistant City Attorney

PREHEARING MEETING

Chair Steel convened the meeting at 6:00 p.m. in the Rosemont Room of City Hall. Agenda items were reviewed.

Related to Agenda Item 3: Public Hearing for PUD

- Staff ensured the PC members received the email submittal from Dianne and Lawrence Koran and letter from Alice Richmond.
- Staff discussed the memo dated July 11, 2014 from Tom Soppe regarding modification requested to Condition #8 by Tualatin Valley Fire and Rescue.
- The Planning Commission had no questions for staff on the issue and all members noted they had visited or passed by the site.

Related to Agenda Item 4: Items of Interest from the PC

- Chair Steel noted a technical problem with dropbox program. She has been receiving error messages that the box is full. The Planning Commission was told they do not have to take any action; Shauna Shroyer and I.S. would review and resolve the problem.

Related to Agenda Item 5: Items of Interest from staff

- Staff (Boyd) noted on August 6, 2014 there will be a continuance of the PUD/Infill legislative hearing; on August 20, 2014 there will be a quasi-judicial action from the School District to modify existing decision condition of approval and the final item requested the PC consider what maintenance items they would like added to the upcoming CDC maintenance activity.

The pre-meeting ended about 6:20 pm.

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

PUBLIC COMMENT

None.

PUBLIC HEARING

PUD-14-01/DR-14-01/WAP-14-01, Request for 26-unit duplex development; Class II Design Review approval; Water Resource Area approval (no development proposed in WRA); and Planned Unit Development (PUD) approval with a density bonus at 18270-18340 Willamette Drive and 18395 Shady Hollow Way.

Links to the staff reports, exhibits and project file: <http://westlinnoregon.gov/planning/planning-commission-meeting-40>

Chair Steel opened the public hearing and outlined the applicable procedure and criteria. Commissioners Griffith, Knight, King and Chair Steel each declared a site visit. Commissioner Griffith declared an *ex parte* contact with Diane and Lawrence Koran. She noted the submitted email summarized the content of their discussion. No one challenged the ability of any Commissioner or the Commission to hear the matter.

Staff Report

Mr. Soppe presented the aerial view and site plan, highlighting that the site was currently three existing lots surrounded by single-family houses and Burgerville. He reviewed site conditions such as the general directions of drainage; the one significant tree in the southwest corner to be saved; the plan for 13 duplexes with driveways and parking lot; and the WRA buffer area that overlapped the site. He outlined the conditions imposed by a 2008 zone change to R-5 that the site could only be developed for residential, single-family attached or detached units or duplexes; and, that there was to be a 25-foot buffer against adjacent properties on Shady Hollow. He reported that the applicant's proposal respected the buffer.

Staff explained the PUD process provided more flexibility than the underlying zone did when duplexes were on one common lot. It allowed density transfer. It allowed a 15% density bonus for design excellence. The base zone would allow density of 11 duplexes. Staff had determined that the project met the density bonus standard. The applicant was proposing 13 duplexes or 26 units total. Class II Design Review was required because there were more than two duplexes. WRA approval was required because the protection area overlapped the site, although that area was to remain undeveloped.

Mr. Soppe presented slides showing the elevations of a typical example of the four building types proposed, and the landscaping and open space features. Staff recommended approval subject to the conditions of approval listed in the staff report and as modified in the July 11 staff memorandum to not require sprinklers. That was because TVF&R had modified their requirements. He pointed out the July 15, 2014 Staff Memorandum contained comments submitted by Dianne and Lawrence Koran, who were concerned about grade issues on the property line; and by Alice Richmond, who supported the project because it would provide more revenue for the City.

Applicant

► David Emami, 3380 Barrington Drive

Mr. Emami related that he and his wife owned the property. He summarized the process to rezone the property and how the application respected the neighbors' wishes. He asked the Commission to approve it.

► Stewart Straus, Stewart Gordon Straus Architect PC, 6775 SW 111th Ave., Beaverton, Oregon

Mr. Straus testified the applicants had done their best to incorporate things that addressed the concerns they heard at the meeting with the Robinwood Neighborhood Association. The history of the property included that Metro had required the change of zone. The challenge for the applicants was to find the right fit for the neighborhood on a property that served as a transition between an older established neighborhood and Highway 43 corridor uses. They had chosen to use the PUD process because it gave them the opportunity to create a unique environment for the residents; it allowed them to separate pedestrian and vehicular circulation on the site; it allowed them to include a variety of outdoor activities they likely could not have if it had been developed as an R-4.5 subdivision around a street or cul-de-sac; and it gave them the opportunity to be a neighborhood-like village.

Mr. Straus discussed the concerns they heard from the neighborhood association as they developed the concept for the project. In regard to the waterway area no one had been really sure whether it existed, so they used an environmental consultant. They determined that it was mostly in a culvert and they preserved a sensitive area in the northeast corner where it daylighted. Traffic was a concern. The traffic study projected what would be generated by an R-2 development (which had been the initial zone change proposal) to 2023 and found it would be within the standards for level of service and not have enough impact to require signalization or other types of controls at the intersection of Highway 43 and Shady Hollow. In response to a discussion about the density bonus and whether they should have more units than the base zone would allow they had developed a design concept that used quality materials and arrangements to give variety and richness to the experience; much more extensive landscaping than would have been required by the base zone; and opportunities for social interaction between the residents and off-site neighbors.

Questions of Applicant

In regard to whether the proposed palm trees would survive and fit in with the otherwise native landscaping plants, the applicant related his 20 years of experience using Chinese Palms in his developments; that people liked them; they were easy to maintain; they provided interesting variety; and they were attractive, low-maintenance, evergreen, plants that grew to 25' to 30' tall.

When asked about the communication from an adjacent property owner expressing concern about a grade differential and the condition of the existing fence on the east side of the site, Mr. Straus related that they did not plan to have sight obscuring fences because those at the neighborhood association meeting had been concerned about having fences around the project. As for the grade change, the survey information he got did not show evidence of it. If it was undermining the fence or something had occurred recently he was sure they could do something about it. Mr. Emami indicated he had just received the memo and had not previously been aware there was a problem. He discussed that the fence was quite dilapidated and would negatively affect the marketability and value of the development. He indicated that he would follow up, be a friendly neighbor, and work with that neighbor to find the best course of action. That could be a new and better looking fence. It was a minor detail and they could take care of it.

When asked why some of the buildings were oriented at an angle Mr. Straus related that they had rotated some to open up more space between buildings and to avoid creating the feeling that the layout was overly regimented. If the layout was considered problematic they could straighten those out.

Chair Steel and the applicant discussed that the traffic study was based on statistics and did not take into consideration that drivers' behaviors might change if there was a signal installed at the intersection that made it safer to turn there instead of elsewhere. Mr. Strauss inquired whether there was a history of the intersection that led them to believe that safety was a real problem there. Chair Steel indicated she had the concern about traffic studies in general, and that she found it risky to turn onto Willamette Drive. She noted the report mentioned some accidents there, but indicated it was not significant enough to trigger a potential problem.

Mr. Straus indicated that a signal was an extremely large investment to make without having the statistical support for it; and, even if there was a signal there they did not know if people were going to change their habits or not. Mr. Emami recalled the development would generate seven more cars an hour through the intersection; and that the study statistics counted drivers leaving Burgerville and using Shady Hollow. Mr. Straus confirmed to Chair Steel that they were using a traffic study from 2008 that was based on the site being developed at R-2 type level. Commissioner King related her experience that it was difficult to make a left turn because Highway 43 had traffic backups. She indicated that was an issue related to Highway 43 overall. Chair Steel commented that the solution might be bigger than this one application.

45:21

Public Testimony

► Ray Arnold, 18244 Shady Hollow Way

Mr. Arnold related that it was hard to get out on and off of Highway 43 during rush hours. He opined a light was needed at the intersection now and there should be one after the development added 26 more cars.

► Vito DeBellis, 18200 Shady Hollow Way

Mr. DeBellis questioned whether this was the same plan he had seen when the neighborhood association agreed to the zone change. He asked if anything had been changed and specifically about any change in the setbacks. He asked if there would be a sidewalk all the way around to his house. He asked if the applicant was going to build a fence around the development. He also indicated he was concerned that adding traffic from 26 families to morning traffic would make it even harder to get onto Highway 43.

► Lawrence Koran, 18194 Shady Hollow Way

Mr. Koran recalled in 2008 there was a question with regard to whether ODOT would allow them to have a traffic signal on the corner due to the proximity of the one at Marylhurst. He said it might be more practical to talk about whether there was room for a longer turn lane on Highway 43 because it was tight to turn left onto Shady Hollow now. In regard to the original

agreement for the R-4.5 zoning he asked if the setback was to be from existing dwellings or from the property line, and if a particular building met the setback requirement.

► **Alice Richmond, 3939 Parker Rd., was not present at the meeting but requested standing.**

Rebuttal

Mr. Straus indicated the layout respected the conditions of approval of the zone change. The applicants had corrected the plan they had taken to the neighborhood meeting by setting Buildings C1 and C2 25' from the property line after staff had clarified the setback was not from the buildings on the other side. He indicated he was not qualified to answer the question about striping Highway 43.

Staff Comments/Clarifications

Mr. Soppe reported there was a grading plan. In regard to grading up against the Koran property the WRA would remain untouched; the bocce court next to it would be flat; and he outlined another area where grading would be done. The angles of the buildings was not addressed in the staff report. The proposal met the required setbacks, but if the Commission wanted to they could adjust the buildings to meet PUD criteria that called for the buildings to be in harmony with the surrounding area. In regard to traffic and access there was an existing driveway off of Willamette Drive now but the proposed plan would not have any driveways off that arterial. That met code criteria calling for minimizing or eliminating driveways off arterials. The spacing of the local street and the arterial met code spacing criteria. He clarified that nothing had changed in regard to the zone change requirements of a 25' setback and limiting this to duplexes, single-family or attached single-family dwellings. He pointed out Condition 5 addressed ODOT Requirements related to Highway 43, which related to permits to work in and place trees in the right-of-way and standards for illumination in the right-of-way.

Mr. Le discussed that Highway 43 was under ODOT jurisdiction. Those who wanted lanes striped on the highway could submit their comments via ODOT's website. If there were enough inquiries ODOT would look into it. When asked, he clarified that the City had a Highway 43 concept plan and was doing several projects with ODOT but he did not know when it would be implemented.

Questions of Staff or Applicant

In regard to whether the applicants would rent or sell the duplexes and if the homeowners association would maintain the bocce court, Mr. Emami indicated that they would decide whether to rent or sell them based on the demand when they finished them. If they sold them the homeowners association would maintain the court. Ms. Thornton advised that ownership of the units and who was going to maintain the project later was not part of the PUD criteria.

Mr. Boyd pointed out on page 31 of the staff report they discussed the code's call to minimize access onto arterial streets. That the existing driveway was being moved off of the arterial and onto the secondary street was supported by the code. He clarified that ODOT had reviewed this proposal and stated there was no requirement to address turn lanes.

Deliberations

Chair Steel closed the public hearing and opened deliberations. There was no discussion. Commissioner King **moved to approve PUD-14-01/DR-14-01/WAP-14-01** as recommended by staff, which included deleting the condition requiring fire sprinklers. Commissioner Griffith **seconded** the motion and it **passed 4:0**.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Commissioner Griffith reminded everyone that the Old Time Fair was that weekend.

ITEMS OF INTEREST FROM STAFF

Mr. Boyd discussed upcoming agendas and the project to simplify the CDC maintenance process. Staff was compiling a package of potential simple, easily-addressed code changes, clarifications and corrections and the Commission could contribute to it.

ADJOURNMENT

There being no other business Chair Steel adjourned the meeting at approximately 7:45 p.m.

APPROVED:

Christine M Steel
Christine Steel, Chair

8-6-14
Date